

KDLA – June 2015 – Trustee Tip of the Month When Trustees Resign Before the End of a Term

Occasionally library trustees must resign before their terms have concluded. Whether due to circumstances that make it difficult for a trustee to fulfill his duties or due to a move out of the county, when a trustee needs to resign prior to the end of his term there are a few extra steps required when filling this type of trustee vacancy.

According to statute [[KRS 63.010](#)], all resignations of office must be submitted in writing to the County Judge Executive and the Fiscal Court, as the appointing authority, and received and recorded.

Ideally, when a trustee must resign prior to the end of his term, he would send a letter of resignation to the County Judge Executive and to the Board. The Board would then follow the normal process of filling the vacant position as required by law [[KRS 173.340\(2\)](#), [173.490\(2\)](#), [173.730\(2\)](#)] and as outlined in the board's bylaws.

Some situations, however, do not require this process in order for a resignation to be accepted. If the trustee becomes ineligible to serve because he is leaving the county or due to any other issue that renders him ineligible to serve by law – being elected to certain incompatible offices, for example – an official resignation may not be required. [Section 234](#) of the KY Constitution addresses the issue of residence requirements for serving in an office.

When trustees are absent from four (4) regular monthly meetings of the board during any 12-month period of the trustee's term, the trustee shall be considered to have automatically resigned from the board ([KRS 173.340\(2\)](#), [173.490\(1\)](#), [173.730\(1\)](#)). This type of resignation is handled according to the normal replacement procedure in which two names are promptly submitted to the State Library Commissioner who will send the two names to the County Judge Executive who will appoint one of them with the approval of the fiscal court.

Trustees who complete their terms through the normal expiration date, but do not wish to serve an additional term are not required to officially resign. Rather, the board will follow the normal appointment procedure of submitting two names for a replacement as outlined in the previous paragraph. Review the [KDLA Trustee Tip for May 2015](#) for a recommended timeline for normal trustee replacements.

Some additional points to remember regarding trustee resignations:

- The library board does not have the authority to accept a resignation since it is not the appointing authority.
- The fiscal court has no obligation to communicate that the resignation was accepted. The court may or may not do anything with the resignation letter.
- The board should immediately move forward on choosing the two names for filling the vacancy according to the established process for board vacancies and submit them to KDLA. Those names will be forwarded on to the County Judge Executive according to the usual procedure.
- When the fiscal court appoints a successor, that action confirms the acceptance of the resignation.

This is not legal advice and if you need further help on this issue, you should check with the library's attorney.