

# **MOUNDRIDGE PUBLIC LIBRARY POLICY MANUAL**

**January 28, 2013**

**Updated: January 2014, July 2015, May 2016, October 2017 and May 2019**

## **SECTION I: BOARD POLICY**

### **MISSION**

The purpose of the Moundridge Public Library is to serve the informational, educational, cultural and recreational needs of all members of the Moundridge community by providing access to quality staff, materials, programs, services and facilities.

### **GOALS**

The goals of the Moundridge Public Library shall be:

- To provide opportunities for reading, personal development and life-long learning.
- To assemble, preserve and administer in organized collections, books and related educational and recreational materials.
- To serve the community as a resource center to access information.
- To support educational, civic and cultural activities of individuals, groups and organizations.
- To seek to identify community information needs and to provide programs of service to meet those needs.
- To serve individuals in City of Moundridge, Moundridge Township and surrounding areas of McPherson County with respect for human diversity including differences in race, color, religion, gender, age, national origin, disability, veteran status and any other characteristics.

### **AUTHORITY**

#### **Corporate Status of the Library Board**

A library board constitutes a body corporate and politic (*Kansas Statutes Annotated* 12-1223) and possesses the usual powers of a corporation for public purposes. Under its legal name of "The Board of Directors of the Moundridge Public Library" the board may contract, sue and be sued, and acquire, hold and convey real and personal property in accordance with the law.

## **Statutory Powers and Duties of the Library Board**

Kansas Statutes Annotated 12-1225 outlines the powers and duties of all public library boards:

- To make and adopt rules and regulations for the administration of the library.
- With the approval of the governing body of the municipality, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library.
- To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records, and other material and equipment deemed necessary by the board for the maintenance and extension of modern library services.
- To employ a librarian and such other employees as are deemed necessary and to set their salaries.
- To establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which service contract arrangements have been made.
- To contract with other legally established libraries or with a governing body of a municipality not maintaining a library for the furnishing of library service to its inhabitants, and to contract with any school board to furnish library service to any school library or use the library facilities of the public school to supplement the facilities of the public library.
- To receive, accept and administer any state or federal grants given for the purpose of aiding or providing library service.
- To receive and accept any gift or donation to the library and administer it according to any provision which may be specified.
- To make annual reports to the State Librarian and the governing body of the municipality with statistical information for the preceding year, showing receipts and disbursements of all funds under its control, information relating to library materials acquired and on hand, number of library users, library services and other information as may be required.
- To place money received for library purposes from sources other than a tax levy in a separate fund or funds, unless otherwise specified by the grantor or donor.

# **MOUNDRIDGE PUBLIC LIBRARY BYLAWS**

**Adopted 2013, Revised September 2017**

## **Article I Organization**

Section 1. Name and Authority: The organization shall be called "The Moundridge Public Library" and shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes. Under the name and style of "The Board of Directors of the Moundridge Public Library, McPherson County, Kansas" and/or "Moundridge Public Library", the Library Board under such name may contract, sue and be sued and acquire, hold and convey real and personal property in accordance with law.

Section 2. Purpose: The purpose of the Moundridge Public Library is to serve the informational, educational, cultural and recreational needs of all members of the Moundridge community by providing access to quality staff, materials, programs, services and facilities.

Section 3. Tax Levy: As a taxing district and political subdivision of the State of Kansas, the Moundridge Library is authorized to and shall annually levy a tax for the maintenance of such Library in such sum as the Library Board shall determine and within the limitation fixed by laws and subject to K.S.A.12-1220, K.S.A. 79-5040 and Attorney General Opinion 99-27 (See pg. 43ff). The boundaries of the Moundridge Library taxing district correspond to boundaries of the City of Moundridge.

Section 4. Powers and duties: In accordance with Kansas Statutes Annotated 12-1225 library boards shall have the following powers and duties:

- a) To make and adopt rules and regulations for the administration of the library;
- b) To purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library;
- c) To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, audiobooks, DVD's and other material and equipment deemed necessary by the board for the maintenance and extension of modern library service;
- d) To employ a librarian and such other employees as the board deems necessary and to remove them and to fix their compensation;
- e) To establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which service contract arrangements have been made;
- f) To contract with other libraries established under the provisions of this act or with the governing body of a municipality not maintaining a public library for the furnishing of library service to the inhabitants of such municipality to the

- extent and upon such terms as may be agreed upon, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;
- g) To receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service;
  - h) To receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof. If no provisions are specified, the board shall have the power to hold, invest or reinvest the gift and any dividends, interest, rent or income derived from the gift in the manner the board deems will best serve the interests of the library.
  - i) To make annual reports to the state librarian and the governing body of the municipality on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available, and other information of general interest as the governing body requires.
  - j) As to money received from sources other than a tax levy for library purposes, in its discretion, to place such money in a separate fund or funds, or to place the money in the fund to which the tax levy money is credited unless the grantor or donor directs how and for what purpose the money shall be handled and spent.

### **The Role of the Board of Directors**

Trustees (Directors) are volunteers for the library who usually have other jobs of their own. It is the responsibility of the library director and the board to make sure that new trustees are given the information they need to be an effective board member. The new trustee should understand ethical responsibilities, a library orientation and a governance orientation.

### **Ethics Statement for Public Library Trustees**

Trustees must promote a high level of library service while observing ethical standards.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the institution.

It is incumbent upon any trustee to disqualify himself or herself immediately whenever the appearance of a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree with it.

A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.

Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept appointment to a library board are expected to perform all of the functions of library trustees.

Board members must be residents of Moundridge and do not receive compensation for serving on the Board.

Any member of the Board who applies for employment with Moundridge Public Library must resign prior to making application. A new Board member will be appointed in accordance with the process outlined in the Bylaws

### **Orientation of New Trustees**

Trustees are volunteers for the library who usually have full-time jobs of their own. It is the responsibility of the Librarian and the Board Chairperson to make sure that new trustees are given the information they need to be effective board members. Information about the ethical responsibilities of trustees and opportunities about continuing education and training opportunities for trustees should be included in the orientation.

Orientation of new library trustees should begin as soon as possible after the new trustee is appointed. Components of a trustee orientation program are listed below.

New trustees should meet with the Director and/or Board Chair to learn about the following library topics:

- organization and governance
- funding and budgeting
- day-to-day operations
- services to the community
- roles of the library director and board
- the legal basis of the board
- officers and committees
- meeting location and schedule
- responsibilities and expectations
- goals, long-range plans and projects in progress
- accomplishments
- roles of the library director and board.

New members should be given a packet that includes:

- list of board members with names, addresses and phone numbers
- by-laws of the board
- sample agenda
- staff list with job descriptions
- library policy manual
- statistical reports on circulation and services
- any library brochures or other public information distributed by the library

## **Board Training**

Trustees of the Moundridge Public Library are encouraged to participate in continuing education activities as needed. If the board desires to set up a training session on a topic of concern to the trustees, they may contact the South Central Kansas Library System for assistance.

## **Library Board**

The Library Board of a City Library consists of seven (7) members appointed by the mayor with the approval of the city council (K.S.A. 12-1222). In addition to the appointed members, the mayor shall be an ex-officio member of the board which means that by virtue of the office or position, the mayor is a member. Attorney General Opinion 79-94 states that the mayor may vote even though an ex-officio member. Ex-officio refers to one who is a member by virtue of title to a certain office and has the same rights, privileges, powers and duties as members duly appointed.

## **Selecting Board Members**

Acceptance of a position on the library board constitutes a public trust; therefore, care should be taken in the appointment of trustees. Board members should represent a diversity of interests; have experience or knowledge in a variety of fields and represent a cross section of the community in the areas of age and socio-economic levels.

Generally, a good trustee should have the following qualities:

- imagination, dedication and vision
- understanding of the community, its needs and resources
- knowledge of the community's leaders and organizations
- interest in the library, its service, and capacity for growth and improvement
- knowledge of the board's legal responsibility and authority
- ability to devote time and effort to board meetings and activities ability to work cooperatively with other board members; knowledge of public library laws and federal, state and local laws and regulations which concern libraries,
- enthusiasm for carrying out new programs including securing new funding sources for the library

## **Terms and Appointment of Board Members**

**Appointment Process:** The Library Board shall submit the name and/or names of nominees for expiring or vacant positions on the Library Board for consideration by the Mayor of Moundridge no later than 45 days prior to the April 30 term of expiration and no later than 45 days after a vacancy occurs. In accordance with state law, the authority to nominate eligible individuals to the Library Board is reserved to the Mayor of Moundridge with the approval of such appointments reserved to the Moundridge City Council.

Terms of city library board members must be staggered. The members first appointed shall be appointed as follows:

- One* (1) member appointed for a term expiring the first April 30 following the date of appointment;
- Two* (2) members appointed for terms expiring the second April 30 following date of appointment;
- Two* (2) members appointed for terms expiring the third April 30 following date of appointment; and
- Two* (2) members appointed for terms expiring the fourth April 30 following date of appointment.

Thereafter, upon the April 30 expiration of each term, successors will be appointed in a like manner to fill the vacancies created and each member will serve a term of *four* (4) years.

*Attorney General Opinion, September 4, 1964* states that a board member can serve two four-year consecutive terms on the board. No person who has been appointed for two (2) consecutive four-year terms to the library board shall be eligible for further appointment to the board until one (1) year after the expiration of the second term.

*Attorney General Opinion 73-125* states that a person appointed to serve an unexpired term remains eligible for two consecutive four-year terms upon completion of the unexpired term.

Vacancies occurring on the board shall be filled by appointment by the mayor with the approval of the city council for the unexpired term.

Any member of the Library Board who applies for employment with the Library must resign prior to making application. A new Library Board member will be appointed in accordance with the process outlined in the Bylaws.

## **Expired Terms of Board Members**

If a board member's term has expired but he or she has not yet been reappointed, there is a solution to the situation. *Attorney General Opinion 79-282* states: "Upon the expiration of their terms, members of a public library board may continue to serve as *de facto* officials until such time as either their reappointment or the appointment of successors is approved. Any acts taken by them while in a *de facto* position are as binding on the public as if they were *de jure* members."

## **Attendance at Board Meetings**

All board members should attend board meetings. Any board member who is absent from four consecutive board meetings or misses more than six meetings in a calendar year shall forfeit his/her appointment and a new board member will be appointed according to the procedure outlined in "Terms and Appointments for Board Members." Special circumstances may be considered. Board members who will be absent from a meeting should notify the Chair or Librarian prior to the meeting.

## **Removal Process for Board Members**

Sufficient grounds for removal from office of any member of the Library Board shall include any member of the Library Board moving outside the taxing district of the Library; lack of attendance at meetings as defined in the section above; conviction of a felony, unethical or misconduct in office and/or failure to perform the duties of office. Any such member shall receive written notice of removal and a new member shall be appointed in their place.

## **Officers and Their Duties**

Officers are elected annually in May. The officers of the board are as follows:

President / Chair:

- draws up an agenda for board meetings with the assistance of the Library Director
- presides at meetings and functions usually designated for such office
- guides discussion and ensures adequate coverage of agenda topics during meetings
- with the approval and guidance of the Moundridge Public Library Board, prepares and presents annual budget along with the Librarian to City Council

Vice Chair:

- In the Chair's absence, the Vice-Chair shall act in place of the Chair

Secretary:

- records the proceedings of each meeting in a book provided for the purpose
- notes the minutes from the most previous meeting, corrects them if necessary and requests and records their approval



Treasurer:

- signs checks; reconciles bank statements; makes special financial deposits of memorials, donations, etc.; verifies balance in regular and special accounts
- assists the Library Director with the financial portion of the annual state statistical report
- ensures that vouchers and checks are approved by the board members

Except when the librarian's salary or dismissal is being considered during an executive session, the Librarian should attend board meetings. Board meetings should follow the procedures outlined in *Robert's Rules of Order*.

The Library Board shall annually designate at the April meeting of the Library Board a board member or librarian to serve as its South Central Kansas Library System (SCKLS) System Board Representative. The System Board Representative shall be authorized to represent the Library and vote on SCKLS

There also shall be such special committees as may be required. They shall be appointed by the chair of the Library Board, unless otherwise ordered, and shall perform such duties as may be assigned to them by motion or resolution adopted. Such committees shall serve until the completion of the work for which they were appointed.

## **Board Meetings**

Unless otherwise ordered by the Board, the Board has set the date and place of its regular monthly meetings to be held on the fourth Monday of each month at 7:00 p.m. at the Library or any other place designated by the Library Board. In order to conduct business at any meeting a quorum of four (4) of the seven (7) library board members must be present. State law defines a quorum as one more than half the membership, so a quorum of the Moundridge Public Library Board is four (4).

Special meetings may be called by the Chair or upon written request by a majority of the members. No business except that for which the meeting was called may be transacted at a special meeting.

## **Agenda**

An agenda should be prepared by the Chair and the Library Director and given or sent to members prior to the meeting. The agenda should follow this pattern:

- minutes of previous meeting
- secretary's report
- treasurer's report
- report of standing and special committees

- unfinished business
- new business

## **Minutes of Meetings**

Because the secretary's minutes are the official record of board action, they should include:

- the purpose of the meeting (whether regular or special), the time, the place, those attending, and approval of the minutes of the last meeting
- complete record of official action taken by the board relative to the library director's report; communications; the treasurer's report; and all other business transacted
- record of adjournment (no business may be legally transacted following adjournment)
- the secretary must record all motions exactly as stated and show whether adopted or rejected since this is the legal voice of the board, and only that information recorded in the minutes can be considered official
- after approval by the membership, the minutes should be signed by the Board Chair and Secretary

A regular procedure in recording motions should be followed. The following example is a suggested form:

*First Name and Last Name moved and First Name and Last Name seconded that the board authorize the purchase of a (blank) as recommended by the library director. 6-yes, 1-no. Motion carried.*

## **Open Meetings**

State law specifies that all public library board meetings shall be open to the public and no binding action by the board shall be taken by secret ballot. Public notice of all regular meetings shall be posted in the library and provided to the City of Moundridge at least 48 hours in advance of any meeting. Public notice of all special meetings shall be posted in the library and provided to the Moundridge Public Library Board of Directors at least 48 hours in advance of any meeting. The date, time and place of the board meetings or an agenda for the meetings shall be provided to any person requesting the information.

## **Executive Sessions during Board Meetings**

If a formal motion is made, seconded and carried, the Board may recess from a regular or special meeting at a specified time to a closed or executive meeting, provided no binding action shall take place during the closed door session and provided the purpose of the executive session is stated.

The motion to recess must include a statement of the justification for closing the meeting, the subjects to be discussed during the executive session, and the time and

place at which the open meeting shall resume. This information must be contained in the minutes. The law specifies that only certain subjects may be discussed during the closed session. Those which apply to libraries include:

- personnel matters
- consultation with an attorney for the library which would be deemed privileged in the attorney-client relationship
- matters relating to employer-employee negotiations
- confidential data relating to financial affairs or trusts
- preliminary discussion relating to the acquisition of real property.

The following is a recommended motion to recess into executive session:

*“I move that the library board recess into executive session to discuss confidential employment matters and that the executive session begin at (time) and end at (time).”*

### **Administration**

The Moundridge Public Library provides public library services and employment in accordance with all applicable state and federal laws as outlined in its Policy Manual. The Library Director is appointed and serves as administrative officer for the Library Board and is under the direction and review of the Library Board.

The Library Board is responsible for the employment of any staff and the Library Director is responsible for the direction of staff in accordance with the Policy Manual.

### **Review and Amendment**

The Bylaws of the Moundridge Public Library shall be reviewed once every three years or as necessary. These Bylaws may be repealed, amended or revised at any regular meeting of the Library Board by a majority of a quorum, providing, however, that such proposed repeal, amendment or revision shall first be submitted in writing at regular meeting of the Library Board and sent to those members not present. Such proposal shall not be acted upon prior to a subsequent regular meeting of the Library Board and notice of intended repeal, amendment or revision shall be included in the notice of such meeting.

### **Access to Public Records**

The Library Director shall serve as the library's Freedom of Information Officer in regard to duties outlined in the Kansas Open Records Act (Kansas Statutes Annotated 45-215 through 45-223). Under the Kansas Open Records Act, citizens have the following rights:

- To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
- To obtain a copy of the library's policies and procedures for access to records and to request assistance from the library's Freedom of Information Officer.
- To bring a private law suit or to file a complaint with the Moundridge Public Library Board of Directors if you feel you are wrongfully denied records.
- To receive a written response from the Library within three (3) business days of your written request.

The Library's response may inform the citizen that it will take additional time to produce the records. Reasons for additional time may include voluminous records, complicated request parameters, unresolved legal issues or difficulty in accessing archived records.

The library's response may legally deny the citizen's request, in whole or in part. If the request is denied, the library will identify generally the records to be denied and the specific legal authority for the denial.

A citizen has the responsibility of requesting a record or records, whether they are written, graphic or electronic. The Kansas Open Records Act (KORA) does not require the Library to answer questions about the record or prepare reports. The library requires that a citizen request a record in writing and provide proof of identity. As with other personal photocopy services from the library, there is a fee of .10 per page. Records commonly requested include, but are not limited to policies; minutes/records of open meetings; salaries of library employees and budget documents.

### **Exceptions to the Kansas Open Records Act (KORA)**

The KORA recognizes that certain records contain private or privileged information and may be designated by the library as closed from the public. Accordingly, the Moundridge Public Library Board's policy is that the following records whether in print, graphic or electronic format are confidential:

- Exception 3 Medical treatment records
- Exception 4 Personnel records of library employees
- Exception 7 Library, archive or museum materials contributed by private persons to the extent of any limitations imposed as conditions of contribution
- Exception 8 Information which would reveal the identity of an individual who lawfully makes a donation to the library if the anonymity of the donor is a condition of the donation
- Exception 23 Library patron registration records and circulation or loan records which pertain to identifiable individuals

### **Retention of Records**

Updated 5/20/2019

According to *KSA 12-120*, the officers and employees of any city (or library) charged with the custody or having in their custody the following records, documents or other papers may destroy the same after they have been on file for the period stated.

### **Accounts Payable and Receivable Records**

Documents including those in computer format related to the payment of goods and services; correspondence, invoices, ledgers, payroll records, bank statements, etc. Retain for three years and then destroy.

### **Annual Report for the State Library of Kansas**

Paper copy of electronic report compiled online.  
Retain for one year and then destroy. Electronic copies available online.

### **Equipment Documentation**

Records related to the purchase of equipment including manuals, warranties and discs. Retain and dispose of records as long as the equipment is in use and then dispose of the records.

### **Minutes, Agendas and Reports of Library Board Meetings**

Records related to meetings of the library board.  
Retain permanently.

### **Public and Library Funds**

The Library is primarily funded through public tax funds and consequently library funds must be used for library purposes that benefit the public. The Library authorizes and administers three accounts and a certificate of deposit through the Citizens State Bank, Moundridge.

The Regular Fund Account is for the deposit and expenditure of tax monies collected from the Moundridge Public Library and received through the City of Moundridge. The Regular Fund is also used for the deposit and expenditures of fines and fees, and any (non-South Central Kansas Library System) grants. The Regular Fund is used but not limited to the payment of library-related expenses.

The System Account is for the deposit and expenditure of (1) grants and other financial support from the South Central Kansas Library System as well as (2) gifts and memorials given to the Moundridge Public Library and (3) state-aid received from the State Library of Kansas, Topeka. The System Account is used but not limited to expenditures for library materials such as books.

The SCKLS annual grant-in-aid which is distributed in April and September is unrestricted and may be used for any library purposes the Library Board deems necessary and appropriate. Other SCKLS grants are restricted for specific purposes such as technology, programming and continuing education. Refer to the SCKLS website under "Grants" for more information: [www.sckls.info](http://www.sckls.info). State-aid is usually received between March and May annually. According to state law KSA 75-2558 state-aid may be used for any public library purpose except constructions, repair or debt reduction and must be expended in full each year by December 31.

The Capital Improvement Account is a money market account which accrues interest. Sources of the Capital Improvement Account may include Regular Fund transfers as defined under KSA 12-1258; SCKLS fund transfers or other sources of income including private gifts and donations as designated by donors or the Library Board. The Capital Improvement Account may be used by the Library Board for the purpose of improving, furnishing, equipping, remodeling or making additions to the library. The Library Board annually prepares and updates a five-year list of tentative capital improvements and estimates of their costs.

A Certificate of Deposit is invested for time periods determined by the Library Board and at interest rates available at the time of investment. Interest from the Certificate of Deposit and/or portions of the Certificate of Deposit may be transferred, maintained or expended as the Library Board deems necessary and appropriate for library purposes.

## **SECTION II. EMPLOYMENT POLICY**

### **Authority**

Among the powers and duties of the Moundridge Public Library Board as authorized by *Kansas Statutes Annotated* 12-1225 for all public library boards are the following:

- To make and adopt rules and regulations for the administration of the library.
- To employ a librarian and such other employees as are deemed necessary and to set their salaries.

The Library board formulates policies and may change policies as needed. The Library Board works in partnership with the Library Director to make policy. The Library Director is responsible for implementing all employment policies. Employment policies and policy changes are presented at library board meetings and considered and authorized with formal motions for approval and votes of the Library Board.

### **Non-discrimination**

The Moundridge Public Library maintains a policy of nondiscrimination with employees and applicants for employment. No aspect of employment with the Library

will be influenced by race, color, religion, gender, age, national origin, disability, veteran status or any other basis prohibited by law. In the case of applicants or employees with qualified disabilities, reasonable accommodation will be made if such applicant or employee can perform the essential functions of the job or the accommodation would not cause undue hardship requiring significant difficulty or expense to the operation of the Library.

All employees of the Moundridge Public Library must be citizens of the United States or have a valid United States work permit before they can begin employment at the Library.

### **Policy of Non-Harassment**

Harassment is contrary to basic standards of conduct between individuals and is prohibited by federal and state law. The Moundridge Public Library prohibits any form of harassment.

Staff should report any inappropriate behavior or incident to the Library Director (or if the Library Director is involved to the Library Board Chair). The report should be in writing with the date, location and names of individuals involved. Complaints will be confidential and investigated within 24 hours. If the problem is not satisfactorily resolved by Library Director, it may be appealed to the Library Board and considered in a board meeting during an executive session to discuss employment issues.

Sexual and workplace harassment include but are not limited to the following specific behaviors:

1. Touching or making improper advances
2. Abusive or vulgar language of a sexual nature
3. Suggestive jokes or comments about an employee's body or apparel
4. Display of sexually suggestive cartoons, pictures or photographs
5. Threats, threatening behavior, acts of violence and any related conduct which disrupts another employee's work performance.

### **Tobacco, Alcohol and Drugs**

Public libraries in Kansas are legally designated as smoke-free workplaces under K.S.A. 21-6110. The Library will post a sign displaying the international no smoking symbol that smoking is prohibited. No individual, employee or volunteer may use, possess, sell, transfer, purchase or be under the influence of alcohol, controlled substances or illegal drugs while on library property. Violations of this policy will result in disciplinary action and a second violation will be cause for termination.

## **Injury**

As required under the Occupational Safety and Health Act Regulations, any employee or volunteer who is injured while on the job should immediately report the injury, however minor, to the Library Director or if the Library Director is not available, to the Library Board Chair. An incident report will be completed and filed. (See Incident Report Form)

Any employee who is injured on the job and who requires medical treatment should go to a doctor for treatment. Medical staff should be informed that the injury should be treated as a Workers' Compensation claim.

In case of serious injury or illness on the job, an employee's family member may be contacted to take the employee for treatment. In the case of critical injury or illness on the job, emergency service "911" and a family member will be called and the employee taken to a hospital by emergency service. The Library will maintain a record for each employee that identifies the employee's primary physician and any health conditions such as diabetes, epilepsy or allergies which might affect the employee's physical condition at work.

## **Hiring Procedures**

Open positions for library employment will be posted in the library 14 days and advertised as needed. All applicants must complete an application form. Applicants who best meet the qualifications for the job may be invited to interview. Interviews will be conducted by the Library Director or in the case of the position of Library Director by the Library Board. Only job-related questions and legally-permissible inquiries will be asked during employment interviews. Job classifications such as part-time, job descriptions and pay ranges are determined by the Library Board.

## **Nepotism**

No immediate family may be hired without the approval of the Library Board. Immediate family includes spouses, children, grandparents, grandchildren, aunts, uncles, brothers, sisters as well as previously named relatives through marriage. Members of the Library Board members must avoid conflict of interest in which personal or family interests might be served or financial benefits gained at the expense of library users or the library. It is incumbent on any Library Board member to disqualify her/himself immediately from the promotion or discussion of an employment issue whenever the appearance of a conflict of interest exists. Any member of the Library Board who applies for employment with the Library must resign prior to making application. A new Library Board member will be appointed in accordance with the process outlined in the Bylaws.



## **Staff Attitude and Conduct**

The image of the Library is conveyed through the attitudes, appearance, conduct and working relationships of the staff. Because the Library is a public service, employees of the Library are expected to be courteous, cooperative, communicative and detail-oriented when assisting library users or working with fellow employees. Should problems arise with service, it is the responsibility of each employee to make every effort to solve the problem through open, positive communication with the person or persons involved in the situation. If necessary, the Library Board may assist in finding solutions to the problem.

Library employees should be aware that they do not have to accept verbal abuse from library users. During phone communications, a library employee may politely say that they are not required to listen to abusive language and if the abusive language continues, the library employee may end the conversation. If the library user is in the Library, they can be referred to the Library Director or if the library user is requested by the library employee to not use abusive language and the library user refuses to comply, the library employee may tell the library user to leave. If the library user refuses to leave, the individual will be considered as criminally trespassing and the police should be called to remove the library user from the building.

## **Employee Evaluation**

Employee job performance expectations will be shared with staff working at the library. Employees are responsible for fulfilling those expectations. Direction and plans of improvement will be given to employees if needed. Positive reinforcement will also be shared with staff that continues positive performance. Employee Evaluation will be completed as needed to review plans of improvement and goals set for employees.

New employees hired will be given a two (2) month training period, which is defined as two-months from the date of initial employment. Job performance expectations will be shared and training given by the Director and other assigned staff members. Documentation will be kept as needed on job performance. During this two (2) month training period an employee may be dismissed with or without cause.

## **Discipline and Termination**

The Library Board has the authority itself or through the Director to discipline employees for the willful violation of policies. If violations are repeated, the employee may be terminated for cause. Nevertheless, employees of the Moundridge Public Library are "employees at will." Either the Board of Directors of the Moundridge Public Library or the employee may terminate the employment relationship at any time, either with or without cause, and also without advance notice.

If an employee has completed an initial (2) month training period, then the first step in the disciplinary process is for the Library Board or through the Library Director to give the employee a verbal warning and to identify actions to correct the problem. If a second disciplinary warning is necessary, the Library Board or through the Library Director will reprimand the employee in writing and again identify actions to correct the problem. The Library Board chair or board member designated by the Library Board will serve as a witness to the second disciplinary warning and if necessary, to the termination.

The second disciplinary warning may include a specific length of probationary time determined by the Library Board within which the employee must improve her/his behavior. At the end of any second disciplinary warning period, the Library Board will decide if the performance of the employee has sufficiently improved and remove the employee from disciplinary status. If during the second disciplinary period the employee's performance does not improve, the Library Board or through the Library Director may, with written documentation, terminate the employee. The Library Board chair or board member designated by the Library Board will serve as a witness to the termination.

In the case of discipline and termination concerning the Library Director, the Library Board Chair will act in place of the Library Director as outlined in the above process.

### **Confidentiality of Employee Personnel Records**

All requests for information about current or former library employees should be referred to the Library Director. The Library upholds the Kansas Open Record Statutes which specify that only hire date; term of employment; position; and verification of salary within range may be disclosed about an employee or former employee.

### **Resignations and Letters of Reference**

To resign in good standing, employees should give a minimum of 14 days (two weeks) written notice. Any employee who resigns in good standing may request a Letter of Reference from the Library Director. Unless an employee or former employee resigns in good standing, the only information disclosed will be in accordance with the policy for "Confidentiality of Employee Personnel Records."

### **Compensation**

#### **Authority**

The Library Board and Library Director will make recommendations for staff wages on an annual basis or as needed. In addition, the Library Board determines the

Library Director's wage on an annual basis or as needed. Upon approval of the Library Board, wage recommendations will be incorporated into the annual budget.

Federal law requires the Library pay at least the current minimum wage to all employees. The Library, as a unit of local and state government, is covered under the Fair Labor Standards Act (FLSA). See Department of Labor at [www.dol.gov](http://www.dol.gov).

### **Job Classifications**

The Library Director is a non-exempt, hourly employee as are any other library employees. In accordance with federal law and for hours worked in the work week in excess of 40 hours, time will be paid at the rate of 1 1/2 for each hour of overtime for nonexempt, hourly employees. Nevertheless, no employee may work in excess of 40 hours per week without the approval of the Library Director or Library Board.

### **Work Week and Work Schedule**

The work week is defined as a seven day period beginning on Monday at 12:00 a.m. and ending on Sunday 11:59 p.m. The Library Director will schedule the work week of all part-time employees. Unless authorized by the Library Director, no part-time employee will work in excess of the hours they are scheduled during the work week.

### **Payroll Procedure**

Each employee is required to maintain accurate time records noting hours worked utilizing the time clock located in the offices of the City of Moundridge. Library employees are paid on every other Wednesday. Paychecks are distributed via Direct Deposit or paper check by the City of Moundridge.

### **Mandatory Federal and State Deductions**

Mandatory payroll deductions include FICA (Social Security) and are deducted from each library employee's paycheck. Federal and state income tax withholding are the responsibility of each library employee.

### **Employee Benefits**

Subject to applicable federal or state laws, the Library board has the authority to determine which employees qualify for benefits and whether any employee benefits such as vacation, sick, holiday leave, retirement, health insurance or other benefits are offered.

## **Affordable Care Act (ACA)**

See APPENDIX B of Moundridge City Employee Handbook.

### ***INSURANCE INFORMATION***

*The following coverage is available to regular full-time employees only. Each insurance will be available from the first available start date from date of hire.*

#### ***MEDICAL INSURANCE***

*The City of Moundridge provides each employee with medical insurance coverage at no cost to the employee. Dependent coverage is also available for the employee's dependents at a group cost that is payable by the employee twice monthly through payroll deductions.*

#### ***DENTAL INSURANCE***

*Dental insurance is also available for regular full-time employees at a reduced cost to the employee. Dependent coverage is also available for dependents at a group cost.*

#### ***OPTIONAL INSURANCE***

*Voluntary insurance programs are available to all regular full-time employees.*

## **Family and Medical Leave**

The federal Family and Medical Leave Act (FMLA) applies to public agencies including the public library. To be eligible for Family and Medical Leave, an employee must have been employed for at least 12 months and have been employed at least 1,250 hours of service during the 12 month period preceding the commencement of the leave. Such unpaid leave is available in the case of the birth or adoption of a child, care for a child, spouse or parent with a serious health condition or due to the disabling illness of the employee.

## **Request for Leave**

No part-time library employee may take leave for a day or part of a day without proper notification and permission from the Library Director. In the case of the Library Director's leave, the Library Director should notify and receive permission from the Library Board Chair. The closing of the library is not an option, employees must make arrangements to cover work assignments before they can take a personal leave of absence.

## **Continuing Education**

The Library Director and part-time library employees will be paid for leave and reimbursed for any lodging, meals or mileage for the purpose of continuing education and training. Mileage will be reimbursed at the current federal rate. Prior to attending any continuing education and training, library employees will request the Library Director and/or Library Board authorize their approval. In the case of the Library Director, the Library Director will ask the Library Board to authorize requests for the Library Director's continuing education and training.

## **SECTION III. MATERIAL SELECTION AND COLLECTION DEVELOPMENT**

### **Legal Authority**

The Moundridge Public Library is a public library organized under the laws of Kansas and under K.S.A. 12-1225 to acquire by purchase, gift or exchange the materials and equipment deemed necessary by the board for the maintenance and extension of modern library services.

### **Mission Statement**

The purpose of the Moundridge Public Library is to serve the informational, educational, cultural and recreational needs of all members of the Moundridge community by providing access to quality staff, materials, programs, services and facilities.

### **Goals of the Collection**

The goals of the Moundridge Public Library collection shall be as follows:

- to provide opportunities for reading, personal development and life-long learning
- to assemble, preserve and administer an organized collection of books and related recreational and educational material
- to serve the community as a resource center to access information
- to support educational, civic, and cultural activities of individuals, groups and organizations
- to seek to identify community information needs and to provide programs of service to meet these needs
- to serve individuals in the City of Moundridge and surrounding areas of McPherson County with respect for human diversity including differences in race, color, religion, gender, age, national origin, disability, veteran status and any other characteristics.

### **Responsibility for Selection**

While the overall legal responsibility for the materials selection policy lies with the Moundridge Public Library Board of Directors, the Board delegates to the Library Director the responsibility for selection of materials and the development of the collection.

### **General Selection Criteria**

Generally, the Moundridge Public Library determines and selects library materials that meet the reading and information needs of the community. General criteria for collection development includes, but is not limited to:

1. Examination of the existing materials in the collection on the same subject to determine if additional or more current materials are needed
2. Reputation of the author, artist, publisher or producer
3. Suitability of subject, style and reading level for the intended audience
4. Current appeal and popular demand
5. Present and potential relevance to the community needs
6. Availability or scarcity of materials on the subject
7. Value of material in relation to its physical durability

FICTION: In addition to the General Selection Criteria above, the following criteria are often used for acquisition of fiction:

1. Plausible plot and good plot development
2. Effective characterization
3. Imaginative writing and originality
4. Literary merit
5. Accurate description of the particular era or country in which the story is set
6. Ability to sustain reader's interest
7. Significant contribution in a new or special way if a new edition.

CHILDREN'S MATERIALS: The following criteria, when applicable, are considered when selecting materials for the children's collection:

1. Appropriate materials to meet the needs and interests of children from infancy to sixth grade
2. Materials of interest to adults concerned with these age groups
3. Variety in points of view to enable children to better understand their world
4. Materials that reflect cultural diversity
5. Materials that reflect the wide spectra of reading comprehension and maturity levels of children served.

YOUNG ADULT: The following criteria, when applicable, are considered when selecting materials for the children's collection:

1. Appropriate materials to meet the needs and interests of young adults in the twelve to eighteen age group (middle school through high school); grades six through twelve
2. Materials for recreational, popular and topical reading that may be related to the needs of students, but not school textbooks
3. Recognition of special characteristics of this age group and the need to identify with others, peer pressure in the area of behavior and conduct, and a search for self-identity, self-worth, and independence
4. Materials that reflect the wide spectra of comprehension, maturity and library skills
5. A wide range of subjects, some of which could be controversial.

DVDS: Criteria for the selection of DVDs:

1. Popular demand and a Motion Picture Association of America Rating System noted on DVD.

## Review Sources

ADULT: Primary sources for selecting adult materials include, but are not limited to [Amazon.com](https://www.amazon.com), Baker & Taylor Forecast.

CHILDREN: Primary sources for selecting children's materials include, but are not limited to [Amazon.com](https://www.amazon.com), Baker & Taylor Forecast.

YOUNG ADULT: Primary sources for selecting young adult materials include, but are not limited to [Amazon.com](https://www.amazon.com), Baker & Taylor Forecast.

NON PRINT MEDIA: Review sources for selection include [Amazon.com](https://www.amazon.com) and Baker & Taylor.

## Acquisition

The Library does not purchase certain types and formats of materials including VHS tapes, music CDs, software, games, textbooks, workbooks or artwork. However, based on demand and availability, the Library reevaluates on an annual basis the types and formats of materials it does and does not purchase. Some of these formats of library materials may be available and requested through interlibrary loan. The Library is not obligated to add a material to the collection if it is donated or if it does not purchase such materials.

## Replacements and Duplicates

A replacement is an item purchased to replace an identical title previously in the collection. The need for replacement in each case is judged by these factors:

1. The demand for subject material in that subject area. It may be that the subject is so popular that the Library may replace it immediately.
2. The material may have been requested through interlibrary loan in which case the Moundridge Library will pay for a replacement copy.

## Recommendations from the Public

The Library Director and library staff will encourage library users to recommend materials for purchase. Such recommendations for purchase will be considered under the same criteria used for the purchase of other library materials.

## Gifts and Tax Exemptions

When gifts or donations of books or other materials are accepted, the Library Director and library staff will make the donor aware that donated materials may be used or disposed of as the library determines is appropriate. Determining "appropriate" use means using the same criteria set forth in the policy for the purchase of library materials. Gifts that are not added to the collection are placed in

the library book sale. Acceptance or decline of any other donations, not covered by written policies, are considered to be within the discretion of the Library Board.

Under existing law, gifts to the Library may be deductible; the deductibility is governed by the provisions of the Internal Code of 1986 as amended. The Library does not provide appraisals of books or other non-cash items. Internal Revenue Service regulations and the Tax Reform Act of 1984 (Section 155a) clearly state that the appraiser must not be the Library that receives the donated items. Donors are required to obtain a formal appraisal if the value of donated property is valued at \$5,000 or more. If a Library sells or disposes of a gift of property or materials valued at \$500 or more, the Library must file Internal Revenue Service Form 8282 with the IRS within 90 days of the sale or disposal.

The Library reserves the privilege of using cash donations in a manner that will best serve the operation of the Library and its service to the library users. If cash donations are made with requests for specific materials to be purchased, the Materials Selection and Collection Development Policy should be used to determine if the purchase is appropriate for the Library. Gifts made to the Library become the sole property of the library and remain so until they are either added to the collection or until a decision is made by the Library about their appropriate use. If the request cannot be fulfilled, the Library retains the option to return the donation.

### **Interlibrary Loan and Cooperation**

The Moundridge Public Library cooperates with the Kansas State Library and South Central Kansas Library System (SCKLS) to provide interlibrary loan as an essential service to library users. Interlibrary loan, while not designed as a substitute for providing books and other materials in constant local demand, is used by the Library to make available those materials that cannot be added to the collection because of infrequency of demand, space, budget or their appropriateness for the collection.

The Moundridge Public Library is a member of the South Central Kansas Library System which is a regional system of cooperating libraries that encompasses the following counties: Barber, Butler, Cowley, Harper, Harvey, Kingman, McPherson, Reno, Rice, Sedgwick, Stafford and Sumner. In accordance with Kansas Administrative Regulation Kansas Administrative Regulation 54-1-8: "Libraries participating in a regional system of cooperating libraries shall permit any citizen of the territory comprising the system to borrow materials or receive services without charge, subject to reasonable library rules." Fees are not charged for interlibrary loan or research unless the lending library charges and such charges will be passed onto the library user.

The Moundridge Public Library provides interlibrary loan requests from users whose primary residence is within the Moundridge Township or within the 12 county service area of SCKLS. Interlibrary loan requests from individuals who reside within the boundaries of the City of Moundridge or outside of the SCKLS service area should originate interlibrary loan requests from their local public library.



## **Confidentiality of Library Records**

The Library maintains a trust with members of the public and makes reasonable and responsible effort to ensure that information about library users and the individual information that they use remain confidential. Library user records are protected by law as a consequence of the library's written policy stating that they are confidential. All library employees and volunteers will be trained to uphold the library's policies on confidentiality. The following guidelines describe the library's policy. No information may be disclosed regarding or including:

1. A library user's name (or whether an individual is a registered borrower or has been a library user).
2. A library user's address.
3. A library user's telephone number.
4. The library's circulation records and their contents.
5. The library's borrowers' records and their contents.
6. The number or character of questions asked by individual library users.
7. The frequency or content of a library user's visits to the library or any other information gathered by the Library will not be given, made available or disclosed to any individual, corporation, institution, government or law enforcement agency without a valid warrant or court order except in the case of a Federal Bureau of Investigation request under the USA Patriot's Act.

## **Staff and Board Guidelines for Addressing Confidentiality and Law Enforcement Inquiries**

The Moundridge Public Library may receive inquiries from law enforcement agents including the Federal Bureau of Investigation (FBI), Kansas Bureau of Investigation (KBI) and sheriff and police officers of McPherson County and the City of Moundridge. The reasons for such inquiries may be the result of investigations prompted by USA Patriot Act as well as the investigation of computer crimes including email threats and possible violations of the laws related to online obscenity and child pornography. These guidelines will assist the library and library staff in dealing with law enforcement inquiries.

Librarians' professional ethics require that personally identifiable information about library users be kept confidential. This principle is reflected in Article III of the American Library Association *Code of Ethics*, which states that "[librarians] protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted."<sup>1</sup>

The Kansas Open Records Act (Kansas Statutes Annotated 45-221) recognizes that certain records contain private or privileged information and may be designated by the library as closed from the public. Accordingly, the policy of the Moundridge Public Library is that the following records whether in print, graphic or electronic format are confidential:

Exception 3	Medical treatment records
Exception 4	Personnel records of library employees
Exception 7	Library, archive or museum materials contributed by private persons to the extent of any limitations imposed as conditions of contribution
Exception 8	Information which would reveal the identity of an individual who lawfully makes a donation to the library if the anonymity of the donor is a condition of the donation
Exception 23	Library patron registration records and circulation or loan records which pertain to identifiable individuals

Confidential library records should not be released or made available in any format to a federal agent, law enforcement officer or other person unless a court order in proper form from a court of applicable jurisdiction shows good cause on the part of the law enforcement agency or person seeking the records. Good cause should be evaluated and determined by the library's attorney.

Confidentiality of library records is a basic principle of library service. As a matter of policy and practice, Moundridge Public Library staff and board of directors are familiar with the Kansas Open Records Act (KORA) and its provisions that are specific to public libraries.

The library board has adopted a policy on users' privacy and confidentiality and library staff should be familiar with the library's policy on confidentiality and its procedures for handling court orders and law enforcement inquiries.

Record a user's personally identifiable information only when necessary for the efficient operation of the library. Avoid creating unnecessary records. Avoid retaining records that are not needed for efficient operation of the library.

The Moundridge Public Library follows the record retention guidelines recommended by the Kansas State Historical Society for Local Governments and linked at the following website:

<http://www.kshs.org/p/local-records-general-retention-and-disposition-schedule/11340>

Limit and be aware of library practices and procedures that place information in public view, such as the use of postcards for overdue notices or requested materials, staff terminals placed so that the screens can be read by the public, sign-in sheets to use computers or other devices, and the provision of titles of holds requests or interlibrary loans provided over the telephone to users' family members or answering machines.

#### Procedures for Law Enforcement Inquiries

The Library Director is designated as the person responsible for handling law

enforcement requests. Library staff including volunteers should be familiar with the library's procedure for handling law enforcement requests. Library staff understand that it is appropriate and lawful to refer a law enforcement agent to the Library Director and that they do not need to respond immediately to any request unless in the case of emergency. Library staff understands that a court order may also require the removal of a computer workstation or other computer storage device from the library.

Whenever a request for information is made by law enforcement, staff should immediately ask for identification and then immediately refer the agent or officer to the Library Director. **In the case of the Library Director's absence, requests should be referred to the Chair of the Library Board.** The Library Director should meet with the law enforcement agent.

If the law enforcement agent does not have a court order compelling the production of records, the Library Director should explain the library's confidentiality policy and its basis in state law. The Library Director should inform the law enforcement agent that users' records are not available except when a proper court order in good form has been presented to the library.

Without a court order, neither the FBI, KBI nor local law enforcement has authority to compel cooperation with an investigation or require answers to questions other than the name and address of the person speaking to the law enforcement agent or officer. If the law enforcement agent persists or makes appeals, the Library Director should explain that by policy the library will only respond to formal and legal requests. If the law enforcement agent returns with a court order, the Library Director should immediately refer the court order to the library's attorney for review.

**If the court order is in the form of a subpoena,** legal counsel should examine the subpoena for any legal defect including the manner in which it was served on the library, the breadth of its request, its form or an insufficient showing of good cause made to a court. If a defect exists, the attorney will recommend the law enforcement agent submit a new subpoena in good form and without defects.

If the subpoena is in good form and without defects, the Library Director should follow the subpoena while making certain not to provide any information that is not specifically requested in it.

Unlike a subpoena, **if the court order is in the form of a search warrant,** a search warrant is executable immediately. The law enforcement agent may begin a search of library records as soon as the Library Director is served with the court's order. The Library Director should examine the search warrant and try to assure that the search conforms to the terms of the search warrant. The Library Director should cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. The Library Director may request that the library's attorney review the warrant and be present during the search.

**If the court order is a search warrant issued under the Foreign Intelligence**

**Surveillance Act (FISA) (USA Patriot Act amendment)**, the above guidelines for a search warrant still apply but this category of law enforcement inquiry also contains a "gag order." That means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced as a result of the warrant. The library and its staff must comply with this order. No information can be disclosed to any other party including the patron whose records are the subject of the search warrant.

The gag order does not change a library's right to legal representation during the search. The Library Director may request the library's attorney review the warrant and be present during the search.

If a local attorney is not available, the library may obtain assistance from Jenner & Block, the American Library Association's Freedom to Read Foundation's legal counsel. In such a case, call the American Library Association Office for Intellectual Freedom (1-800-545-2433, ext. 4223) and inform the staff that you need legal advice. OIF staff will assure that an attorney from Jenner & Block returns your call. You do not have to and should not inform OIF staff of the existence of the FISA warrant.

Following any law enforcement inquiry, the Library Director and Board of Directors should be prepared to address inquiries from the news media. The critical need to maintain confidentiality and privacy should guide any public responses.

## **Challenged Materials**

When a library user requests that a library material be removed from the shelves or challenges the appropriateness of a specific material, the following procedure will be used for reconsideration of the material.

1. All requests for reconsideration of materials will be handled by the Library Director. The Library Director will offer any person making such a request the opportunity to complete a Request for Reconsideration form. (See Appendix)
2. The person or group making the request should be properly identified and the complaint form should be filled out in its entirety. The process for reconsideration should be explained by the Library Director to the person or group making the complaint and they should be informed that after a recommendation is made by the Library Board they will be notified.
3. After the Library Director receives the completed form, she shall provide the Library Board with Reconsideration of Library Materials form to review. The Library Board may also consult the Director of the South Central Kansas Library System for an opinion.
4. The Library Board will make a decision about the Reconsideration of Library Materials request and the Library Director will provide written notification of the decision to the person or group making the request. Decisions of the Library Board will be considered as final.

## **Maintenance of the Collection**

### **Weeding Policy**

In response to the changing nature of its community, the Library continuously evaluates its collections through the systematic weeding and replacement of materials. Weeding requires skill, care, time and knowledge of the materials to be discarded. Weeding eliminates unnecessary items; outdated or superseded materials; titles infrequently used, no longer of interest or in demand; unnecessary duplicates; and worn out or mutilated copies.

#### **A. Questions to Ask When Weeding**

When weeding, the following questions of a general nature are asked of each material considered.

1. What was the last date of circulation? What was the interval of time between checkouts?
2. Is the book in attractive and useful condition?
3. Are the information and presentation still accurate?
4. Is it reliable? Viewpoints and information change with time.
5. Does it have appropriate language and usage? Vocabulary and usage are a reflection of a particular time and place.
6. Is it a duplicate? Older edition duplicates of once popular titles should be discarded.
7. Is it appropriate material for this Library at this time?
8. Older fiction by popular authors, series fiction and fiction classics should be given due consideration.

Additional guidelines and assistance in weeding may be obtained from the South Central Kansas Library System.

## **SECTION IV SERVICE POLICY**

### **Library Use**

The Moundridge Public Library will serve the reading and information needs of the people in Moundridge Township and surrounding areas of McPherson County.

As such, basic library service is available free of charge to all citizens who observe the rules and policies of the Library. Basic library service includes, but is not necessarily limited to:

- Physical access to the library
- The right to possess a library card
- Tools and resources to locate and access collections and materials
- Checkout of circulating library materials

- Reference and informational assistance from trained and knowledgeable staff
- Online reference services and electronic resources
- Library sponsored/produced programs and/or classes
- Access to circulating collections at other libraries
- Use of Library computers, equipment and technology

The Library Board of Directors expects all citizens will receive or have access to:

- Free and equally accessible service
- Assurance of confidentiality in the use of the Library and its resources
- Convenient and accommodating hours of operation that meet different needs
- Library facilities that are organized, Americans with Disabilities Act accessible, safe and clean
- Prompt and courteous service from competent, well-trained staff
- Customer service that meets the patron's need for assistance and independent use
- Continually perfected customer service
- A collection of materials in different formats that are relevant, up-to-date and represent a variety of views
- A program of library service that promotes lifelong learning
- Educational, recreational and informational assistance via collections, programs or classes
- Promotional and informational materials about the Library and its programs and services
- Library services that reflect, accommodate, adapt and embrace newer technologies for the delivery of programs of service
- Library services that meet changes in society's informational needs

### **Library Borrower Registration**

To checkout library materials and/or use library computer and Internet services, an individual must be a registered user. To register as a user an individual must complete the Moundridge Public Library User Registration Form (See Appendix) which includes some of the following information:

- Name
- Address
- Phone
- E-mail (if applicable)

Kansas Statutes defines a minor as a person under the age of 18. For registration purposes, the Moundridge Public Library requires a parent's or guardian's signature to register a minor who is under the age of 12.

By completing the library user registration an individual is issued a number to use when checking out library materials or using computer or Internet services. By completing the library user registration, an individual, or in the case of an individual

under the age of 12, the child's parent or guardian agrees to abide by library rules, pay any fines or damages to library materials or equipment used, and give prompt notice of any change of address. The Library requires validation and renewal of existing library cards every three years as a SCKLS grant-in-aid requirement.

To access Internet services on a one-time basis, an individual may use the library computer as a guest by completing the sign-in form. If an individual uses the library computer on a regular basis rather than a one-time basis, then the individual must become a registered user.

### **Loan Periods and Renewals**

Because of demand on the use of library materials from other library users, the library reserves the right to limit loan period. The loan period for books is (3) three weeks. Magazine and DVD's may be checked out for (1) one week. Library materials may be renewed up to (2) two times. Users are limited to borrowing no more than (3) three DVDs at a time. Puzzles and Early Literacy kits may be checked out for 45 days. Reference books or rare or historically valuable books do not circulate. Interlibrary loan materials are due according to the date set by the lending library and may be renewed at the request of the local library user and at the discretion of the lending library.

### **Reserved Materials (Holds)**

Library users may reserve (place a hold on) materials currently in circulation but unavailable at the time of the request. The user will be notified by telephone or email by library staff when the material becomes available. Books and other materials should be picked up within (7) seven days of notification.

### **Internet/Computer Policy**

#### **Introduction**

Public access to the Internet and online services has become an integral part of the Moundridge Public Library's programs and services. The intent of this policy is to meet the provisions of the Kansas Children's Internet Protection Act, as well as provide guidelines for patrons and staff regarding online computer use of Internet accessible computers.

The purpose of the Internet Safety Policy of Moundridge Public Library is to implement and enforce technology protection measures to: ensure that no minor has access to visual depictions that are child pornography, harmful to minors, or obscene; and ensure that no person has access to visual depictions that are child pornography or obscene while using a public access computer.

Developed under the direction of the Board of the Moundridge Public Library, this Internet Safety Policy was discussed and adopted during an open meeting of the  
Updated 5/20/2019

Library Board on October 23, 2017. This policy supersedes all previous Internet Safety Policy statements of the Moundridge Public Library and is effective on October 24, 2017.

This policy document will be reviewed by the Moundridge Public Library Board at least every three years.

### **Legal Requirements**

The Moundridge Public Library's Internet Safety Policy complies with the applicable requirements of subsection (b) and L. 2013, ch. 98, sec. 1, and amendments thereto, commonly known as the Kansas Children's Internet Protection Act.

The Moundridge Public Library has in place a policy of Internet safety for minors, including visual monitoring of Internet use to prevent online access to visual depictions that are child pornography, harmful to minors or obscene as defined in L. 2013, ch. 98, sec.1.

### **Supervision and Monitoring**

It shall be the responsibility of all members of the Moundridge Public Library staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Kansas Children's Internet Protection Act.

Complaints about enforcement of this policy or observed patron behavior which violate this policy shall be submitted in writing to the library director, providing as much detail as possible.

The library shall inform patrons of the provisions of this policy, including the standards used and procedures for complaint, by making the policy available in the library's policy manual at the circulation desk.

The effective date of the last review of this policy is October 23, 2017.

Adoption Date:	October 24, 2017
First Review Date:	October 26, 2020
Second review date:	October 23, 2023

### **Internet/Wi-Fi Access and Computer Use Policy**

Computer and Internet usage is available at the Moundridge Public Library. The Library staff has no control over the information accessed through the Internet, and thus cannot be held responsible for its content. Any computer user under the age of 18 must have a signed permission form on file from a parent or guardian.

Each patron must check out the computer using his/her library card at the circulation desk each time before using the computer workstation. The workstation is available



during library hours to all patrons on a first-come, first-served basis. The library will maintain a waiting list, if necessary. The time limit on the library computer is 30 minutes.

Printing may be done for a fee of 10 cents a page for B/W and 25 cents for color copies. If there is a problem with the printer, report it to a library staff member immediately. Proper care of all hardware, software, and equipment is expected.

If a user is seen viewing any sites deemed to be visual depictions that are child pornography, harmful to minors or obscene as defined in L. 2013, ch. 98, sec.1., the following steps will be enforced by library staff members:

- *First offense:* The user will be asked to leave the workstation immediately. The library staff will inform the parent or guardian if the user is under the age of 18.
- *Second offense:* Same steps as with the first offense and the user will be denied library Internet/Wi-Fi access for 3 months.
- *Third offense:* Same steps as with the 1<sup>st</sup> offense and the user will be denied Internet/Wi-Fi access for 1 year.

### **Fines, Lost and Damaged Materials**

Materials that are overdue are assessed a fine of .10 cents a day for books and .25 cents a day for DVDs each day the library is open. The fine limit for each overdue item will not be greater than the cost to replace the book, but may also include processing and cataloging charges. A library user may not check out materials nor use library computers used until any outstanding fines are paid in full. Lost or damaged materials are the responsibility of the library patron who checked the material(s) out. For lost materials, a fee will be assessed for damaged materials, the Library Director will assess a fine appropriate to the degree of damage. A patron can replace the material in like condition when checked out or pay the replacement fee.

Library materials which have not been returned within a 90 day period shall be considered long overdue and subject to Kansas Statutes Annotated 21-5804 and prosecution for misdemeanor theft. In any prosecution for a misdemeanor under K.S.A. 21-5801 in which the object of the alleged theft is a book or other material borrowed from a library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

"Notice" means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has borrowed the library material

at the address as it appears in the information supplied by such person at the time of such borrowing, or to such person's last known address.

## **Copyright**

The Library complies with existing federal copyright laws. The required copyright notice and warning are posted at the photocopy machine and as part of the Computer and Internet policy. The notice reads: "The Copyright *Code* of the United States, Title 17, governs the making of photocopies and reproductions of other copyrighted material. The person using this equipment is liable for any infringement."

## **Kansas Library Card**

The Kansas Library Card allows individual library users to access statewide online library resources through the State Library of Kansas, Topeka. These resources include online databases and the Kansas EZ Library audiobooks and e-books as well as the Learning Express Library and Spanish language materials.

The Moundridge Public Library issues Kansas Library Cards. Library staff will use a computer to enter the new user's full name and date of birth into the Kansas Library Card database. Library staff will write the user's new card number on the front of a Kansas Library Card and the date of issuance on the back of the card. Any resident of Kansas can apply for a Kansas Library Card.

The Kansas Library Card has a number written on the front of it. This number, together with the cardholder's date of birth, allows the cardholder to login to the Kansas Library Card system (<http://www.kslc.org>) using any computer with Internet access.

After obtaining a Kansas Library Card number, a user can login at <http://www.kslc.org>. Remember, birthdates must be entered in the MMDDYYYY format for a successful login. For example, if the birthdate is July 3, 1980, it would need to be entered as 07031980 or 07/03/1980. Slashes are always optional.

*Users* should access the Kansas EZ Library page for instructions on registering for the audiobooks service or logging into the e-books service with the KSLC. The Kansas Library Card is used to access digital information only. It cannot be used for borrowing physical materials of any kind.

Each Kansas Library Card automatically expires three years from the date it was issued. Since the KSLC database does not contain contact information, the database cannot remind users of this expiration date. The Kansas Library Card can be renewed following the same procedure that it was issued by the Moundridge Public Library.

## **SERVICE HOURS AND HOLIDAYS**

Updated 5/20/2019

The library's normal service hours are:

Monday	9 am – 8 pm	Friday	9 am – 6 pm
Tuesday	9 am – 6 pm	Saturday	9 am – 12 pm
Wednesday	9 am – 6 pm	Sunday	Closed
Thursday	9 am – 6 pm		

The library is closed for a half day (after 12:00 pm) on the following holidays:

Good Friday (Friday before Easter)

The library will observe holiday hours (open until 6:00 pm) on the following holidays:

Martin Luther King Jr. Day (Third Monday in January)  
President's Day (Third Monday in February)  
Columbus Day (Second Monday in October)

The library is closed all day on the following holidays:

New Years' Day (January 1)  
Memorial Day (Last Monday in May)  
Independence Day (July 4)  
Labor Day (First Monday in September)  
Veterans' Day (November 11)  
Thanksgiving Day (Fourth Thursday in November)  
Friday after Thanksgiving  
Christmas Day (December 25)

## **SYSTEM MEMBERSHIP**

The Moundridge Public Library became a member of the South Central Kansas Library System on June 17, 1967. As a consequence of SCKLS membership, Kansas Administrative Regulation Kansas Administrative Regulation 54-1-8 states: "Libraries participating in a regional system of cooperating libraries shall permit any citizen of the territory comprising the system to borrow materials and receive services without charge, subject to reasonable library rules."

As an SCKLS member, the Moundridge Public Library receives an annual grant-in-aid and is eligible to use SCKLS services and programs and to apply for SCKLS technology and continuing education grants subject to grant guidelines. To be eligible for the SCKLS grant-in-aid the library is required to maintain and annually report the number of registered borrowers who reside outside the boundaries of the library's taxing district and the number of interlibrary loans provided to other libraries.

## **SPECIAL SERVICES**

The library provides the following special services: e-books through Sunflower e-library per a 3 year contract agreement beginning December 2015.

## **OTHER LIBRARY SERVICES**

### **Use of Library for Meetings**

Priority for use of the Moundridge Public Library is reserved for Library and library-sponsored programs and meetings. However, local non-profit organizations may use the library as a meeting place subject to the Library Director's approval. When requesting meeting space, an individual must indicate the non-profit organization and a contact person for the organization. No partisan political groups, religious groups or individuals espousing a partisan political candidate, issue or viewpoint, are eligible to use the Library and no profit-making groups or individuals are eligible to use library space for commercial purposes.

With the exception of Library and library-sponsored programs and meetings, no refreshments may be served. All applicable publicity from non-profit organizations using the library meeting space should identify the name of the organization sponsoring the meeting. Unless authorized, organizations should not identify the Library as a sponsor for any meeting.

### **Exhibits and Displays**

Exhibits and displays in the Library are authorized by the Library Director and the Board on the basis of whether the exhibit or display supports the goals of the Library. Individuals must sign a Waiver of Liability Form (See Appendix) in order to display or exhibit items. If an item or items that are part of an exhibit or display are lost, damaged or stolen while on library premises, the "Waiver of Liability" provides that the Library will not be held responsible for the \$250 deductible for such loss, damage or theft.

## **CODE OF CONDUCT FOR LIBRARY USERS**

The Code of Conduct Policy for Library Users encourages behavior that supports the Library's mission which is to serve the reading and information needs of the people in Moundridge Township and surrounding areas of McPherson County. Individuals who are unable to comply with acceptable behavior will be required to leave. The Library Director and library staff are responsible for enforcing this policy.

Examples of unacceptable behavior or activity include, but are not limited to:

- Annoying, harassing, or threatening another person
- Physical, sexual, or verbal abuse of another person
- Carrying weapons unless authorized by law

- Intoxication
- Misusing or defacing library materials, restrooms, furnishings or equipment
- Interfering with free passage of others
- Disorderly, loud, or disruptive behavior
- Soliciting, selling, sleeping, loitering or campaigning
- Interfering with others' use of the Library through poor personal hygiene
- Leaving vulnerable adults unsupervised
- Bringing animals into the library with the exception of service animals
- Being in an unauthorized area of the Library, or remaining in an area after closing
- Smoking, using tobacco products, drinks without lid containers, food not being used for library programming
- Engaging in any activities while on Library premises that are not related to the proper use of the Library
- Loud and/or disruptive cell phone usage; cell phone use must be brief and quiet
- Playing of audio equipment so that others may hear it
- Violation of any local, State or Federal law, code, rule or regulation
- Not following the Library's computer policy
- Not wearing proper attire

An individual who violates the above standards of conduct will be requested by the Library Director or library staff to abide by them. If the individual refuses to comply with the request, he or she will be asked to leave the library premises. If the individual refuses to leave when requested by the Library Director or library staff, such refusal will be considered criminal trespassing on the part of the individual and the Library Director or library staff will call "911" for assistance in removing the individual.

### **Unattended Children**

The Library welcomes use by your child and staff will assist him/her in use of Library materials or services. For a child's safety and comfort, a responsible adult or caregiver shall accompany a young child while he/she is using the Library. For the purposes of this policy:

- a child is anyone under 6 years old
- a caregiver is any individual 12 years of age or older who has the authority and responsibility to care for a child by the child's parent or legal guardian. The Library does not act in loco parentis (in place of parents) and Library staff does not have the authority to take responsibility for your child. A child must continually be accompanied by a parent, legal guardian or caregiver unless the child is attending a library program.

If an unattended child calls attention to him/herself, Library staff will attempt to locate the parent/caregiver in the library and inform him/her of the policy. If the parent/caregiver cannot be found, the Moundridge Police Department will be asked to intervene.

Parents/legal guardians/caregivers and children who are in violation of this policy are subject to suspension of library privileges for a period of no less than one month and up to one year as determined by the Director.

## **Emergencies**

In case of a fire or a bomb threat, employees and users are directed to leave through the nearest fire exit. The Director or representative notifies “911”.

In case of a severe storm or a tornado, the Director or designee shall close the library and go to the storm shelter located across the street beside the city building. When threatening weather exists, weather conditions will be monitored by the Director or designee at the library service desk. Staff are also encouraged to monitor weather conditions. Closing due to inclement weather will be at the discretion of the Director or her designee. Library users, employees and the Library Board Chair will be informed of the closing by the Director or designee.

## **Workplace Safety**

The Library does not tolerate workplace violence against or by Library employees and visitors. Workplace violence is defined as any act of violence, threat or intimidation by one person against another. Any employee or visitor who observes violent, threatening or intimidating behavior should report the act immediately to the Director or representative. The employee or visitor may be directed to leave the premises and law enforcement will be called if the situation is warranted. Depending upon the situation, the Director will determine if employees and visitors should evacuate or stay/secure the building. If the situation presents immediate danger to employees and visitors, an employee should notify police immediately.

When an employee is alone in the building, all exterior doors must be locked except for front door during business hours. In case of suspicious or threatening activity outside of the building, employees should lock all doors and notify the Director or representative. If an employee or visitor has reason to believe that violent behavior may occur at the workplace from an outside source, they must press the panic switch located a front desk. This will alert the Moundridge Police Department or after 5 pm McPherson County Dispatch. Head of maintenance with the city will also be notified to re-program switch to make sure it is working properly.

# Appendix

# Moundridge Public Library Incident Report Form

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Person Reporting Incident:

\_\_\_\_\_

Witnesses (if any) and contact information for witnesses:

\_\_\_\_\_

Type of Incident:

- Theft                       Illness/Injury                       Assault                       Vandalism  
 Maintenance                       Open door                       Alarm Problem                       Problem Patron  
 Other \_\_\_\_\_

Brief Description of Incident:

\_\_\_\_\_  
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Follow-up Actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Moundridge Public Library Accident Report Form

Date of incident: \_\_\_\_\_

Time: \_\_\_\_\_

Name of injured person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_

Gender:     Male   Female

Who was injured person? Library User   Library Employee   Other: \_\_\_\_\_

Type of injury: \_\_\_\_\_

Details of incident: \_\_\_\_\_

Injury requires physician/hospital visit?   Yes   No

Name of physician/hospital: \_\_\_\_\_

Address: \_\_\_\_\_

Physician/hospital phone number: \_\_\_\_\_

Signature of injured party: \_\_\_\_\_

Date: \_\_\_\_\_

\*If no medical attention was desired and/or required. \_\_\_\_\_

Signature of injured party: \_\_\_\_\_

Date: \_\_\_\_\_

Complete this form within 24 hours of an accident.

# Moundridge Public Library Request for Reconsideration of Library Materials

- Book
- Magazine
- Other: \_\_\_\_\_

Title: \_\_\_\_\_

Author: \_\_\_\_\_

Publisher: \_\_\_\_\_

Name of person initiating request: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State/Zip: \_\_\_\_\_

Telephone(s): Day \_\_\_\_\_ Home \_\_\_\_\_

E-mail: \_\_\_\_\_

Whom do you represent?

- Yourself
- Organization or group name:

To help the Library better understand your concerns, please answer the questions on the back of this form. Use additional paper if necessary.

1. To what in the work do you object? (Please be specific. Identify pages or passages) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Did you read or examine the entire work? \_\_\_\_\_ Which parts? \_\_\_\_\_

\_\_\_\_\_

3. What do you feel might be the result of exposure to this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. For what age group would you consider this work to be appropriate? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. What do you believe is the theme of this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. What would you like the library to do about this work?

Lend to adults only \_\_\_\_\_

Restrict circulation \_\_\_\_\_

Other: (please explain) \_\_\_\_\_

\_\_\_\_\_

7. What would you recommend as a replacement for this work? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please sign: (Name) \_\_\_\_\_ (Date) \_\_\_\_\_

**Moundridge Public Library Display Case Policy**  
**Conditions to Display Items in the**  
**Moundridge Public Library Display Case**

The Moundridge Public Library offers a glass display case at the front of the facility for the purposes of displaying library and/or community artifacts and images for the benefit of library patrons and community members. All requests for the use of this display case must be made in writing for review by the library director. The display case is intended to be used for the education and entertainment of the Moundridge community. The appropriateness of the items proposed for display will be determined by library director, with input from the library board of directors if necessary.

Use of the display case shall be for at least but not limited to two (2) weeks. Displays and display dates shall be approved at the sole discretion of the library director and may be limited or changed based on the amount of space and number of display requests.

Overseeing the assembling and dismantling of the display shall be the responsibility of the library staff. Access to the display case must be made by appointment with the library director.

**Library Display Case**  
**Waiver of Liability**

The undersigned wishes to lend the following listed items to the Moundridge Public Library for display in the library's display case for exhibit purposes only. I understand that the items cannot be insured by the library and the library bears no responsibility for any items which may be lost, stolen or damaged while on display or in possession of the library. In consideration of having my items exhibited in the library, I hereby release the library's employees, board members, and the City of Moundridge, Kansas, and their officers, employees, agents, representatives and elected officials, from and against any and all lawsuits, claims, liability, damages, losses, costs, expenses and judgments of any nature whatsoever arising either directly or indirectly out of, or in connection with, the display and custody of the items.

Name: \_\_\_\_\_

Permanent address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Dates items will be available for display: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Items for Display

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
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16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

**Approved By:** \_\_\_\_\_

### Display Dates

**Starting:** \_\_\_\_\_ **Ending:** \_\_\_\_\_

**12-1220. Same; election to establish; tax levy, use of proceeds; library fund established; territory of existing library excluded, when.** The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ten percent (10%) of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing body of the included municipality shall give notice in writing that they desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

**History:** L. 1951, ch. 485, § 3; L. 1979, ch. 52, § 40; July 1.

**79-5040. Suspension of tax levy limitations.** In 1999, and in each year thereafter, all existing statutory fund mill levy rate and aggregate levy rate limitations on taxing subdivisions are hereby suspended.

**History:** L. 1999, ch. 154, § 72; May 27.

ATTORNEY GENERAL OPINION NO. 99-27

Duane Johnson  
State Librarian  
Kansas State Library  
Capitol Building, 3rd Floor  
Topeka, Kansas 66612-1593

Re:

Taxation-Limitations on Tax Levies-1999 Senate Bill No. 45; Removal of Fund Levy Limitations; Affect on Taxing Authority of Libraries and Library Systems

Updated 5/20/2019

## Taxation-Aggregate Tax Levy Limitations-Expiration; Affect on Taxing Authority of Libraries and Library Systems.

### Synopsis:

1999 Senate Bill No. 45 does not alter the ability of libraries having direct taxing powers to levy for library purposes, nor does the bill alter the ability of libraries created under K.S.A. 12-1218 et seq. to determine the amount of property taxes to be levied for library purposes, subject to any "limitations fixed by law." While all statutory levy limitations are suspended by Section 72 of the Bill, any other limits properly established by local legislative bodies are not. A library having the power to levy directly, or to require another taxing body to levy on its behalf, is a "taxing subdivision" for purposes of Section 21 of the Bill. Thus, such libraries are required to adopt a resolution prior to approving any appropriation or budget "which provides for funding with [property tax] revenue in an amount exceeding that of the next preceding year" except as otherwise provided in Section 21. Cited herein: K.S.A. 12-1215; 12-1218; 12-1220; 12-1260; 12-16,102; 12-1775; 75-2551; 79-1945; 79-5021; 79-5022; 79-5038; 1999 SB 45, §§ 21-25, 72, 78; 1999 SB 226.

\* \* \*

Dear Mr. Johnson:

You request our opinion regarding 1999 Senate Bill No. 45 and the effect of its provisions on the authority of various libraries and library systems to determine the amount of revenue to be raised through property tax levies for the purpose of maintaining those libraries and the services they provide. You reference two prior Attorney General Opinions, No. 86-36 and 82-193, which concluded that municipalities levying on behalf of libraries created under K.S.A. 12-1218 et seq. have no authority to alter the levy amount determined by the library to be necessary for its operation.(1) You question whether the provisions of 1999 Senate Bill No. 45 alter the conclusion reached in these opinions, thus allowing municipalities to override the library's determination of the amount to be levied by the municipality for library purposes.

Attorney General Opinions No. 86-36 and 82-193 rely on the language of K.S.A. 12-1220 which states:

"If a majority of the votes cast at [an] election [to establish and maintain a library] shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. . ." (Emphasis added.)

This language has not been amended since issuance of the Opinions, nor have any other pertinent provisions of K.S.A. 12-1218 et seq. been since amended.

1999 Senate Bill No. 45 comprises the Tax Reform and Relief Act of 1999. The first ten Sections of the Bill, as well as Sections 73 through 77, contain amendments and additions to the Kansas Retailers' Sales Tax Act, the Kansas Income Tax Act, and various property tax statutes. Sections 11 through 19 create the Kansas Postsecondary Education Savings Program, and Section 20 amends the Kansas Income Tax Act in light of the Program. For purposes of this opinion, the relevant provisions of the Bill are found in New Section 21 through Section 72 and Section 78.

Updated 5/20/2019

Section 21 prohibits any taxing subdivision (other than community colleges and unified school districts) from approving any appropriation or budget "which provides for funding [from property tax] revenue in an amount exceeding that of the next preceding year," with certain stated exceptions, unless the taxing subdivision adopts an ordinance or resolution allowing such an increase. Section 22 specifically authorizes cities to levy taxes for city purposes. Section 23 does the same for counties. Sections 24, 25 and 78 amend and/or repeal the provisions in K.S.A. 79-1945 et seq. to remove the mill levy limitations previously placed on cities, counties and townships by those statutes. Sections 26 through 71 amend numerous other statutes, primarily to remove references to the mill levy limitations of K.S.A. 79-1945 et seq. Section 72 suspends "all existing statutory fund mill levy rate and aggregate levy rate limitations on taxing subdivisions" in 1999 and every year thereafter. Notably absent from the Bill is any amendment to K.S.A. 79-5038, the statute which sunsets the provisions of the current aggregate tax levy limitations found in K.S.A. 79-5021 through 79-5036. Thus, K.S.A. 79-5021 through 79-5036 are set to expire on July 1, 1999.

None of the Bill's provisions appear to affect the authority of libraries operating under K.S.A. 12-1218 et seq. to determine the amount of revenue to be generated by property tax levy for library purposes. However, K.S.A. 12-1220 restricts the library's authority to any "limitations fixed by law." While Section 72 suspends all existing statutory fund mill and aggregate levy rate limitations on taxing subdivisions, it does not attempt to suspend any other limitations having the force and effect of law. Thus, any valid city ordinances or county resolutions, or any charter resolutions adopted pursuant to K.S.A. 79-5036, that limit the levy rates of these libraries are not affected by the Bill. Absent more specific information regarding a particular city ordinance or county resolution, we are unable to determine the validity of such. (We note that Attorney General Opinions No. 86-36 and 82-193 imply that the only limits relevant to libraries are those contained in the statutes. However, it does not appear the issue of whether limits could be legislated by other entities --as opposed to the municipality administratively changing the levy amount in its budgeting process-- was addressed. Of course any such legislation would have to be within the legislating entity's home rule authority to be valid. We do not here determine whether cities or counties have such authority.)

You also inquire whether Section 21 of the Bill encompasses the governing body of any library or library system. As stated previously, Section 21 prohibits any "taxing subdivision" (other than community colleges and unified school districts) from approving any appropriation or budget "which provides for funding with [property tax] revenue in an amount exceeding that of the next preceding year," with certain stated exceptions, unless the taxing subdivision adopts an ordinance or resolution allowing such an increase. The term "taxing subdivision" is not defined for purposes of this provision. K.S.A. 79-5021 defines the term for purposes of the aggregate tax levy limitation established by K.S.A. 79-5022 (set to expire July 1, 1999) as "every taxing district in the state of Kansas other than the state." Attorney General Opinion No. 87-167 analyzed this definition in terms of libraries as follows:

"Kansas statutes do not define the term "taxing district" though case law in other jurisdictions indicates that any entity which can mandatorily require another entity to make a levy to benefit the people and property within its territory is a taxing district. See *Ebert v. Board of Education of School Dist. of City of Newport*, 126 S.W.2d 1111, 1113 (Ky.1939); *Lee v. Board of Education of Bell County*, 87 S.W.2d 961, 962, 963 (Ky.1935); *Archer v. City of Indianapolis*, 122 N.E.2d 607, 610 (Ind.1954). We therefore conclude that a public library which can mandatorily require a city, county or township to levy a tax for library purposes is a taxing district and thus a taxing subdivision for purposes of K.S.A.1986 Supp. 79-5022. (In support of this conclusion is the fact that the definition of the term "taxing subdivision" in



K.S.A. 1986 Supp. 79-5021 is much broader than the definition given that term in prior tax lid statutes. See L.1970, ch. 402, § 1; K.S.A. 79-5001.)"

Other Kansas statutes define the term "taxing subdivision" differently than K.S.A. 79-5021. K.S.A. 12-16,102 defines it as "any city, county, township, community college district or other political subdivision of the state of Kansas having authority to levy taxes on taxable tangible property. . . ." (Emphasis added.) K.S.A. 1998 Supp. 12-1775 similarly includes only those entities that levy property taxes.(2) Libraries created pursuant to K.S.A. 12-1215 et seq., 12-1260 et seq. and 75-2551 et seq. have authority to levy taxes; those created under K.S.A. 12-1218 do not have authority to levy property taxes directly, but instead rely on other municipalities to do so on their behalf.

Without the benefit of a definition, we must attempt to determine legislative intent. Well-established statutory construction rules dictate that legislative intent may be determined from the choice of language adopted, circumstances surrounding enactment of legislation, and the goal to be achieved by passage of the legislation.(3) Section 21 was originally introduced as Section 1 of 1999 Senate Bill No. 226. There is nothing in the various versions of SB 226 or in the supplemental notes on the Bill to indicate the term "taxing subdivision" was meant in its narrower sense of only those entities with levying authority. Because this Bill was intended as the replacement for the expiring provisions of K.S.A. 79-5021 et seq., and because the term was not otherwise defined, we believe the Legislature intended the term "taxing subdivision" to have the meaning ascribed to the term in K.S.A. 79-5021. Thus, libraries should be considered taxing subdivisions for purposes of Section 21 of 1999 Senate Bill No. 45 and are generally required to adopt a resolution before approving any appropriation or budget to be funded by property taxes in excess of the amount levied in the preceding year for that purpose.

In conclusion, 1999 Senate Bill No. 45 does not alter the ability of libraries created under K.S.A. 12-1218 et seq. to determine the amount of property taxes to be levied for library purposes, subject to any "limitations fixed by law," nor does it alter the authority of certain libraries to levy on their own behalf. While all statutory limitations are suspended by Section 72 of the Bill, any other limits properly established by local legislative bodies are not. Libraries having the power to levy directly or to require another taxing body to levy on its behalf is a "taxing subdivision" for purposes of Section 21 of the Bill, requiring adoption of a resolution prior to approving any appropriation or budget "which provides for funding with [property tax] revenue in an amount exceeding that of the next preceding year," with certain stated exceptions.

Very truly yours,

CARLA J. STOVALL  
Attorney General of Kansas

Julene L. Miller  
Deputy Attorney General  
CJS:JLM:jm