



ADMINISTRATIVE REGULATIONS

TAB: Governance DOCUMENT NUMBER: ARM 10-10-10

SECTION: Structure and Governance

SUBJECT: GOVERNANCE OF THE JOHNSON COUNTY LIBRARY

SUMMARY

This document summarizes the manner in which the Johnson County Library is governed. It also describes the statutes and legal principles that establish the relationship between the Board of Directors of the Johnson County Library and the Board of County Commissioners of Johnson County, Kansas.

Effective date:

September 21, 2005

Reaffirmed:

October 22, 2020

GOVERNANCE OF THE JOHNSON COUNTY LIBRARY; THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY LIBRARY AND THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS

The Johnson County Library is a county library system established and maintained pursuant to K.S.A. 12-1218 through 12-1230, as amended.

Until January 1, 1985, the Johnson County Library was governed in the same manner as other county library systems. In 1983, the Board of Directors of the Johnson County Library and the Board of County Commissioners of Johnson County, Kansas, negotiated new legislation for governance of the Johnson County Library. The Library Board and the County Commissioners agreed on the meaning and effect of the proposed legislation in correspondence written by respective counsel dated January 10, 1984, and January 18, 1984. That correspondence, a copy of which is attached to this regulation, was reviewed and approved by the two bodies. As a result of the agreement reached between the Library Board and the Commission, the Kansas legislature adopted the new legislation in the 1984 session and established a January 1, 1985 effective date.

THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY LIBRARY IS A QUASI-PUBLIC ENTITY THAT IS THE GOVERNING BODY OF THE JOHNSON COUNTY LIBRARY

Pursuant to K.S.A. 12-1223, the Board of Directors of the Johnson County Library constitutes "a body corporate and politic possessing the usual powers of a corporation for public purposes." The Library Board may contract, acquire, hold and convey real

and personal property in accordance with the law. The acquisition or disposition of real property is subject to the approval of the Board of County Commissioners of Johnson County, Kansas.

THE BOARD OF COUNTY COMMISSIONERS IS RESPONSIBLE FOR APPOINTMENT OF THE MEMBERS OF THE LIBRARY BOARD

Pursuant to K.S.A. 12-1222, the Board of County Commissioners is responsible for appointment of the seven members of the Library Board, in accordance with statute.

POWERS AND DUTIES OF LIBRARY BOARD

Pursuant to K.S.A. 12-1225 and 12-1225a, 1225b, and 1225c, the Library Board has certain powers and duties that include, but are not necessarily limited to, the power to make and adopt rules and regulations for the administration of the library; to acquire by purchase, gift or exchange, books, magazines, papers, and other library materials; to employ the county librarian; and to accept gifts or donations to the library and administer the same in its sole discretion.

CERTAIN ACTIONS OF THE LIBRARY BOARD ARE SUBJECT TO POLICIES AND PROCEDURES ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

Pursuant to K.S.A. 12-1225b(b), any action taken by the Library Board or the County Librarian is subject to certain policies and procedures established by the Board of County Commissioners: personnel policies and procedures; any pay plan and benefits for county employees; purchasing policies and procedures, except with respect to the acquisition of books or other library materials; budget policies and procedures; financial policies and procedures, except with respect to gifts and non-governmental grants, which are received and administered at the Library Board's sole discretion; audit policies and procedures; and insurance and loss control policies and procedures. So long as the actions taken by the Library Board or the County Librarian are in accordance with those policies and procedures, any liability for those actions will be the responsibility of the Board of County Commissioners.

THE BOARD OF COUNTY COMMISSIONERS HAS THE AUTHORITY TO ADOPT A CHARTER RESOLUTION EXEMPTING THE JOHNSON COUNTY LIBRARY FROM TAX LEVY LIMITATIONS

On February 6, 1981, the attorney general of the state of Kansas issued Opinion No. 81-34, in which he found that the Board of County Commissioners has the authority to adopt a charter resolution exempting Johnson County from the statutory limitation on the tax levy for establishment and maintenance of a library. A copy of that opinion is attached to this regulation as an exhibit. The Board of County Commissioners exercised this authority in Charter Resolution 017-84, adopted on May 3, 1984.

THE JOHNSON COUNTY LIBRARY IS A TAXING SUBDIVISION OF THE STATE OF KANSAS; THE LIBRARY BOARD HAS THE AUTHORITY TO EXEMPT

On January 23, 1990, the attorney general of the state of Kansas issued Opinion No. 90-11, in which he concluded that the Johnson County Library was a taxing subdivision of the state of Kansas, that the

THE LIBRARY FROM THE TAX LID
LAW

Board of Directors of the Johnson County Library was the governing body of the library and, as the governing body, had the authority to elect to exempt the library from the tax lid law (K.S.A. 79-502, et seq.) pursuant to K.S.A. 79-5036(c). A copy of this opinion is attached to this regulation as an exhibit.

MAINTENANCE OF THE LIBRARY
FUND AS A SEPARATE FUND

On April 6, 1992, the attorney general of the state of Kansas issued Opinion No. 92-47, in which, among other things, he concluded that the Johnson County Library fund must be maintained by the county treasurer as a fund separate from county funds. He concluded that the Board of County Commissioners was prohibited from diverting funds raised pursuant to a library tax levy to the county general fund. A copy of this opinion is attached to this regulation as an exhibit.

THE LIBRARY BOARD'S POWERS ARE
NOT SUBJECT TO COUNTY HOME
RULE POWERS

Pursuant to K.S.A. 19-101a, the Board of County Commissioners may not exempt from or effect changes in the following statutes affecting Johnson County Library governance: K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c, and 12-1226 and amendments thereto, or the provisions of K.S.A. 1995 Supp. 12-1260 to 12-1270, inclusive, and 12-1276. The statutes providing for the governance of the Johnson County Library were in no way modified or affected by the Johnson County Charter adopted by the voters of Johnson County in 2002: K.S.A. 19-101a.

October 22, 2020

ARM 10-10-10 End