

## **TRUSTEE PACKET**

Materials and draft versions of reports and documents the board reviews during open meetings. See the Approved Minutes posted online after each meeting for a record of board decisions.



**Christian County Library's Board of Trustees - Open Session**  
Tuesday, October 22, 2024 at 6:00 p.m. (Doors open at 5:30 p.m.)  
Nixa Community Branch, Large Meeting Room

**Consent Agenda**

1. Minutes
  - A. Minutes of the Tuesday, September 24, 2024 Special Meeting - Open Session
  - B. Minutes of the Tuesday, September 24, 2024 Open Meeting
2. Financial Reports
  - A. Adjustments to Anticipated Bills for September 2024
  - B. Estimated Bills for October 2024
  - C. Balance Sheet
  - D. Monthly Report
  - E. YTD Budget Update
3. Report of the Executive Director

**Administrative Highlights**

- Patron Insights Update

**Public Comments**

**Old Business**

- Bylaws Revision - Second Reading
  - Article II: Elections & Appointments, Section I.
  - Article II: Elections & Appointments, Section VII.
- Catalog Tags Update
- Resource Sharing Software Update
- Review of Legal Counsel

**New Business**

- December Board Meeting Schedule
- Opening Meetings with the Pledge of Allegiance
- Providing Copies of all Harry Styron's Opinions to Public Record & Board Packets
- Formal Request for Updated Organization Chart and Job Descriptions
- 2025 Preliminary Budget
- 2025 Interim Director and Understudy Appointments
- Lawsuit

**Adjournment**

Revised: 10/18/2024

## Tuesday, September 24, 2024: Special Meeting - Open Session

**Trustees in Attendance:** Echo Alexzander, Diana Brazeale (arrived at 4:02 p.m.), John Garrity, Janis Hagen, and Allyson Tuckness.

**Trustee(s) Absent:** None.

Christian County Library's Board of Trustees met for a special open session on Tuesday, September 24, 2024 in the Large Meeting Room of the Nixa Community Branch. 47 members of the community were present.

Allyson Tuckness presided.

**Start Time:** 4:00 p.m.

### **Agenda Items**

Affirmation or Retraction of August 27 Officer Election

Janis Hagen moved to retract the August 27th officer election results because it was held in violation of sunshine law and the board's bylaws. Allyson Tuckness seconded. 1 Trustee was in favor and 3 abstained. Roll Call: Trustee Alexzander: Abstain; Trustee Brazeale: Abstain; Trustee Garrity: Abstain; and Trustee Hagen: Aye.

Election of Vacant Officer Positions

No action taken.

Missouri Attorney General Inquiry Regarding August 27th Officer Elections

Janis Hagen moved to submit an inquiry to the Missouri Attorney General with regards to the legality of the August 27th officer elections. The motion was not seconded. No additional action was taken.

### **Adjournment**

The meeting was adjourned by the Chair at 4:06 p.m.

## Tuesday, September 24, 2024: Open Session

**Trustees in Attendance:** Echo Alexzander, Diana Brazeale, John Garrity, Janis Hagen, and Allyson Tuckness.

**Trustee(s) Absent:** None.

Christian County Library's Board of Trustees met for a regular monthly session on Tuesday, September 24, 2024 in the Large Meeting Room of the Nixa Community Branch. 104 members of the community were present.

Allyson Tuckness presided, and voted when needed to reach a majority.

**Start Time:** 6:00 p.m.

### Consent Agenda

Trustee Tuckness asked to pull the minutes from the August 27th, 2024 meeting from the consent agenda.

Janis Hagen moved to approve all remaining items in the consent agenda. Allyson Tuckness seconded. 3 Trustees were in favor and 2 opposed. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Nay; Trustee Garrity: Nay; Trustee Hagen: Aye; and Trustee Tuckness: Aye.

John Garrity moved to accept the minutes from the August 27th, 2024 meeting. Echo Alexzander seconded. 3 Trustees were in favor and 1 opposed. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Aye; Trustee Garrity: Aye; and Trustee Hagen: Nay.

Trustee Hagen wanted to note for the record that she agrees the minutes are factually accurate, but objects to the legality of the officer election, and questions the validity of any action taken during the remainder of the meeting based on that vote. Trustee Tuckness noted her concern about using the election outcome recorded in the approved minutes for any library business until the legality of the election is decided.

### Administrative Highlights

Director's Creativity Showcase

Nixa Community Branch Manager Brandon Jason celebrated the success of CCL's fourth year of partnering with CC Links and the Missouri Mental Health Foundation to display the 2024 Director's Creativity Showcase winners in a statewide traveling art exhibit.

### Public Comments

This month speakers included: Jennifer Acker, Haylee Anderson, Kevin Bright, Wanetta Bright, Carissa Corson, Cindy Dickens, Christopher Geier, Mary Hernandez de Carl, Beth Hultz, Aileena Keen, Emma Yancy, and Tamara Yancy.

### Old Business

RFP (Request for Proposal) Process for Library Software

As requested in the July regular meeting, Executive Director Brumett presented recommendations for a feasible request for proposal (RFP) process timeline if Trustees were to want to explore different library software options. She is currently researching alternatives to MOBIUS and will report options to Trustees in coming months.

Labeling Library Materials

Executive Director Brumett provided Trustees with an overview of how the library currently uses a variety of spine labels as finding aids and explained how labeling books by subject heading would be different. Then, as directed in the August regular meeting, she gave Trustees a list of LGBTQ related Library of Congress subject headings, a selection of possible spine labels available from library vendors, and an estimate of how many children's and young adult materials in CCL's collection would be labeled if all categories identified were used.

Also as requested, she reported how many books already challenged through requests for reconsideration had LGBTQ subject headings.

Trustee Brazeale requested that Director Brumett try to find a list of item tags used in Coolcat and report back.

## **New Business**

### **Bylaws Revision**

- Article II: Elections & Appointments, Section I.  
Diana Brazeale moved to amend as follows:

*Officers of Christian County Library's Board of Trustees shall be elected at least once a year at the July meeting, but may be elected at any open regular or special meeting. Such officers shall be: President, Vice-President, Secretary, and Treasurer.*

John Garrity seconded. 3 Trustees were in favor and 1 opposed. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Aye; Trustee Garrity: Aye; and Trustee Hagen: Nay (with a noted objection that allowing elections at any time of the year rather than only when vacancies occur could cause organizational instability).

- Article II: Elections & Appointments, Section VI.  
No action taken.
- Article II: Elections & Appointments, Section VII.  
John Garrity moved to amend as follows:

*Christian County Library's Board of Trustees shall follow the Christian County Commission process for appointment and re-appointment of members to the Library Board in accordance with Missouri state statute Title XI § 182.050. Qualified citizens interested in serving should review the Christian County Commission website or contact their office for details.*

Diana Brazeale seconded. All Trustees present were in favor. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Aye; Trustee Garrity: Aye; and Trustee Hagen: Aye.

- Article II: Elections & Appointments, Section IX.  
No action taken.

### **2025 Important Dates**

Janis Hagen moved to approve the 2025 holidays as presented. John Garrity seconded. All Trustees present were in favor. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Aye; Trustee Garrity: Aye; and Trustee Hagen: Aye.

Echo Alexzander moved to approve the 2025 regular meeting dates table with the caveat that any "key agenda item" reminders are moved to correspond with any future changes to the bylaws. Diana Brazeale seconded. All Trustees present were in favor. The motion passed. Roll Call: Trustee Alexzander: Aye; Trustee Brazeale: Aye; Trustee Garrity: Aye; and Trustee Hagen: Aye.

Review of CCL Counsel  
No action taken.

## **Adjournment**

The meeting was adjourned by the Chair at 7:36 p.m.

**Christian County Library Adjustment Report for Sep 2024 (Unaudited)**

	Anticipated	Actual	Adjustment
ADT LLC	648.47	340.56	(307.91)
Baker & Taylor-Books	2,903.19	3,771.17	867.98
BambooHR	1,115.88	1,159.06	43.18
Casey's General Store	362.58	161.35	(201.23)
Center Point Large Print	288.84	354.15	65.31
Credit Card	6,181.92	3,110.81	(3,071.11)
GFL Environmental (formerly WCA)	242.17	483.78	241.61
Lawrence Public Library	7.79	-	(7.79)
Midwest Tape	786.73	831.71	44.98
Mitchem Tire & Wheel	162.70	204.46	41.76
Personnel	157,753.70	157,555.64	(198.06)
Quadient Finance USA, Inc	1,068.38	1,699.38	631.00
Square, Inc.	31.24	58.64	27.40
Sticker Mule	-	56.00	56.00
UniFirst Corporation	1,675.97	1,747.35	71.38
Unique Management Services	198.05	151.45	(46.60)
			-

Original Anticipated Bills 219,558.06  
 Adjustment (1,742.10)

Reimbursements 0.00  
**Total September 2024 CCL Bills** 217,815.96

**CDs**  
 CD#: 37840052 matures August 28, 2025 (int rate .9%) 250,000.00  
 CD#: 197708399 matures September 16, 2025 (int rate .75%) 256,075.41  
**CD Total** 506,075.41

**Ozark Bank Checking** 1,324,363.91  
**Southern Bank Checking (SONDHI)** 143,130.48

**Undeposited Funds**  
 Cash Drawer (\$40 @ Clever, \$40 @ Nixa, \$80 @ Ozark, \$40 @ Sparta) 170.00  
 Printer Change Bag (Clever - \$40; Nixa - \$40; Ozark - \$80, Sparta - \$57) 237.00  
 Petty Cash (Nixa - \$120; Ozark - \$50) 170.00

<b>Bond Funds</b>	
CCL Cop 2020 REV	0.00
CCL Cop 2020 PROJ	553,090.23
CCL Cop 2020 COI	0.00
CCL Cop 18 Prj	29.23
CCL Cop 18 Lrf	0.00
CCL Cop 18 Rf	110,065.15
<b>Total Library Funds as of September 30, 2024</b>	
	<u><u>2,637,331.41</u></u>

<b>Foundation Funds</b>	
CCLF Checking	20,053.43
Community Foundation of the Ozarks - CCLF Fund Finley (as of 1st Qtr 2024)	9,123.69
Community Foundation of the Ozarks - CCLF Fund - Nixa (as of 1st Qtr 2024)	1,104.28
Edward Jones Insured Bank Deposit	5.66
Edward Jones CDs	25,000.00
Edward Jones Mutual Funds	40,098.17
	0.00
<b>Total Foundation Funds</b>	
	<u><u>95,385.23</u></u>

**\*Total Current CCLF and CCL Assets** 2,732,716.64

**Christian County Library**  
**Anticipated Bills**  
 October 2024

	<u>Oct 24</u>	
Ace Hardware	11.97	
Admiral Express	175.96	
ADT LLC - Clever	648.47	
Amazon Capital Services, Inc.	3,273.54	
Baker & Taylor-Books	3,898.75	
BambooHR	1,159.06	
Blackstone Publishing	925.89	
Casey's General Store	383.54	
Cengage Learning	718.49	
Central Bank	37,422.92	Interest 2022 Debt
Chilton's Environmental Services LLC	258.00	
Chuck Mercer	120.00	
City of Clever	26.13	
City of Nixa	440.00	
City of Sparta	53.40	
Concur Technologies, Inc.	345.72	
Creative Product Source Inc.	157.52	
Credit Card	6,862.92	
Debra Tucker - Yoga instructor	300.00	
DPC Cleaning, LLC (Steam Pro)	874.12	
GFI Digital	1,195.20	
GFL Environmental (formerly WCA)	483.78	
Hoopla by Midwest Tape	6,500.17	
Jefferson County Library	12.99	
Lakeland Office Systems	426.45	
Liberty Utilities	4,535.01	
Librarica LLC	1,582.50	
Lowe's	28.48	
Mercy Specialized Billing Services	87.00	
Midwest Tape	370.36	
Nixa Utilities	2,692.63	
Ozark Water Department	54.14	
Quality Clean, LLC	2,650.00	
Republic Services	190.49	
Shaun Munday	450.00	
Socket	639.56	
Spire (formerly Missouri Gas Energy)	335.44	
Springfield Roofing Systems	4,200.00	
Square, Inc.	58.64	
Staples Advantage Business Credit	161.48	
Swank Movie Licensing USA	2,180.00	
SWMO Services	2,680.00	
The Hartford	150.00	
UniFirst Corporation	1,116.02	
Unique Management Services	151.45	
USA Today	34.00	
Verizon Wireless	2,049.75	
Personnel	158,519.61	
<b>TOTAL</b>	<u><u>251,591.55</u></u>	

**Christian County Library**  
**Balance Sheet - Unaudited**  
As of September 30, 2024

Cash Basis

	Sep 30, 24
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Southern Bank Checking (SONDHI)	143,130.48
CCLFoundation -Do not Reconcile	
CCLFoundation Edward Jones	
CCLFoundation Insured Bank Dep	5.66
CCLFoundation CDs	25,000.00
CCLFoundation Mutual Funds	40,098.17
<b>Total CCLFoundation Edward Jones</b>	65,103.83
CCLFoundation Checking Account	20,053.43
Community Foundation of the Oza	
CCLFoundation Fund - Finley	9,123.69
CCLFoundation Fund - Nixa	1,104.28
<b>Total Community Foundation of the Oza</b>	10,227.97
<b>Total CCLFoundation -Do not Reconcile</b>	95,385.23
CD's	506,075.41
Ozark Bank Checking	1,324,363.91
<b>Total Checking/Savings</b>	2,068,955.03
<b>Other Current Assets</b>	
Cash on hand	170.00
Petty Cash	170.00
Printer Change Bag	237.00
<b>Total Other Current Assets</b>	577.00
<b>Total Current Assets</b>	2,069,532.03
<b>Other Assets</b>	
CCL Cop 2020 PROJ	553,090.23
CCL Cop 18 Prj	29.23
CCL Cop 18 Rf	110,065.15
<b>Total Other Assets</b>	663,184.61
<b>TOTAL ASSETS</b>	2,732,716.64
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	23,025.00
Credit Cards	3,166.81
<b>Other Current Liabilities</b>	
Payroll Liabilities	-15,844.43
<b>Total Other Current Liabilities</b>	-15,844.43
<b>Total Current Liabilities</b>	10,347.38
<b>Total Liabilities</b>	10,347.38
<b>Equity</b>	2,722,369.26
<b>TOTAL LIABILITIES &amp; EQUITY</b>	2,732,716.64



**Christian County Library**  
**Profit & Loss - Unaudited**  
September 2024

Cash Basis

	Sep 24
Ordinary Income/Expense	
Income	
Tax Rev	
County Taxes	14,862.34
Total Tax Rev	14,862.34
Copier/Fines/Fees	3,992.35
Foundation Funds	1,014.17
Interest Income	589.55
Total Income	20,458.41
Gross Profit	20,458.41
Expense	
Collection	
Technology (Hotspots)	3,281.02
Audio/Visual	
Youth AV	364.34
Adult AV	748.99
Total Audio/Visual	1,113.33
Books	
Youth Services	2,765.96
Electronic Coll. (Hoopla & OD)	7,325.46
Adult Books	6,283.02
Total Books	16,374.44
Databases	2,874.00
Periodicals & Zinio	188.55
Total Collection	23,831.34
Foundation Expense	368.20
Operating Expense	
Bank Service Charges	58.64
Training	434.00
IT Discretionary Budget	
Software/Licensing	
Staff Computer Software	3,175.75
Total Software/Licensing	3,175.75
Total IT Discretionary Budget	3,175.75
Building & Grounds	6,029.03
Professional Services	1,163.31
Lease Expenses and Bond Payment	4,520.64
Marketing	575.07
Memberships	641.19
Postage	1,710.88
Programming	
Adult Programs	1,185.00
Youth Services Programs	29.88
Total Programming	1,214.88
Programming Supplies	
Adult Programming Supplies	21.56
Youth Programming Supplies	513.22
Total Programming Supplies	534.78
Staff & Board- Travel	846.20

**Christian County Library**  
**Profit & Loss - Unaudited**  
September 2024

Cash Basis

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	<u>Sep 24</u>
Supplies	1,791.09
Telephone/Fax/Modem	1,369.14
Utilities	11,027.43
Vehicles	365.81
<b>Total Operating Expense</b>	<u>35,457.84</u>
Personnel	158,158.58
<b>Total Expense</b>	<u>217,815.96</u>
<b>Net Ordinary Income</b>	<u>-197,357.55</u>
<b>Net Income</b>	<u><u>-197,357.55</u></u>

	Budget	Actual	Difference
<b>3rd Quarter Budget vs. Actual</b>			
<b>INCOME</b>			
Carryover/Bond Funds	\$314,187	\$8,954	\$305,233
Tax Revenue	\$2,530,852	\$2,847,828	-\$316,976
Income from Fines & Copier	\$19,500	\$36,108	-\$16,608
State Aid from State Library	\$48,750	\$31,673	\$17,077
Grants/Donations/Reimbursements	\$60,000	\$28,593	\$31,407
Interest Income	\$9,000	\$21,024	-\$12,024
<b>Total</b>	<b>\$2,982,289</b>	<b>\$2,974,180</b>	<b>\$8,109</b>

<b>EXPENDITURES</b>			
Capital	\$0	\$0	\$0
Personnel	\$1,695,964	\$1,600,013	\$95,951
Collection	\$259,125	\$253,178	\$5,947
Operating	\$1,027,200	\$1,120,989	-\$93,789
<b>Total</b>	<b>\$2,982,289</b>	<b>\$2,974,180</b>	<b>\$8,109</b>

<b>EXPENDITURES BREAKDOWN</b>			
<b>Capital Expenses</b>			
Major Buildings and Grounds	\$0	\$0	\$0
Major Furniture and Equipment	\$0	\$0	\$0
Major Vehicle	\$0	\$0	\$0
<b>Total Capital Expenses:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Personnel</b>			
Salaries	\$1,267,500	\$1,214,023	\$53,477
FICA 0.0765	\$96,964	\$91,698	\$5,265
MOLAGERS 0.139	\$121,500	\$106,441	\$15,059
Health Insurance	\$162,750	\$174,804	-\$12,054
Unemployment Reserve	\$3,750	\$0	\$3,750
Payroll Expenses	\$26,250	\$3,621	\$22,629
Staff Support	\$1,875	\$1,848	\$27
Recruiting	\$375	\$974	-\$599
Workers' Compensation	\$15,000	\$6,604	\$8,396
<b>Total Personnel:</b>	<b>\$1,695,964</b>	<b>\$1,600,013</b>	<b>\$95,951</b>

<b>Collection</b>			
Books--Adult	\$38,250	\$37,783	\$467
Books--Youth	\$24,000	\$20,495	\$3,505
Electronic Collections	\$71,250	\$79,272	-\$8,022
Technology (Hotspots)	\$21,000	\$17,109	\$3,891
Periodicals	\$4,500	\$4,462	\$38
AV--Adult	\$13,500	\$7,711	\$5,789
AV--Youth	\$5,625	\$5,077	\$548
Library of Things	\$750	\$1,964	-\$1,214
Consortia	\$35,250	\$46,701	-\$11,451
Databases	\$45,000	\$32,604	\$12,396
<b>Total Collection Expenses:</b>	<b>\$259,125</b>	<b>\$253,178</b>	<b>\$5,947</b>

<b>Operating Expenses</b>			
Bond Fees	\$1,500	\$2,000	-\$500
Buildings and Grounds	\$66,000	\$65,521	\$479
Development	\$375	\$0	\$375
Furniture and Equipment	\$3,375	\$3,028	\$347
Information Technology	\$104,250	\$72,638	\$31,612
Insurance--Library	\$34,500	\$0	\$34,500
Lease Expenses and Bond Payments	\$626,250	\$793,457	-\$167,207
Marketing	\$16,125	\$9,457	\$6,668
Memberships	\$3,375	\$4,840	-\$1,465
Outreach	\$675	\$837	-\$162
Postage	\$4,125	\$6,222	-\$2,097
Professional Services	\$14,250	\$21,070	-\$6,820
Programming	\$16,650	\$11,284	\$5,366
Programming Supplies	\$8,250	\$15,428	-\$7,178
Staff and Board Travel	\$21,375	\$14,184	\$7,191
Supplies	\$19,875	\$17,801	\$2,074
Tel/Fax/Modem	\$6,750	\$9,463	-\$2,713
Training	\$8,250	\$6,569	\$1,681
Utilities	\$63,750	\$59,659	\$4,091
Vehicles	\$7,500	\$7,529	-\$29
<b>Total General Fund: Operating Expenses:</b>	<b>\$1,027,200</b>	<b>\$1,120,989</b>	<b>-\$93,789</b>

## Report of the Executive Director October 2024

### Administration

- We received unexpected and unfortunate news that our event calendar, event registration, and meeting room booking software from Plymouth Rocket will be discontinued at the end of October. The software did not survive a server migration and the company made the decision to not rebuild or continue support for these pieces of software. Fortunately we had already been looking at alternatives to this company because we need a more robust and efficient system so we have a replacement option that looks promising. Director of Youth Services Dana Roberts, Director of Communications and Community Engagement Nicholas Holladay, and branch managers will be working to put a temporary solution in place through the end of the year while we finalize plans for a new piece of software. Plymouth Rocket is working on refunds for customers.

### Collection & Services

- We are about to launch mobile printing fully for the public in November. We have been working on setup and documentation for the last year and ran into some complications. Staff from the IT department have done a lot of working to get us ready to launch. For the last few months we have had the service live while staff train on it and use it with a few patrons. We are excited to promote it and I appreciate the efforts by the IT and Communications department, along with staff who have been testing and providing feedback. The Foundation funded part of the initial costs to launch this service.
- The addition of three telescopes to our Library of Things has been popular so far. The telescopes were checked out right after our announcement and there are already 20 holds on them! We will be watching to see how well they circulate through the winter and determine whether we need funding for more of them. Two of these were funded by the Foundation and the third donated by the Springfield Astronomical Society, a long term partner in our library's astronomy skygazing programs.

### Community Engagement

- We are excited to launch a store for library merchandise. This idea of Nicholas Holladay's will allow members of the community to purchase library-branded t-shirts and sweatshirts online. The vendor producing the shirts does this at no cost to the library and the setup was fairly simple and streamlined. We are excited to announce this next month and share the love of libraries.
- The library had a booth at the reintroduced Showcase Ozark Community Expo, through the Ozark Chamber of Commerce. We saw hundreds of people throughout the day and shared library resources, services, and promoted the Dolly Parton Imagination Library. We even signed up a few people for library cards.
- Ozark Branch Manager Nick Hyten coordinated a meeting with the Christian County Health Department as he wraps up initial introductions to organizations in the Ozark area as a new branch manager. I met with him and the new director of the health department and it was great to learn about all of their resources and services. We discussed several

ideas for collaboration in community outreach and Nick has already made plans for some education sessions for library events at the Ozark branch.

### **Library Foundation**

- The Foundation held their most recent charity poker tournament fundraiser last month. Thanks to a couple of great sponsors they were able to raise \$3,427.09 after expenses. We appreciate the work they do to raise funds to support the library.

### **Outreach**

- We said farewell to Outreach Manager Scott Villarreal last month and appreciate his many years of service to the library. With his departure, we are reevaluating the structure and staffing of the Outreach department. We have created a new position of full-time Outreach Coordinator, which was filled by current Outreach Specialist Sam Loftis. Sam will continue coordinating the work of the Outreach Department while Nicholas Holladay provides supervision of all Outreach staff. I appreciate Nicholas's willingness to take on extra duties while we determine the long-term structure needed.

### **Professional Development**

- I and several staff attended this year's Missouri Library Association conference in Kansas City. We had a great conference, attending sessions on all aspects of library service. I attended sessions on library and park partnerships, succession planning, and leadership. Sparta Branch Manager Whit Gillenwaters presented during a pre-conference session on local history and genealogy and Nicholas Holladay presented about our creation of the parent resources webpage and materials. The event culminated in the awards night where we were able to accept our award for the gravestone cleaning program.
- All of the administrative staff met together for a full day retreat last month. This is something I have wanted to do for a while and was glad we were able to make it happen with everyone present. We completed some activities to promote teamwork, had discussions on budget and strategic planning, and discussed ideas for employee satisfaction and morale. I appreciate all of them taking the time to participate and fully engage in the day. I left reminded of what a great group of managers and leaders we have at the library and what an impact they make on the community every day.

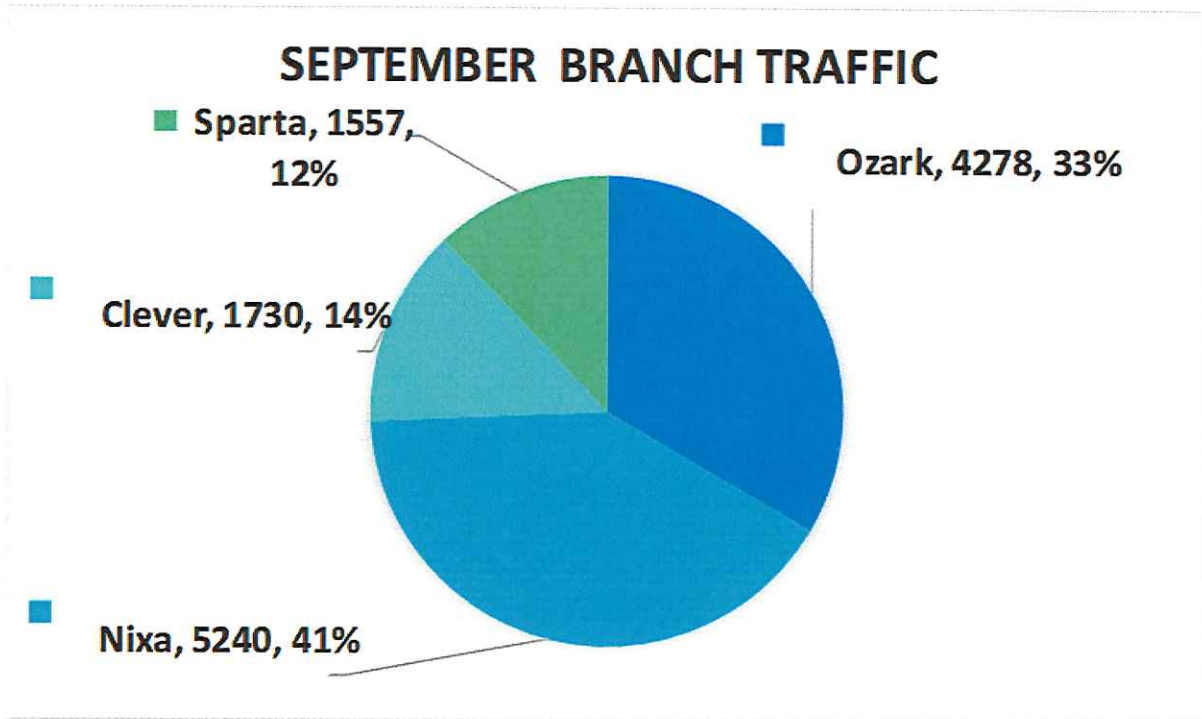
### **Programs**

- Constitution Day (Saturday, September 21) with the Daughters of the American Revolution at the Nixa Branch went well, with a display about the United States Constitution, costumed representatives from the DAR, and a total of 51 people participating.
- Two events in our Outdoor Concert Series were held last month – The Burgess Sisters at the Clever branch saw a crowd of 25 and Uke 66 drew 15 attendees to the Sparta branch.

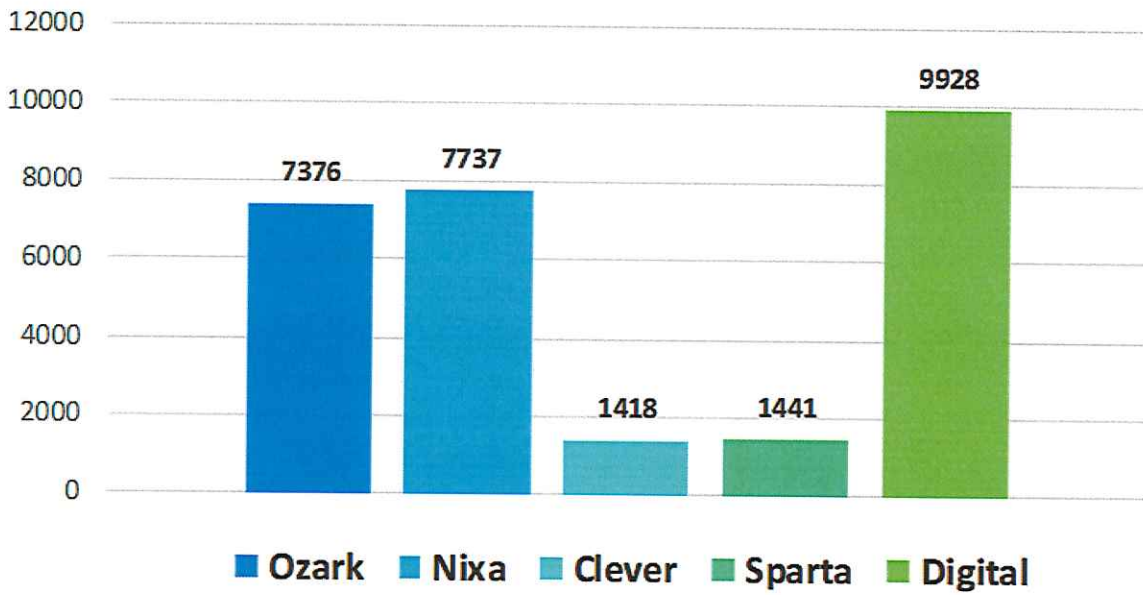
### Patron Praise

- Sparta Youth Programming Specialist Miranda Grimes shared this cute interaction with us: "A boy, around 8 years old, came in today and talked to me while his siblings were picking out books. At one point, he said 'You guys have a good company. I really like the library. And it's cool that you can send books anywhere to any of your libraries, because we live far away. Thanks for that.'"
- Another patron's compliment regarding our gravestone cleaning program was given to Whit Gillenwaters: "We really appreciate you teaching us the proper way of cleaning Headstones, sharing items to use and giving us the opportunity to help. Look forward to many more sessions... May your days be smooth and again THANK YOU, for what [you're] doing."

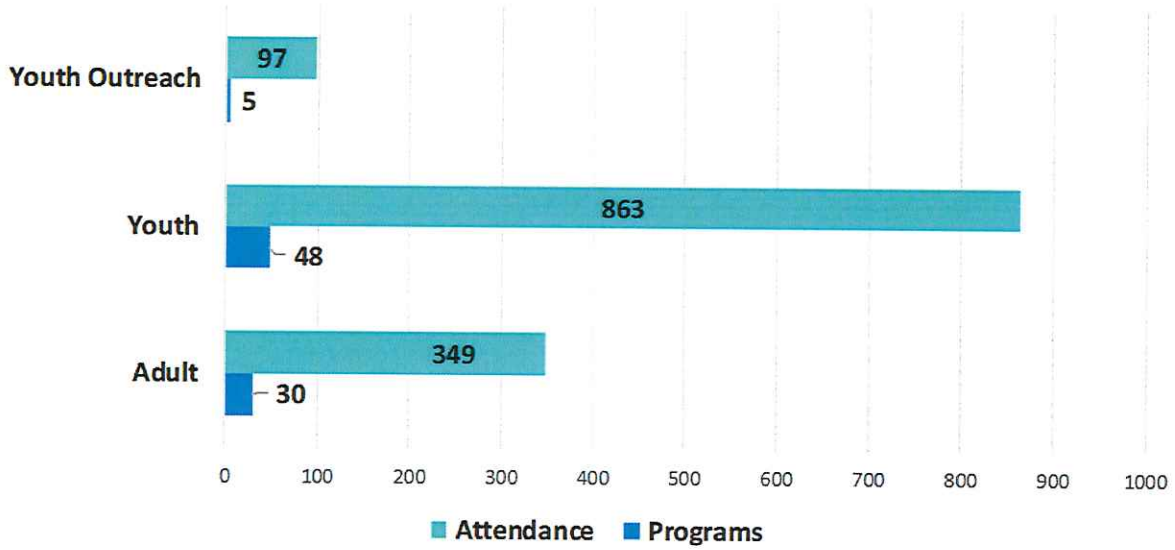
### September Statistics



### September Circulation by Location



### September Programs/Attendance



## Development Report - October 2024

### Major Gifts & Restricted Donations

- Zoe Hines - \$500

### Bequests & Memorials

None presented.

### Grants Awarded

None presented.





### Household Market Penetration

Measures the percentage of active households in the service area (an active household contains at least one active cardholder). The larger the percentage, the broader the library's reach in the community.

<b>10,357</b>	÷	<b>34,242</b>	=	<b>30%*</b>
The total number of active <u>households</u> in the service area (active household = having at least one active cardholder)		The number of households in the service area, according to US Census Bureau Projections for the year		The percentage of households in the service area that have at least one active library card

\*Represents a growth of 222 additional active households from the previous quarter

\*Q 2 2023 = 29%, Q2 2022 = 26%, Q 2 2021 = 23%, Q 2 2020 = 26%, Q 2 2019 = 26%

### New Cardholder Retention

Measures the success rate of keeping new cardholders active (used their card in the last 12 months). Included in this calculation are those who signed up between 12 and 24 months prior to the end of the quarter.

<b>2,134</b>	÷	<b>3,822</b>	=	<b>56%*</b>
The number of new cardholders who signed up between 12 and 24 months prior to the end of the quarter and are still active		The number of new cardholders who signed up between 12 and 24 months prior to the end of the quarter		The percentage of new cardholders who signed up between 12 and 24 months prior to the end of the quarter who are still active

\*Represents a 1% growth of retained signups from the previous quarter

\*Q 2 2023 = 54%, Q 2 2022 = 53%, Qr 2 2021 = 38%, Q 2 2020 = 46%, Qr 2 2019 = 50%

### Customer Gain/Loss Index

Indicates the rate at which the library is gaining or losing cardholders. Measures the number of cardholders who became active during the quarter compared to those who became inactive. Active cardholders include both new cardholders and inactive cardholders who became active again.

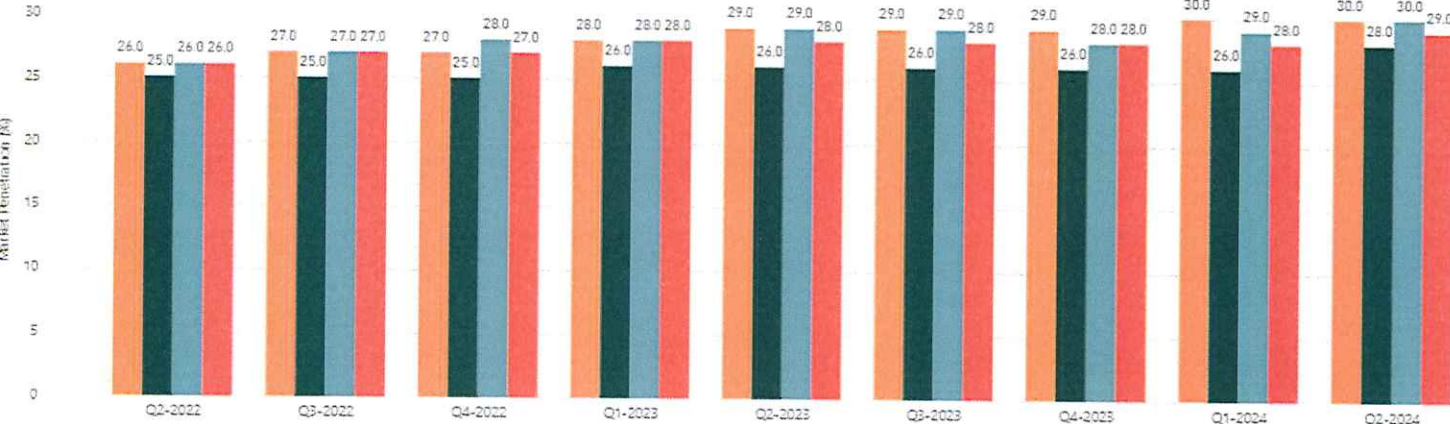
<b>872+793 (1,665)</b>	-	<b>1,157</b>	÷	<b>1,157</b>	=	<b>44%*</b>
New cardholders and inactive cardholders who became active again		Cardholders who became inactive		Smaller of the two groups		<b>Positive Values</b> indicate more cardholders became active, while <b>Negative Values</b> mean more became inactive. <b>The absolute value</b> describes how much larger the active or inactive group is than the other.

\* Represents a growth of 508 additional active cardholders from the previous quarter

\* Q2 2023 = 37%, Q 2 2022 = 42%, Q 2 2021 = 209%, Q2 2020 = -352%, Q 2 2019 = -30%

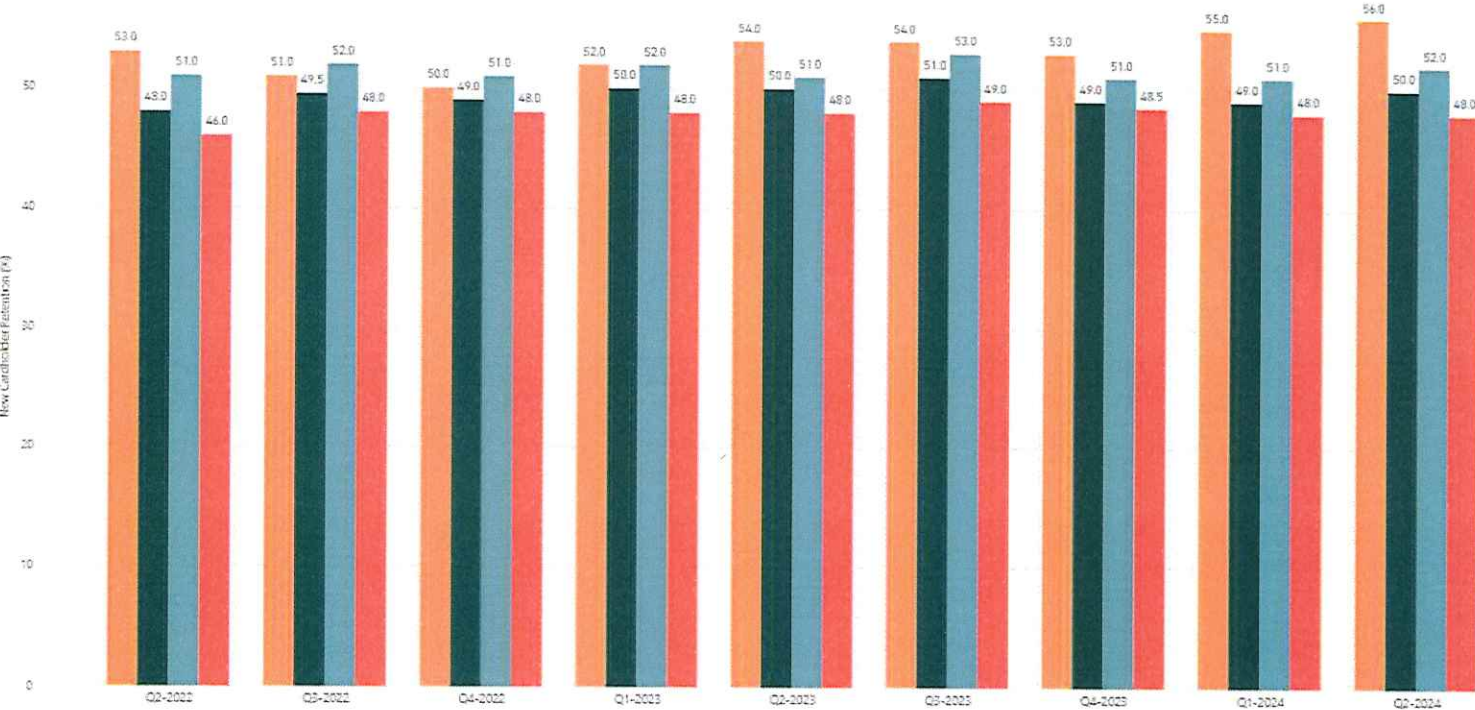
# Household Market Penetration

Library Budget Category Population Category Savannah



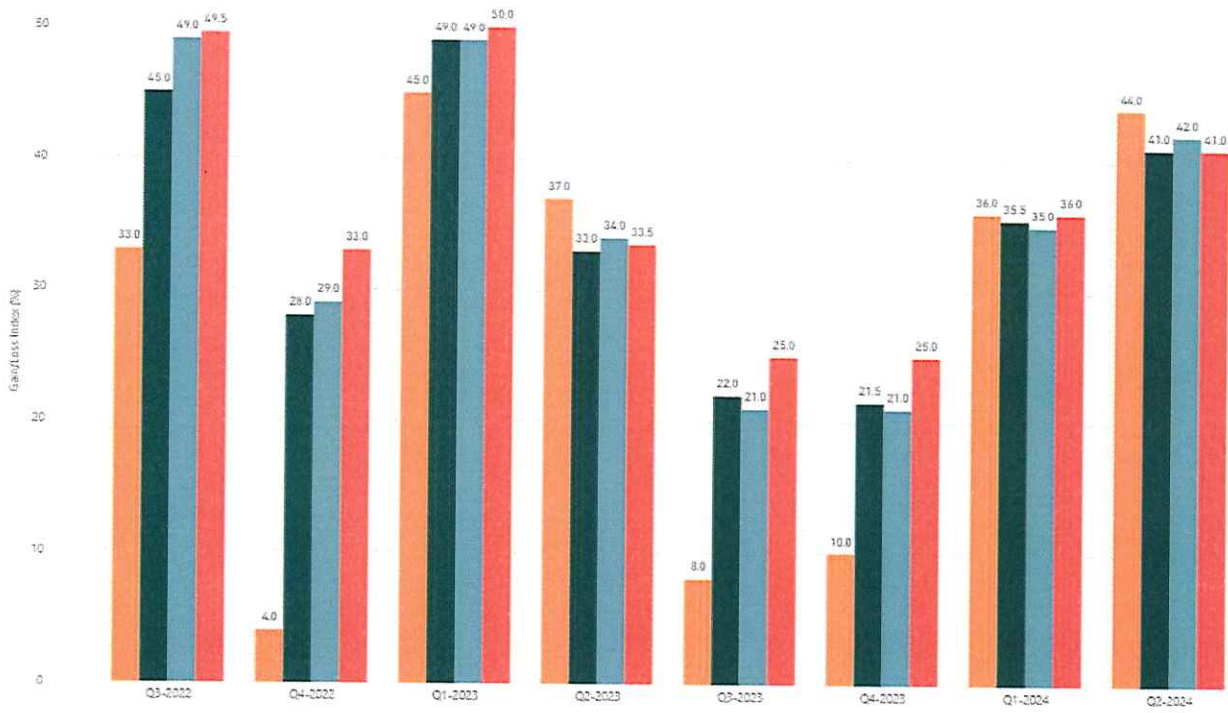
# New Cardholder Retention

Library Budget Category Population Category Savannah



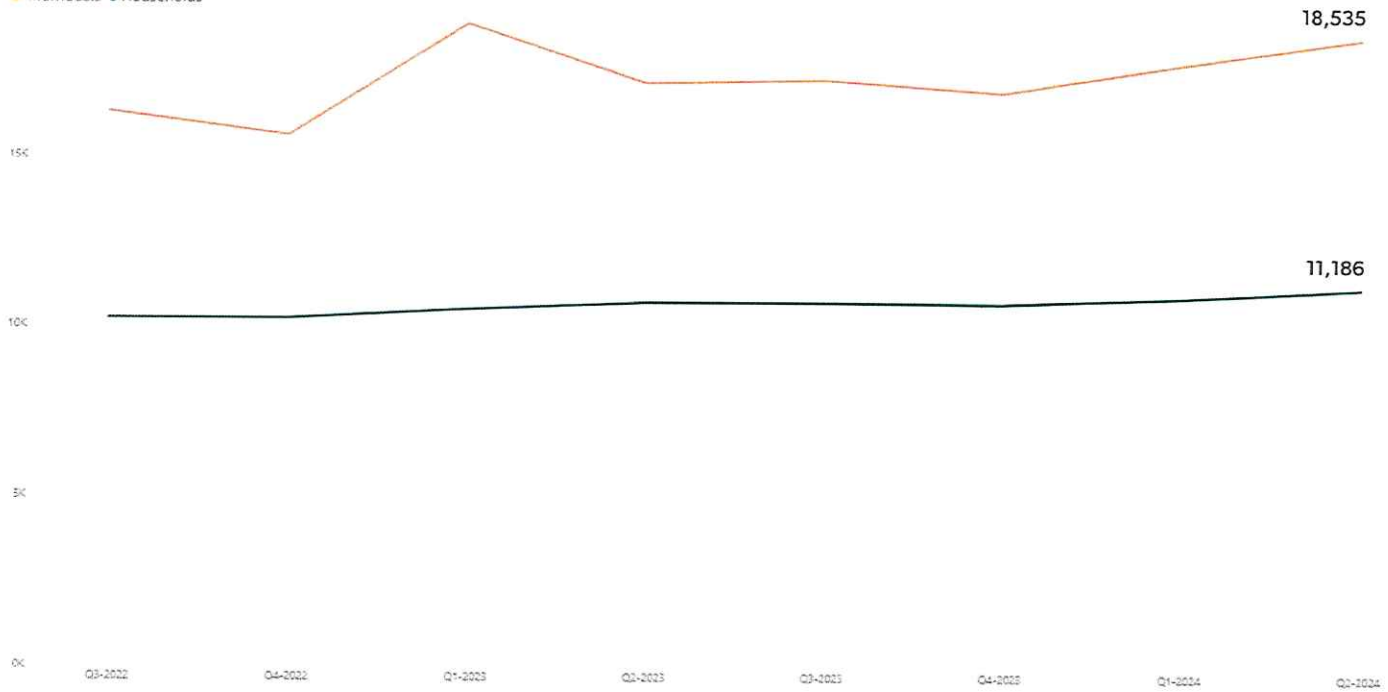
# Gain/Loss Index

Library Budget Category Population Category Savannah



# Active Cardholders

Individuals Households



# NPS score



A Net Promoter Score helps to quickly understand what customers feel and think about a company or organization by asking:

On a scale from 0 to 10, how likely are you to recommend the Christian County Library to others?

This score is a tool to help set internal and external benchmarks, strategic planning and customer retention efforts as well as insight to predicting customer loyalty rates.

**8,786**

messages sent

**635**

took the survey

**92.8%**

completion rate

## What is a good NPS score?



**92**

**2021-2022 = 82**

**2022-2023 = 84**

Sept. 1, 2024

wonderful

service nice

branch

staff library books

good

selection

facility find

helpful

great

nixa

kids people

book

county

kind love

friendly

clean

reading christian employees

## Bylaws Up For Revision - Second Reading

### Article II: Elections & Appointments

#### Section I.

Officers of Christian County Library's Board of Trustees shall be elected at least once a year at the July meeting, but may be elected at any open regular or special meeting. Such officers shall be: President, Vice-President, Secretary, and Treasurer.

#### Section VII.

Christian County Library's Board of Trustees shall follow the Christian County Commission process for appointment and re-appointment of members to the Library Board in accordance with Missouri state statute Title XI § [182.050](#). Qualified citizens interested in serving should review the Christian County Commission website or contact their office for details.

**Agreement for Legal Services**

Effective Date: October 1, 2017

Parties: Christian County Library Board of Trustees ("Library")  
The Styron Law Firm PC, dba Styron & Shilling

On September 25, 2017, the Christian County Library Board approved a resolution to hire Harry Styron of Styron & Shilling to act as attorney for the Library on terms proposed to the Board by email, as follows:

A legal fee of \$500 per month, which includes attendance, upon request, at no more than two meetings per month by Mr. Styron (or Ms. Shilling or another attorney from Styron & Shilling, if Mr. Styron is unavailable), contract review and preparation and telephone consultation.

Other services will be provided at the firm's usual rates, which are \$250 per hour for Mr. Styron and Ms. Shilling and \$75 per hour for work done by legal assistants.

If Mr. Styron feels that he is being asked to perform services outside the scope of the \$500 flat fee, he will promptly notify the Library Director and work with the Director establish a budget for the additional services.

This agreement may be terminated by either party upon 30 days' written notice.

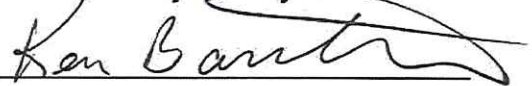
Styron & Shilling maintains client files in electronic storage only for at least five years. Client files are the property of the client and are available to the client at any time.

Styron & Shilling's federal identification number is 20-2104640.

**Styron & Shilling**

By \_\_\_\_\_  
Harry Styron, VP

**Christian County Library Board**

By   
Ken Barthelette, President

# STYRON & SHILLING

WWW.STYRONLAW.COM

302 E CHURCH ST  
OZARK MO 65721

TELEPHONE  
417 581-3646

HARRY STYRON  
PATRICIA J. SHILLING

October 11, 2024

Board of Trustees and Executive Director Renee Brumett  
Christian County Library District  
208 N McCroskey St  
Nixa MO 65714

Re: Updated advice concerning labelling and segregation of books, *Viriden, et al., v. Crawford County, Arkansas, et al.*, Case No. 2-23-cv-6071, United States District Court in the Western District of Arkansas (referred to as "*Viriden*")

Dear Trustees and Ms. Brumett:

The attached September 30, 2024 opinion and order of the United States District Court in the Western District of Arkansas in *Viriden* provides some illustrations of how a court might handle similar issues here regarding labeling and relocation of books based on what the court calls "viewpoint discrimination." While a trial court's decision, such as this one, is not binding except on the parties to that lawsuit, this decision is rooted in the trial court's interpretation of decisions from the United States Supreme Court and the Eighth Circuit of the United State Court of Appeals whose decisions are mandatory precedents on Missouri courts when First Amendment issues, or other matters of federal law, are involved in cases with closely similar facts.

In the *Viriden* suit, the Plaintiffs asked the court for an injunction to order that books having LGBTQ content be shelved according to the Cataloging Code of Ethics and American Library Association's Bill of Rights (p. 2). These books had been moved from the children's section to a newly-created "social section" and a colored label placed on their covers. The court granted the injunction without endorsing the Cataloging Code of Ethics or the ALA Bill of Rights (p. 9).

The court ordered that the social section of the library "be eliminated and that the materials contained therein be moved to appropriate sections in general circulation without consideration of whether the viewpoints expressed in such materials are unpopular or controversial." The court also ordered that "the Defendants refrain from coercing Library staff from violating this injunction."



The court did not specifically order that the prominently-colored label that had been placed on the LGBTQ books be removed.

### **Parties to Virden**

*Plaintiffs:* Rebecka Virden, Samantha Rowlett and Nina Prater filed this suit on behalf of themselves and their minor children.

*Defendants:* Crawford County Judge Chris Keith and members of the Quorum Court were sued, as well as the members of the Crawford County Library Board and the Library Director. All defendants were sued in their official capacities, not as individuals. In Arkansas, a Quorum Court is the governing body of a county, similar to a county commission in Missouri, except that it has more members (in this case, thirteen).

### **Facts**

The Crawford County Library System implemented a policy under which its library branches, including the Van Buren branch, must remove from their children's section "all books containing LGBTQ themes, affix a prominent color label to those books, and place them in a newly-created section called the 'social section.' "

### **Legal Basis for Plaintiffs' Claims**

The Plaintiffs alleged that this policy (labeling and moving LGBTQ books to the social section) violated the First Amendment rights of themselves and their minor children to receive information. They also alleged that this policy was imposed by the Quorum Court in response to political pressure from constituents who objected, at least partially on religious grounds, to the presence of these books in the children's section. The Quorum Court, according to testimony, threatened defunding of the Library System as a means of coercing the library staff to follow the labeling and relocation policy; thus the Quorum Court was involved in the violation of the Plaintiff's First Amendment rights. In Arkansas, the Quorum Court appropriates tax money to the Library, in contrast to the Missouri relationship in which the county commission's sole statutory involvement with a country library district is to appoint trustees.

### **Relief Sought**

Plaintiffs asked the court (p. 2) for an injunction which would order the Library to "operate in a manner consistent with the Cataloging Code of Ethics and the American Library Association's Bill of Rights."

Both sides filed motions for summary judgment, each providing a list of what they argued to be undisputed facts. The Defendants questioned the standing of the Plaintiffs to sue the Quorum Court and whether one of the Plaintiffs had standing to sue on behalf of her unadopted stepchildren.

The court noted (p. 3) that the Plaintiffs had asserted, without contradiction, that the Quorum Court threatened to withhold appropriations from the Library if the Library did not implement the policy to label and segregate the LGBTQ books. The court pointed out (p. 4) that the Quorum Court had wide latitude to exercise discretion in making appropriations but could not lawfully do so in violation of the First Amendment rights of citizens.

The court determined that there was not enough evidence in the record before it as to whether one of the Plaintiffs was a fiduciary of her minor unadopted stepchildren, so that this issue could not be resolved with regard to them (pp. 4-5). However, there was no question about her standing to act on behalf of her biological children.

#### **Facts Relating to First Amendment Analysis and Rulings**

The court found (p. 5) that “even when the evidentiary record is construed in the light most favorable to the Defendants, it is indisputable that the creation and maintenance of the social section was motivated in substantial part by a desire to impede users’ access to books containing viewpoints that are unpopular or controversial in Crawford County.”

Some of the evidence that the court looked at included a letter to the Quorum Court (p. 6) asking that the Quorum Court take steps to prevent “progressive woke ideology normalizing and equating homosexual and transsexual lifestyles with heterosexual family units.” One of the authors of this letter, Ms. Hamby, testified in depositions (p. 6) that she had attended a December meeting of the Quorum Court at which this issue was discussed and that she had met with the Library Director the same night and said “the side that wanted the books gone was getting madder and madder.” The next month, the Quorum Court appointed Ms. Hamby to the Library Board, and she was then elected as its chairman.

Another member of the Library Board, Mr. Schaper, testified (p. 6) that the Library Director, in response to the December meeting of the Quorum Court, “had pulled those

books from the children's section, perhaps other sections, wherever they were and formed the social issues section." Mr. Schaper testified (p. 7) that the books removed "emphasized sexuality," which he said was somewhat equivalent to "normalizing homosexuality." He also said that a children's book about two men getting married would not be inappropriate for inclusion in the children's section if one of the people getting married was a woman.

*Viewpoint Discrimination is Unconstitutional.* From these facts, the court concluded (p. 7) that "viewpoint discrimination" was a substantial motive for the creation and maintenance of the social section, which "had profound First Amendment implications," because "if there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable," citing the U. S. Supreme Court case, *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

The trial court acknowledged the latitude of public libraries to restrict minors' access to materials that are not age-appropriate, but in doing so those restrictions must still be "view-point neutral," citing a 2024 case from the Eighth Circuit, *GLBT Youth in Iowa v. Reynolds*, 114 F4th 660, 670. The court wrote:

[I]t is one thing to restrict minors' access to sexually explicit material, but a very different thing to restrict minors' access to unpopular opinions. Here, the undisputed evidence shows that the social section was created not only for the former purpose but also for the latter, which violates the First Amendment.

This part of the decision seems to say that a restriction on minors' access, even to materials having explicit sexual content, must be done in a manner that is view-point neutral to avoid violating the First Amendment rights of minors. In other words, materials are not age-inappropriate or obscene just because they depict or describe LGBTQ sexuality or family life.

*Relocation of Books based on Ideas Contained is Unconstitutional.* Next, the court addressed Defendants' arguments (p. 8) that relocation of books to an area accessible to all does not violate the First Amendment. Citing another Eighth Circuit case, *Pratt v. Ind. Sch. Dist. No. 831*, 670 F.2d 771, 770 (1982), the court pointed out that the First Amendment is

violated when a government actor “uses its official power to perform an act clearly indicating that the ideas contained in [media] are unacceptable and should not be discussed or considered...its chilling effect is obvious.” Moreover, “What is at stake is the right to receive information and to be exposed to controversial ideas—a fundamental First Amendment right.”

In constitutional jurisprudence, any restriction of a fundamental right is given strict scrutiny to determine whether the restriction is narrowly tailored to serve a governmental interest. The court pointed out (p. 9) that the Defendants had not produced any evidence “that a substantial and reasonable governmental interest exists for interfering with [Plaintiffs’] right to receive information.” The court continued, “As already noted numerous times above, suppressing ideas or opinions on the grounds that ‘certain elements of populace object’ to them is not a legitimate governmental interest at all.”

*Libraries May Not Stigmatize Viewpoints.* Defendants also argued that the U. S. Supreme Court has held that libraries are not obligated to provide universal coverage, implying that the Crawford County Library System could lawfully choose to treat LGBTQ books differently by labelling and segregating. Without mentioning labeling of materials, the court rejected this argument (p. 9), stating that the issue was “whether public libraries have an obligation not to stigmatize disfavored viewpoints that are already in their collection.” [emphasis supplied by me].

*The Government Speech Doctrine Does Not Apply.* Defendants argued that the creation and maintenance of the social section of the Library was “government speech” and not restricted by the First Amendment. This doctrine was discussed by the U. S. Supreme Court in *Matal v. Tam*, 582 U.S. 218, 234, in 2017, where the issue was the U. S. Patent and Trademark Office’s refusal to grant a trademark of the name “The Slants” as a name for a rock band. The refusal was based on the “disparagement clause” of the Lanham Act (the federal trademark statutes), that allows a trademark to be rejected if it disparages or brings into contempt or disrepute any persons, living or dead. The government argued that governmental approval of trademarks was “government speech,” not private speech protected by the First Amendment, so the Patent and Trademark Office could lawfully withhold approval of trademark of a term that was used to disparage Asians.

In *Matal v. Tam*, the Supreme Court struck down the disparagement clause in the Lanham Act, stating that the Lanham Act had to be applied in a “viewpoint neutral” manner. Justice Alito’s opinion for the majority says, “if trademarks become government speech when they are registered, the Federal Government is babbling prodigiously and incoherently.” In the context of a library, the principle here that that a library’s holdings are not the library’s speech or expression that is exempt from the First Amendment because the library is a governmental entity.

Thus, the Eighth Circuit, in *GLBT Youth in Iowa v. Reynolds*, held that the placement and removal of books in public school libraries is not government speech and is subject to the First Amendment (p. 9).

### **Relevance of Crawford County Decision to Christian County Library District**

The Board of Trustees of the Christian County Library has heard from citizens for at least a year who have urged the Library to label the covers of materials with LGBTQ themes that have been shelved with other books that are written for an audience of teenagers or even younger children or to relocate such materials. A smaller number of citizens has protested that such actions are unnecessary and would violate the First Amendment.

As stated above, the decision of a trial court, in Arkansas or elsewhere, is not binding except on the parties to the suit in which the decision was issued. However, the decisions of the United States Supreme Court and the Eighth Circuit of the United States Court of Appeals, on which the court in the Crawford County case relied, are binding on a federal trial judge in Missouri. Under similar facts as were present in the Crawford County case, a federal trial judge in Missouri might find the decision of the court in the Crawford County case to be persuasive. The other Eighth Circuit decisions cited, *GLBT Youth in Iowa* and *Pratt*, both concerned school libraries, rather than public libraries; the *Virdeen* decision did not seem to indicate that this made a difference in its reasoning.

The language in the *Virdeen* decision (p. 9) about “stigmatization” suggests that placing labels on materials with LGBTQ themes or content would constitute unconstitutional viewpoint discrimination, if the policy were not to apply the same labels to materials in which the fictional or actual characters in the books were in heterosexual relationships.

Throughout the *Virden* decision, the court looked at the motives for the labeling and relocation of the materials with LGBTQ themes. The words of the library board and Quorum Court members provided ample and undisputed evidence (pp. 6-7) that the members of the Quorum Court and the library board members found the content of these books to be objectionable, "containing viewpoints that are unpopular or controversial in Crawford County," as part of "an agenda that is being pushed by the Van Buren Public Library, aiming education of alternative lifestyles to prepubescent children," "equating homosexual and transexual lifestyles with heterosexual family units," "the court [Quorum Court] and community considered those books inappropriate for the children's section," etc. The transcripts of meetings of the Christian County Library Board meetings would offer evidence of the viewpoints of past and present Trustees and the public that could be argued to be evidence of motives behind library policies.

It seems unlikely that the members of the Christian County Commission would be subject to a suit for injunction against coercion of the Library staff. Though some Commission members have made public statements expressing their viewpoints on access to materials within the Library, their only legal authority is exercised through appointment of Trustees.

The expense of the *Virden* litigation was sizeable, according to an online report (<https://talkbusiness.net/2024/10/judge-rules-against-crawford-county-librarys-social-section-censorship/>):

As of Aug. 20, the county has spent \$219,605.05 in legal fees on the lawsuit. . . . Under pressure from those opposing LGBTQ+ books, then Crawford County Library Director Diedre Gryzmala resigned in February 2023 with a \$40,687.50 severance deal, which added to the county's cost on the matter.

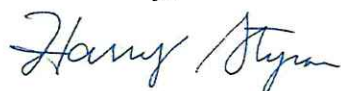
In the *Virden* case, not only was the library board sued, but also the Quorum Court. It is not clear from the reporting whether the library board's legal expenses were included in the above expenditures. A lot of the expense would have been for depositions of the five library board members and the thirteen members of the Quorum Court.

In the evidence before the court in *Virden*, the defendants had the burden to provide evidence of a governmental interest in the policies of labeling and segregating materials

with LGBTQ themes. Because they did not produce this evidence, the court ruled against them on summary judgment, without necessity of a trial. In a First Amendment case, the strict scrutiny analysis requires the showing of a compelling governmental interest in the challenged restriction.

That a substantial majority of the community finds the materials in question to be offensive or otherwise inappropriate is not enough. In Christian County, supporters of labeling and relocation of materials based on the viewpoints expressed in the materials would be faced with the same challenge of showing the existence of a governmental interest in the policy.

Yours truly,



Harry Styron

Attachment: Opinion and Order, *Viriden, et al., v. Crawford County, Arkansas, et al.*, Case No. 2-23-cv-6071, United States District Court in the Western District of Arkansas

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

REBECKA VIRDEN; SAMANTHA ROWLETT;  
and NINA PRATER, on their own behalf and on  
behalf of their minor children

PLAINTIFFS

v.

No. 2:23-cv-2071

CRAWFORD COUNTY, ARKANSAS;  
COUNTY JUDGE CHRIS KEITH in his official  
capacity only; QUORUM COURT MEMBERS  
ROBERT KEVIN ARNOLD, LONNIE MYERS,  
MORGAN R. MORGAN, BRAD MARTIN,  
MARK SHAFFER, LONNIE JENNINGS, TIA  
WOODRUFF, JASON COX, CRAIG  
WAHLMEIER, MITCH CAROLAN, ROGER  
ATWELL, JAYSON PEPPAS, and JEFF  
BEAUCHAMP in their official capacities only;  
LIBRARY BOARD MEMBERS KEITH PIGG,  
TAMMARA HAMBY, KALEIN SCHAPER,  
KAYLA RICH, and ROBBY DYER in their  
official capacities only; and LIBRARY  
DIRECTOR CHARLENE McDONNOUGH in  
her official capacity only

DEFENDANTS

**OPINION AND ORDER**

Before the Court are Plaintiffs' and Defendants' cross-motions for summary judgment (Docs. 57, 63), as well as their various briefs, statements of facts, and notices of supplemental authority filed in support of or opposition to these motions. *See generally* Docs. 58, 62, 64–65, 75, 79–81, 89, 95, 96-1, 103–04. For the reasons given below, Defendants' motion is DENIED, and Plaintiffs' motion is GRANTED.

**I. Background.**

As described in several previous opinions and orders:

According to Plaintiffs' amended complaint, in late 2022 or early 2023 the Crawford County Library System implemented a policy under which its library branches must remove from their children's sections all books containing LGBTQ



themes, affix a prominent color label to those books, and place them in a newly-created section called the “social section.” Plaintiffs allege this policy was imposed on the Library System by the Crawford County Quorum Court in response to political pressure from constituents who objected, at least partly on religious grounds, to the presence of these books in the children’s section. Plaintiffs and their minor children are residents of Crawford County and users of its Library System. On May 26, 2023, Plaintiffs filed this lawsuit against Crawford County, claiming that the aforementioned policy violates the First Amendment to the United States Constitution.

(Doc. 36, p. 2; Doc. 102, p. 2). Specifically, Plaintiffs’ operative complaint claims that Defendants have violated their First Amendment right to receive information, and it seeks injunctive relief, asking the Court to “order the Crawford County Library System to operate in a manner consistent with the Cataloging Code of Ethics and the American Library Association’s Bill of Rights.” *See* Doc. 41, p. 12.

The parties have concluded the discovery process, and have filed cross-motions for summary judgment. Those motions have been fully briefed and are ripe for decision.

## **II. Legal Standard.**

On a motion for summary judgment, the burden is on the moving party to show that there is no genuine dispute of material fact and that it is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56. The same standard applies to cross-motions for summary judgment, with each motion reviewed in its own right and each opposing party “entitled to the benefit of all inferences favorable to them which might reasonably be drawn from the record.” *Wermager v. Cormorant Twp. Bd.*, 716 F.2d 1211, 1214 (8th Cir. 1983). Once the movant has met its burden, the non-movant must present specific facts showing a genuine dispute of material fact exists for trial. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). In order for there to be a genuine dispute of material fact, the evidence must be “such that a reasonable jury could

return a verdict for the nonmoving party.” *Allison v. Flexway Trucking, Inc.*, 28 F.3d 64, 66–67 (8th Cir. 1994) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)).

### **III. Discussion.**

#### **A. Standing.**

Defendants argue, as they have several times previously in this matter, that Plaintiffs lack standing to bring their claims. To whatever extent those arguments rehash previous ones, the Court adopts and reiterates its previous rulings on these issues without further discussion here. *See* Doc. 36, pp. 5–7; Doc. 102, pp. 3–4. But there are two standing issues that Defendants have raised for the first time in their briefing on the instant motions. One is whether Plaintiffs have standing to sue the members of the Quorum Court in this matter. The other is whether Plaintiff Rowlett in particular has capacity to sue on behalf of her stepchildren.

Regarding the members of the Quorum Court, Defendants argue that they are not properly named as defendants in this matter because the Quorum Court “lacks authority to redress the injury Plaintiffs complain of.” *See* Doc. 64, p. 6. Specifically, Defendants contend that the Quorum Court has no authority to oversee the operations of the County Library, and that its authority here is limited to the appropriation of funds. *See id.* at 6–7. But the Quorum Court’s authority to appropriate funds is central to Plaintiffs’ claims. Plaintiffs have produced uncontroverted evidence that during a December 2022 Quorum Court meeting shortly before the creation of the social section, at least one member of the Quorum Court threatened to withhold appropriations from the Library; and a member of the Quorum Court testified during his deposition that he and “probably all of” the Quorum Court’s members wanted to defund the Library if its director did not find a way to satisfy constituents’ concerns about books that were subsequently moved to the social section. *See* Doc. 75-4, pp. 8–9 (internally numbered as 25:17–26:5, 29:14–30:9). Thus a fact-finder could

reasonably infer that the social section was created in response to coercion from the Quorum Court. If creation and maintenance of the social section violates the First Amendment, then such an inference would support injunctive relief against members of the Quorum Court prohibiting them from conditioning funding on the social section's creation or maintenance. Legislative bodies have "wide latitude to attach conditions to the receipt" of funding in order to further their policy objections, but they "may not 'induce' the recipient 'to engage in activities that would themselves be unconstitutional.'" *U.S. v. Am. Library Assoc, Inc.*, 539 U.S. 194, 203 (2003) (quoting *South Dakota v. Dole*, 483 U.S. 203, 206 (1987)).

As for Ms. Rowlett, Defendants argue that although she may sue on her own behalf and two of her four minor children, she lacks capacity to sue on behalf of the other two who are her stepchildren but over whom she has not obtained a formal legal guardianship. This question is governed by Federal Rule of Civil Procedure 17, which provides that "[t]he following representatives may sue . . . on behalf of a minor . . . : (A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary." Fed. R. Civ. P. 17(c)(1). Whether Ms. Rowlett is "a like fiduciary" is determined by Arkansas law. *See id.* at 17(b). This Court has not found, and neither party has cited, any Arkansas cases which directly answer this question. However, one case cited by Defendants is instructive. In *Daniel v. Spivy*, the Arkansas Supreme Court addressed whether a stepparent who had never undergone the legal formality of adopting their minor stepchild could nevertheless be awarded visitation rights with that child upon divorcing the child's biological parent. 2012 Ark. 39 at \*4-\*7, 386 S.W.3d 424. The *Daniel* court reaffirmed that this depends on whether the stepparent stands *in loco parentis* to the child, and that this equitable principle "refers to a person who has fully put [herself] in the situation of a lawful parent by assuming all the obligations incident to the parental relationship and who actually discharges those obligations."

*Id.* at \*6. A stepparent who has not formally adopted a minor child may satisfy this requirement, but this requires “something more” than merely furnishing necessities for and exercising some control over the child. *See id.* at \*6–\*7.

The evidentiary record in this case is sparse, nearly to the point of nonexistence, on the extent to which Ms. Rowlett has assumed and discharged “all the obligations incident to the parental relationship” with respect to her two stepchildren. The closest any testimony comes to addressing this question is Ms. Rowlett’s own testimony that hers is a “blended family” and that she is a “co-parent” of her two stepchildren. *See* Doc. 63-4, pp. 9 – 10 (internally numbered 33:23–34:21). She was never asked during her deposition to elaborate on what she understands her co-parenting duties to entail. *See generally* Doc. 63-4. Nor was the topic ever explored or even mentioned during the depositions of her two stepchildren. *See generally* Docs. 63-5, 63-6. The evidence on this issue must be construed in the light most favorable to Ms. Rowlett, since it is raised in Defendants’ summary judgment motion. Under that standard, a fact-finder could reasonably infer from this record that Ms. Rowlett’s testimony that she is a “co-parent” of her two stepchildren was meant in the literal and fullest sense; thus there is a material dispute of fact on the question whether Ms. Rowlett is “a like fiduciary” under Arkansas law and within the meaning of Rule 17(c)(1)(D). Accordingly, Defendants are not entitled to summary judgment on this issue.

**B. First Amendment.**

The Court turns now to the merits of Plaintiffs’ claims. First, as a factual matter, the Court finds that even when the evidentiary record is construed in the light most favorable to the Defendants, it is indisputable that the creation and maintenance of the social section was motivated in substantial part by a desire to impede users’ access to books containing viewpoints that are unpopular or controversial in Crawford County. On or around November 10, 2022, Dr. Jeffrey

Hamby and Tamara Hamby sent a letter to the Quorum Court, County Judge, and County Judge-elect, expressing concern “about the agenda that is being pushed by the Van Buren Public Library, aiming education of alternative lifestyles to prepubescent children”—in particular, the “progressive woke ideology normalizing and equating homosexual and transsexual lifestyles with heterosexual family units.” *See* Doc. 75-8. The letter admonished its addressees that they “are responsible for hiring people to represent the values of our community,” and ultimately concluded: “We are asking you to take the steps needed to ensure that this agenda is not sponsored by our tax money.” *Id.* In her deposition, Ms. Hamby explained that the agenda her letter referred to was “an agenda of nontraditional values,” which include showing homosexual relationships as typical or “[t]he idea of transgender.” *See* Doc. 63-12, p. 5 (internally numbered as 17:15–20:8). She further testified that she attended a December 2022 Quorum Court meeting at which this topic was discussed, and that later that same evening she met personally with the then-Library Director and told her a compromise needed to be reached because “the side that wanted the books gone was getting madder and madder and madder,” and that the Library Director “was crying” and “upset” during this meeting. *See id.* at 14–15 (internally numbered as 56:15–58:22). The following month, Ms. Hamby was appointed to the Library Board and elected its Chairman, and held the latter position for one year. *See id.* at 2 (internally numbered as 7:6–7:21). She is still on the Board today. *Id.*

Another member of the Library Board, Kaelin Schaper, testified that “in response to that [December 2022 Quorum Court] meeting,” the Library Director “pulled those books from the children’s section, perhaps other sections, wherever they were and formed the social issues section.” *See* Doc. 63-14, p. 4 (internally numbered as 13:8–13:14). When asked to elaborate on the reason for placing books in the social section, Mr. Schaper replied: “that the court and the

community considered those books inappropriate for the children’s section” because they contained content “that emphasized sexuality.” *See id.* (internally numbered as 13:17–14:21). But when asked whether content “emphasizing sexuality” meant “normaliz[ing] homosexual relationships,” Mr. Schaper replied: “Could be other reasons. But yes to that as well.” *Id.* Later in his deposition, Mr. Schaper was asked to review a children’s book about two men getting married that is currently in the social section, and to opine on whether it is inappropriate for inclusion in the children’s section; Mr. Schaper replied that it is inappropriate. *See id.* at 5–6 (internally numbered as 20:25–22:22). Then when asked whether it would be appropriate for inclusion in the children’s section if it were identical except one of the characters getting married were changed to be a woman, Mr. Schaper replied that it would be appropriate. *Id.*

The fact that viewpoint discrimination was a substantial motive for the creation and maintenance of the social section has profound First Amendment implications. After all, “if there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

To be clear, there is evidence that viewpoint discrimination was not the *only* motivation for creation and maintenance of the social section. For example, there was apparently concern over at least one book housed in the adult section which contained an illustration depicting a sex act, and concern that minors should be unable to access it. *See* Doc. 75-4, p. 10 (internally numbered as 34:10–34:25). It is unquestionably true that the First Amendment permits public libraries to restrict minors’ access to materials that are not age-appropriate, but while those restrictions will inevitably be content-based they must still be “viewpoint-neutral.” *See, e.g., GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 670 (8th Cir. 2024). In other words, for First

Amendment purposes it is one thing to restrict minors' access to sexually explicit material, but a very different thing to restrict minors' access to unpopular opinions. Here, the undisputed evidence shows that the social section was created not only for the former purpose but also for the latter, which violates the First Amendment.

Defendants offer several legal arguments for why there is no First Amendment violation here. None is persuasive. One is an argument that was already raised and rejected by this Court during earlier rounds of motion practice in this case: that Plaintiffs have no First Amendment right to receive information. The Court will not reconsider or revise its ruling on that point, and would simply refer readers to its previous order discussing that issue. *See* Doc. 36, pp. 9–12.

Another of Defendants' arguments is that the First Amendment has not been violated here because the books in question have not been removed from the Library, but rather have simply been relocated to a different area which is still accessible to all patrons. This makes no difference for purposes of the First Amendment. "Restraint on protected speech generally cannot be justified by the fact that there may be other times, places or circumstances for such expression." *Pratt v. Ind. Sch. Dist. No. 831, Forest Lake, Minn.*, 670 F.2d 771, 779 (8th Cir. 1982). When a government actor "use[s] its official power to perform an act clearly indicating that the ideas contained in [media] are unacceptable and should not be discussed or considered," then "[t]his message is not lost on" library users, "and its chilling effect is obvious." *See id.* "What is at stake is the right to receive information and to be exposed to controversial ideas—a fundamental First Amendment right." *Id.*

To avoid a finding that they have violated the First Amendment, Defendants "must establish that a substantial and reasonable governmental interest exists for interfering with [Plaintiffs'] right to receive information." *See id.* at 777. They have not done so. As already noted

numerous times above, suppressing ideas or opinions on the grounds that “certain elements of populace object” to them is not a legitimate governmental interest at all. *See id.* at 778.

Defendants also argue that Plaintiffs’ requested relief runs afoul of the principle articulated in the Supreme Court case of *United States v. American Library Association* (hereinafter “*ALA*”) that “public libraries must have broad discretion to decide what material to provide to their patrons” in order “[t]o fulfill their traditional missions,” and that “[a]lthough they seek to provide a wide array of information, their goal has never been to provide ‘universal coverage.’” 539 U.S. at 204 (plurality opinion). But the issue here is not whether public libraries have an obligation to provide Plaintiffs with access to all conceivable ideas and opinions; they don’t, and indeed that would be practically impossible. Rather, the issue is whether public libraries have an obligation not to stigmatize disfavored viewpoints that are already in their collection. And as already discussed above, they do.

Finally, Defendants argue that creation and maintenance of the social section amounts to “government speech,” and that therefore no First Amendment violation has occurred. “Under the government speech doctrine, courts recognize that the First Amendment’s Free Speech Clause does not impose ‘a requirement of viewpoint-neutrality on government speech.’” *GLBT Youth*, 114 F.4th at 667 (quoting *Matal v. Tam*, 582 U.S. 218, 234 (2017)). However, the Supreme Court has not extended that doctrine to the placement and removal of books in libraries, and the Eighth Circuit has very recently declined to do so as well. *See id.* at 667–68.

For all the foregoing reasons, then, Plaintiffs are entitled to summary judgment on their claim. There remains the question of what injunctive relief should be awarded. The Court believes it will be sufficient to order that the social section be eliminated and that the materials contained therein be moved to appropriate sections in general circulation without consideration of whether



the viewpoints expressed in such materials are unpopular or controversial. The Court will further order that Defendants refrain from coercing Library staff into violating this injunction.

**IV. Conclusion.**

IT IS THEREFORE ORDERED that Plaintiffs' motion (Doc. 57) for summary judgment is GRANTED, and Defendants' motion (Doc. 63) for summary judgment is DENIED. Judgment will be entered contemporaneously with this order.

IT IS SO ORDERED this 30th day of September, 2024.

*P. K. Holmes, III*

P.K. HOLMES, III  
U.S. DISTRICT JUDGE



## Challenges to Materials and Programs: The Role of Library Trustees & Board Members

### 1. Be Prepared with Strong Policies and Procedures

Policies and procedures are the necessary foundation for any library in successfully navigating a challenge to materials or programs. In addition to a strong collection development policy and reconsideration procedure, every library should also have a board code of ethics, a crisis communications policy, and a number of other essential policies in place. United for Libraries maintains a list of key policies related to challenges to review and revise, with links to samples: [www.ala.org/united/advocacy/challenges](http://www.ala.org/united/advocacy/challenges).

### 2. Ensure All Board Members Receive High-Quality Training

Having strong policies in place is not enough if they are not followed. Board members need to know the library's policies related to challenges inside and out. In-depth training should be provided to all new board members and all board members should periodically review these policies, both as a refresher and to ensure they remain current. The goal should be that every board member knows these policies and procedures well enough to educate other members of the community about them.

### 3. Stay Informed

Many local challenges in our libraries are in fact part of broader national trends. Staying abreast of challenges taking place elsewhere in the country can help you to think through in advance how you will handle a similar challenge if it comes to your own library. Following how other libraries handle these challenges can also give you a sense of what to do — and what not to do — when you face a similar situation. The blog of ALA's Office for Intellectual Freedom is one great resource to follow to keep tabs on trends with challenged materials and programs around the country: [www.oif.ala.org/oif](http://www.oif.ala.org/oif)

### 4. Talk through Scenarios as a Board

Consider reserving time during a board training for talking through hypothetical challenge scenarios and how you would handle these together as a body. You can use real recent challenges you've read about as examples. This exercise will help you to identify areas of misunderstanding or contention regarding current board policies and help all members of the board feel more confident in navigating a challenge if and when one should occur.

### 5. Know Your Lane (and Stay in It)

If and when a challenge comes, always keep in mind your appropriate role as a Trustee versus the role of designated professional staff. Understand your board's legally bestowed powers, responsibilities,



## Challenges to Materials and Programs: The Role of Library Trustees & Board Members, continued

and liabilities with regards to materials challenges and censorship. Be prepared to explain the library's values and policies and how they can raise their complaint formally. But never promise to personally resolve a complaint.

### **6. Speak with One Voice**

During a challenge, it is critical that the library speak with a single voice. Not every challenge needs to become a crisis for the library. However, a strong crisis communication policy will ensure that if the challenge becomes the subject of public interest, all board members know their role, to whom they can speak on the matter, and if so, what message to share.

### **7. Lead by Example**

Library Boards of Trustees set the tone for their institutions. In all conversations and public meetings where challenges are discussed, keep your cool and comport yourself professionally, regardless of how members of the public may address you. Avoid politically partisan language and emphasize points of common ground: for example, the shared belief that parents should determine what is appropriate for their own child to read. Remember in all interactions that a complainant would not be involved if they did not care about the library. Let a shared love of the library be the foundation of every conversation.

### **8. Take Care of Your Employees**

Navigating a contentious challenge for a Trustee can be exhausting — but as leaders, we need to remember that however exhausting it is for us, it can be exponentially more trying for our directors and frontline library staff. Check in with your staff regularly. Send flowers and notes of support. Hear from a member of a community that they appreciate what the staff are doing? Make sure to tell them to let staff know directly. If staff are bombarded with negative messages everyday, one simple phone call of support from a patron could be all it takes to get them through that next work day. Discuss as a board how you will handle harassment or threats directed at staff, including via social media, and ensure staff understand how the library will respond. Review your resources and personnel policies related to staff mental health. For example, is it clear in your policies that employees' banked sick hours may be used for mental health days?

### **9. Know When to Ask for Help**

Well-trained Trustees working from a foundation of clear policies and procedures start from a position of strength. But even the best boards may sometimes need help. ALA's Office for Intellectual Freedom is one trusted source for confidential challenge support — to report a challenge, visit [www.ala.org/tools/challengesupport/report](http://www.ala.org/tools/challengesupport/report). The National Coalition Against Censorship also administers a book challenge crisis hotline (<https://ncac.org/book-challenge-crisis-hotline>) and many state library associations also have their own support networks.



## Challenges to Materials and Programs: The Role of Library Trustees & Board Members, continued

Material challenges are full of legal issues. Every library should have a relationship with an attorney familiar with library issues and law in your state. Call your local bar association if you need help finding an attorney. Many bar associations also have pro bono programs where practicing attorneys will assist for free. Having an attorney attend public meetings and talk to staff about what they can do can be both helpful and empowering. In general, follow the principle of “an ounce of prevention is worth a pound of cure” and consult your lawyer at the start of a challenge. The cost is worth it.

In rare instances, such as threats of violence, it may also be necessary to consult with local law enforcement. You may also consider consulting with law enforcement about assistance with keeping order in public meetings during a particularly contentious challenge.

### **10. Stay the Course**

Breathe. Remember that even the most contentious challenges are eventually resolved and the public moves on. Your response will shape whether your library emerges from the crisis stronger or weaker. How can you use this challenge as an educational opportunity for the community? How can you use this challenge to build a stronger board? How can you use this challenge to demonstrate to staff that this is an organization that cares about their well-being and where they can be proud to work?

Resources like this Tip Sheet are made available through the support of United for Libraries membership and donations to United for Libraries. For information about membership, visit [www.ala.org/united/membership](http://www.ala.org/united/membership); to donate, visit [www.ala.org/united/donate](http://www.ala.org/united/donate).

Compiled by the United for Libraries Intellectual Freedom Task Force; last revision 3/31/2022.

# Missouri Public Library Trustee Manual

July 2021



Missouri Secretary of State  
**State Library**

UNIVERSITY OF MISSOURI KANSAS CITY

LEGAL FRAMEWORK FOR PUBLIC LIBRARIES IN MISSOURI

AN INDEPENDENT STUDY, SUBMITTED TO

DAVID RENZ

BLOCH SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION

BY

STEVEN V. POTTER

BLUE SPRINGS, MISSOURI

AUGUST 2005  
(REVISED 2020)

Missouri Statutes Regarding County Library Districts as of December 2023.^

182.010. County library districts — petition — tax levy — notice — elections —

election to increase levy. — 1. Whenever voters equal to five percent of the total vote cast for governor at the last election in any county, outside of the territory of all cities and towns in the county which at the time of election as hereinafter provided maintain °and control free public and tax supported libraries pursuant to other provisions of this chapter, except as provided in section 182.030, shall petition the county governing body in writing, asking that a county library district of the county, outside of the territory of all the aforesaid cities and towns, be established and be known as "\_\_\_\_\_ County library district", and asking that an annual tax be levied for the purpose herein specified, and specifying in their petition a rate of taxation, then the county governing body, if it finds the petition was signed by the requisite number of voters and verified in accordance with the provisions of section 126.040, pertaining to initiative petitions, shall enter of record a brief recital of the petition, including a description of the proposed county library district, and of its finding; and shall order that the questions of the petition be submitted to the voters of the proposed county library district. The order of the county governing body and the notice shall specify the name of the county and the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be established a \_\_\_\_\_ County library district?

Shall there be a tax of \_\_\_\_\_ (insert amount) on each one hundred dollars assessed valuation for a county library?

3. In case the boundary limits of any city or town hereinabove mentioned are not the same as the boundary limits of the school district of the city or town, and the school district embraces territory outside the boundary limits of the city or town and within the boundary limits of the proposed county library district, then all voters, otherwise qualified and residing in the school district, but outside the limits of the city or town and within the limits of the proposed county library district, shall be eligible to vote on the proposition, and may cast a vote thereon at the designated polling place within the

county. The ballots shall be certified to county governing body as provided in section 179.020.

4. In case the proposed tax is sought as an increased tax for the maintenance of a library already established hereunder, over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the submission of the question.

5. The question shall be submitted in substantially the following form:

Shall there be a tax increase of \_\_\_\_\_ (insert amount) over the present \_\_\_\_\_ tax for the county library?

6. If a majority of all the votes cast on the question are for the tax as submitted, the tax specified in the notice shall be levied and collected in the same manner as other county library taxes as provided in section 182.020, and shall be known as and become a part of the "County Library Fund" to be administered as provided in section 182.020.

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(RSMo 1939 § 14767, A.L. 1955 p. 547, A.L. 1969 p. 78, A.L. 1974 H.B. 1643, A.L. 1978 H.B. 971, A.L. 1985 S.B. 152)

Prior revision: 1929 § 13463

Effective 12-31-85

\_\_\_\_\_ 182.010 12/31/1985 \_\_\_\_\_

**182.015. County commission may establish library district without vote, when — tax levy, submitted how — dissolution of library district — change of boundaries, procedure. —** 1. In addition to the provisions of section 182.010, the county commission of any county of the state may establish by its order a county library district without a petition or submission to the voters as provided in section 182.010, provided such district conforms otherwise to the provisions of that section and does not include any part of a regional library system established pursuant to other provisions of this chapter. In the event a district is so established, the county commission shall propose an annual rate of taxation within the limitations prescribed by section 182.010, which proposal shall be submitted to a vote of the people in the same manner as though the district were formed under the provisions of that section.



2. Where the county library district of any county is not operating a library within such county, the county commission may divide the county library district into subdistricts. In the event the subdistricts are established, the county commission shall propose an annual rate of taxation, which proposal shall be submitted to a vote of the people residing in the subdistrict in the same manner as provided for in section 182.010. If a majority of the votes cast on the question are for the tax as submitted, the tax shall be levied and collected on property within the subdistrict in the same manner as other county library taxes are levied and collected pursuant to section 182.020. Such funds shall be used to provide library services in the subdistrict of the county library district.

3. Where a tax has not been approved by the voters within a five-year period from the establishment of a library district, such library district shall be dissolved.

4. (1) The boundaries of any subdistrict established under this section in any county may be expanded as provided in this subsection. Whenever not less than ten percent of registered voters residing in an area in such county adjacent to an existing subdistrict desire to be annexed into the subdistrict, such registered voters shall file a petition with the governing body of the county requesting, subject to the official approval of the existing county library board, the expansion of the subdistrict. The petition shall contain the following information:

- (a) The name and residence of each petitioner; and
- (b) A specific description of the proposed subdistrict boundaries, including a map illustrating the boundaries.

(2) Upon the filing of a petition under this subsection, subject to the official approval of the existing county library board, the governing body of the county may, by resolution, approve the expansion of the subdistrict. Any resolution to expand such subdistrict adopted by the governing body of the county shall contain the following information:

- (a) A description of the proposed boundaries of the subdistrict;
- (b) The time and place of a hearing to be held to consider expansion of the subdistrict; and
- (c) The rate of tax to be imposed in the area of expansion and voted on within the proposed subdistrict, if any.

Following the hearing required in this subsection, if the existing library board approves the expansion, and if the governing body of the county determines that expansion is in the best interest of the current subdistrict, then the governing body may, by order or ordinance, provide for the expansion of the subdistrict and for any imposition of the existing subdistrict tax rate within the area of expansion. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the proposed subdistrict, at a state general, primary, or special election, a proposal to authorize the governing body of the county to expand the boundaries of the subdistrict and, if necessary, to impose the existing subdistrict tax rate within the area of expansion. If a majority of the votes cast on the question by the qualified voters voting thereon and residing in the existing subdistrict and a majority of the votes cast on the question by the qualified voters voting thereon and residing in the area proposed to be annexed into the subdistrict are in favor of the question, then the expansion of the subdistrict and the imposition of the tax within the area of expansion shall become effective on the first day of the second calendar quarter immediately following the vote. If a majority of the votes cast on the question by the qualified voters voting thereon in either the existing subdistrict or in the area proposed to be annexed into the subdistrict are opposed to the question, then the expansion of the subdistrict and the imposition of the tax shall not become effective unless and until the question is resubmitted under this subsection to the qualified voters and such question is approved by the required majorities of the qualified voters voting on the question under this subsection.

(3) The governing body of any county that has expanded subdistrict boundaries or imposed a tax increase authorized in this subsection may submit the question of repeal of the expansion of boundaries and the accompanying imposition of the tax in the area of expansion to the voters of the subdistrict on any date available for elections for the county.

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the expansion of boundaries and the imposition of the tax as authorized in this subsection shall remain effective until the question is resubmitted under this subsection to the

qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

(4) Whenever the governing body of any county that has expanded subdistrict boundaries or imposed a tax as authorized in this subsection receives a petition, signed by ten percent of the registered voters of the library subdistrict, calling for an election to repeal the expansion of boundaries and the accompanying imposition of the tax in the area of expansion under this subsection, the governing body shall submit to the voters of the subdistrict a proposal to repeal the expansion and the accompanying imposition of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the expansion of boundaries and the imposition of the tax as authorized in this subsection shall remain effective until the question is resubmitted under this subsection to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

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(L. 1972 S.B. 583, A.L. 1987 H.B. 179 & 307, A.L. 1995 S.B. 14, A.L. 2007 S.B. 22)

----- 182.015 8/28/2007 -----

**182.020. Levy and collection of tax — reconsideration of tax — increase in tax levy procedure, ballot form.** — 1. If, from returns of the submission of the question, the majority of all the votes cast are in favor of establishing a county library district and for the tax for a free county library, the county governing body shall enter of record a brief recital of the returns and that there has been established "\_\_\_\_\_ county library district", and thereafter such "\_\_\_\_\_ county library district", shall be considered established; and the tax specified in the notice, subject to the provisions of this section, shall be levied and collected, from year to year.

2. At least once in every month the county collector in each county of the first and second classes, including such counties having a charter form of government, shall pay over to the treasurer of the county library district all moneys received and collected by him to which the district is entitled and take duplicate receipts from the treasurer, one

of which he shall file with the secretary of the county library district and the other he shall file in his settlement with the county governing body. The county collector in the counties of the third and fourth classes shall pay over to the county treasurer at least once in every month all moneys received and collected by him which are due the county library district and shall take duplicate receipts therefor, one of which he shall file in his settlement with the county governing body. The county treasurer in such counties shall pay over to the treasurer of the county library district, at least once in every month, all moneys so received by him to which the district is entitled. Upon payment he shall take duplicate receipts from the treasurer of the county library district, one of which he shall file with the secretary of the county library district, and the other he shall file in his settlement with the county governing body.

3. The tax may be reconsidered whenever the voters of any county library district shall so determine by a majority vote on such questions after petition, order, and notice of the election and of the purpose thereof, first having been made, filed, and given, as in the case of establishing such county library district. At least five years must elapse after the county library district has been established and a tax therefor has been levied before a question to reconsider the tax may be submitted under this subsection.

4. Whenever the county library board of trustees finds it appropriate, it may order an election on the question of increasing the tax established pursuant to subsection 2 of section 182.010 or increased pursuant to subsection 5 of section 182.010. Notice of the election shall be published in the same manner as is notice of an election to establish a county library district under section 182.010. The notice and order shall each recite the amount of the proposed increase. The question shall be submitted in substantially the following form:

Shall the \_\_\_\_\_ per hundred dollars assessed valuation tax for the county library be increased to \_\_\_\_\_ per hundred dollars assessed valuation?

If a majority of votes cast on the question are in favor of the increase, then the increased tax shall be levied and collected in the same manner as the tax was at its previous lower rate.

5. As used in sections 182.010 to 182.120, the words "county commission" or "county governing body" shall be construed to mean the proper commission or official in any county operating under a special charter.

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(RSMo 1939 § 14767, A.L. 1955 p. 547, A.L. 1978 H.B. 971, A.L. 1984 S.B. 423, A.L. 1987 H.B. 179 & 307)

Prior revision: 1929 § 13463

----- 182.020 8/28/1987 -----

**182.030. Voters of municipal district may vote on establishing or inclusion in county district when — effect. —** Whenever voters equal to five percent of the total vote cast for governor at the last election in an existing municipal library district within the geographical boundaries of a proposed or existing county library district shall petition in writing the county commission to be included in the proposed or existing county library district, subject to the official approval of the existing county library board, the voters of the municipal library district shall be permitted to vote on the question for establishing or joining the county library district, and on the proposition for a tax levy for establishing and maintaining a free county library. If the question carries by a majority vote, the municipal library district shall become a part of the county library district at the beginning of the next fiscal year and the property within the municipal library district shall be liable to taxes levied for free county library purposes. If a majority of voters in the existing municipal library district oppose the county library district, the existing municipal library district shall continue.

(RSMo 1939 § 14771, A.L. 1955 p. 547, A.L. 1978 H.B. 971)

Prior revision: 1929 § 13467

----- 182.030 8/28/1978 -----

**182.040. City may become part of county library district — procedure — effect. —** After the establishment of a free county library district the legislative body of any incorporated city, town or village in the county which was excluded from the county library district because of the maintenance of a tax supported municipal library established and maintained pursuant to other provisions of this chapter, after approval of the proposed change by the trustees of the free county library district, may become a part of the free county library district by notifying the county commission that the municipality desires to become a part of the free county library district at the beginning

of the next fiscal year; and thereafter the municipality shall be liable for taxes levied for free county library purposes at the same rate as is levied for the free county library district in the county.

(RSMo 1939 § 14772, A.L. 1955 p. 547, A.L. 1961 p. 403, A.L. 1974 H.B. 1643)

Prior revision: 1929 § 13468

182.040 8/28/1974

**182.050. County library boards — appointment, qualification, removal, vacancies — nepotism forbidden.** — For the purpose of carrying into effect sections 182.010 to 182.120, in case a county library district is established and a free county library authorized as provided in section 182.010, within sixty days after the establishment of the county library district, there shall be created a county library board of trustees, of five members, who shall be residents of the library district, none of whom shall be elected county officials. The members shall be appointed by the county commission for terms of four years each, except that as to the members of the first board, two shall be appointed for one year, and one each shall be appointed for two years, three years, and four years, respectively, from the first day of July following their appointment; and annually thereafter before the first day of July the county commission shall appoint successors. Vacancies in the board occasioned by removals, resignations or otherwise shall be reported to the county commission and shall be filled in like manner as original appointments; except that if the vacancy is in an unexpired term, the appointment shall be made for only the unexpired portion of that term. No member of the board shall receive compensation as such. No person shall be employed by the board of library trustees or by the librarian who is related within the third degree by blood or by marriage to any trustee of the board.

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(RSMo 1939 § 14768, A.L. 1955 p. 547, A.L. 1972 S.B. 581, A.L. 1986 H.B. 1372)

Prior revision: 1929 § 13464

182.050 8/28/1986

**182.060. Board to organize — rules and regulations — county librarian, appointment.**  
— 1. The board of trustees, immediately after their appointment by the county

2

governing body, shall meet and organize by the election of one of their number as president and one as treasurer and by the election of such other officers as they may deem necessary; shall make and adopt such bylaws, rules and regulations for their own guidance as may be expedient, not inconsistent with law, for the government of the library and in general shall carry out the spirit and intent of sections 182.010 to 182.120 in establishing and maintaining the free county library.

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CONSERVE, MAINTAIN  
PHYSICAL ASSETS

2. The board, in case such library district establishes its own free county library, shall appoint a qualified librarian who shall be the chief executive and administrative officer for the library district and shall serve at the pleasure of the board.

3

DILLON'S RULE

(RSMo 1939 § 14768, A.L. 1955 p. 547, A.L. 1984 S.B. 423)

Prior revision: 1929 § 13464

PART OF TEAM

----- 182.060 8/28/1984 -----

182.070. General powers of district — seal. — The county library district, as a body corporate, by and through the county library board of trustees, may sue and be sued, complain and defend, and make and use a common seal, purchase or lease grounds, purchase, lease, occupy or erect an appropriate building for the use of the county library and branches thereof out of current funds if such funds are available above those necessary for normal operations or, as provided in section 182.105, and sell, convey, lease, exchange, transfer and otherwise dispose of all or any part of its real or personal property, or any interest therein, or other assets wherever situated for and on behalf of the county library and branches thereof, receive gifts of real and personal property for the use and benefit of the county library and branch libraries thereof, the same when accepted to be held and controlled by the board of trustees, according to the terms of the deed, gift, devise or bequest of such property.

4

(RSMo 1939 § 14769, A.L. 1955 p. 547, A.L. 1995 S.B. 14)

Prior revision: 1929 § 13465

**182.073. Treasurer of board, custodian of funds, duties.** — 1. The treasurer of the board of trustees of a county library district shall receive and be the custodian of all money belonging to the district from whatever source derived. All funds of the county library district derived from local taxation for the county library fund and received from the county collector shall be kept in the county library fund. All funds of the county library district derived from local taxation for the county library building fund and received from the county collector shall be kept in the county library building fund; all funds derived from state aid or federal grants, other than land, building and furnishing grants, shall be kept in the county library operating fund; and the board may establish any other funds that it deems necessary. The treasurer shall deposit all moneys belonging to the county library district in the depositories that are selected by the board of trustees. The treasurer shall also be the custodian of all bonds or other securities belonging to the county library district.

2. County library district moneys shall be disbursed by the treasurer by appropriate instrument of payment only upon due authorization of the county library district board of trustees and duly certified for payment by the president. The certification shall specify the amount to be paid, to whom payment is to be made and the purpose for which payment is being made. The board by resolution may direct that the signature of the president or treasurer be a facsimile signature in the manner provided by sections 105.272 to 105.278.

3. No authorization or certification shall be made, and no instrument of payment issued, for the payment of any county library district indebtedness unless there is sufficient money in the treasury and the proper fund for the payment of the indebtedness and be in the proper form.

4. The treasurer of the board of trustees shall submit to the board of trustees, at each regularly scheduled meeting of the board, an accounting reflecting receipt and disbursement of funds belonging to the county library district.

(L. 1984 S.B. 423)



**182.075. Bond requirement for treasurer, librarian and other employees — cost — librarian's duties, accounts and reports.** — 1. The treasurer, the librarian and other employees as designated by the board, before entering upon the discharge of their duties as such, shall enter into bond or bonds with a corporate surety to be approved by the board of trustees in such amount as may be fixed by the board, conditioned that they will render a faithful and just account of all money that comes into their hands, and otherwise perform the duties of their office according to law. The county library district shall pay the premium for the bond or bonds from its operating fund. A copy of such bond or bonds shall be filed with the treasurer of the board and the county clerk. In case of a breach of the conditions of the bond or bonds, the board or any taxpayer of the county library district may cause suit to be brought thereon. The suit shall be prosecuted in the name of the state of Missouri at the relation of and for use of the proper county library district.

2. The librarian, for and on behalf of the board, shall keep or cause to be kept financial records and accounts according to generally accepted accounting standards, and shall furnish to the board or any member thereof the financial records and accounts, or summaries thereof, that the board or any member thereof may request.

3. On or before the second Monday in March of each year, the librarian shall make a report to the board, stating the condition of the library and its services as of the thirty-first day of December of the preceding fiscal year. On or before the thirtieth day of April, the reports shall be submitted to the county governing body and to the Missouri state library by the board of trustees of the county library district.

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(L. 1984 S.B. 423)

**182.080. Board may contract for library service — procedure.** — The county library board of trustees may contract with the body having control of a public library for assistance in the operation of a free county library under such terms and conditions as may be stated in the contract, or it may contract with the body having control of a

public or a school library or any other library to furnish library service to the people of the county library district, under such terms and conditions as may be stated in the contract. The body having control of any library district may contract with any such county library board of trustees to provide library service to the people of the library district under such terms and conditions as may be stated in the contract. The county library board of trustees may contract with any other county library district under the terms outlined in sections 70.210 to 70.320. In case a contract is made for services by any library, the contracting library boards of trustees shall advise and consult together with regard to the management and disbursement of funds, and other policies relating to the proper management of the library.

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(RSMo 1939 § 14770, A.L. 1955 p. 547)

Prior revision: 1929 § 13466

----- 182.080 8/28/1955 -----

**182.100. Tax for library building, election — duration, rate — building fund — revenues paid to district, when. —** 1. Whenever, in any county library district which has decided or shall hereafter decide to establish and maintain a free county library under the provisions of sections 182.010 to 182.120, the county library board of trustees, by written resolution entered of record, deems it necessary that free county library buildings be erected in the county and voters equal to five percent of the total vote cast for governor at the last election of any county library district shall petition the county governing body in writing asking that an annual tax be levied at and as an increased rate of taxation for the library buildings and specify in their petition a rate of taxation annually, and not to be levied for more than ten years, on all taxable property in such county library district, then the county governing body, if it finds the petition was signed by the requisite number of voters, shall enter of record a brief recital of the petition, and of its finding, and shall order that the question of the petition be submitted to the voters of the county library district at an election. The order and the notice shall specify the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be a tax of \_\_\_\_\_ (insert amount) on each one hundred dollars assessed valuation for the erection of a free county library building?

3. If the majority of the voters of the county library district voting on the question vote in favor of the tax, the tax specified in the notice shall be levied and collected in like manner with other taxes of the county library district, and shall be known as the "County Library Building Fund", and shall be subject to the exclusive control of the county library board of trustees. At least once in every month the county collector in all counties of the first and second classes, including such counties having a charter form of government, shall pay over to the treasurer of the county library district all money received and collected by him for the fund and take duplicate receipts from the treasurer, one of which he shall file with the secretary of the county library district and the other he shall file in his settlement with the county governing body. The county collector in counties of the third and fourth classes shall pay over to the county treasurer, at least once in every month, all moneys received and collected by him for the county library building fund and shall take duplicate receipts therefor, one of which he shall file in his settlement with the county governing body. The county treasurer in such county shall pay over to the treasurer of the county library district, at least once in every month, all moneys so received by him for the fund; upon payment he shall take duplicate receipts from the treasurer of the county library district, one of which he shall file with the secretary of the district, and the other he shall file in the settlement with the county governing body. This fund shall be used for expenses incident to the erection and furnishing of the library building. The tax hereby provided for the erection of free county library buildings in such county shall be in addition to the tax levied for the establishment and maintenance of such county library.

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(RSMo 1939 § 14773, A.L. 1955 p. 547 § 182.090, A.L. 1978 H.B. 971, A.L. 1984 S.B. 423, A.L. 1985 S.B. 152)

Prior revision: 1929 § 13469

Effective 12-31-85

----- 182.100 12/31/1985 -----

**182.105. Issuance of bonds for building — limits — maturity — election — tax to pay.**

- 1. The county library board in any county library district may provide for the purchase of ground and for the erection of public library buildings, and for the improvement of existing buildings, and may provide for the payment of the same by the issue of bonds or otherwise, subject to the conditions and limitations set forth in this section.
  
2. No bonds shall be issued in an amount in excess of five percent of the value of taxable, tangible property in the county library district, as shown by the last completed assessment for state and county purposes, nor shall such indebtedness be incurred unless it has been approved by the vote of the constitutionally required percentage of the voters of the county library district voting on the question at a municipal election.
  
3. Before incurring any indebtedness as authorized in this section, the county library board shall provide for the collection of an annual tax on all taxable, tangible property in the county library district sufficient to pay the interest and principal of the indebtedness as they shall fall due and to retire the same within twenty years from the date contracted.
  
4. If, upon the returns from the election, which shall be certified to the county commission, it appears that the question to incur or increase such indebtedness has been assented to by the constitutionally required percentage of the voters voting on the question, the county commission shall enter of record a brief recital of the returns and shall declare that the county library board may issue bonds of the county library district in a total amount not in excess of that authorized by the voters. The bonds shall be issued in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear, bearing interest from date at a rate not exceeding the rate per annum authorized by law. All bonds shall be signed by the chairman of the county library board, attested by the signature of the secretary, and each bond shall have impressed thereon the corporate seal of the county library district.

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(L. 1955 p. 500 § 182.100, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621, A.L. 2006 S.B. 936)

----- 182.105 8/28/2006 -----

**182.110. Librarians required to attend meetings — expenses.** — County librarians shall be required to attend state library meetings and district library institutes, the actual and necessary expenses incident thereto being a charge against the county library fund.

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(RSMo 1939 § 14774, A.L. 1955 p. 547)

Prior revision: 1929 § 13470

----- 182.110 8/28/1955 -----

**182.120. Services accessible to all residents of county.** — The services of a free county library may be direct loan of books and other library materials, through branches, stations, or mobile units; but in all cases service shall be available to all residents of the county library district.

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(RSMo 1939 § 14775, A.L. 1955 p. 547)

Prior revision: 1929 § 13471

----- 182.120 8/28/1955 -----

**182.130. Certain areas excluded from county library districts (first class charter counties).** — If, in any county of the first class having a charter form of government, any property located within the geographical boundaries of a county library district is now, or hereafter, included within the geographical boundaries of an urban public library district supported at least in part by taxation, the property now, or hereafter, included within the geographical boundaries of the urban public library district shall be excluded from the county library district, and the excluded property shall only be subject to taxation for library purposes by the urban public library district and shall no longer be subject to taxation for county library district purposes.

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(L. 1965 p. 312 § 4, A.L. 1975 H.B. 124, A.L. 1988 S.B. 681)

[provisions relating to city libraries removed]

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182.230. **Library free to public subject to regulations.** — Every library and reading room established under sections 182.140 to 182.301 shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of the library and reading room of the greatest benefit to the greatest number. The board may exclude from the use of the library and reading room any and all persons who willfully violate such rules. The board may extend the privileges and use of the library and reading room to persons residing outside of the city in this state, upon such terms and conditions as the board, from time to time, by its regulations, may prescribe.

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(RSMo 1939 § 14757, A.L. 1955 p. 555 § 182.210)

Prior revisions: 1929 § 13453; 1919 § 7196; 1909 § 8192

182.280. **Board may sell lands, when — exceptions (cities 10,000 or over).** — Whenever the board of trustees of any public library acquires a lot or tract of land, and the board determines that it is not judicious to erect the library building upon the lot, the board may sell or exchange the lot and to use the proceeds of the sale or exchange for the purposes of a site for a library building, or for the erection of a library building, on any other land purchased or leased by or donated to the board and which it may deem suitable for the building. Sections 182.260, 182.270 and 182.280 shall not apply to cities under ten thousand inhabitants.

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(RSMo 1939 § 14766, A.L. 1955 p. 555 § 182.270)

Prior revisions: 1929 § 13462; 1919 § 7205; 1909 § 8201

[provisions relating to municipal library districts, consolidated public library districts,  
and urban public library districts removed]

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**182.800. Free libraries — funds, investment of.** — The governing board of any free library district may invest funds of the district. The board may invest the funds in either open time deposits for ninety days or certificates of deposit in a depository selected by the board, if the depository has deposited securities under the provisions of sections 110.010 and 110.020; or in bonds, redeemable at maturity at par, of the state of Missouri, of the United States, or of any wholly owned corporation of the United States; or in other short term obligations of the United States. No open time deposits shall be made or bonds purchased to mature beyond the date that the funds are needed for the purpose for which they were received by the district. Interest accruing from the investment of funds in such deposits or bonds shall be credited to the library district fund from which the money was invested.

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(L. 1971 H.B. 104 § 1)

----- 182.800 8/28/1971 -----

**182.802. Public libraries, sales tax authorized — ballot language — definitions (Butler, Ripley, Wayne, Stoddard, New Madrid, Dunklin, Pemiscot, Saline, and Cedar counties) — 1.** (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

- (a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;
- (b) Any county of the third classification without a township form of government and with more than thirteen thousand five

- hundred but fewer than thirteen thousand six hundred inhabitants;
- (c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;
  - (d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;
  - (e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;
  - (f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;
  - (g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;
  - (h) Any county of the fourth classification with more than twenty thousand but fewer than thirty thousand inhabitants; or
  - (i) Any county of the third classification with more than thirteen thousand nine hundred but fewer than fourteen thousand inhabitants.
- (2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of



public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a \_\_\_\_\_ cent sales tax be levied on all retail sales within the district for the purpose of providing funding for \_\_\_\_\_ library district?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, "qualified voters" or "voters" means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term "public library district" shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district.

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(L. 2011 H.B. 161, A.L. 2012 H.B. 1504, A.L. 2014 S.B. 672, A.L. 2016 H.B. 1561)

----- 182.802 8/28/2016 -----

**182.810. Insurance for library boards.** — The library board or board of trustees of any library in the state supported in whole or in part by taxation may purchase and maintain insurance for members of the board, individually, against any liabilities incurred as board members.

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(L. 1982 S.B. 835)

----- 182.810 8/28/1982 -----

**182.812. Library network defined — appropriations, rules and regulations — library networking fund established — rulemaking, procedure.** — 1. As used in this section, the term "library network" shall mean a formal process of cooperation between libraries and other entities to serve the people of Missouri in an improved fashion through planning and implementing projects and joint activities designed to share and extend combined resources.

2. The state librarian shall promulgate rules and regulations to administer any moneys appropriated by the general assembly for library networks. The sum so appropriated for library networks shall be separate and apart from any and all appropriations made to the state library for any other purpose. The state librarian shall certify the amount of each grant to each approved library network, and warrants shall be issued for the amount so allocated and approved.

3. A special fund to be known as the "Library Networking Fund" is hereby established within the state treasury. It shall consist of any gifts, contributions, grants, or bequests received from federal, private or other sources. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund for library networking shall not be transferred to the credit of the general revenue fund at the end of any biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the library networking fund shall be credited by the state treasurer to the fund.

4. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative

rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

5. Upon filing any proposed rule with the secretary of state the state librarian shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

6. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the state librarian may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

7. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

8. If the committee disapproves any rule or portion thereof, the state librarian shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

9. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house

within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

10. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to Section 8, Article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

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(L. 1983 H.B. 300 § 1, A.L. 1995 S.B. 14)

----- 182.812 8/28/1995 -----

**182.815. Disclosure of library records, definitions.** — As used in this section and section 182.817, the following terms shall mean:

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- (1) "Digital resource or material", any E-book, digital periodical, digital thesis, digital dissertation, digital report, application, website, database, or other data available in digital format from a library for display on a computer screen or handheld device;
  - (2) "E-book", any book composed or converted to digital format for display on a computer screen or handheld device;
  - (3) "Library", any library established by the state or any political subdivision of the state, or combination thereof, by any community college district, or by any college or university, and any private library open to the public;
  - (4) "Library material", any book, E-book, digital resource or material, document, film, record, art work, or other library property which a patron may use, borrow or request;
  - (5) "Library record", any document, record, or other method of storing information retained, received or generated by a library that identifies a person or persons as having requested, used, or borrowed library material, and all other records identifying the names of library users. The term "library record" does not include nonidentifying material that may be

retained for the purpose of studying or evaluating the circulation of library material in general.

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(L. 1986 H.B. 1372 § 1, A.L. 2014 H.B. 1085)

----- 182.815 8/28/2014 -----

**182.817. Disclosure of library records not required — exceptions — complaint may be filed for compromised privacy, procedure.** — 1. Notwithstanding the provisions of any other law to the contrary, no library, employee or agent of a library, or third party contracted by a library that receives, transmits, maintains, or stores library records shall release or disclose a library record or portion of a library record to any person or persons except:

- (1) In response to a written request of the person identified in that record, according to procedures and forms giving written consent as determined by the library; or
- (2) In response to an order issued by a court of competent jurisdiction upon a finding that the disclosure of such record is necessary to protect the public safety or to prosecute a crime.

2. Any person whose privacy is compromised as a result of an alleged violation of this section may file a written complaint within one hundred eighty days of the alleged violation with the office of the attorney general describing the facts surrounding the alleged violation. Such person may additionally bring a private civil action in the circuit court of the county in which the library is located to recover damages. The court may, in its discretion, award punitive damages and may award to the prevailing party attorney's fees, based on the amount of time reasonably expended, and may provide such equitable relief as it deems necessary or proper. A prevailing respondent may be awarded attorney fees under this subsection only upon a showing that the case is without foundation.

3: Upon receipt of a complaint filed in accordance with subsection 2 of this section, the attorney general shall review each complaint and may initiate legal action if deemed appropriate.

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(L. 1986 H.B. 1372 § 2, A.L. 2014 H.B. 1085)

\_\_\_\_\_ 182.817 8/28/2014 \_\_\_\_\_

**182.825. Definitions.** — As used in sections 182.825 and 182.827, the following terms mean:

- 10
- (1) "Pornographic for minors", as that term is defined in section 573.010;
  - (3) "Public access computer", a computer that is:
    - (a) Located in an elementary or secondary public school or public library;
    - (b) Frequently or regularly used directly by a minor; and
    - (c) Connected to any computer communication system.

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(L. 2002 H.B. 1402)

\_\_\_\_\_ 182.825 8/28/2002 \_\_\_\_\_


**182.827. Responsibilities of public schools and public libraries with public access computers — rulemaking authority — immunity from liability, when.** — 1. A public school that provides a public access computer shall do one or both of the following:

- | |
- (1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase internet connectivity from an internet service provider that provides filter services to limit access to material that is pornographic for minors;
  - (2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.
2. The department of elementary and secondary education shall establish rules and regulations for the enforcement of subsection 1 of this section. Any rule or portion of a

rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. A public library that provides a public access computer shall do one or both of the following:

- (1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase internet connectivity from an internet service provider that provides filter services to limit access to material that is pornographic for minors;
- (2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

4. The secretary of state shall establish rules and regulations for the enforcement of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void. 

5. Any public school board member, officer or employee, including library personnel, who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091.

6. A public school or public school board member, officer or employee, including library personnel, public library or public library board member, officer, employee or trustee that complies with subsection 1 or 3 of this section or an internet service

provider providing internet connectivity to such public school or library in order to comply with this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is pornographic for minors through the use of a public access computer that is owned or controlled by the public school or public library.

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(L. 2002 H.B. 1402)



2025 Preliminary Budget Overview (DRAFT)

2024 Budget			
INCOME			
INCOME	Projected	Difference	
Carryover/bond reimbursement	\$418,916.00	\$258,442.00	-\$160,474.00
Estimated Tax Revenue	\$3,374,469.00	\$3,400,000.00	\$25,531.00
Estimated Income from Fines & Copier	\$26,000.00	\$40,000.00	\$14,000.00
Estimated State Aid from State Library	\$65,000.00	\$65,000.00	\$0.00
Estimated Grants/Donations/Reimbursements	\$80,000.00	\$40,000.00	-\$40,000.00
Estimated Interest Income	\$12,000.00	\$21,000.00	\$9,000.00
<b>TOTAL</b>	<b>\$3,976,385.00</b>	<b>\$3,824,442.00</b>	<b>-\$151,943.00</b>

2025 Budget DRAFT	
INCOME	Difference 2024
\$400,000.00	-5%
\$3,473,000.00	3%
\$30,000.00	15%
\$65,000.00	0%
\$50,000.00	-38%
\$12,000.00	0%
<b>\$4,030,000.00</b>	<b>1%</b>

2024 Budget			
EXPENDITURES			
	Projected	Difference	
Capital Expenses	\$0.00	\$0.00	\$0.00
Personnel	\$2,261,285.00	\$2,162,042.00	-\$99,243.00
Collection	\$345,500.00	\$350,000.00	\$4,500.00
Operating	\$1,367,400.00	\$1,312,400.00	-\$55,000.00
<b>TOTAL</b>	<b>\$3,974,185.00</b>	<b>\$3,824,442.00</b>	<b>-\$149,743.00</b>

2025 Budget DRAFT	
EXPENDITURES	Difference 2024
\$0.00	0%
\$2,377,000.00	5%
\$353,000.00	2%
\$1,300,000.00	-5%
<b>\$4,030,000.00</b>	<b>1%</b>