



REBECCA OTTO
STATE AUDITOR

STATE OF MINNESOTA

OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

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Article for *Minnesota Counties*

County Law Libraries

By Rebecca Otto, State Auditor

Counties are authorized to establish law libraries and state law provides clear direction on their governance.

The use of a county law library is free to county and city officials, judges, lawyers, and county residents. State law provides that once a library is established, the county board must furnish “suitable quarters” within the courthouse for the use of the library and “light, heat, janitor service and other necessary expenses” of maintaining the library. The county retains title to the library and its property.

Law Library Governance

The library is maintained with public funds and managed by a board of trustees in accordance with its bylaws. A law library board of trustees may have three, five or seven members: the terms of the board members are set in the bylaws. The board of trustees serves without compensation.

The board of trustees must adopt bylaws and “regulations for the conduct of its business and the government of the library.” Bylaws and regulations may be tailored to meet the unique circumstances of the law library. Those bylaws must be filed with the court administrator, along with all other records and all documents related to governance of the law library.

Sources of Revenue

Law libraries are funded in part by court proceedings. State law directs that a law library fee be collected from all parties to a lawsuit whenever a civil lawsuit is filed in a county. Upon recommendation of the law library’s board of trustees and by standing order of the district judges, a fee may also be collected from anyone convicted of a violation of a statute or a municipal ordinance, including a traffic offense.

The amount of the fee is set by the law library board of trustees and approved by the county board of commissioners. Fees are paid to the county treasurer or auditor, who then disburses

these funds and any other money belonging to the law library at the direction of the law library board of trustees.

In addition, the county board may, at its discretion, provide additional support and maintenance out of county funds. A law library's board of trustees has the authority to accept gifts, grants, bequests or loans of books or property and to carry out any attached conditions.

Disbursement of Law Library Funds

The law library board of trustees has the authority to make purchasing decisions for the law library. The Office of the State Auditor (OSA) recommends that the board approve, and their meeting minutes reflect, decisions regarding all expenditures of a law library's funds.

The OSA is aware that some county law libraries' bylaws permit expenditures below a specified amount by a library employee, such as the law librarian. In those situations, the OSA recommends that the board of trustees implement internal control procedures to ensure the proper disbursement of these public funds. For example, the board of trustees could require that a list of all claims under a certain amount authorized by the librarian be presented after payment to the board of trustees for approval at the next regularly scheduled meeting. The list of all claims should then be attached to the meeting minutes. Payments on leases, contracts and subscriptions can be pre-approved.

The board of trustees should receive an annual report from the county auditor or treasurer containing a detailed statement of the receipts and disbursements of the library for the preceding year. The OSA recommends that at least one member of the board of trustees compare the detailed statement received from the county with authorized claims reflected in the board's meeting minutes.

Board Meetings and Minutes

Law library boards are subject to the Minnesota Open Meeting Law. State law requires all public authorities and political entities to "make and preserve all records necessary to a full and accurate knowledge of their official activities." A law library board's official activities consist, in large part, of board meetings. The board of trustees is required to file minutes of its meetings with the county court administrator. More information on minutes is available in the OSA's Statement of Position on Meeting Minutes, available on our website at: www.auditor.state.mn.us.

Inventory of Law Library Property

Items purchased with law library funds belong to the county establishing the law library. The law requires that the board of trustees conduct an inventory of law library property and file the inventory with the county auditor or treasurer, showing the property belonging, loaned or leased to the law library.

The inventory should include all property of the library including books, furniture and computers, and can be kept electronically. An electronic catalogue, for example, could serve as a partial inventory because it lists the library collections. The statute gives no guidance as to how often an inventory should be conducted.

Additional Resources for the Board of Trustees

The OSA recommends that a county law library's board of trustees work with the Minnesota State Law Library's County Law Library Program (CLLP) to address issues facing law libraries. CLLP provides consultation services, training, and a manual for Minnesota county law libraries, among other services. CLLP's website is: www.lawlibrary.state.mn.us.