

## Library Trustees Serve Without Compensation

Recent newspaper headlines regarding library trustees receiving lifetime health insurance benefits have led to questions regarding the propriety of libraries providing those benefits.

With regard to library district trustees, Section 30-30 of the Illinois Public Library District Act of 1991 (75 ILCS 16/30-30) provides:

“Trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.”

Similarly, with regard to local library trustees, Section 4-5 of the Illinois Local Library Act (75 ILCS 5/4-5) provides:

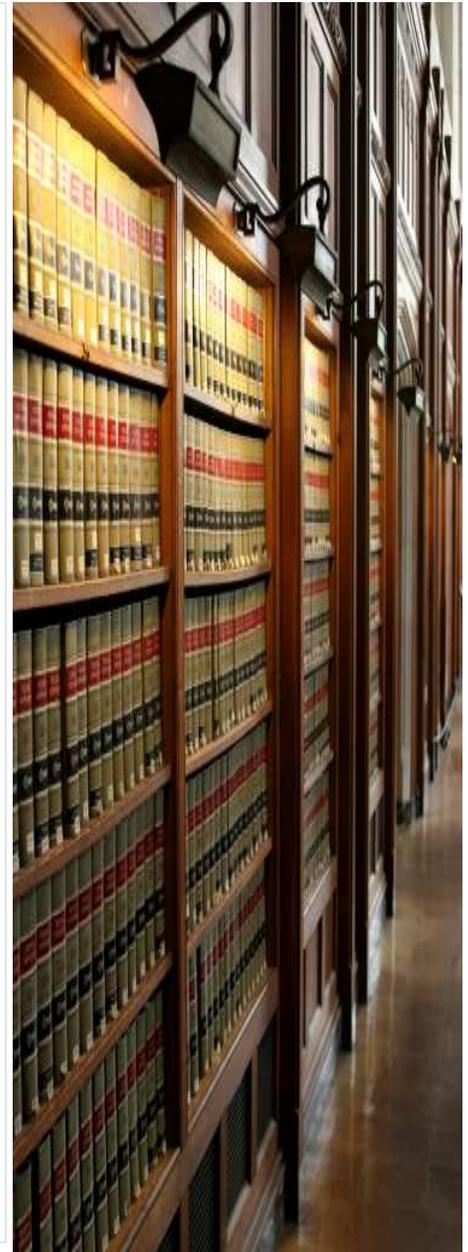
“Trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds.”

Thus, both the Public Library District Act of 1991 and the Local Library Act permit library trustees to be reimbursed for actual and necessary expenses they incur in the performance of their duties, but prohibit library trustees from being compensated for their service.

The term “compensation” is not, however, defined in either the Public Library District Act of 1991 or the Local Library Act. Therefore, in accordance with Illinois law regarding statutory interpretation, the plain and ordinary dictionary meaning of “compensation” must be determined.

As applied to officers and trustees, dictionaries generally define “compensation” as “remuneration in whatever form it may be given.” Dictionaries generally define “remuneration” as “recompense” or “a reward for service.” Thus, the Public Library District Act of 1991 and the Local Library Act prohibit library trustees from being “compensated” or “rewarded” for their service in whatever form it may be given.

In other words, providing library trustees with lifetime health benefits is clearly an improper form of “compensation” or “reward” and violates both Section 30-30 of the Illinois Public Library District Act of 1991 and Section 4-5 of the Illinois Local Library Act. Moreover, any policy or contract providing such health benefits or any other financial benefit to trustees would require the trustees to vote thereon



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and, if approved, would violate the Public Officer Prohibited Activities Act (50 ILCS 105/3(a)), which is a Class 4 felony.

Another improper form of “compensation” or “reward” is waiving library fines, fees and charges for library trustees. Indeed, in accordance with Section 30-30 of the Illinois Public Library District Act of 1991 and Section 4-5 of the Illinois Local Library Act, trustees should not be immune from library fines, fees and charges as a reward for their services, but are subject to the same library fines, fees and charges imposed on patrons.

On the other hand, both statutes permit reimbursement of trustees for actual and necessary expenses incurred in the performance of their duties. For example, if a library trustee attends a library conference, the trustee is entitled to reimbursement for mileage, meals and the cost of attending the conference. It must be noted, however, that a library trustee is not entitled to reimbursement for mileage for attending library board meetings.

If you have questions regarding the propriety of compensating or reimbursing library trustees, you should contact your library attorney.

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