

**RESOLUTION OF THE ST. JOSEPH COUNTY PUBLIC LIBRARY BOARD
REGARDING COMPOSITION OF THE BOARD OF DIRECTORS**

RECITALS

- A. The St. Joseph County Public Library is an Indiana Municipal Corporation, and is operated subject to Indiana Law (IC 36-12-2-2) (“Library”) including but not limited to the selection and number of Directors on a Board of Directors (IC 36-12-2-9) (“Library Board”)
- B. The South Bend Community School Corporation is an Indiana Municipal Corporation, and is operated subject to Indiana Law (IC 20-26-1 et seq) (“School Corp”), including but not limited to the election of a Board of Trustees by the residents who reside in the School Corp District. (“Trustees”)
- C. Indiana Law permits both the Library Board and Trustees to adopt By-Law or Policies and Procedures The By-laws adopted by the Library Board and the Policies adopted by the Board of Trustees can not conflict with State law and in such case State Law controls.
- D. The Policies of the School Corp only bind the School Corp and not the Library as State law has granted specific powers to the Library and not the School Corp (IC 20-26-3-4 (2).
- E. The Board of Trustees can appoint 2 members to the Library Board (IC 36-12-2-9 (A))
- F. The Board of Trustees by it own internal Policies has delegated the appointment of its 2 members of the Library Board to the President, but under IC 36-12-2-9 (A) those appointments are considered to be made by the Board of Trustees, and not the President.
- G. Currently there are 2 members appointed by the Board of Trustees serving on the School Board, and therefore the Board of Trustees is not entitled to any further appointments.
- H. In a communication from Counsel for the School Corp dated August 8, 2025 to the Executive Director of the Library Board containing a notarized form signed by the President of the School Corp and dated August 8, 2025 appointing William Sniadecki (“Sniadecki”) to the Library Board to serve a 4 year term beginning on January 1, 2025. (“Attempted Appointment”)
- I. On the same page as the Attempted Appointment a notarized form of Oath signed by Sniadecki, and dated August 8, 2025.
- J. On its face this Appointment violated State Law, IC 5-4-1-1.2 (c) which requires an individual who is appointed to an office must take the oath within thirty (30) days AFTER THE BEGINNING OF THE TERM OF OFFICE (emphasis supplied)
- K. Even if the oath of office by Sniadecki had been timely taken and filed, there are other reasons the appointment of Sniadecki is void and of no legal effect:

- (i) The School Board at its June 23, 2025 meeting considered a Resolution to remove Library Board Member Ruth Warren which Resolution was not approved due to the fact not enough members of the Board of Trustees voted in favor of the Resolution, thereby permitting the appointment of Ruth Warren by the President of the School Corp in November 2024 effective January 1, 2025 to remain in full force and effect.
 - (ii) At the same public hearing on June 23, 2025 the Board of Trustees failed to find a cause required by State Law for removal of a library board member specifically listed in IC 36-12-2-20 (a)(1)-(2).
 - (iii) This action by the appointing authority (Board of Trustees) blocked the ability of President McCullough of the Board of Trustees to unilaterally make the appointment of William Sniadecki to the Library Board.
 - (iv) Since the removal of Ruth Warren failed there was no vacancy in the office of Library Board member, and the Library Board has never informed the appointing authority of any vacancy in the membership of the Library Board due to a failure of the member (Ruth Warren) to attend 6 consecutive Library Board regular meetings since Ms Warren has been an active member of the Library Board as its President. IC 36-12-20 (b)
 - (v) The common law case, *McGuirk v. State*, 201 Ind. 650, 169 N.E.521 (*In S. Ct*, 1930) cited by counsel for the Board of Trustees at its June 23, 2025 in support of the Board of Trustees passing the Resolution to remove Ruth Warren because at the time of her appointment there was no vacancy on the Library Board ignores the fact the appointment of Ruth Warren was not effective until January 1. 2025 when there was a vacancy
 - (vi) Rather, *McGuirk*, supports the conclusion the appointment of William Sniadecki to be a member of the Library Board does not pass muster under State Law since at the time of the Sniadecki appointment there was no vacancy on the Library Board.
 - (vii) The By-laws of the Library Board in Article V Section 1 provides the Library will not employ the spouse, child, parent or sibling of Director or any member of the Board. Since the sibling of William Sniadecki is an employee of the Library Board William Sniadecki may not serve as a Director.
- L. The Library Board has consulted with outside counsel, Richard A. Nussbaum, II and Sylvia Watson, General Counsel for the Indiana State Library, a municipal corporation created by the Indiana Legislature and operated pursuant to IC 36-12-11 et seq., and both share the opinion:

- (i) Ruth Warren was validly appointed pursuant to State Law to the Library Board for the term beginning on January 1, 2025, and is currently a member and Officer of the Library Board in good standing under State Law.
 - (ii) The appointment by Jeanette McCullough of William Sniadecki does not comply with State Law and is therefore void and of no legal effect.
- M. Mr. William Sniadecki sent a certified letter to the Library Board making a demand upon the Library Board to seat him as a member of the Library Board within 5 business days of receipt of the letter which was received February 19, 2025.
- N. The purpose of this Resolution is to formally deny the request of William Sniadecki to become a member of the Library Board based on the facts and law asserted in this Resolution.
- O. Mr. Sniadecki has threatened to file a lawsuit based on certain grounds described in the certified letter. Outside Counsel for the Library Board and the General Counsel of the State Library Board do not find any legal basis for him to be seated as a Library Board member.
- P. Mr. Sniadecki has made an accusation IC 34-17-1 which provides for an information to be filed by the Prosecuting Attorney or a private person if there has been activity which is described in IC 34-17-1-1. Outside Counsel has made the St. Joseph County Prosecutor, Ken Cotter of Mr. Sniadecki's allegations and encouraged Prosecutor Cotter to review the facts and circumstances described in this Resolution as the Library Board expectation will be the Prosecuting Attorney will find no basis for filing an Information.

On Motion duly made and seconded the Library Board approves the following:

BE IT RESOLVED, the Recitals are incorporated into the operative provisions of the Resolutions as if fully set out herein;

BE IT FURTHER RESOLVED, the demand of William Sniadecki to be seated as a member of the Library Board is **DENIED**;

BE IT FURTHER RESOLVED, the Library Board expresses its intentions to vigorously defend any cause of action which attempts to seat William Sniadecki as Library Board member, and to seek to recover all costs of defense from anyone who seeks through legal action to seat William Sniadecki as a Library Board member consistent with Indiana Law and in particular IC 34-17-3-7.

Dated as of August 25, 2025

St. Joseph County Public Library

By:_____

Its Secretary