

**Resolution 2014-10-01 of the Moore Town Council To  
Confirm the Existence and Operation of a Free Public Library And  
To Establish a Memorandum of Understanding Agreement  
Between Town of Moore And Moore Memorial Public Library**

**Dated October, 2014**

**Whereas**, the Town of Moore created a free public library by action of the Moore Town Council on June 4, 1918. Ordinance 2.18 of the Town of Moore documents the relationship among Town of Moore and the Moore Public Library,

**Whereas**, this Memorandum of Understanding Agreement supplements Ordinance 2.18, and where necessary, the Memorandum of Understanding supersedes Ordinance 2.18 with terms which bring the library operations into compliance with current law.

**Be it resolved**, the Memorandum of Understanding shall serve as the primary governing agreement between the Town of Moore and the Moore Memorial Library Board.

Adopted and Approved by the Town Council this 13th day of October, 2014.

Tracy A. Huck

Tracy A. Huck, Mayor

Kimberly Bradley

Attest by Kimberly Bradley, Clerk/Treasurer

Ronald C. Coy

Larry J. Loving

Spencer R. Grochen  
MSB

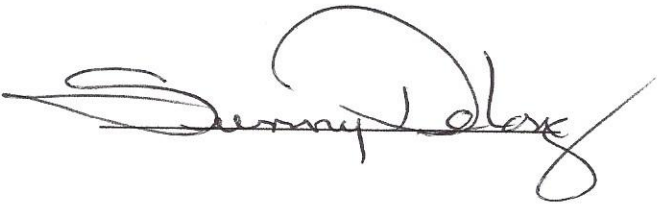
**ACKNOWLEDGEMENT OF RESOLUTION**

Heather Willis

Heather Willis, Library Board Chair

11/5/14

Date

A handwritten signature in black ink, appearing to read "Sunny DeLong". The signature is stylized with a large, looped initial "S" and a long, sweeping underline that extends to the right.

Attest by Sunny DeLong, Library Director

**Memorandum of Understanding Agreement Between  
The Town of Moore and The Moore Memorial Public Library**

This is an agreement between the Town of Moore, hereinafter referred to as Town, and the Moore Memorial Public Library, hereinafter referred to as Library, shall become effective as of 11/5/14 (date of last approval in minutes either by Town or Library)

**HOUSING**

The Town of Moore will provide its building at 403 Fergus Avenue. The Library will conduct business in accordance with all applicable Montana Code and Administrative Rule, the Library's by-laws, adopted May 5, 2014, and Library policies and procedures of record and available for public review at the Library and at the Town Clerk's office. The building is to be used as a library without a rental charge. The following shall be budgeted for and paid for through the funds held by the Town in designated library accounts; electricity, telephone and internet, water/sewer/garbage, general casualty insurance, and building maintenance.

**Building Maintenance:** The Town will maintain the building and its fixed structures (water/sewer systems, etc). In the event of negligence, the Library will reimburse the Town such costs as may be incurred. The Library will be responsible for snow removal on sidewalks, cleaning, interior painting, shelving, and/or other such upgrades. The Library Board (or its designated representative) may meet with the Town Council to discuss desired capital improvements to the building. Appropriate allocation (library/town) of the costs of such capital improvements shall be decided by the Council.

**BATHROOM FACILITIES:** Library users may utilize the Library's bathroom. Due to liability concerns for the Town, entering and usage of the Library facilities during off hours by non-Library personnel is strictly prohibited.

**ACCESS TO BUILDING:** The Town, and its agents, shall have access to 403 Fergus Avenue to maintain, monitor, repair, replace water, sewer systems, lighting, etc. and to allow for library deliveries. The Town shall not provide access to others unless specifically directed to do so by the Library Director. Keys for the Library shall remain (1) copy with the Town of Moore, (1) copy for the Library Director and (1) copy for the Library Board of Trustees Chairperson.

**FUNDING:**

Beginning with fiscal year 2014-2015, the Town of Moore shall annually review and approve a budget submitted timely from the Library Board. The Town agrees to provide 50% of the approved annual budget amount to the Library. The Town Council shall direct the Town Clerk to transfer the budgeted amount from its General Fund to the Library Fund as warrants are presented. This transfer shall be made each fiscal year as the Town's finances allow. As such time a request is made by the Library to the Town to increase this annual support, upon agreement by the Town Council, an Addendum to this Agreement shall be completed and attached to this agreement.

The Town Council, at its discretion, may agree to provide additional (i.e. annual lump sum) funding to the Library without an Addendum to the Agreement.

The Town, upon request of the Library, may agree to present to the voters within its jurisdiction a voted mill levy request which would provide additional funding for the Library. The Library shall provide the Town with a dollar amount that it seeks to be funded (levied) and a reason for such request. Upon approval by the Town Council, the voted levy request will be presented to the voters. (MCA 22-1-304, 15-10-420 & 425)

If financial support is sought from Fergus County (MCA 22-1-311, 312, & 315), the Town or the Library Board shall reach a Contract Agreement with the Fergus County Commissioners. Both the Library and the Town shall receive copies of any such approved Contract.

The Library may receive other sources of funding (i.e. grants, donations) needed for its

operations and maintenance.

### **FISCAL AGENT:**

The Town will serve as the fiscal agent for the Library including financial administration and record keeping. Costs associated with this responsibility, i.e. postage, software, copies, claim checks, clerk/treasurer wages etc, will be borne by the Town. Financial records in accordance with State Department of Administration requirements of all fiscal activity of the Library, including any petty cash account held and maintained by the Library, shall be kept current at the Town office.

The Library expenses will be paid by the Town from Library fund 2220 from funds budgeted for that purpose, in accordance with and adherence to the annual budget approved by the Library Board of Trustees and the Moore Town Council. The Town will pay out Library expenses as requested by presentation of properly executed warrants from the Library Board of Trustees with the accompanying written documentation via Board meeting minutes reflecting Board action and approval by the same. The Town will deposit Library funds into the Library fund 2220 or into the Memorial fund 7020 as required by regulations or requested by the Library. Bank interest on fund 7020 will be calculated and deposited to this fund.

### **LIBRARY SERVICE**

The Library shall provide free Library service to the inhabitants of the Town of Moore. The Library may exclude from the use of the Library any person who shall willfully violate the rules of the Library. The Library may extend the privileges and use of the Library to persons residing outside of the Town upon terms and conditions of the Library. (MCA 22-1-311). Free Library service may also be provided to the residents of Fergus County upon a Contract Agreement with the Library Board or the Town. (MCA 22-1-311, 312, & 315).

### **LIBRARY BOARD**

(MCA 22-1-308): The Mayor, with the advice and consent of the Town council shall appoint a board of trustees for the Town Library. The board will consist of five trustees, not more than one member of the Town Council may be, at any one time, a member of the Library

board. Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the Library funds. Trustees shall hold their office for 5 years from the date of appointment and until their successors are appointed. Initially, appointments must be made for 1,2,3,4 and 5 year terms. Annually thereafter, they must be appointed before July 1 of each year, in the same manner as the original appointments for a 5 yr term, a trustee to take the place of the retiring trustee. Trustees may not serve more than two full terms (10 years) in concession.

Following the appointments, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1 year terms.

Vacancies in the board of trustees must be filled for the unexpired term in the same manner as original appointments.

The mayor may remove a trustee with cause that may include, but shall not be limited to: absenteeism; conflict of interest; incapacitation (physical or mental); conviction of a criminal offense; creating a hostile environment; incompetence or inattention to assigned duties consistent with MCA 2-2-104, 105 and other applicable statutes. Within 30 days of the removal, the Town Council shall vote to affirm the permanent removal of the library trustee.

(MCA 22-1-309): The Library shall have exclusive control of the expenditure of the Memorial library fund (7020) in accordance with applicable laws, and of the operation and care of the Library. The Library shall:

- adopt bylaws and rules for its own transaction of business and for the government of the Library not inconsistent with law;
- Follow MCA 2-3-201 through 2-3-221 Montana Open Meeting Law-including posting agendas and keeping a complete set of agendas and minutes available for public review;
- have the power to contract and to pay out or receive funds to pay costs of such contracts:

- have the power to sell, exchange or otherwise dispose of property when no longer required by the Library;
- pay necessary expense of Library when on Library business;
- prepare an annual budget, indicating what support will be required from public funds, for submission to the Town;
  - Provide timely, monthly reports to the Council summarizing the business conducted by the Library each month; to be included in the Council packets.
- make an annual report to the Town on the condition and operation of the Library.
- Keep such records as required to complete the annual report to the Montana State Library
- Have the power to accept gifts, grants, donations etc
- Exercise such other powers, not inconsistent with law, necessary for the effective use and management of the Library.

### **LIBRARY EMPLOYEES**

As per MCA 22-1-310: The Library Board shall appoint and set compensation for the chief librarian/library director. With the recommendation of the chief librarian/library director the Library Board shall employ, discharge, set compensation, and prescribe duties of other Library employees. Library employees shall have available the same benefits offered to all Town employees, i.e., vacation & sick leave, PERS, access to health insurance through MMIA. Library employees shall receive a copy of the documents pertaining to these benefits.

The Library shall confer with the Mayor prior to termination of Library employees and the Mayor, at his/her discretion, may contact the Town's insurance carrier and/or legal counsel for guidance and will report back to the Library on appropriate action. The Library



must notify the Town of any change in status of any/all Library employees. This notification must be completed in a timely matter so that required timelines/deadlines can be met for completion of forms and notification of appropriate agencies. (i.e. I-9's must be completed prior to or on the first day of employment; COBRA Insurance Notifications; payroll changes/adjustments to wages, withholdings, PERS notifications etc).

**DISCONTINUANCE OF LIBRARY**

If at such time the free public Library of the Town of Moore is dissolved/discontinued, the Town shall receive the proceeds from the sale of any and all items from the Library - including but not limited to books, tables, chairs, computers, printers etc. The Library may provide suggestions on how it would like funds distributed. However, the Town Council shall have final authority and all funds may be deposited in the Town's general fund.

The building and attached fixtures will remain the Town's property.



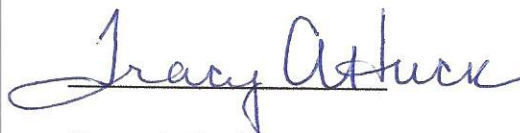
Heather Willis

Library Board Chair

11/4/14

Date Approved by Library Board

**Attest:**



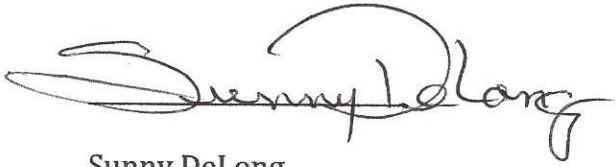
Tracy A. Huck

Mayor

October 13, 2014

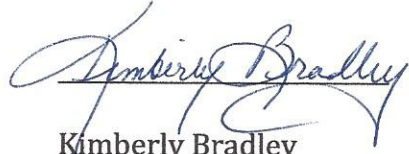
Date Approved by Town Council

**Attest:**

A handwritten signature in black ink, appearing to read "Sunny DeLong". The signature is fluid and cursive, with a large, rounded initial 'S'.

Sunny DeLong

Library Director

A handwritten signature in black ink, appearing to read "Kimberly Bradley". The signature is cursive and elegant, with a large initial 'K'.

Kimberly Bradley

Clerk/Treasurer