

**CARBON COUNTY LIBRARY**  
**Board of Trustees**  
**RR 1 Box 1258**  
**Bridger, MT 59014**

March 22, 1999

Mr. Tony Kendall  
Carbon County Attorney  
PO Box 810  
Red Lodge, MT 59068

Re: Request for Opinion – 1972 Library Fund

Dear Mr. Kendall:

The Carbon County Library Board of Trustees has been in correspondence with both the State Attorney General's office and the Montana State Library over unresolved county library funding issues. Both offices have recommended that we seek a ruling from your office with respect to these issues.

At this time we are requesting a County Attorney ruling regarding the following two issues:

**(1) The Carbon County Library Board of Trustees contends that the separate Library Fund, approved by voters in 1972, must be reinstated immediately.**

In 1972, Carbon County voters approved a mill levy to support a County Free Public Library under State Library Code 22-1-303. Attached, as Exhibit A, is a copy of the petition and election results. Pursuant thereto, a County Library Board of Trustees was appointed by the County Commissioners in 1974 and was charged with the operation of the public libraries in this County.

In addition, a new separate fund, "The Library Fund", was added to the MILL LEVIES for CARBON COUNTY as per State Library Code 22-1-304. See Exhibit B - MILL LEVIES for CARBON COUNTY.

The separate Library Fund disappeared from the MILL LEVIES for CARBON COUNTY in fiscal year 1976-1977 and has not been listed since that time. The library mill levy was not rescinded by the voters and, therefore, was removed illegally or erroneously. It must be reinstated immediately in accordance to Library State Code 22-1-304 (4-6).

**(2) It is the position of the Carbon County Library Board of Trustees that only the Board has the authority to set the County library budget. The Board of County Commissioners do not have this authority, unless the request exceeds the value of three mills, as approved by the Carbon County voters in 1972.**


State law is quite clear that the Library Board of Trustees shall set the budget for the libraries. See State Code sections 7-6-2348(1), and 22-1-309(6), as well as the attached State Attorney General ruling, dated November 13, 1986.

Section 22-1-309(6) provides that the County Commissioners only have authority to set the County library budget where the request exceeds five mills (three mills in 1972). To date, the County Commissioners have not recognized this division of authority. It is our position that they should not be setting the County Library Budget.

Our county libraries will establish their FY2000 budgets in May and therefore it is important that these issues be resolved immediately. A response from your office is needed by May 1, 1999. Please send your Opinion to the address listed above.

Thank you for your consideration of this request. Please feel free to contact me if you need additional information.

Sincerely,



Clarice Teesdale  
Chairman  
Carbon County Library Board of Trustees

Enc.

cc: Carbon County Commissioners  
Joseph Mazurek, State Attorney General's Office  
Karen Strege, Montana State Library Director

# 1975 Real Estate

## Carbon County Mill Levies

SCHOOL DISTRICT LEVIES	Mills	FUND	Mill Levy
Dist.	Mills	Special Sheep	.15
1	58.56	Sheep	13.50
1-21	58.56	Other Livestock	14.00
1-22	58.56		
1-41	58.56	<b>General Taxes State</b>	
1-54	58.56	University Millage	5.60
2	71.44	Elem. Sch. Def.	2.40
16-2	71.44	High Sch. Def.	1.50
7	42.65	TOTAL STATE	9.50
7-5	31.48		
9	37.72	<b>School Levies County</b>	
10	37.97	General School	25.00
20	42.65	High School	15.00
20-32	31.48	High Trans.	1.55
23	59.17	Elem. Def.	3.13
23-18	59.17	Elem. Retire	6.30
23-68	59.17	High Def.	2.27
28	39.26	High Retire	5.02
30	57.02	TOTAL Co. School	58.27
30-37	57.02		
33	49.35	<b>General Taxes County</b>	
33-5	45.40	General	16.11
34	26.14	Bridge	2.70
34-31	26.14	Poor	3.92
36-52	47.15	Airport	.16
70	61.46	Weed	1.31
		TOTAL COUNTY	24.20
<b>CEMETERY DISTRICT LEVIES</b>		Library	2.38
Rockvale		TOTAL	26.58
No. 1	2.00	Road	13.25
Bridger		TOTAL	39.83
No. 2	1.63	Total General City	91.97
Joliet		With Library	94.35
No. 3	2.00	TOTAL	
Belfry		General Rural	107.60
No. 4	.51		
Roscoe		<b>City Mill Levies</b>	
No. 5	1.64	Red Lodge	68.10
Roberts		Bridger	64.00
No. 6	1.31	Joliet	76.87
		Fromberg	72.00
<b>FIRE DISTRICT LEVIES</b>		Bearcreek	58.00
Joliet			
No. 1	2.06		
Clarks Fork			
No. 2	.62		
Fromberg			
No. 3	2.05		
Edgar			
No. 4	4.58		
Roscoe			
No. 5	1.52		
Roberts			
No. 6	4.27		
Edgar Imp.			
No. 1	18.00		
Belfry Imp.			
No. 2	63/1000'		
Conservation			
Dist.	.45		



\$ 65,140

Mill Levy Required . . . . . 2.70

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fiscal year  
75-76

POOR FUND

TAXABLE VALUATION 19,207,697

Salaries	\$ 29,000
Reserve	28,038 **
M & O	11,145
Gen. Assistance	6,000
Emergency Assistance	1,000
Hosp.-Ambulance	13,000
Burial of the Poor	4,000
Capital Outlay	400
Aid to Dep. Children	11,600
Foster Care	11,781
Mileage	1,500
Drugs-Medical Asst.	7,500
	<u>          </u>
	\$ 124,964

Anticipated Revenue

Taxation	\$ 75,252
Bal. in Fund 6-30-75	<u>49,712</u>
	\$ 124,964

Mill Levy Required . . . . . 3.92

AIRPORT FUNDS (Bridger & Red Lodge)

TAXABLE VALUATION 19,207,697

Budgeted Expenses	\$ 13,500
Budgeted Reserve	<u>900</u>
	\$ 14,400
Bal. in Fund 6-30-75	<u>11,270</u>
	3,130 **

Mill Levy Required . . . . . .16

NOXIOUS WEED

TAXABLE VALUATION 19,207,697

Salaries & Benefits	\$ 11,994
Maintenance & Operation	20,000
Capital Outlay	2,000
Reserve 1976	<u>9,000</u>
	\$ 42,994

Anticipated Revenue

Taxation	\$ 25,230
Bal. Fund 6-30-75	17,067
Mis. Receipts (Sale Checm.)	<u>697</u>
	\$ 42,994

Mill Levy Required . . . . . 1.31

LIBRARY

TAXABLE VALUATION 16,999.472

Budgeted Expense	\$ 38,799
(Taxable valuation exempting Bridger & Red Lodge)	

Mill Levy Required . . . . . 2.38

NOTE: Although there is a balance remaining in this fund, as of 30 June 1975, THERE SHOULD NOT BE. This will be transferred to the General Fund at the discretion of the Treasurer. Charges against this fund were erroneously made from the General Fund during 1974-75.

How?

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Clerk.

COMMISSIONERS' PROCEEDINGS

REGULAR SESSION

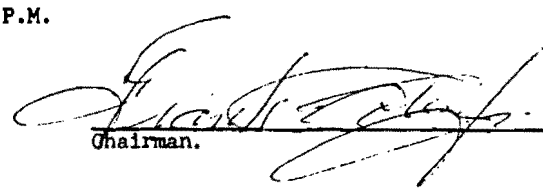
13 November 1975

The Board of County Commissioners met in Regular Session this date. In attendance were Commissioners Steffan and Cole; Commissioner Rowland is still confined in the local hospital.

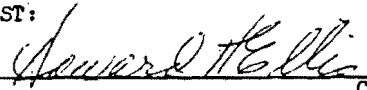
Richard A. Rossignol, Superintendent, Belfry Schools, and residents of Belfry, including Diane Webb, Clara Brown, Sallie Kokkeler and Zella M. Udenberg, visited with the Commissioners. This group voiced a strong objection, concerning any consolidation of Carbon County Schools that would include the Belfry School System.

Several residents of the Volney Creek area, including Knute Straatveit, Ed McCartney and Thorvald Fiveland, visited with the Commissioners concerning the graveling and repairing of the road in their vicinity. Commissioner Cole agreed to view the situation this afternoon with Mr. Fiveland and promised (weather permitting and nothing unforeseen happening) that he would do all he could to get the work done in the immediate future.

The meeting was properly adjourned at 4:00 P.M.

  
Chairman.

ATTEST:

  
Clerk.

The following represents FINAL BUDGETS of Carbon County, Montana for the fiscal period 1975-1976. Various items contributed to the long delay in the finalization of these budgets:

(Based on the Taxable Valuation provided by the State Department of Revenue, (10-23-75), the following is a summary of the established MILL LEVIES for CARBON COUNTY:

FUND	TAXABLE VALUATION	ONE (1) MILL VALUE	BUDGET REQUIREMENT	1975 MILL LEVY
General	19,207,697	19,207	309,345	16.11
Road (City & Twn. Exempt)	16,462,448	16,462	218,096	13.25
Bridge	19,207,697	19,207	51,817	2.70
Poor	19,207,697	19,207	75,252	3.92
Airport	19,207,697	19,207	3,130	.16
Weed	19,207,697	19,207	25,230	1.31
Library (Red Lodge & Bridger Exempt)	16,999,472	16,999	40,074	2.38
Total County Levy				39.83

(Total these levies '74 . . . . . 40.23)

(NOTE: Increase of 3.92 for Poor Fund attributes to totals, as there was NO LEVY in 1974 for this fund)