

STATE  
OF  
MONTANA  
**ATTORNEY GENERAL  
MIKE GREELY**

JUSTICE BUILDING, 215 N. SANDERS, HELENA, MONTANA 59620  
TELEPHONE (406) 444-2026

*Hamilton*  
*Interlocal*  
*Agreement*  

---

*Multijurisdictional*

12 June 1987

*Legal - multijurisdictional*

D. W. McKenna  
Koch, McKenna, Goheen & Boggs  
Attorneys at Law  
345 West Main Street  
P.O. Box 389  
Hamilton MT 59840

Re: Interlocal Library Contract, the City of Hamilton  
and Ravalli County, Multijurisdictional Library  
Service District

Dear Mr. McKenna:

I am very sorry but the above agreement is being returned again without approval. Although the agreement itself meets the requirements of section 7-11-105, and relevant portions of Title 22, chapter 1, part 3, MCA, the city ordinance and the county resolution do not comply with the statutory requirements of section 7-11-1106, MCA.

Our greatest concern is the city ordinance. As noted in my letter of 27 April 1987, the city ordinance is totally deficient. It does not include any of the requirements of section 7-11-1106, MCA. It is clear from the statute that the ordinance must include the information specified, namely:

- (1) the name of the proposed district;
- (2) the services to be provided;
- (3) a statement of convenience and necessity;
- (4) a boundary map of the proposed district;
- (5) the estimated costs of services and methods of financing the district;
- (6) the method of administering the proposed district; and
- (7) the maximum property tax mill levy for property taxes in the district.

If it was published in the present form it did not provide crucial information to interested district residents.

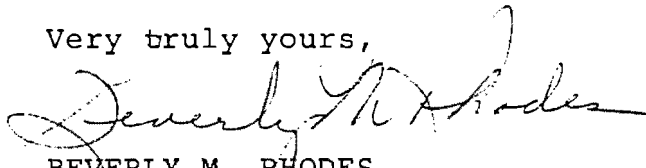
D. W. McKenna  
Page 2  
11 June 1987

The county resolution contains most of the requirements but does not address subsection (5), estimated costs, which would also be a vital part of the notice for interested residents.

The agreement refers to the library as the Bitterroot Public Library as well as the Ravalli County Library. This needs to be corrected. The resolution refers to the library as the Ravalli County Library District. The resolution and agreement must be consistent.

I have discussed the agreement with my supervising attorney, Judy Browning; we feel it cannot be approved because of the lack of statutory conformance of the resolution and ordinance. It appears that amended documents must be published. We are aware of and regret the inconvenience this will cause, but feel the statutory requirements are clear.

Very truly yours,



BEVERLY M. RHODES  
Paralegal

Enclosures

INTERLOCAL LIBRARY CONTRACT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by and between the County of Ravalli, a political subdivision of the State of Montana, and the City of Hamilton, a municipal corporation.

W I T N E S S E T H :

WHEREAS, the City and the County are desirous of entering into a contract whereby library services will be provided for all residents of the District from a central facility located within the City and operated by the joint efforts and authority of both parties; said District will encompass all land and property now located in the Hamilton, Corvallis and Victor school districts, excluding the incorporated town of Pinesdale; the school districts are named only for boundary purposes and the school district boundaries are named to designate the boundaries of the District.

WHEREAS, the creation of a District will better serve the needs and convenience of the residents of the District and allow fair allocation of the tax burden among those using the Library services.

NOW, THEREFORE, the parties hereto agree as follows:

- Revised  
Co. A*
1. BOARD OF TRUSTEES. There is hereby established a joint city-county library to be known as the Bitterroot Public Library, the principal building and facilities for which shall be located within the City of Hamilton. The operation of the library shall be governed by a Board of Trustees who shall be appointed and hold office in the manner and for the terms described: the City Council shall appoint two members, both of whom must be residents of the District, one of whom must be a city resident, one of whom shall serve a term of one year and the other shall serve a term of four years; Board of County Commissioners shall appoint two residents of the District, one of whom shall serve a term of two years and one of whom shall serve a term of three years; the Board of County Commissioners and the City Council shall jointly appoint the fifth member who shall serve a term of five years; thereafter, each person appointed shall serve a term of five years and vacancies on the Board shall be filled by appointment by the City Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term.

The Library Board shall consist of said five trustees. Not more than one member of the governing body shall be, at any one time, a member of such Board.

2. TERM AND SALARY OF BOARD. Vacancies on the Board of Trustees for unexpired terms shall be filled as soon as possible in the manner in which members of the Board are regularly chosen. A trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library fund. A library trustee may be removed only by vote of the City Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term. Trustees shall serve no more than two full terms in succession.
3. POWERS OF BOARD. The Board of Trustees shall have the powers and duties set forth in MCA 22-1-309, or its successor provision which by this reference is incorporated herein. The Board shall select one of its members as Chairman, and such other officers as they may deem necessary, for one (1) year terms.

4. FINANCING THE LIBRARY. The Board of Trustees shall submit its budget proposal to the City Council and the Board of County Commissioners in sufficient time for each to include the recommendations in their annual budget considerations.

Estimated costs of services: The estimated costs of services will be \$51,000.00 annually. This will be obtained by a district wide levy in excess of the county wide levy; the sum of the district levy and county levy will not exceed 5 mills. Additional services may be provided through grants or other non-mill levied sources.

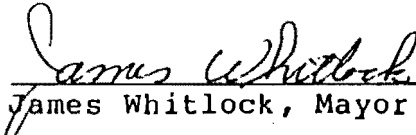
The financing of the District has been obtained from several sources:

1. Operation .....\$ 50,900.00
2. ICLIS Project (funded by Kellogg Grant) .....\$ 42,827.00
3. Furnishings and book purchases (Grants).....\$ 19,200.00
4. Building and renovation and furnishings (from existing Hamilton City Library funds, grants, and donations, and future grants and donations).....\$355,000.00

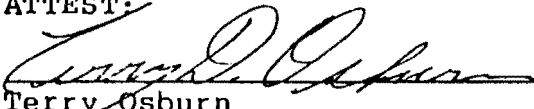
The library shall be supported by a library tax on all property within the District, consistent with MCA 7-11-1112 and MCA 22-1-304.

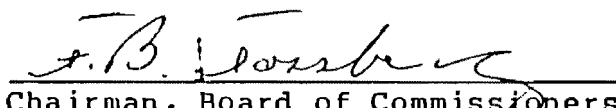
The City of Hamilton shall have custody of the funds of the Ravalli County Library, and the Treasurer of Ravalli County shall transfer quarterly to the City all monies collected for the joint Bitterroot Public Library.

5. OWNERSHIP AND DISPOSITION OF PROPERTY. The property of the District, both real and personal, including the real property lease from the City of Hamilton, Montana, will be held by and in the name of the District.
6. DURATION. The duration of this Agreement shall be perpetual. The Agreement may be terminated by mutual consent accomplished by Notice of Termination in writing delivered between the parties and effective after a ninety day period.
7. CONDITION FOR EFFECT. This agreement shall become effective upon adoption and approval of The Multijurisdictional Service District as provided in MCA 7-11-1101 and 7-11-1112.

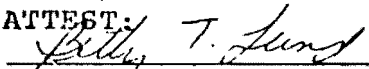
  
James Whitlock, Mayor

ATTEST:

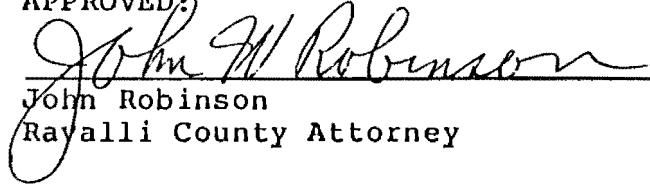
  
Terry Osburn  
Administrative Assistant

  
Chairman, Board of Commissioners  
F. B. Tossberg

ATTEST:

  
County Clerk and Recorder

APPROVED:

  
\_\_\_\_\_  
John Robinson  
Rayalli County Attorney

APPROVED:

  
\_\_\_\_\_  
Donald McKenna, City Attorney

APPROVED:

\_\_\_\_\_  
Attorney General, State of Montana

RESOLUTION No. 407

WHEREAS the City of Hamilton and the County of Ravalli desire to provide a higher level of library service to the City and the County than can be provided by either local government;

I.

WHEREAS the name of the proposed district will be the RAVALLI COUNTY <sup>✓</sup> LIBRARY DISTRICT; *BUTERROOT PUBLIC LIBRARY*

II.

WHEREAS the district will enhance the level of library services available for the educational and recreational needs of the citizenry;

III.

WHEREAS the formation of this multijurisdictional service district is for the convenience and necessity of the County as a whole but, more in particular, the proposed legally described area of the Hamilton, Corvallis and Victor School Districts;

IV.

WHEREAS attached hereto is a map of the boundaries of the proposed multijurisdictional service district;

V.

WHEREAS the Board of Trustees shall submit its budget proposal to the City Council and the Board of County Commissioners in sufficient time for each to include the recommendations in their annual budget considerations;

The library shall be supported by a library tax on all property within the District, consistent with MCA 7-11-1112 and MCA 22-1-304;

The City of Hamilton shall have custody of the funds of the joint city-county library, and the Treasurer of Ravalli County shall transfer quarterly to the City all moneys collected for the joint city-county library;

VI.

WHEREAS there is hereby established a joint city-county library to be known as the RAVALLI COUNTY LIBRARY, the principal building and facilities for which shall be located within the City of Hamilton. The operation of the library shall be governed by a Board of Trustees who shall be appointed and hold office in the manner and for the terms described; the City Council

*BUTERROOT  
PUBLIC LIBRARY*

shall appoint two members, both of whom must be residents of the District, one of whom must be a city resident, one of whom shall serve a term of one year and the other shall serve a term of four years; Board of County Commissioners shall appoint two residents of the District, one of whom shall serve a term of two years and one of whom shall serve a term of three years; the Board of County Commissioners and the City Council shall jointly appoint the fifth member who shall serve a term of five years; thereafter, each person appointed shall serve a term of five years and vacancies on the Board shall be filled by appointment by the City Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term;

VII.

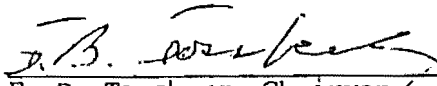
WHEREAS the multijurisdictional service district RAVALLI COUNTY LIBRARY shall be funded in accord with MCA 7-11-1112 and MCA 22-1-304 in an amount not to exceed five (5) mills unless an additional levy is imposed in accord with the laws of the State of Montana;

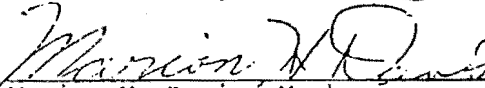
NOW THEREFORE, BE IT RESOLVED that the RAVALLI COUNTY LIBRARY DISTRICT is hereby created encompassing the Hamilton, Corvallis and Victor School Districts; and,

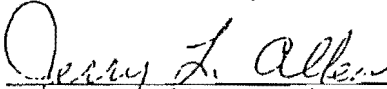
BE IT FURTHER RESOLVED that the Interlocal Library Contract with the City of Hamilton is hereby adopted for governance of the new District.

PASSED this 10th day of February, 1987.

BOARD OF RAVALLI COUNTY COMMISSIONERS

  
F. B. Tossberg, Chairman

  
Marion H. Davis, Member

  
Jerry L. Allen, Member

CHAPTER 14.04

JOINT LIBRARY - INTERLOCAL LIBRARY AGREEMENT

Section:

- 14.04.010 Creation of Joint Library District
- 14.04.020 Interlocal Library Contract
- 14.04.030 Adoption of Contract
- 14.04.040 Repeal of Existing Library Ordinance

14.04.010 Creation of Library District. There is hereby created, for the use of the citizens encompassed therein, a free public library, under such regulations as may be prescribed by a Board of Directors hereinafter provided for. The Library will be regulated by the terms of "INTERLOCAL LIBRARY CONTRACT" providing for a joint library consisting of the residents of the City of Hamilton and the residents of the legally described school districts of Hamilton, Corvallis, and Victor, Montana.

14.04.020 Interlocal Library Contract. The creation and regulation of said Interlocal Library is to be governed by the terms and conditions of that certain Interlocal Library Contract, a copy of which is hereby made a part of this Ordinance, and designated as "CONTRACT".

14.04.030 Adoption of Contract. The City Council of the City of Hamilton, Montana, hereby approves the adoption of said "Interlocal Library Contract", as herein set forth, and authorizes the Mayor and the other designated City Officials to enter into Interlocal Library Contract, and to have the same officially adopted by the City of Hamilton, Montana.



CHAPTER 14.04

14.04.040 Repeal of Existing Library Ordinance. This Ordinance amends, supplements and repeals the present Chapter 14.04 of the Official Code of Hamilton, Montana, adopted December, 1978.

FINALLY APPROVED, SIGNED, AND FILED, after second reading this 3rd day of March, 1987.

  
James Whitlock, Mayor

ATTEST:

  
Terry D. Osburn, Administrative Assistant

(SEAL)