



1515 East 6th Avenue • Helena, Montana 59620-1800 • 406-444-3115
FAX 406-444-5612 • <http://msl.mt.gov>

August 5, 1998

Bill Haines
Plains Library
Plains, Mt

Dear Mr. Haines

First, please accept my apology for being so late in this response. Your statement on the phone regarding no hurry was taken much too far by me. I fully intended to respond immediately last time we spoke on the phone but a family medical emergency took me out of the office for a week. I am sorry. I will not be so slow in responding to future inquiries.

The State Library Statewide Library Resources is the appropriate place to seek preliminary help with these type of issues. We have consultants and/or librarians who will respond as quickly as possible. Sometimes through our attorney we are able to answer some of the tough legal questions, sometimes we will send you back to your own attorney but we will send you back with questions to ask and some good background on the issue.

Library employees are Library employees, subject to the Board of Trustees policies and management. According to MCA 22-1-310, the library board appoints and sets the compensation of the chief librarian and the library staff. In a recent opinion that addressed whether the Board of County Commission has the authority to set salary increases for employees of the local Weed and Mosquito Management District, (March 23, 1998, Opinion no. 11), Attorney General Joseph Mazurek states that "with the exception of a public library board of trustees and an airport authority, the proposed budgets of all appointed boards are subject to approval by the local governing body." Previous Attorney General opinions (November 13, 1986, Opinion no. 91) have also stated that the library board controls and administers the library budgets, including salaries.

The Library Board is responsible for the library employees. Library employees in some Montana libraries are also considered county or city employees if the bills are paid by the large governing entity and/or if the Library Board chooses to

To: Sue Jackson
Montana State Library
Helena, MT

May 29, 1998

From: Bill Haines
Plains Library
Plains, MT

Dear Sue:

Enclosed please find a copy of the letter from the Town of Plains' clerk dated May 18, 1998 to Plains Town Attorney, Walter Condon. The clerk states the present question clearly.

Mr. Condon's reply is also enclosed. I have included a copy of the resolution creating our Library District, a copy of our Interlocal Library Contract and a copy of an AG opinion from 1986 that applies, I think, to our situation.

Please note that the Interlocal Contract cites only one section of the code - 22-1-309 MCA. Mr. Condon deals only with that specific section. Looking at the AG opinion from 1986 I see that the Jefferson County Library was established under sections 22-301 to 22-1-317 MCA. It seems to me that even though our contract cites only one section of the code all the other sections of the code, even though they are not specifically cited, still do apply.

I assume we'll need to consider amending our contract to clarify and assure that all sections of the Montana Codes pertaining to libraries do apply to our agreement.

I am also very interested in your view regarding Mr. Condon's opinion that library employees should be either town or county employees. It seems to me that library employees are library employees, subject to our policies and management. By the way, are Missoula Library employees actually Missoula County employees as Mr. Condon indicates?

Please let me know at your earliest convenience your opinions on these questions. I'd also appreciate it if you could suggest a specific person or office at the State of Montana should we need further assistance.

Thank you very much.



Bill Haines
Board Chairman
Plains District Library

Home: (406) 826-3915
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Printed by: Staffeldt, Darlene at 06/11/98 8:17a

To: Staffeldt, Darlene

From: Jackson, Sue

Date: June 9, 1998 2:41p

Subject: Plains

Darlene,

Bill Haines of Plains called today about the issue of who sets the salary for the librarian (the Board or the City). I told him you were reviewing the materials he sent, but had not been able to get back to him because of out-of-town meetings.

He says there is no rush, but the Board is meeting on Thursday night with the City Council and if we had any information for him by then it would be helpful.

He will be in his office on Wednesday until 2:00 p.m. and on Thursday from 8:00 - 4:00. The number is 826-3889 at McGowan's grocery store. It is OK to call him there.

I told Mr. Haines that we would call him Wed. or Thur. even if we didn't have a definite answer by that time. He said he would appreciate it very much.

Let me know if I can help.

Sue



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To: Mary Zeimer, Chair, ~~Wibaux Public Library~~

From: Karen Strege^{KS}, State Library

Re: Questions

Date: June 10, 1998

1. Who sets the salary for the library director and the staff?

According to MCA 22-1-310, the library board appoints and sets the compensation of the chief librarian and the library staff. In a recent opinion that addressed whether the Board of County Commission has the authority to set salary increases for employees of the local Weed and Mosquito Management District, (March 23, 1998, Opinion no.11), Attorney General Joseph Mazurek states that "with the exception of a public library board of trustees and an airport authority, the proposed budgets of all appointed boards are subject to approval by the local governing body." Previous Attorney General opinions have also stated that the library board controls and administers the library budgets, including salaries.

2. How should the board set the salary of the director?

The board should compare the duties and responsibilities of the director with similar positions locally. Areas of comparison would include but not be limited to supervisory, fiscal and administrative responsibilities. The board may want to survey the compensation of school district administrators and administrative employees of city or county government to compare their duties with the position of the library director. The board may also want to survey the salaries of similar positions in other Montana libraries.

MEMO

To: Mary Zeimer, Chair, Wibaux Public Library

From: Karen Strege

Subject: General Fund Question

Date: June 12, 1998

You asked me if the county commissioners could set the salaries for the library employees if they funded the library through general fund revenues. I asked this question of our attorney and after reviewing the statutes, he answered that the authority and power of the library board as enumerated in MCA 22-1-309 and 22-1-310 were not changed due to the nature of its funding. Therefore, the powers and duties of the library board remain the same no matter how the county or city funds the library. These powers and duties include the setting of the compensation of library staff.