

# Town of Plains

P.O. BOX 567  
PLAINS, MONTANA 59859  
(406) 826-3411

May 18, 1998

Walter Congdon, Attorney at Law  
520 Brooks Street  
Missoula, MT. 59801

Dear Wally,

Thank you for being prompt with your answer regarding the Library District. I am concerned about M.C.A. 22-1-310 as the way I read it, the District sets the salaries. The Council expects them to follow the pay scale as set with the Personnel Policy. How do you read it?

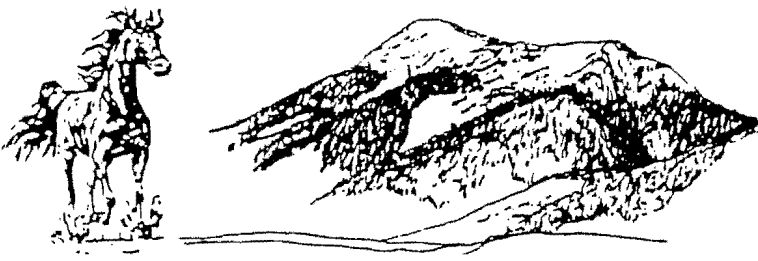
A Council member who is on the Personnel Committee was in this morning and reviewed your letter, requested the agreement that set up the Library District so I copied the Ordinance and gave him, same as I did you. He insisted there was more so I copied the "INTERLOCAL LIBRARY CONTRACT" which I'm also sending to you. I thought it said the same things so had not copied it before. There is also a resolution that was passed by the Sanders County Commissioners, that I copied and am including. He suggested that we host a meeting of the Council, County Commissioners and Library Board members to review these agreements. These were approved in 1991 when there were different people on these various boards. What do you think of that idea? If it should happen, I would want you there to interpret the laws. There are people with very strong opinions on both the Library Board and the Council. I don't believe the Commissioners care one way or the other.

Thank you very much for your assistance.

Sincerely,



Valerie Tompkins  
Town Clerk/Treasurer



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**COPY**

May 13, 1998

Valerie Tompkins, Clerk  
Town of Plains  
PO Box 567  
Plains, MT 59859-0567

Re: Library Board

Dear Valerie:

Just a note regarding your letter of May 8, 1998.

In respect to the library agreement and personnel policies, it is my belief that the library is bound by the Town's personnel policies. In particular, if you read the inter-local library contract, and relate it to the code section that is cited in the same, it refers to MCA 22-1-309. That section, a copy of which I am enclosing, describes the powers and duties of the library board of trustees. Please note, that list of powers and duties does not include making decisions regarding compensation or payment of personnel. In fact, paragraphs 6 and 7 indicate the trustees shall prepare an annual budget and make an annual report for submission to the governing body. That implies to me that the trustees do not have separate authority to establish their own budget and/or personnel policies. As a result, I think that the district would be bound by the personnel policy that binds the Town itself.

Please note, that while paragraph 9 gives the board of trustees such other powers that are not inconsistent with law, the limiting language of paragraph 6 and 7, I believe, still supports the conclusion that the library district itself should comply with the appropriate city and county personnel requirements.

In that regard, please be advised that the library in Missoula operates similarly to the library in Plains. Employees here are considered to be county employees, although the building itself is owned by the City of Missoula.

I believe it would be appropriate to determine whether or not the library wishes to treat employees as Town employees or county employees, and then proceed with dealing with those employees in accordance with the policy you that you determine is appropriate. In addition, I believe agreement between the Town and/or the county, similar to the library contract you have, specifically addressing the employment question would be appropriate at the time that decision is made.

Valerie Tompkins  
Re: Library Board  
May 13, 1998  
Page 2

Please let me know if you have any other questions or need some help with an agreement with the county with respect to putting the issue to rest permanently. In addition, if the chairman of the library board has any questions, please tell him to call me. I would be happy to discuss the same.

Very truly yours,

*Walter E. Congdon*

Walter E. Congdon

WEC:kcb  
enclosures

*(WEC)*