

INTERLOCAL LIBRARY CONTRACT

THIS AGREEMENT made and entered into this 17 day of August, 2011, by and between the County of Sanders, a political subdivision of the State of Montana, and the Town of Plains, a municipal corporation.

WITNESSETH

WHEREAS, the Town and the County continue to be desirous of entering into a contract whereby library services will be provided for all residents of the Plains Public Library District from a central facility located within the Town and operated by the joint efforts and authority of both parties; said District will encompass all land and property now located in the Plains High School District; the School District is named only for boundary purposes and the School District boundary is named to designate the boundaries of the District. (Mont. Code Annot. § 22-1-316)

WHEREAS, the creation of the Plains Public Library District will better serve the needs and convenience of the residence of the District and allow fair allocation of the tax burden among those using the library services.

WHEREAS, the Plains Public Library District has been in place for the past 20 years and both parties agree that the existing agreement is in need of updating.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Board of Trustees.**

There is hereby established a joint City-County Library to be known as the Plains Public Library, the principal building and facilities for which it shall be located is within the Town of Plains. The operation of the Library to be governed by a Board of Trustees which has been appointed and which hold office in the manner and for the terms described in Mont. Code Annot. § 22-1-308. The Town Council shall appoint two members, both of whom must be residents of the District, one of whom must be a town resident. The Board of County Commissioners shall appoint two members who shall be residents of the District. The Board of County Commissioners and the Town Council shall jointly appoint the fifth member. Each person appointed shall serve a term of five years with a maximum of two consecutive five year terms, and vacancies on the Board shall be filled by appointment by the Town 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 each 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 Town Council or the Board of County Commissioners or both, depending upon which of those bodies appointed the original trustee for that particular term and by the request of the Library Board as stated in their by-laws. 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 Mont. Code Annot. § 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 Town Council and the Board of County Commissioners in sufficient time for each to include the recommendations in their annual budget considerations.

Since the Mill Levy estimated revenue does not cover the current operations cost of the Plains Public Library, the Town of Plains agrees to provide the following services and payment to the Plains Public Library:

- a. Administrative duties and costs, including, but not limited to the following: accounts management, check issuance, processing and sending out claims, financial record keeping, filing financial reports, and payroll processing;
- b. Insurance for Library building and its' contents;
- c. Grounds maintenance and snow removal;
- d. Library building repair and maintenance, including furnace and air conditioning;
- e. Janitor services and supplies; and,
- f. Utilities and fuel.

The Library shall be supported by a library tax on all property within the District, consistent with Mont. Code Annot. § 7-11-1112, Mont. Code § 22-1-304 and Mont. Code Annot. § 15-10-420.

The Town of Plains shall have custody of the funds of the joint City-County Library, and the Treasurer of Sanders County shall transfer quarterly to the Town all monies collected for the joint City-County Library.

5. Ownership and Disposition of Property.

The library board of trustees shall have exclusive control of the expenditure of the public library fund, of construction or lease of library buildings, and of the operation and care of the library. The library board of trustees of every public library shall: have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the library and to sell, exchange or otherwise dispose

of property real or personal, when no longer required by the library and to insure the real and personal property of the library. (Mont. Code Annot. § 22-1-309(4))

In the event of termination of the Plains Public Library District, the furniture, equipment, monies and other assets acquired prior to the effective date shall be returned to each unit of government according to the unit's original contribution. Assets acquired after the effective date of the agreement shall be divided on a pro-rata basis according to proportion of contributions to the Annual Library Budgets. In no event shall assets of the Plains Public Library be used for non-library purposes, unless express permission is granted by both governing bodies. All real property shall likewise be distributed and re-assigned for library purposes, unless there is an express agreement to the contrary. Employees retained by the Plains Public Library District shall retain all rights and benefits as accrued while employed under this Contract.

6. Duration.

The duration of this Contract shall be perpetual. The Contract may be terminated by mutual consent accomplished by Notice of Termination in writing delivered between the parties and effective after a one hundred eighty (180) day period.

7. Condition for Effect.

This Contract shall become effective upon adoption and approval and will continue during the existence of the Multi-Jurisdictional Service District.

TOWN OF PLAINS, MONTANA

By: Michael E. Brunson
Mayor

ATTEST:

Linda Arnold

BOARD OF COUNTY COMMISSIONERS
SANDERS COUNTY

COUNTY ATTORNEY
SANDERS COUNTY

By: Carol Brooker
Carol Brooker, Chairman

Robert L. Zimmerman
Robert L. Zimmerman

By: A.B. (Tony) Cox
A.B. (Tony) Cox, Commissioner

ATTEST:

Laura Burns, Deputy
Sanders County Clerk and Recorder

By: Glen E. Magera
Glen Magera, Commissioner