



# **MEMORANDUM OF Agreement**

*among and between the*

## **Montana State Library Commission and the Trust for Montana Libraries**

The following constitutes an operating agreement between the Montana State Library Commission (MSLC) and the Trust for Montana Libraries (Trust) (hereinafter referred to collectively as the Organizations). It stands until and unless it is modified or terminated by mutual agreement of the boards of the Organizations. The boards of the Organizations agree to review this memorandum annually.

The MSLC is the governing Commission for the Montana State Library (MSL); the MSLC was established in § 22-1-101, Montana Code Annotated. The MSLC operates the State Library, whose mission is to help all organizations, communities, and Montanans thrive through excellent library resources and services.

The Trust is a 501(c)(3) organization, incorporated in the State of Montana (<https://www.mtlibrarytrust.org/>). Its purpose is to support high quality information and library services for all Montanans by complementing and promoting the work of the MSL, which supports the State's libraries and geographic information system community. The Trust is governed by a Board of Trustees (Board). The Trust is a legally separate entity and not a part of the MSL.

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**The MSLC** acknowledges that the Trust is an independent organization, and as such, funding to the MSL from the Trust will be determined by the Board in accordance with this agreement.

**The MSLC** agrees to include the Trust in annual planning processes to ensure that both Organizations are included and aware of the goals and direction of the MSL, as set by the MSLC. See Appendix A, flowchart.

**The MSLC** agrees to discuss with the Trust, at least annually, how the Trust resources and support will help promote MSL initiatives.

**The MSLC** agrees to encourage all private donors to make their gifts to the Trust.

**The MSLC** agrees to allow time on its meeting agendas for a report by the Trust Chair.

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**The Trust** agrees to support the MSL and its policies.

**The Trust** agrees to respect the privacy of MSL patrons.

**The Trust** agrees to include the State Librarian and a State Library Commissioner as non-voting members at all board meetings and to allow time on the agenda for an MSL report.

**The Trust** agrees to share a report of its earnings and activities, at least annually, at a meeting of the MSLC.

**The Trust** agrees that any and all monies raised will be spent for MSL programs, services, and other needs defined by the MSLC unless otherwise agreed to by both the Trust and the MSLC. The Trust will only fund initiatives approved by the MSLC.

**The Trust** will seek approval from the MSLC before accepting any restricted gifts on behalf of the MSLC. If the MSLC agrees to the restrictions, the MSL will abide by the restrictions set forth by the donor.

**The Trust** agrees to oversee any endowments or permanent funds that are created to support the MSL. Additionally, the Trust will accept grants or other gifts requiring a non-profit status, that go directly to support MSL needs. See Appendix B Fiscal Sponsor MOA.

**The Trust** agrees to create and maintain appropriate policies and procedures to assure strong financial stewardship of their resources, the privacy of its donors, appropriate acceptance of donated gifts, and other matters as required by law. Additionally, the Trust agrees to submit annual reports as required by local, state or federal law, and will make its financial records available for review if requested by the MSL.

**The Trust** agrees that it will dissolve if it ceases to actively fundraise and promote the MSL. If it disbands or dissolves, any assets held by the Trust will be transferred either to the MSL or other entity designated by the MSLC.

**The Trust's** primary roles and responsibilities will be to raise funds. The Trust may develop additional activities, such as advocacy, public awareness, or programming and in consultation with the MSLC.

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Approved and Agreed:

For The Montana State Library:

By: \_\_\_\_\_  
Jennie Stapp, State Librarian

Date: \_\_\_\_\_

For The Trust for Montana Libraries

By: \_\_\_\_\_  
Sara Groves, Chair

Date: \_\_\_\_\_

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