



LINCOLN COUNTY MONTANA

Resolution 2020-08

Resolution 2020-08 of the Lincoln County Board of Commissioners to Confirm the Existence and Operation of a Free Public Library and to Establish a Memorandum of Understanding Agreement Between Lincoln County and Lincoln County Library

**THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY,
MONTANA FINDS:**

1. Lincoln County created a free public library by action of the Lincoln County Board of Commissioners on July 9, 1920.

THE BOARD RESOLVES:

The Memorandum of Understanding Agreement shall serve as the primary governing agreement between Lincoln County and Lincoln County Library.

THE BOARD FURTHER RESOLVES:

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

286102 BOOK: PF PERM/FILES PAGE: 14611 Pages: 7

STATE OF MONTANA LINCOLN COUNTY

RECORDED: 06/23/2020 12:01 KOI: RESOLUTION

ROBIN A. BENSON CLERK AND RECORDER

FEE: \$0.00

BY *Clyde E. Emery*
FOR LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE.



LINCOLN COUNTY
MONTANA

Approved as to Form:

Marcia Boris

Marcia Boris, County Attorney

Date presented to the Board May 27th 2020 Approved () Disapproved () Amended ()

Adopted this 27th day of May 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck

Mark Peck, Chair

ATTEST:

Robin A. Benson

Robin A. Benson Clerk of the Board

Acknowledgement of Resolution

Barb Hvizdak

Barb Hvizdak, Board of Trustees, Chair

Alyssa Ramirez

Attest by Alyssa Ramirez, Library Director

**Memorandum of Understanding Agreement
Between Lincoln County and Lincoln County Library**

This is an agreement between Lincoln County, hereinafter referred to as County, and Lincoln County Library, herein referred to as Library, shall become effective as of May 27, 20 (date of last approval in minutes either by County or Library)

Facilities

The County will provide its buildings at 220 W. 6th Street in Libby, 207 N. 3rd Street in Troy, and 318 Dewey Avenue in Eureka. The Library will conduct business in accordance with all applicable Montana Code Annotated, and Administrative Rules of Montana, and Library policies and procedures. Library policies and procedures are available for public review at the Library. The buildings are to be used as a library without rental charge. The following shall be budgeted for and paid for through the funds held by the County in designated library accounts: electricity; telephone; internet; water/sewer/garbage; building, liability and property insurance; and building maintenance.

Building Maintenance

The County will maintain the Library facilities and its fixed structures (water/sewer systems, etc.) including HVAC. The County will also maintain the grounds and provide snow removal. In the event of negligence, the Library will reimburse the County such costs as may be incurred. The Library will be responsible for cleaning, furnishings, shelving, carpet and/or other such interior upgrades. Either the Library Board of Trustees (or its designated representative) or the County may propose desired capital improvements to the buildings and grounds. Appropriate allocation of the costs of such capital improvements shall be negotiated between the Library and the County. When the Library has made a request that is supported by data and background information, the County Board of Commissioners shall move to review and make a decision regarding the request within 60 days.

Access to Building

The County and its agents shall have access to the Library facilities to maintain, monitor, repair, replace water, sewer systems, lighting, etc. and to allow for library deliveries. The County shall not provide access to others unless specifically directed by the Library Director. Entry and access to the Library facilities without the Library Director's approval during off hours by non-Library and non-County personnel is strictly prohibited.

Budget Procedures

In pursuance of MCA 22-1-309, the Library Board of Trustees shall be given a minimum of five weeks prior to the budget submittal deadline to develop and submit an annual budget to the

County. The County shall review County revenues and work with the Library Board of Trustees on determining the total amount allocated to the Library. The Library shall be funded by a combination of dedicated mills and General Fund. Any changes by the Commissioners to the submitted Library budget total shall be allocated by the Library Board of Trustees by line item and final detailed budget then approved

The County, upon request of the Library, may agree to present voters within its jurisdiction a voted mill levy request which would provide additional funding for the Library pursuant to the procedures set forth in MCA 22-1-304 and MCA 5-10-420.

The Library has the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular library funds and are not subject to reversion at the end of the fiscal year.

Fiscal Agent

The County will serve as fiscal agent for the Library, including financial administration, payroll and record keeping. Costs associated with this responsibility (i.e. claim checks, treasurer wages, etc.) will be borne by the County. Financial records in accordance with State Department of Administration requirements of all fiscal activity of the Library, including any petty cash account held and maintained by the Library, shall be kept current at the County office.

The Library expenses will be paid by the County from Library Fund 2220. The County will pay out Library expenses as requested by presentation of proper paperwork. The County will deposit Library funds into the Library Fund 2220 as required by regulations or requested by the Library.

Library Service

The Library shall provide free library service to the inhabitants of Lincoln County. The Library may exclude from the use of the Library any person who shall willfully violate the rules of the Library. The Library may extend the privileges and use of the Library to persons residing outside of Lincoln County upon terms and conditions of the Library (MCA 22-1-311, 312 & 315). The Library reserves the right to levy fees and charges for special services to library patrons (e.g. lost/damaged item fees, copy and fax fees, interlibrary loan fees, etc.).

Library Board

Per MCA 22-1-308, the County Board of Commissioners, with the recommendation of the Library Board of Trustees, shall appoint a board of trustees for the Library.

The Library Board of Trustees must consist of five trustees. Not more than one member of the County Board of Commissioners may be, at any one time, a member of the Library Board of Trustees.

Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the Library Fund.

Trustees shall hold their office for 5 years from the date of appointment and until their successors are appointed. Trustees must be appointed before July 1 of each year for a 5-year term to take the place of the retiring trustee. Trustees may not serve more than two full terms in succession.

Following the appointments, in July of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms.

Vacancies in the board of trustees must be filled for the unexpired term in the same manner as original appointments.

The Board of Commissioners may remove a trustee with cause that may include, but shall not be limited to: absenteeism, conflict of interest, incapacitation (physical or mental), conviction of a criminal offense, creating a hostile work environment, incompetence or inattention to assigned duties consistent with MCA 2-2-104, 105, and other applicable statutes. Within 30 days of the removal, the Board of Commissioners shall vote to affirm the permanent removal of the library trustee.

Per MCA 22-1-309, the Library Board of Trustees shall have exclusive control of the expenditure of the Library Fund, of construction or lease of library buildings, and of the operation and care of the library. The Library Board of Trustees shall:

- adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;
- establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;
- have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service and to pay out or receive funds to pay costs of such contracts;
- have the power to acquire, by purchase, lease or otherwise for the use and purposes of the library and to sell, exchange or otherwise dispose of property when no longer required by the library;
- pay necessary expenses of the Library when on Library business;
- prepare an annual budget, indicating what support and maintenance of the Library will be required from public funds, for submission to the County. A separate budget request shall be submitted for new construction or for capital improvement of existing library property.
- make an annual report to the County on the condition and operation of the Library;
- keep such records as required to complete the annual report to the Montana State Library;
- have the power to accept gifts, grants, donations, devises, or bequests of property, etc.;
- follow MCA Title 2, Chapter 3, part 2 Montana Open Meeting Law;
- exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library.

Human Resources

The County will maintain Human Resources services for the Library, including assist with hiring of new employees, assist with disciplinary procedures, and record keeping. Costs associated with this responsibility (i.e. wages, etc.) will be borne by the County. Personnel records in accordance with State Department of Administration requirements of all personnel activity of the Library shall be kept current at the County office.

Library Employees

As per MCA 22-1-310: The Library Board of Trustees shall appoint and set compensation for the chief librarian/library director. The Library Director shall be the Library Board of Trustees point of contact with the Human Resources Department and shall consult with the Human Resources Department regarding all personnel matters. Library employees shall have available the same benefits offered to all County employees, i.e. vacation and sick leave, PERS, access to health insurance. Library employees shall receive a copy of the documents pertaining to these benefits.

The Library Board of Trustees reserves the right to maintain a Library Addendum to the County Personnel Policy.

The Human Resources Director shall communicate personnel complaints and/or disciplinary actions to the Chair of the Library Board of Trustees in a timely manner. The Library Board of Trustees (or its designated representative) shall confer with the Human Resources Director prior to termination of Library employees. The Library and/or County may contact the County's insurance carrier and/or legal counsel for guidance. Any grievances shall follow policy set by the County.

Discontinuance of the Library

If at such time the free public library is dissolved/discontinued, the County shall receive the proceeds from the sale of any and all items from the Library. The building and attached fixtures will remain the County's property.

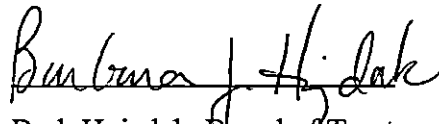
Duration of this Agreement

This Agreement may be amended by mutual consent accomplished by formal written amendment being signed by the parties.

This Agreement is binding in perpetuity or until terminated by both parties. It may be terminated with Notice of Termination being made and delivered in writing. Such written Notice of Termination must be delivered between parties at least three hundred and sixty-five (365) days prior to actual termination of the Agreement to enable the parties to identify ways to provide continued library service to the residents of the county.



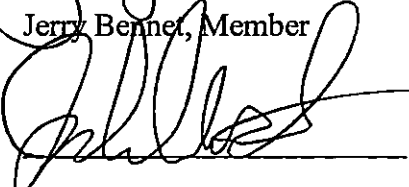
Mark Peck, Chair



Barb Hvizdak, Board of Trustees, Chair



Jerry Bennet, Member



Josh Letcher, Member

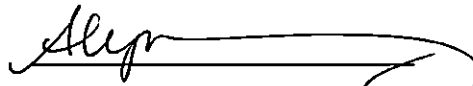
May 27, 2020

Date Approved by Board of Commissioners

Date Approved by Library Board of Trustees



Attest by Robin Benson, Clerk and Recorder



Attest by Alyssa Ramirez, Library Director