

**MEMORANDUM OF UNDERSTANDING
FOR LIBRARY SERVICES**

**CITY OF RED LODGE
AND
RED LODGE CARNEGIE LIBRARY BOARD**

WHEREAS, the Red Lodge Carnegie Library was established by the City of Red Lodge (hereinafter referred to as the “City”) as a free public library by Ordinance 369 on May 28, 1917, and

WHEREAS, the Red Lodge Carnegie Library was re-established by the City as a free public library under the provisions of Montana laws relating to public libraries by Resolution 3158 on September 11, 2003, and

WHEREAS, the City of Red Lodge and the Red Lodge Carnegie Library Board (hereinafter referred to as the “RLCLB”) desire to continue and maintain the Red Lodge Carnegie Library as the City’s free public library, and

WHEREAS, the affairs and conduct of the Red Lodge Carnegie Library are managed, controlled and directed by the RLCLB of trustees appointed by the mayor, by and with the advice and consent of the city council (Red Lodge Code 8-4-3), and

WHEREAS, the City owns the Red Lodge Carnegie Library building and the grounds on which it sits consistent with Ordinance 369 and Resolution 3158, and

NOW, THEREFORE, BE IT RESOLVED that the City and the RLCLB agree to the following:

A. RESPONSIBILITIES OF THE RLCLB:

- A1. Insure, with the assistance of the Library Director, that all standards and laws are met so that the Red Lodge Carnegie Library maintains its status as a ‘free public library’ within the State of Montana and its eligibility for the benefits and grant opportunities inherent in this status (MCA 22-1-3).
- A2. Insure, with the assistance of the Library Director, that all contractual obligations, standards and laws are met in order to retain annual millage and allocated revenue from Carbon County, the South Central Federation and the State of Montana.
- A3. Select and recommend to the City a paid Library Director, certified by the state library as specified by the Public Library Standards developed by the Montana State Library Commission (MCA 22-1-310).
- A4. Annually evaluate the Library Director, as specified by the Public Library Standards, and provide to the City’s mayor, a signed annual performance review based upon an up-to-date position description for the Library Director.

- A5. Develop, with the assistance of the Library Director, an annual revenue and expenditure budget as specified by the Public Library Standards and MCA 22-1-309(6).
- A6. Establish, revise, and adopt, with the assistance of the Library Director, policies and bylaws as specified by the Public Library Standards and MCA 22-1-309(1).
- A7. Adopt a trustee job description for the trustees of the RLCLB.
- A8. Maintain and update annually, with the assistance of the Library Director, a Facilities Review and a Strategic Plan, and provide these to the City for review and consideration.
- A9. On behalf of the RLCLB, the Library Director shall complete and submit the Montana State Library's annual statistical report in accordance with the Public Library Standards. A copy of the report shall be provided to the City's mayor for review.

B. RESPONSIBILITIES OF THE CITY

- B1. Appoint a board of trustees in accordance with MCA 22-1-308 in which:
 - a. The mayor, with the advice and consent of the city council, shall appoint the trustees for the RLCLB.
 - b. The RLCLB must consist of five trustees.
 - c. Trustees shall serve without compensation, but actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
 - d. Trustees shall hold their office for five years from the date of appointment. Trustee terms of office shall run so that one trustee completes their five year term every year and is reappointed or replaced before July 1 of each year. Trustees may not serve more than two full terms in succession.
 - e. Following the trustee appointment, in July of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one-year terms. Vacancies in the RLCLB must be filled for the unexpired term in the same manner as original appointments.
- B2. The Mayor recommends a member of the City Council to serve as the City Council Liaison to the RLCLB. This person attends the RLCLB meetings as a non-voting member and facilitates communication between the City and the RLCLB.
- B3. The City shall maintain the Red Lodge Carnegie Library building and grounds, with consideration to the following: limitations of the City's annual budget, adopted Capital Improvements Plan, the RLCLB annual revenue and expenditure budget request (as identified in A5), the RLCLB Facilities Review and Strategic Plan (as identified in A8).

- B4. Provide property and liability insurance coverage to include the Red Lodge Carnegie Library building and its contents as well as liability insurance for the RLCLB, staff, and volunteers.
- B5. Provide accounting and human resource services for the Red Lodge Carnegie Library as a department of the City.
- B6. Provide, through consultation between the parties, funds available each fiscal year from the general fund in consideration of the annual revenue and expenditure budget developed for the Library by the RLCLB (as identified in A5). Funds for capital improvement requests may be considered separately through consultation between the Parties. The Parties acknowledge the City's general fund budget fluctuates annually and as a consequence the City is unable to guarantee a specific amount of funds each year.
- B7. Maintain the library's Cash Reserve Account (Account 101060 in the City's General Fund) as detailed in Resolution 3323, March 22, 2011, consistent with the Library Depreciation Fund outlined in MCA 22-1-305 and 306.
- B8. Maintain the Library Special Fund (Account 2220) as detailed in Resolution 2071, February 23, 1993, consistent with MCA 22-1-309(8) for the purpose of accepting gifts, grants, donations, devises or bequests of property.

C. DURATION

This Memorandum of Understanding is effective upon execution and continues for three years at which time the Parties will review the terms for renewal for a successive three-year term.

D. MODIFICATION

The Parties may modify this Memorandum of Understanding through a subsequent written and signed agreement that is approved by the governing body of each Party.

E. TERMINATION

Either Party may terminate this Memorandum of Understanding effective on the 30th day of June of any year by providing advanced written notice following consultation between the Parties.

APPROVED BY RED LODGE CITY COUNCIL ON:

Date

By: _____

Ed Williams, Mayor

Attest: _____

Loni Hanson

City Clerk

APPROVED BY RED LODGE CARNEGIE LIBRARY BOARD ON:

Date

By: _____

Jack Exley, Chair

Attest: _____

Jodie Moore

Library Director