

GOVERNANCE POLICIES

MEMBER, BOARD OF TRUSTEES POSITION DESCRIPTION

SUMMARY

Provides governance for the Bozeman Public Library: establishes policy; sets goals; hires the Library Director; establishes and monitors the annual budget; signs necessary contracts; exercises such other powers, not inconsistent with law, necessary for the effective use and management of the Library.

RESPONSIBILITIES

1. Participates in the ongoing responsibilities of the governing body, including establishment of library policies and planning for current and future Library services and programs.
2. Determines and adopts written policies to govern the operation and services of the Library.
3. Attends all regular and special meetings of the Board, and participates in committees and activities as necessary; attends appropriate Library functions.
4. Represents the interests and needs of community members.
5. Lends one's expertise and experience to the organization.
6. Sets an annual budget and approves expenditure of funds; monitors budget and expenses throughout the year.
7. Maintains an awareness of library issues and trends and the implications for library users.
8. Acts as liaison with the public, interpreting and informing local government, media and public of library services and needs.
9. Hires, set salary and supervises a qualified Library Director to implement Board decisions and directions and to carry out day-to-day provision of library services.
10. Establishes short and long-term goals for the Library.
11. Understands pertinent local and state law; actively supports library legislation in the state and nation.
12. Ensures compliance with open meeting law.
13. Reviews and signs necessary contracts (i.e. contract with Gallatin County).
14. Reports activities to City and County Commissions annually.

QUALIFICATIONS

Interest in the Library and its services; ability to contribute adequate time for effective participation in Board activities and decision making; ability to represent needs and varied interests of the community at large and the Library; strong interpersonal and communication skills; ability to work with governmental bodies, agencies and other libraries; ability to handle opposition and make decisions in the interest of library service.

TIME COMMITMENT

The Board of Trustees meets monthly at a time convenient to members. Meetings generally last about one to two hours. Meetings are generally held at the Library and are usually during a weekday.

Members are appointed by the Mayor with the advice and consent of the City Commission to a five-year term (or to complete an unexpired term). Members shall serve no more than two full terms in succession.

Special meetings or committee meetings may be called as necessary at times convenient to members as well as complying with open meeting laws.

BY-LAWS
of
THE BOARD OF TRUSTEES OF THE BOZEMAN PUBLIC LIBRARY

To comply with Section 22-1-101, Et Seq. Of the Montana Code Annotated and Section 2.56.010 of the Bozeman Municipal Code, the following by-laws are adopted.

ARTICLE 1 – Officers

Section 1. The regular officers of the Board shall be the Chair, the Vice Chair, and the Secretary. The Board may select other officers if they deem it appropriate.

Section 2. Elections and terms of office. Board officers shall be elected at the first regular meeting of the Board following July 1 of each year. The Chair and the Vice Chair shall be appointed members of the Board and shall hold office for one year or until their successors are named. The Library Director shall serve at the pleasure of the Board as Secretary.

Section 3. Vacancies. A vacancy in the office of Chair, Vice Chair or Secretary prior to the expiration of an office holder's term may be filled by the Board at any regular or special meeting of the Board by appointment in case of Chair or Vice Chair from the remaining Board members of the duly appointed Board or, in case of the Secretary, by appointing the Library Director. Said appointee shall hold office for the remaining portion of said current term.

Section 4. Duties. The Chair, or in his/her absence the Vice Chair, shall preside at all meetings. The presiding officer at any Board meeting may vote upon and may move or second a proposal before the Board.

The Secretary shall keep, or cause to be kept, accurate minutes of the Board meetings, and upon request, make them available to the public, except when decisions are unanimous, the record shall show how each Board member voted on motions put before it.

ARTICLE II – Meetings of the Board

Section 1. Regular Meetings. The Board shall meet monthly in the Bozeman Public Library. Dates and times of such meetings are set quarterly.

Section 2. Special Meetings. Special meetings may be called by the Chair or upon the request of any two members of the Board for the transaction of business as stated in the call for the meeting.

Section 3. Notice. The Secretary shall issue to all Board members written notice of all regular and special meetings. Such notice shall be no less than three days nor more than fifteen days before the meeting and shall include the proposed agenda. Notice to the public shall be made by publishing in a newspaper of general circulation within the area, either as a news item or paid advertisement sufficiently prior to said meeting to permit public comment. Said notice shall specify the time, date, place and subject matter of the meeting.

Section 4. Quorum. A quorum shall consist of three or more members of the Board, one of whom shall be the Chair or the Vice Chair, and shall be empowered to take official action for the Board.

Section 5. Procedure. Board meetings shall be conducted according to Roberts' Rules of Order, except when they conflict with these By-Laws or the ordinances of the City of Bozeman. When this happens, the latter shall prevail.

ARTICLE III – Library Director

Section 1. The Board of Trustees shall appoint and set the compensation of the Library Director who shall serve at the pleasure of the Board.

Section 2. Accountability. In carrying out his/her duties, the Library Director shall be responsible to both the City Manager in administrative matters and to the Board of Trustees, which sets library policy.

Section 3. Reports. The Library Director shall submit periodic reports to the Board not less than monthly on such matters as the condition of the Library, the circulation, budget standing, relations with other agencies and libraries, and shall make such recommendations as he/she deems appropriate to implement Board policies.

ARTICLE IV – Membership

Section 1. The Board of Trustees of the public library of the city shall be under the Department of Public Welfare. The Board shall be composed of five persons, and shall be appointed by the Mayor with the advice and consent of the commission and shall serve without pay. The Trustees shall hold their office for the term of five years, and one Trustee shall be appointed annually at the beginning of each fiscal year for the term of five years, and until his/her successor is appointed and qualifies. Trustees shall serve no more than two full terms in succession. The powers and duties of the Board shall be those prescribed by the laws of the state and the ordinances of the city.

Section 2. When a member fails to attend three successive regularly scheduled meetings or fulfill Board responsibilities without reasonable excuse or explanation, the Chair of the Board of Trustees, in consultation with the remaining Board members, shall advise the Mayor and request prompt appointment of a replacement. The replaced Trustee shall receive written notification of such replacement from the Clerk of the City Commission.

Section 3. Vacancies. A vacancy on the Board of Trustees prior to the expiration of his/her term shall be filled by the Mayor with advice and consent of the City Commission.

ARTICLE V - Amendments

Section 1. These By-Laws may be altered, amended, or repealed by a majority vote of all members of the Board provided that written notice of such intended action shall have been mailed to all members at least 10 days prior to the meeting at which such vote is to be taken. A current copy of the By-Laws shall be filed with the Clerk of the City Commission.

enforce all laws, ordinances and regulations relative to the preservation and promotion of public health, the prevention and restriction of disease, the prevention, abatement and suppression of nuisances, and the sanitary inspection and supervision of the production, transportation, storage and sale of food-stuffs. He shall cause a complete and accurate system of vital statistics to be kept. In time of epidemic or threatened epidemic, he may enforce such quarantine regulations as are appropriate to the emergency. (Prior code § 2.08.180)

2.48.020 Employment of personnel.

The city manager, as head of the department of public welfare, shall have power to employ such assistants, laborers and employees as may be necessary in that department in order to carry out and do the work of the department, in all cases where no provision has otherwise been made therefor. (Prior code § 2.08.050)

2.48.030 Public band concerts and band concert fund.

The matter of providing for public band concerts in the city, and of the expenditures of the band concert fund, shall be under the department of public welfare, and under the direct charge and supervision of the city manager. (Prior code § 2.08.260)

advice and consent of the commission, and shall serve without pay. The trustees shall hold their office for the term of five years, and one trustee shall be appointed annually at the beginning of each fiscal year for the term of five years, and until his/her successor is appointed and qualifies. Trustees shall serve no more than two full terms in succession. The powers and duties of the board shall be those prescribed by the laws of the state and the ordinances of the city.

B. The trustees of the library board shall perfect their own organization, and select such officers for such board as they may deem advisable. The chairman and vice-chairman of the board shall be one of their number. They shall have power to select librarians and other employees as they may determine and fix the amount of any bond which they may require to be given by the librarian and other employees. They shall have power to receive books from all sources for the use and benefit of the library and to purchase books therefor with any money available for that purpose, and power to prescribe all rules and regulations for the use of books and the preservation of the same. The board shall keep a record of its transactions, and shall make a report to the city commission at the close of each calendar year, covering the business transacted by it during the year. (Ord. 1163, 1984; Ord. 1094 § 1, 1982; prior code § 2.08.200)

Chapter 2.56

LIBRARY BOARD OF TRUSTEES

Sections:

- 2.56.010 Appointment—Composition and organization—Powers and duties.
- 2.56.010 Appointment—Composition and organization—Powers and duties.

A. The board of trustees of the public library of the city shall be under the department of public welfare. The board shall be composed of five persons, and shall be appointed by the mayor with the

Chapter 2.64

CITY-COUNTY PLANNING BOARD

Sections:

- 2.64.010 Established—Powers and duties.
- 2.64.020 State law adopted by reference.
- 2.64.030 Additional member appointed by the city.
- 2.64.010 Established—Powers and duties.
Pursuant to and under the provisions of Title 76

contract as a depository library shall be established by the state library commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, ability to preserve such publications and to make them available for public use, and also such geographical locations as will make the publications conveniently accessible to residents in all areas of the state.

History: En. Sec. 4, Ch. 261, L. 1967; R.C.M. 1947, 44-135.

Cross-References

Distribution of Senate and House Journals and Session Laws, 5-11-203.

Library use privileges, 22-1-311.

Participation in a library federation, 22-1-403.

22-1-215. Available publications. The center shall publish and distribute regularly to contracting depository libraries and other libraries upon request a list of available state publications.

History: En. Sec. 5, Ch. 261, L. 1967; R.C.M. 1947, 44-136.

22-1-216. Current publications. Upon request by the center, issuing state agencies shall furnish the center with a complete list of their current state publications and a copy of their mailing and/or exchange lists.

History: En. Sec. 6, Ch. 261, L. 1967; R.C.M. 1947, 44-137.

22-1-217. No general public distribution. The center shall not engage in general public distribution of either state publications or lists of publications.

History: En. Sec. 7, Ch. 261, L. 1967; R.C.M. 1947, 44-138.

22-1-218. Exemptions. This part does not apply to officers of or affect the duties concerning publications distributed by:

- (1) the state law library;
- (2) the code commissioner in connection with his duties under Title 1, chapter 11, as amended; and
- (3) the legislative council in connection with its duties under 5-11-203, as amended.

History: En. Sec. 8, Ch. 261, L. 1967; amd. Sec. 2, Ch. 3, L. 1977; R.C.M. 1947, 44-139; amd. Sec. 11, Ch. 138, L. 1979; amd. Sec. 16, Ch. 79, L. 1983.

Compiler's Comments

1983 Amendment: Deleted former (2), which read: "the secretary of state in connection with his duties under 2-15-401(13)".

Cross-References

Distributions by the Supreme Court, 3-2-604.

Part 3

Free Public Libraries

Part Cross-References

Tax exemption for libraries, 15-6-201.

22-1-301. Definition. Wherever the word "city" is used in this part, it means city or town.

History: En. Sec. 11, Ch. 260, L. 1967; R.C.M. 1947, 44-227.

22-1-302. Purpose. It is the purpose of this part to encourage the establishment, adequate financing, and effective administration of free public

libraries in this state to give the people of Montana the fullest opportunity to enrich and inform themselves through reading.

History: En. Sec. 1, Ch. 260, L. 1967; R.C.M. 1947, 44-218.

22-1-303. Creation of public library. A public library may be established in any county or city in any of the following ways:

(1) The governing body of any county, or city desiring to establish and maintain a public library may pass and enter upon its minutes a resolution to the effect that a free public library is established under the provision of Montana laws relating to public libraries.

(2) By petition signed by not less than 10% of the resident taxpayers, whose names appear upon the last completed assessment roll of the city or county, being filed with the governing body requesting the establishment of a public library. The governing body of a city or county shall set a time of meeting at which they may by resolution establish a public library. The governing body shall give notice of the contemplated action in a newspaper of general circulation for 2 consecutive weeks giving therein the date and place of the meeting at which the contemplated action is proposed to be taken.

(3) (a) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote of the qualified electors thereof at the next general election the question of whether a free public library shall be established.

(b) If such a petition is submitted for a city, the petition must be signed by resident taxpayers of said city.

(c) If such a petition is submitted to the county commissioners of a county asking for the establishment of a county library, the petition must be signed by resident taxpayers of the county who reside outside the corporate limits of an incorporated city located in said county which may already have established a free public library for such city.

(d) If such petition specifically asks that a special election be called and such petition is signed by 35% of the resident freeholders affected by such petition, then the governing body shall, upon receipt of such petition, immediately set a date for a special election, which date shall be as soon as the procedures for establishing a special election will allow.

(e) If at such election a majority of the electors voting on the question vote in favor of the establishment of a library, the governing body shall immediately take the necessary steps to establish and maintain said library or to contract with any city or county for library service to be rendered to the inhabitants of such city or county.

History: En. Sec. 2, Ch. 260, L. 1967; amd. Sec. 1, Ch. 263, L. 1969; R.C.M. 1947, 44-219.

22-1-304. Tax levy — special library fund — bonds. (1) The governing body of any city or county which has established a public library may levy in the same manner and at the same time as other taxes are levied a special tax in the amount necessary to maintain adequate public library service, not to exceed 5 mills on the dollar, upon all property in such county which may be levied by the governing body of such county and not to exceed 7 mills on the dollar upon all property in such city which may be levied by the governing body of such city.

(2) (a) The governing body of any city or county may by resolution submit the question of exceeding the maximum tax levy provided in subsection (1) to a vote of the qualified electors thereof at the next general election. Such resolution must be adopted at least 60 days prior to the general election at which the question will be voted on.

(b) Upon petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of exceeding the maximum mill levy, the governing body shall submit to a vote of the qualified electors thereof at the next general election the question of exceeding the maximum mill levy. Such petition must be delivered to the governing body at least 90 days prior to the general election at which the question will be voted on.

(c) The question shall be submitted by ballots upon which the words "FOR exceeding the ... mill maximum levy and authorizing an additional ... mill(s) for the library" and "AGAINST exceeding the ... mill maximum library levy" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions.

(d) The votes cast for the adoption or rejection of the question must be canvassed, and:

(i) if a majority of the voters voting on the question vote to exceed the maximum mill levy, the governing body shall levy the additional tax for the year in which the vote was taken; or

(ii) if a majority of the voters voting on the question vote to not exceed the maximum mill levy, the maximum mill levy may not be exceeded.

(3) The municipal tax authorized in this section is in addition to all other taxes authorized by law and is not within the all-purpose mill levy established by 7-6-4451 through 7-6-4453.

(4) The proceeds of such tax shall constitute a separate fund called the public library fund and shall not be used for any purpose except those of the public library.

(5) No money shall be paid out of the public library fund by the treasurer of the city or county except by order or warrant of the board of library trustees.

(6) Bonds may be issued by the governing body in the manner prescribed by law for the erection and equipment of public library buildings and the purchase of land therefor.

History: En. Sec. 3, Ch. 260, L. 1967; R.C.M. 1947, 44-220; and Sec. 1, Ch. 431, L. 1983.

Compiler's Comments

1983 Amendment: In (1), increased permissible mill levies from 3 to 5 mills for counties and from 4 1/2 to 7 mills for cities; and inserted (2) and (3).

Cross-References

Deposit of certain revenues in all-purpose fund, 7-6-4133.

Tax exemption for libraries, 15-6-201.

22-1-305. Library depreciation reserve fund authorized. The governing body of any city or county or a combination of city and county in Montana may establish a library depreciation reserve fund for the replacement and acquisition of property, capital improvements, and equipment necessary to maintain and improve city, county, or city-county library services.

History: En. 44-229 by Sec. 1, Ch. 78, L. 1975; R.C.M. 1947, 44-229.

22-1-306. Moneys for library depreciation reserve fund. Moneys for the library depreciation reserve fund are those funds which have been allocated to the library in any year but which have not been expended by the end of the year. Such moneys include but are not limited to city or county or city-county appropriations, federal revenue sharing funds, and public and private grants.

History: En. 44-230 by Sec. 2, Ch. 78, L. 1975; R.C.M. 1947, 44-230.

22-1-307. Investment of fund. The moneys held in the library depreciation reserve fund may be invested as provided by law. All interest earned on the fund must be credited to the library depreciation reserve fund.

History: En. 44-231 by Sec. 3, Ch. 78, L. 1975; R.C.M. 1947, 44-231.

22-1-308. Public library — board of trustees. (1) Upon the establishment of a public library under the provisions of this part, the mayor, with the advice and consent of the city council or city commissioners, shall appoint a board of trustees for the city library and the chairman of the board of county commissioners, with the advice and consent of said board, shall appoint a board of trustees for the county library.

(2) The library board shall consist of five trustees. Not more than one member of the governing body shall be, at any one time, a member of such board.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(4) Trustees shall hold their office for 5 years from the date of appointment and until their successors are appointed. Initially, appointments shall be made for 1-, 2-, 3-, 4-, and 5-year terms. Annually thereafter, there shall be appointed before July 1 of each year in the same manner as the original appointments for a 5-year term, a trustee to take the place of the retiring trustee. Trustees shall serve no more than two full terms in succession.

(5) Following such appointments, in July of each year, the trustees shall meet and elect a chairman and such other officers as they deem necessary, for 1-year terms. Vacancies in the board of trustees shall be filled for the unexpired term in the same manner as original appointments.

History: En. Sec. 4, Ch. 260, L. 1967; R.C.M. 1947, 44-221.

22-1-309. Trustees — powers and duties. 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:

(1) adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;

(2) establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;

(3) 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, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;

(4) 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;

(5) pay necessary expenses of members of the library staff when on business of the library;

(6) prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing library property.

(7) make an annual report to the governing body of the city or county on the condition and operation of the library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state library in its request for an annual report from the public libraries and shall submit such an annual report to the state library.

(8) have 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.

(9) exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library.

History: Ap. p. Sec. 5, Ch. 260, L. 1967; Sec. 44-222, R.C.M. 1947; Ap. p. Sec. 1, Ch. 47, L. 1927; re-en. Sec. 5668.17, R.C.M. 1935; Sec. 11-1006, R.C.M. 1947; R.C.M. 1947, 11-1006(part), 44-222.

Cross-References

Authorization for governmental and public entities to take property by gift or devise, 7-8-103.

Power to accept gifts, 20-6-601.

Application of other school district provisions, 20-15-403.

22-1-310. Chief librarian — personnel — compensation. The board of trustees of each library shall appoint and set the compensation of the chief librarian who shall serve as the secretary of the board and shall serve at the pleasure of the board. With the recommendation of the chief librarian, the board shall employ and discharge such other persons as may be necessary in the administration of the affairs of the library, fix and pay their salaries and compensation, and prescribe their duties.

History: En. Sec. 6, Ch. 260, L. 1967; R.C.M. 1947, 44-223.

22-1-311. Use of library — privileges. Every library established under the provisions of this part shall be free to the use of the inhabitants of the city or the county supporting such library. The board may exclude from the use of the library any and all persons who shall willfully violate the rules of the library. The board may extend the privileges and use of the library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.

History: En. Sec. 7, Ch. 260, L. 1967; R.C.M. 1947, 44-224.

Cross-References

Authority of State Library Commission,
22-1-103.

Depository libraries, 22-1-214.

Contractual control of library use, 22-1-403.

22-1-312. Cooperation and merger. Library boards of trustees, boards of other educational institutions, library agencies, and local political subdivisions are hereby empowered to cooperate, merge, or combine in providing library service.

History: En. Sec. 8, Ch. 260, L. 1967; R.C.M. 1947, 44-225.

22-1-313. Existing tax-supported libraries — notification — exemption from county taxes. After the establishment of a county free library as provided in this part, the governing body of any city which has an existing tax-supported public library may notify the board of county commissioners that such city does not desire to be a part of the county library system. Such notification shall exempt the property in such city from liability for taxes for county library purposes.

History: En. Sec. 9, Ch. 260, L. 1967; R.C.M. 1947, 44-226.

22-1-314. Continued existence of all public libraries. All public libraries heretofore established shall continue in existence, subject to the changes in administration provided herein.

History: En. Sec. 12, Ch. 260, L. 1967; R.C.M. 1947, 44-228.

22-1-315. City library may assume functions of county library.

(1) Instead of establishing a separate county free library, the board of county commissioners may enter into a contract with the board of library trustees or other authority in charge of the free public library of any incorporated city, and the board of library trustees or other authority in charge of such free public library is hereby authorized to make such a contract.

(2) Such contract may provide that the free public library of such incorporated city shall assume the functions of a county free library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free library fund into the library fund of such incorporated city such sum as may be agreed upon.

(3) Either party to such contract may terminate the same by giving 6 months' notice of intention to do so.

History: En. Sec. 11, Ch. 45, L. 1915; re-en. Sec. 4573, R.C.M. 1921; re-en. Sec. 4573, R.C.M. 1935; R.C.M. 1947, 44-211.

Cross-References

Erection and maintenance of county buildings, 7-8-2102.

22-1-316. Joint city-county library. (1) A county and any city or cities within the county, by action of their respective governing bodies, may join in establishing and maintaining a joint city-county library under the terms of a contract agreed upon by all parties.

(2) The expenses of a joint city-county library shall be apportioned between or among the county and cities on such a basis as shall be agreed upon in the contract.

(3) The governing body of any city or county entering into a contract may levy a special tax as provided in 22-1-304 for the establishment and operation of a joint city-county library.

(4) The treasurer of the county or of a participating city within the county, as shall be provided in the contract, shall have custody of the funds of the joint city-county library; and the other treasurers of the county or cities joining in the contract shall transfer quarterly to him all moneys collected for the joint city-county library.

(5) The contract shall provide for the disposition of property upon dissolution of the joint city-county library.

History: En. Sec. 1, Ch. 273, L. 1973; R.C.M. 1947, 44-219.1.

Cross-References

Erection and maintenance of county buildings, 7-8-2102.

22-1-317. City-county library — board of trustees. (1) A joint city-county library shall be governed by a board of trustees composed of five members chosen as specified in the contract; with terms not to exceed 5 years.

(2) Trustees shall serve no more than two full terms in succession.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(4) Trustees shall meet and elect a chairman and such other officers as they consider necessary for 1-year terms.

(5) The board of trustees shall have the same powers and duties as the board of trustees of a city library or a county library.

History: En. Sec. 2, Ch. 273, L. 1973; amd. Sec. 3, Ch. 3, L. 1977; R.C.M. 1947, 44-219.2.

Part 4

Library Systems

22-1-401. Policy. It is the policy of the legislature to encourage the most efficient delivery of library services to the people of Montana. To that end the state should be divided into regions within which libraries desiring to participate in the distribution of such state funding to libraries as may be available from time to time shall organize into library federations to pool resources and information and avoid duplication of effort.

History: En. Sec. 2, Ch. 215, L. 1965; amd. Sec. 1, Ch. 357, L. 1974; R.C.M. 1947, 44-131(part).

22-1-402. Library systems — definition. Library systems shall include library federations or library networks, as defined hereafter:

(1) (a) A library federation is a combination of libraries serving a multi-county, multicounty, or city-county area within a federation area designated by the state library commission. Any other public library or town, city, or county within the federation area may participate in such a federation.

(b) Two or more cities, towns, counties, or a city and one or more counties may agree by contract to form such a federation by action of their respective governing bodies or duly created boards of library trustees, provided that one of the parties is or maintains a library which has been designated by the state library commission as a headquarters library for that federation area. The participating entities may retain such autonomy over their respective libraries as may be specified in the contract.

(c) The expense of providing library services for the library federation shall be based on funds received from the state or participating libraries as shall be agreed upon in the contract. The funds of the federation shall be maintained as a separate account as shall be provided in the contract. Participating libraries shall transfer semiannually to the account all money collected for the federation in their respective jurisdiction.

(d) A participating entity may withdraw from a federation according to the terms for withdrawal provided in the contract by the action of its governing body or by a majority of its qualified voters voting at a general or special election.

(2) A library network is an agreement between individual libraries or library systems, which may be intercity, intrastate, or interstate, for the exchange of information or to provide specific library services not provided in existing library federations.

History: En. Sec. 1, Ch. 132, L. 1939; amd. Sec. 2, Ch. 357, L. 1974; R.C.M. 1947, 44-212; amd. Sec. 1, Ch. 374, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "apportioned between or among the towns, cities, and counties involved on such basis" and inserted "based on funds received from the state or participating libraries" after "shall be" near the beginning of subsection (1)(c); substituted the last sentence of subsection (1)(c) relating to

accounting of money for "The treasurer of one of the participating units, as shall be provided in the contract, shall have the custody of the funds of the federation, and the participating governments concerned shall transfer semiannually to him all moneys collected for the free library fund in their respective jurisdiction."

22-1-403. Participation in the federation. (1) When a library federation shall have been established, the legislative body of any government unit in the designated library federation area may decide, with the concurrence of the board of trustees of its library if it is maintaining a library, to participate in the library federation. Each local entity may determine the amount of services it wishes to supply to fulfill the needs of its unit. After the necessary contract has been executed and beginning with the next fiscal year, the governmental unit shall participate in the library federation and its residents shall be entitled to the benefits of the library federation and property within its boundaries shall be subject to taxation for library federation purposes.

(2) The board of regents of higher education may contract with the government of any city or county, or the governments of both the city and the county, in which a unit of the Montana university system is located for the establishment and operation of joint library services. Any such contract which proposes the erection of a building shall be subject to the approval of the legislature. Any joint library services established pursuant to this section shall be operated and supported as provided in such contract and under this part.

History: En. Sec. 2, Ch. 132, L. 1939; amd. Sec. 1, Ch. 249, L. 1963; amd. Sec. 3, Ch. 357, L. 1974; R.C.M. 1947, 44-213.

22-1-404. Board of trustees — coordinator. (1) In a library federation there shall be a board of trustees with advisory powers only, the operation of the library federation having been specified by contract. The board of trustees of each participating library shall name one of their members to the federation advisory board of trustees, and each participating entity without a duly appointed library board shall name a layman to represent that entity on the library federation board of trustees.

(2) The librarian of the headquarters library shall serve as the coordinator of the federation and as a nonvoting member of the federation advisory board of trustees.

History: (1)En. Sec. 3, Ch. 132, L. 1939; amd. Sec. 10, Ch. 260, L. 1967; amd. Sec. 4, Ch. 357, L. 1974; Sec. 44-214, R.C.M. 1947; (2)En. Sec. 2, Ch. 215, L. 1965; amd. Sec. 1, Ch. 357, L. 1974; Sec. 44-131, R.C.M. 1947; R.C.M. 1947, 44-131(part), 44-214.

22-1-405. Boards of trustees'— authority — resolution of disagreements. (1) The board of trustees of a library federation shall act as an advisor to the participating libraries and their boards of trustees.

(2) Control over the budgets and administrative policies of participating libraries shall remain in their boards of trustees as provided in 22-1-309.

(3) Any disagreement among participants in a library federation regarding the apportionment of funds or grants received from the state library commission shall be resolved by the state library commission.

History: En. 44-214.1 by Sec. 5, Ch. 357, L. 1974; R.C.M. 1947, 44-214.1.

22-1-406 through 22-1-410 reserved.

22-1-411. Repealed. Sec. 1, Ch. 355, L. 1981.

History: En. Sec. 4, Ch. 132, L. 1939; amd. Sec. 6, Ch. 357, L. 1974; R.C.M. 1947, 44-215.

22-1-412. Purpose. It is the purpose of 22-1-412 and 22-1-413 to establish a program whereby state funds may be appropriated to the Montana state library commission to provide the benefits of quality public library service to all residents of Montana by developing and strengthening local public libraries through library federations as defined in 22-1-402.

History: En. 44-304 by Sec. 1, Ch. 416, L. 1975; R.C.M. 1947, 44-304; amd. Sec. 1, Ch. 373, L. 1981.

Compiler's Comments

1981 Amendment: Substituted "and 22-1-413" for "through 22-1-416" after "22-1-412" in the first sentence of the section; inserted "may be" after "state funds" near the

beginning of the section; deleted "may be allocated among three different grant programs. Such program of state funding is intended" after "library commission" near the middle of the section.

22-1-413. Administration by Montana state library commission. The Montana state library commission shall receive and administer the appropriation for state funding to public library federations. The commission shall allocate such appropriation among such types of grant programs and shall allocate funds among federations according to such formulas for distribution as it shall establish from time to time by rules adopted pursuant to 22-1-103. Federations receiving state funds from the commission shall report semiannually to the commission concerning the progress of the various projects for which state funding was received, which reports shall contain an accounting for all state funds received.

History: En. 44-305 by Sec. 2, Ch. 416, L. 1975; R.C.M. 1947, 44-305; amd. Sec. 2, Ch. 373, L. 1981.

Compiler's Comments

1981 Amendment: Substituted "among such types of grant programs and shall allocate funds among federations according to such formulas for distribution as it shall establish from time to time by rules adopted pursuant to 22-1-103" for

"to three types of grant programs according to 22-1-415 and shall make grants to duly constituted library federations according to program applications submitted to and approved by the commission" after "such appropriation" in the second sentence; substituted "state funds from

the commission" for "grant moneys" after "receiving" near the beginning of the third sentence; deleted "grants have been" and inserted "was" after "state funding" in the third sentence; changed "report" to "reports" after "received, which" in the third sentence; substituted "state" for "grant" after "for all" near the end of the section.

22-1-414 through 22-1-416. Repealed. Sec. 3, Ch. 373, L. 1981.

Compiler's Comments

Historics of Repealed Sections:

22-1-414 through 22-1-416. En. Secs. 3, 4, 5, Ch. 416, L. 1975; R.C.M. 1947, 44-306, 44-307, 44-308.

Part 5

Law Library

Part Cross-References

Distribution of Administrative Rules of Montana to law library, 2-4-313.

Distribution of reports of Supreme Court decisions, 3-2-604.

22-1-501. State law library created. The library heretofore known as a department of the state library of Montana and called "the law library" shall become a separate and distinct library designated the "state law library of the state of Montana". The collections of laws, decisions of courts, law reports, textbooks, legal periodicals, and miscellaneous books and journals together with pamphlets, papers, maps, charts, and manuscripts now in the law library in the capitol building or belonging to such law library or hereafter acquired by or donated to the law library shall constitute the library hereby established, and the title to all of the property constituting the same now or hereafter shall be in the state of Montana, subject to the custody and control of the library board established herein.

History: En. Sec. 1, Ch. 153, L. 1949; R.C.M. 1947, 44-401.

22-1-502. Location — control by board of trustees. The state law library of the state of Montana shall be located in Helena, Montana, and shall be in the immediate custody and subject to the control of a board of trustees consisting of the chief justice and the justices of the supreme court of the state of Montana.

History: En. Sec. 2, Ch. 153, L. 1949; amd. Sec. 1, Ch. 142, L. 1977; R.C.M. 1947, 44-402; amd. Sec. 1, Ch. 252, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "the capitol building at" after "located in" in the middle of the section.

Cross-References

Supreme Court created, Art. VII, sec. 1 through 3, Mont. Const.

22-1-503. Authority of board. The powers and duties of said board are as follows:

- (1) to make rules, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library shall be open to the public and the office hours of the library;
- (2) to appoint a librarian and prescribe the duties of such librarian when not otherwise provided for by law;

(3) In election involving the question of service consolidation or transfer, an affirmative vote of a simple majority of those voting on the question is required for adoption.

(4) If the electors disapprove the proposed service consolidation or transfer, each local government retains its existing service delivery method until changed or modified as provided by law.

(5) Except for nonsubstantive adjustments required to insure efficient and effective operations, a service consolidation or transfer effected by the procedures contained in this part may be amended or otherwise changed only in the same manner as required for its adoption.

History: En. Sec. 8, Ch. 314, L. 1981.

7-11-309. Effect of adoption of service consolidation or transfer. The adoption of a service consolidation or transfer does not affect the validity of any bond, debt, contract, collective bargaining agreement, obligation, or cause of action accrued or established by any affected local government prior to the consolidation or transfer.
History: En. Sec. 9, Ch. 314, L. 1981.

7-11-310. Judicial review. (1) Judicial review to determine the validity of the procedures used in adopting any service consolidation or transfer may be initiated by petition in district court of 10 or more registered electors of each local government affected by the consolidation or transfer brought within 60 days after the election adopting the service consolidation or transfer. If no petition is filed within that period, compliance with all the procedures required by 7-11-303 through 7-11-310 and the validity of the manner in which the service consolidation or transfer was approved is conclusively presumed. (2) It is presumed that proper procedure was followed and all procedural requirements were met. The adoption of a service consolidation or transfer may not be considered invalid because of any procedural error or omission unless it is shown that the error or omission materially and substantially affected its adoption.
History: En. Sec. 10, Ch. 314, L. 1981.

Parts 4 through 10 reserved

Part 11

Multijurisdictional Service Districts

7-11-1101. Authority to form multijurisdictional service district. Municipalities and counties may form multijurisdictional service districts to provide:

- (1) a higher level of service than is available through the local governments forming such a district; or

(2) services that are not available through the governments forming such a district.
History: En. Sec. 1, Ch. 425, L. 1985.

7-11-1102. Services that may be provided. (1) A multijurisdictional service district may provide only those services that are authorized to be provided by local governments.

- (2) The services that a multijurisdictional service district may provide are:
- (a) recreation programs other than park and recreation programs in a county park district established under Title 7, chapter 16, part 24;
 - (b) road, street, and highway maintenance;
 - (c) libraries;
 - (d) jails;
 - (e) dog control programs; and
 - (f) ambulance service.

History: En. Sec. 2, Ch. 425, L. 1985; amd. Sec. 8, Ch. 425, L. 1985; amd. Sec. 1, Ch. 193, L. 1991.

Compiler's Comments
1991 Amendment: Inserted (2)(f) allowing provision of ambulance service.

7-11-1103 and 7-11-1104 reserved.

7-11-1105. Creation of district. (1) A multijurisdictional service district is established by an interlocal agreement among participating jurisdictions, as authorized by an ordinance of each of the jurisdictions, to form the district. An ordinance, for the purposes of this part, includes a resolution of a county not having the power to enact ordinances.

(2) The authorizing ordinance may be passed by the governing body of the jurisdiction or it may be initiated by a petition signed by 15% of the resident property taxpayers of the area proposed for the district in each jurisdiction.

(3) Prior to determining the boundary of the district, the governing body or persons preparing a petition shall consult with the county election administrator to prepare a description of the boundary of the proposed district. As far as practical, the boundary shall follow precinct, school district, municipal, and county lines. The boundary description must be mapped and clearly described.

History: En. Sec. 5, Ch. 425, L. 1985.

7-11-1106. Ordinance and petition requirements. An ordinance or petition for an ordinance to authorize a multijurisdictional service district must include:

- (1) the name of the proposed district;
- (2) the services to be provided by the proposed district;
- (3) a statement of convenience and necessity;
- (4) a boundary map of the proposed district;
- (5) estimated costs of services and methods of financing the district;
- (6) the method of administering the proposed district; and
- (7) the maximum property tax mill levy for property taxes in the district.

7-11-107. Adoption of ordinance — protest. (1) Upon receipt of a petition to enact an authorizing ordinance, the governing body of each jurisdiction may either adopt the substantive provisions of the petition as an ordinance or decline to adopt an authorizing ordinance for the district. The action on the petition is subject to the provisions of initiative and referendum as provided in 7-5-131 through 7-5-137.

(2) (a) Upon adoption of a multijurisdictional service district authorizing ordinance, notice must be published in a newspaper of general circulation in the jurisdiction.

(b) Each notice must set forth the text or substance of the ordinance and the text of subsection (2)(c).

(c) Within 30 days of the publication of the notice, electors or property owners of each portion of the proposed district may submit written protests to the local government clerk. If more than 50% of the electors, or the owners of more than 50% of the taxable value of the property, in the affected portion of any one of the jurisdictions proposed for inclusion in the district protest the ordinance of that jurisdiction, the ordinance is void.

History: En. Sec. 7, Ch. 425, L. 1985.

7-11-108 through 7-11-110 reserved.

7-11-111. Administration. (1) A multijurisdictional service district must be administered according to an interlocal agreement among the participating jurisdictions within the district.

(2) The governing body of a multijurisdictional service district may consist of the entire membership of all governing bodies of the participating jurisdictions, or it may be a joint board with representation as set forth in the interlocal agreement forming the district.

(3) An interlocal agreement under this part may enlarge an existing service district or city or county library, but it may not supersede or void an existing contract or interlocal agreement under which the same service is currently provided to residents of one or more of the participating jurisdictions.

(4) A library established under this part as a multijurisdictional service must be administered according to the provisions of 22-1-305 through 22-1-317.

History: En. Sec. 3, Ch. 425, L. 1985.

7-11-112. Financing. (1) Local governments organizing a multijurisdictional service district are authorized to levy property taxes in an amount not to exceed that authorized for the district in 7-11-1106, and to appropriate funds derived from other than general tax revenues for the operation of the district. Property taxes levied for a library established under this part as a multijurisdictional service must be added to taxes levied under 22-1-304.

(2) A property tax levied for the purpose of financing the district must, for all agricultural property having an area greater than 10 acres, be levied only on the principal residential dwelling, if any, on such property.

History: En. Sec. 4, Ch. 425, L. 1985.

Public Participation

The Bozeman Public Library Board welcomes public input at its meetings. Each agenda item (unless specified otherwise) will be open for public input before the Board deliberates on that item. In an effort to assure adequate notice and assist in public participation, the Board will post its agenda on the Library door, Library bulletin board, and Library web site. The agenda will be posted at least seven (7) days before the meeting.

Generally the Board meets monthly on the third Wednesday of each month in the Library Board/Staff Conference Room. On occasion the Board may call a special meeting or need to change the time and date of the monthly meeting. Notice of such changes will be given at least forty-eight (48) hours before the changes are made.

While it is recommended that anyone wishing to address the Board notify the library director at least forty-eight (48) hours before the meeting so that time may be reserved for such input, it is not absolutely necessary.

Everyone wishing to speak must fill out a form to allow for accurate spelling of names and identification of those speaking on the various items for inclusion in the official minutes of the meeting. The form will be available on the table in the meeting room.

Since time is limited, the Board Chair reserves the right to set reasonable time limits for public input on each topic. Normally, a person will be limited to five (5) minutes per agenda item. Comments may be given orally or in writing. Written comments should be submitted to the library director at least twenty-four (24) hours prior to the meeting.

During Board deliberation, the public is asked not to make any comments unless responding to a specific question asked by the Board chair.

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