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October 1, 1998

Paul C. Stahl
Chairman, Board of Trustees
N. Valley Public Library
208 Main Street
Stevensville, MT 59870

Dear Mr. Stahl:

Recently you asked me if your library may have custody of the library fund and function as the library's bookkeeper. I asked our agency attorney and he said "no" based on his reading of the statutes. The Library Board has exclusive control over the expenditure of the public library fund as set forth in section 22-1-309, MCA. But section 22-1-304, MCA requires that money for the public library funds be disbursed by the city or county treasurer. This requirement supports the conclusion that the treasurer, rather than the library, has actual custody of the fund.

I also asked if the city or county may charge the library fund a fee for administering the fund. Our attorney answered "no." Because the library board has exclusive control over the library fund, the city or county treasurers may not take money from the fund, as only the library has that authority.

I am also sending you a copy of my letter to Patti Jo regarding the PERS issue.

Yours truly,

A handwritten signature in cursive script that reads "Karen Stregge".

KAREN STREGGE
State Librarian

/ac

cc: Patti Jo Thomas
Darlene Staffeldt, Program Manager

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Board Accounting C
Rundel... S H