

Cooper, Bob

From: Strege, Karen
Sent: Tuesday, June 18, 2002 3:06 PM
To: Cooper, Bob
Cc: Staffeldt, Darlene; Jackson, Sue
Subject: RE: Lake County proposed system plan

Ok

I think I understand the attorney's concern regarding statutes. This is my take.

There is no county library in lake County. There are three city libraries. Therefore, the city libraries can not consolidate with a county library that doesn't exist. I think that the library statutes govern here and not the consolidation statute. (Title 7).

The following statutes read together seem to mean that the county and city can have a joint election in which the city would vote to disband the city library and join the county library, if established by the county voters, while county voters would just vote for the establishment of the county library. If the election in the county fails, then any affirmative vote in the cities would also fail since there is no county system in which to join.

However, the county election may have to proceed a vote in the cities.

We definitely need to get Jim's opinion. You may just want to clarify this attorney's questions and concerns asp so that we can include them in our discussions with Jim S.

Clear? As mud?

Karen

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) A public library may be established by a petition that is signed by not less than 10% of the resident taxpayers whose names appear upon the last completed assessment roll of the city or county and that is 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 it 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 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 at the next general election the question of whether a free public library is to be established.
(b) If a petition is submitted for a city, the petition must be signed by resident taxpayers of the city.

(c) If 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 that is located in the county and that may already have established a free public library for the city.

(d) If the petition specifically asks that a special election be called and the petition is signed by 35% of the resident freeholders affected by the petition, then the governing body shall, upon receipt of the petition, immediately set a date for a special election. The special election must be held in conjunction with a regular or primary election.

(e) If at the 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 the library or to contract with any city or county for library service to be rendered to the inhabitants of the city or county.

History: En. Sec. 2, Ch. 260, L. 1967; amd. Sec. 1, Ch. 263, L. 1969; R.C.M. 1947, 44-219; amd. Sec. 65, Ch. 387, L. 1995.

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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.

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.

-----Original Message-----

From: Cooper, Bob
Sent: Tuesday, June 18, 2002 2:13 PM
To: Strege, Karen
Cc: Staffeldt, Darlene
Subject: FW: Lake County proposed system plan
Importance: High

Karen. I am slightly confused by this message. I am not sure how to proceed since I hesitate to enter into a battle of legal interpretations with a county attorney. Your advice? Mitch Young, who first looked at things is a library supporter, I do not know Robert Long. Bob

-----Original Message-----

From: Bridenstine, Rose
Sent: Tuesday, June 18, 2002 12:29 PM
To: Cooper, Bob; Jackson, Sue
Subject: Lake County proposed system plan
Importance: High

Bob & Sue: The Lake County Attorney's office reviewed this plan in April 2002. At that time, Chief Deputy County Attorney Mitch Young did not find any problems with this plan.

I submitted our proposed system plan to the Lake County Attorney's office in June 2002 requesting that they return a written assessment regarding the feasibility of the plan and any changes they see would need to be made to it in order to comply with state and county statutes. Our Lake County Attorney, Robert Long, spoke with me today regarding our proposed system plan.

Mr. Long stated to me that the plan is inapplicable, inappropriate, garbage, and does not fit with the statutes. He stated that in order to develop a service plan, we must have a county library system in existence as MCA Title 7, Chapter 11 presupposes existing entities and the countywide library system does not yet exist.

Mr. Long believes that we cannot attach the proposed plan to the petition for a county library system as it is too vague.

He believes that we cannot predicate a ballot measure on what might or might not exist.

Mr. Long desires to speak with someone from the State Library regarding the reasons behind developing the system plan. His phone number is 406.883.7245, ext. 3.

Please let me know what you think and how you intend to respond to Mr. Long. I will coordinate in any way possible at this end. I will be making a presentation to the Lake Co. Commissioners along with Mitchell Fenger (bookmobile librarian) and Marilyn Trosper (Polson City Library) on Thursday, June 20 at 2 p.m. to request that the county support the bookmobile for FY 2002-2003. The commissioners will undoubtedly be asking questions regarding Mr. Long's response. Any information you may be able to give me before we meet with them would be greatly appreciated.

Thank you,
Rose Bridenstine
Chair, (Interim) Lake Co. Library Improvement Project