

TOWN/COUNTY AGREEMENT FOR THE VALIER PUBLIC LIBRARY

AGREEMENT made this 16th day of June, 2010, between the Town of Valier, 514 Montana Street, Valier, Montana, an incorporated city of the State of Montana, hereinafter referred to as "TOWN" and County of Pondera, 20 Fourth Avenue S.W. Conrad, Montana, a governmental entity of the State of Montana, hereinafter referred to as "COUNTY."

RECITALS

WHEREAS the TOWN operates a free public library pursuant to Montana Code Annotated 2-1-303; and

WHEREAS the COUNTY has elected to enter into a contract with the TOWN, pursuant to Montana Code Annotated 22-1-315 in lieu of providing a separate county free library by duly enacted Resolution of the County Commissioners on June 30, 1961; and

WHEREAS, the TOWN and COUNTY agree that entering into a written contract to memorialize this relationship is in the best interest of their respective constituents;


Now THEREFORE, in consideration of the terms, conditions and covenants hereinafter set forth and agreed to be performed by the parties, the parties agree as follows:

1. The TOWN shall assume the function of a county free library for the County of Pondera.
2. The COUNTY shall pay out of the county free library fund into the library fund of TOWN such sum or sums as may be designated by the County Commissioners of Pondera County, each year for support of the library.
3. The TOWN may choose to pay out of its general fund a sum or sums as may be designated by the TOWN Council each year for the support of the public library. Further, the TOWN shall designate a portion of the proceeds from the EECBG Grant towards improvements of the library building as approved by the Department of Environmental Quality and its designated engineering consultant.
4. TOWN shall continue to be responsible for all management and operational decisions which are required to be made by the TOWN for the operation of the joint TOWN-COUNTY free library, including but not limited to appointment of the Board of Trustees pursuant to Montana Code Annotated 22-1-308
5. The Board of Trustees appointed to operate the joint TOWN-COUNTY free library shall continue to exercise their duties and responsibilities set forth in Montana Code Annotated 22-1-309, independent from the direction of either the TOWN Council or COUNTY Commissioners, except to the extent provided thereunder.

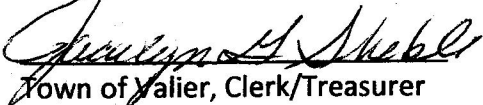
6. The services to be provided under and pursuant to this Agreement will begin on July 1, 2010. This Agreement shall be for a term of Two (2) years, unless sooner terminated in writing.
7. Either party may terminate this contract upon six (6) months written notice to the other party sent by certified mail, return receipt requested. Such notice shall be given to Town at PO Box 512, Valier, MT 59486 and to County at 20 4th Avenue SW, Conrad, MT 59425.
8. The parties herein agree to indemnify and hold harmless one another from any claim, action, liability, loss, damage or suit arising from the party's negligent or intentional conduct.
9. If any provision of this Agreement is held unenforceable, then such provision will be modified to reflect the parties' intent. All remaining provisions of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement in triplicate on the day and year first above written.

TOWN OF VALIER


Mayor
Town of Valier, Montana

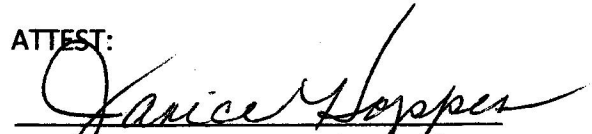
ATTEST:


Town of Valier, Clerk/Treasurer

COUNTY OF PONDERA


Pondera County Commissioner
Conrad, Montana

ATTEST:


Pondera County Clerk and Record