

AGENDA
GREAT FALLS PUBLIC LIBRARY
BOARD OF TRUSTEES MEETING
Tuesday, February 27, 2024
Great Falls Public Library – Cordingley Room (Library Basement)
(Virtual access to meeting available upon request • 406-453-0349)
Notice: Meeting will be recorded via Zoom
4:30 P.M.

I. AGENDA APPROVAL

MOTION... THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE/DISAPPROVE THE AGENDA APPROVAL ITEMS AS PRESENTED.

SECOND	PUBLIC COMMENT	BOARD DISCUSSION	VOTE
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II. STAFF INTRODUCTIONS

III. PUBLIC COMMENT

IV. ADOPTION OF THE MINUTES OF THE REGULAR MEETING HELD IN JANUARY (Pages 1-12)

MOTION . . . THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE/DISAPPROVE THE MINUTES AS PRESENTED.

SECOND	PUBLIC COMMENT	BOARD DISCUSSION	VOTE
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V. ACCEPTANCE OF THE FINANCIAL REPORTS (Pages 13-20)

- A. YEAR-TO-DATE JANUARY REPORT
- B. LIBRARY VENDOR SUMMARY FOR JANUARY
- C. GFPL FOUNDATION VENDOR SUMMARY FOR JANUARY
- D. JANUARY DONATION REPORT

MOTION . . . THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE/DISAPPROVE THE FINANCIAL REPORTS AS PRESENTED.

SECOND	PUBLIC COMMENT	BOARD DISCUSSION	VOTE
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VI. REPORTS (Pages 21-38)

- A. CITY OF GREAT FALLS FINANCE DIRECTOR REPORT
- B. MANAGEMENT TEAM REPORT
- C. DIRECTOR REPORT
- D. STATISTICAL REPORT
- E. PERSONNEL REPORT
- F. GFPL FOUNDATION REPORT
- G. CHAIR REPORT
- H. BOARD REPORTS

VII. OLD BUSINESS

- A. PUBLIC LIBRARY STANDARDS: LIBRARY STANDARDS ROADMAP REVIEW – PLANNING & EVALUATION (Pages 39-42)
- B. PUBLIC LIBRARY STANDARDS: PUBLIC LIBRARY STATISTICS REVIEW (Pages 43-50)

VIII. NEW BUSINESS

A. LIBRARY BOARD JOB DESCRIPTION UPDATE (Pages 51-54)

MOTION . . . THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE/DISAPPROVE THE UPDATED LIBRARY BOARD OF TRUSTEES JOB DESCRIPTION AS PRESENTED.

SECOND PUBLIC COMMENT BOARD DISCUSSION VOTE

B. REVIEW OF GFPL GOVERNING DOCUMENTS: MANAGEMENT AGREEMENT, MONTANA CODE ANNOTATED, CITY ORDINANCES (Pages 55-68)

C. CITY OF GREAT FALLS/LIBRARY MANAGEMENT AGREEMENT RENEGOTIATION

MOTION...THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES AGREE/DO NOT AGREE TO ENTER TALKS WITH THE CITY OF GREAT FALLS REGARDING RENEGOTIATION OF THE CITY OF GREAT FALLS/LIBRARY MANAGEMENT AGREEMENT.

SECOND PUBLIC COMMENT BOARD DISCUSSION VOTE

MOTION...THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE/DISAPPROVE THE PROPOSED RENEGOTIATION PLAN OF ACTION.

SECOND PUBLIC COMMENT BOARD DISCUSSION VOTE

D. LIBRARY BOARD PRESENTATION TO CITY COMMISSION: DISCUSSION (Pages 69-70)

IX. PROPOSALS/COMMENTS FROM TRUSTEES

X. ADJOURMENT

MOTION...THAT THE GREAT FALLS PUBLIC LIBRARY BOARD OF TRUSTEES ADJOURN THE MEETING.

SECOND VOTE



Library Board Meeting Date: Feb. 27, 2024

**GREAT FALLS PUBLIC LIBRARY
BOARD AGENDA REPORT**

Item:	City of Great Falls/Library Management Agreement Renegotiation
Presented By:	Susie McIntyre, Library Director
Action Requested:	Decide whether or not to engage with the City Commission to renegotiate the City/Library management agreement

Suggested Motion:

1. Trustee moves:
... that the Great Falls Public Library Board of Trustees agree/do not agree to enter talks with the City of Great Falls regarding renegotiation of the City of Great Falls/Library management agreement.
2. Chair requests a second to the motion, public comment, Board discussion, and calls for the vote.

Staff Recommendation: Staff recommends that the Library Board decide whether or not to engage with the City Commission to renegotiate the City/Library management agreement.

Background: At the January 2nd City Commission Work Session, the January 16th City Commission Meeting, and in public statements, Commissioner Tryon expressed a desire to terminate the City of Great Falls Management Agreement with the Library. The City Commission as a whole did not act to terminate the agreement this year. At the February 20th City Commission meeting, the Commission discussed an initiative from Commissioner Tryon. They were in consensus that they would like to start talks with the Library Board about renegotiating the City/Library management agreement.

According to the Montana Code Annotated, 28-2-1602. "A contract in writing may be altered by a contract in writing or by an executed oral agreement, and not otherwise." If the City of Great Falls and the Library Board negotiate a new agreement it would replace the current Management Agreement.

Each year, there are three things that can happen with the City of Great Falls/Library management agreement.

1. The Management Agreement can renew automatically with all of the provisions remaining in place.
2. The Management Agreement can be terminated by either party giving written notice at least 90 days before the anniversary date of April 20th.
3. The Management Agreement can be renegotiated by both parties agreeing to and executing a new agreement.

The governance of the Great Falls Public Library is dictated by the Montana Code Annotated, City Ordinances, and the City-Library management agreement. Any changes to the City of Great Falls/Library management agreement would need to align with the other governing documents--including state laws and local ordinances.

Significant Impacts: The City of Great Falls/Library management agreement is one of the governing documents that defines the relationship between the City of Great Falls and the Library Board and requires the City to support the Library budget in the amount of at least seven (7) mills. For FY2024, we estimate that tax revenue from those seven (7) mills will be \$839,809.69 which is approximately 24% of the expected FY2024 revenue. Termination of the agreement would not only have a significant, negative impact on the Library's budget but would also leave many unanswered questions regarding the relationship between the Library and the City including personnel and financial policies. Based on statements by the Commission, there is a risk that if the agreement is not renegotiated it risks being terminated next year.

Fiscal Impact: There could be significant fiscal impacts to the Great Falls Public Library depending on how the City support and internal service charges are negotiated. There could also be significant fiscal impacts to the Great Falls Public Library if the agreement is terminated next year.

Alternatives:

- The Board could decide not to enter into negotiations with the City of Great Falls which would leave the agreement in place.
- The Board could decide to engage with the City Commission to renegotiate the City/Library management agreement.

Attachments/Exhibits:

Issues to be considered regarding renegotiation of the City/Library management agreement

See previous agenda item:

Management Agreement with the City of Great Falls

The Montana Code Annotated TITLE 22. CHAPTER 1. LIBRARIES Part 3. Free Public Libraries

The City of Great Falls Ordinances Chapter 18 Great Falls Public Library

Issues to be considered when evaluating the renegotiation of the Management Agreement between the Great Falls Public Library Board and the City of Great Falls.

QUESTION 1: WHAT IS THE WILL OF THE COMMUNITY OF GREAT FALLS?

The voters of Great Falls expressed their will on June 6th, 2023 and they voted to increase funding for the Great Falls Public Library **so that they can receive improved Library services**. The voters of Great Falls also expressed their will on November 7th and they voted not to increase funding for public safety.

I believe that in June, the majority of voters said that they value the library and prioritize its needs, and that in November the majority of voters said that they weren't convinced of the need for the large amount of additional public safety spending.

The City Commission has the right to terminate or renegotiate the Management Agreement with the Library. The City Commission also has the responsibility to respect the will of the voters, even if individual Commissioners disagree with their decisions.

In December of 2022, the Library came to the Commission to request that a Library Levy be put on the ballot. We presented several scenarios for how many mills to request.¹ We asked the Commission to support ballot language that would create enough revenue for the Library to hire new staff in order to provide expanded Library services. The Library proposed that the revenue package include the existing 2 voted mills, the 7 City mills designated to the Library by the management agreement and 15 additional mills. At that time, the Commission gave feedback that they supported that revenue package.²

In December of 2023, the Library received its first property tax revenue since the passage of the Library Levy. The tax revenue received was higher than the Library originally budgeted. Our expenses (salaries for union and nonunion staff, electrical costs, fuel costs ...) are also higher than originally budgeted.

Any renegotiation of the agreement will need to ensure that the Library has the correct structure and resources to be able to provide the level of Library service promised to the community when they voted for the Library Levy.

QUESTION 2: WHAT ARE THE KEY ISSUES TO BE ADDRESSED IN ANY NEW AGREEMENT?

Financial Support: As stated above, any change in the requirement that the City "support the library budget in the amount of at least seven (7) mills," will need to ensure that the overall funding remains at a level that allows the Library to deliver on its promises for improved services to the community.

Alignment with Montana Code and City Ordinances: The City Ordinances and the City Code take precedent over the management agreement. Most public libraries in Montana operate as part of a City or County AND do not operate under a separate management agreement (except for the MMIA insurance agreement mentioned below.) Any changes to the management agreement will need to align with the other governing documents.

¹ <https://greatfallsmt.net/citycommission/special-work-session-meeting-december-20-2022>

² <https://greatfallsmt.viebit.com/player.php?hash=3gX0eB8RJq48> Please see 1:38 50 in the posted video

Oversight of Staff/Personnel Policies: The current management agreement gives the City “authority and responsibility for all personnel matters, including hiring, firing and disciplinary proceedings for all library employees, including the Library Director.” It also states, “The Library Director shall have the “de facto” administrative status of a City department head and the Library Director shall report directly to the City Manager.” Without the Management Agreement giving those rights to the City of Great Falls, MCA 22-1-310³ gives the authority for personnel to the Library Board. I think the language of the City Code and the Montana Code Annotated as well as practicality would mean library employees remain City of Great Falls' employees. A renegotiated management agreement will need to address the following questions.

- Is the Library Director still supervised by the City Manager and the Library Board?
- Are Library union employees still in the MFPE and Craft unions? Does the City negotiate the contracts with Library employees or does the Library Board?
- Do Library staff still follow the City Personnel Policies or will the Library develop and adopt their own Personnel Policies?
- As a City entity, will the Library still pay for and receive services from the HR Department? What will the service requirements be? How will the internal service charges be determined?

Contracts and invoicing: The current management agreement states that “The City Manager shall execute all contracts and agreements for the Library.” MCA 22-1-309 defines the powers and duties of the Library Board which includes “the power to contract.”

- Will the Library still use the City fiscal/invoicing/IT services?
 - If not, how will the Libraries existing contracts be paid?
 - If so, what will the service requirements be? How will the internal service charges be determined?

MMIA Insurance: Montana Municipal Interlocal Authority (MMIA) excludes coverage for libraries and library boards in the liability, workers' compensation, and employee benefits programs unless the Library and governing body meet specific underwriting criteria including the following.

1. Library staff must be employees of the city/town.
2. Library must adopt and adhere to city/town personnel policies listed in Exhibit A of the MMIA underwriting guide.
3. The grievance process must include the city/town at some level.
4. Library must regularly participate in MMIA trainings in human resources and safety.

³ 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.

https://leg.mt.gov/bills/mca/title_0220/chapter_0010/part_0030/section_0100/0220-0010-0030-0100.html

5. Agreement between the city/town and library must identify responsible parties for building and contents property coverage.
6. Agreement between the city/town and library must incorporate the items above.
 - The new negotiated management agreement must meet the MMIA requirements or the Library must develop a different mechanism for providing coverage.

Other Issues that can be considered in a new agreement:

- Process for the appointment to the Library Board of Trustees
- Process for trespassing persons from Library property
- Length of time of the contract and process for termination



Library Board Meeting Date: Feb. 27, 2024

**GREAT FALLS PUBLIC LIBRARY
BOARD AGENDA REPORT**

Item:	City of Great Falls/Library Management Agreement Renegotiation
Presented By:	Susie McIntyre, Library Director
Action Requested:	The Great Falls Public Library Board of Trustees approve the proposed renegotiation plan of action.

Suggested Motion:

1. Trustee moves:
... that the Great Falls Public Library Board of Trustees approve/disapprove the proposed renegotiation plan of action.
2. Chair requests a second to the motion, public comment, Board discussion, and calls for the vote.

Staff Recommendation: If the Library Board decides to engage with the City Commission to renegotiate the City/Library management agreement, staff recommends that the Library Board approve the proposed plan of action to engage the City Commission regarding the renegotiation.

Background:

The governance of the Great Falls Public Library is dictated by the Montana Code Annotated, City Ordinances, and the City-Library management agreement. Any changes to the City of Great Falls/Library management agreement would need to align with the other governing documents--including State Laws and local ordinances. The City of Great Falls/Library management agreement is a legal contract and can be renegotiated with agreement of both parties. David Dennis, the City Attorney, will be providing support and legal advice to the City Commission. It would not be appropriate for the City Attorney to provide support and legal advice to the Library Board regarding this negotiation.

Significant Impacts: The City of Great Falls/Library management agreement is one of the governing documents that defines the relationship between the City of Great Falls and the Library Board. Renegotiation of the agreement will impact the management and funding of the Library far into the future. It is essential that any new agreement align with the other governing documents, follow the voted will of the community to fund expanded Library services and create a structure that allows the Library to provide excellent service.

Fiscal Impact: There may be a fiscal impact to engaging outside counsel. The details of the renegotiated agreement will also have significant long-term fiscal impact. A failure to reach an agreement could also have a financial impact if it leads to the termination of the agreement.

Alternatives:

The Board can agree to the proposed renegotiation plan.

The Board can approve a different plan for negotiating a new agreement including one or more of the following changes:

- The Board can choose to not engage legal counsel and negotiate without legal advice.
- The Board can adjust the budgeted amount for the legal counsel.
- The Board can choose to designate staff or others rather than appointing a subcommittee for the negotiations.

Attachments/Exhibits:

Proposed City of Great Falls/Library management agreement renegotiation plan

City of Great Falls/Library management agreement renegotiation plan

1. The Library Board can engage outside legal counsel to provide guidance to the Board regarding the renegotiation of the Library Management Agreement. The legal contract to be signed by the Chair of the Library Board.
 - If possible, the Library will seek pro-bono counsel.
 - The cost of the legal services not to exceed \$10,000. (Funding to be provided by delaying the hiring of the Assistant Library Director or through savings realized if a lower number of new full-time staff require the family health insurance benefit.)
2. The Library Board Chair can appoint a subcommittee of two Board Members and the Library Director to work with legal counsel in negotiation with the representatives of the City Commission.
3. The subcommittee and legal counsel will provide regular reports to the full Library Board including both updating the Board on the status of the negotiations and receiving feedback from the Board as a whole regarding desired management agreement provisions.
4. Any final agreement will need to be approved by the Board as a whole in a properly noticed, public meeting.