



POLICY MANUAL

MISSION STATEMENT

Flathead County Library provides educational and recreational materials, programs, and resources to promote literacy, inspire lifelong learning, and enrich the community.

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GOVERNANCE AND ORGANIZATIONAL STRUCTURE

HOURS OF SERVICE & LOCATIONS

In accordance with the Montana State Library Public Library Standards, Flathead County Library will be open a minimum of 50 hours per week.

SETTING AND ADJUSTING OF HOURS

- Library hours are determined by the Library Board of Trustees and may change based upon finances, staffing, and usage patterns.
- Summer and holiday hours may be adjusted to accommodate periods of high or low library use.
- Holiday schedules will be posted on the library's website.

HOLIDAY AND SPECIAL CLOSURES

- The library will close on holidays observed by Flathead County and at other times as deemed necessary by the Library Director, with approval from the Library Board of Trustees.
- If Christmas Day, New Year's Day, or Independence Day falls on a Saturday, the library will be closed on that Saturday and open on the Friday observed by Flathead County. These closures will not result in paid holiday time for employees.
- Except in emergencies, notice of any holiday or special closure will be posted in the library at least a week in advance.



BIGFORK

Hours

Tue-Fri, 10am-6pm

Sat, 10am-2pm

Address

186 Bridge St
Bigfork, MT 59911

Phone

[406.837.6976](tel:406.837.6976)



COLUMBIA FALLS

Hours

Mon-Fri, 10am-6pm

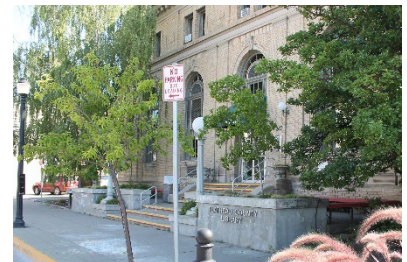
Sat, 10am-2pm

Address

130 6th Street West #C
Columbia Falls, MT 59912

Phone

[406.892.5919](tel:406.892.5919)



KALISPELL

Hours

Mon-Fri, 10am-6pm

Sat, 10am-5pm

Address

247 1st Avenue East
Kalispell, MT 59901

Phone

[406.758.5820](tel:406.758.5820)

*Holds Pickup Locations: West Shore Community Library - Lakeside / Marion school - Marion

Revised: 10/12/86, 5/28/92, 9/16/93, 8/24/95, 10/3/96, 12/3/98, 8/23/01, 12/4/08,
Reaffirmed: 10/27/2011, Reaffirmed: 9/26/12, Revised: 12/9/15, Revised: 10/24/18
Reaffirmed: 7/21/22, Revised: 01/16/2025, Revised 02/27/2025

Dave Ingram, Chair
Library Board of Trustees

LIBRARY BOARD POWERS AND DUTIES

The powers and duties of Library Boards of Trustees are set forth in Montana Code Annotated 22-1-309.

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.

[See appendix](#) for the statute interpretation by several Attorney General's Opinions summarized by Assistant Attorney Jim Scheier for the Montana State Library on April 19, 2013

[Board Powers and Duties Appendix](#)

Adopted: 1/27/2016, Reaffirmed: 2/27/2025

David Ingram, Chair
Library Board of Trustees

HIRING OF DIRECTOR AND STAFF

Flathead County Library is a department of Flathead County. The Flathead County Policy and Procedures Manual applies to all personnel of the Flathead County Library and governs all matters related to staff, except where otherwise specified in MCA.

In accordance with [MCA 22-1-309](#) and [MCA 22-1-310](#), library trustees possess broad powers and duties concerning library personnel matters, which supersede the provisions outlined in the Flathead County Policy and Procedures Manual.

These powers and duties include:

- To appoint and set the compensation of the library director.
- With the recommendation of the library director, to employ and discharge such other persons as may be necessary, to fix and pay their salaries and compensation, and to prescribe their duties.
- To hear and adjudicate grievances and appeals regarding disciplinary action and termination.

Adopted: 8/25/2011

Revised: 1/27/2016

Revised: 1/27/2022

Reaffirmed: 9/26/2024

Adopted: 10/24/2024

David Ingram, Chair
Library Board of Trustees

APPENDIX

[Hiring the Director \(mt.gov\)](#)

APPENDIX

[Working with the Library Staff \(mt.gov\)](#)

CONTINUING EDUCATION

The Library Board of Trustees recognizes the importance of continuing education for staff and trustees as essential to delivering high-quality library services.

ELIGIBILITY

All staff members are expected to engage in continuing education. They are encouraged to participate in conferences, workshops, meetings, classes, and professional organizations. Staff members may request schedule adjustments and/or financial assistance to facilitate their participation.

RESPONSIBILITIES

Staff members are responsible for working with their supervisors to identify suitable continuing education opportunities.

It is the responsibility of the library director and supervisors to encourage staff participation in educational opportunities. Scheduling, approving attendants and determining financial assistance is the responsibility of the library director.

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| Adopted: | 8/24/95 |
| Revised: | 8/26/99 |
| Reaffirmed: | 8/26/11 |
| Revised: | 3/28/12 |
| Reaffirmed: | 3/25/15 |
| Reaffirmed: | 1/27/22 |
| Revised: | 09/26/2024 |

David Ingram, Chair
Library Board of Trustees

MANAGEMENT

STATEMENT OF CORE PRINCIPLES

The Library Board of Trustees affirms that all libraries are forums for information and ideas, and that the following basic principles should guide their policies.

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

- Flathead County Library should provide materials and information presenting all points of view on current and historical issues and will strive for institutional neutrality. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- Flathead County Library holds censorship to be a purely individual matter and declares that while anyone is free to personally reject materials of which he or she does not approve, he or she may not exercise censorship to restrict the freedom of others.
- A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- Flathead County Library will make meeting rooms available to the public and shall make such facilities available on an equal basis, regardless of the beliefs or affiliations of individuals or groups requesting their use. Use to be consistent with FCL Meeting Room and Patron Conduct policies.
- The library is committed to offering suitable materials in its collections for minors. (See Collection Development and Management policy)
- All practices and procedures related to this policy shall comply with local, state, and federal laws.

Approved: 10/19/89
Reaffirmed: 1/25/96
Revised: 1/27/00; 12/04/08; 10/27/11
Reaffirmed: 6/27/12; 7/22/15
Revised: 5/26/2022
Revised: 5/22/2025

David Ingram, Chair
Library Board of Trustees

LIBRARY ACCESSIBILITY

The Library strives to provide equal access to all library facilities, activities, and programs in adherence to the Americans with Disabilities Act of 1990. Flathead County Library does not discriminate on the basis of disability in the admission or access to employment, library programs or services. Service animals, as defined by the Americans with Disabilities Act, accompanying individuals are welcome in the library. (See Service Animals Policy)

The library welcomes input about ways the library can more completely serve patrons, and every effort will be made to accommodate the needs of persons with disabilities. Questions about ADA compliance and suggestions or complaints about accessibility of library facilities, activities, and programs should be addressed to the library director.

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| Approved: | 3/24/94 |
| Reaffirmed: | 3/28/96 |
| Revised: | 5/25/00 |
| Revised: | 7/22/10 |
| Reaffirmed: | 9/26/12 |
| Revised: | 12/9/15 |
| Revised: | 10/24/2018 |
| Revised: | 7/21/22 |
| Revised: | 4/24/25 |

David Ingram, Chair
Library Board of Trustees

SERVICE ANIMALS

DEFINITION OF SERVICE ANIMAL

Americans with Disabilities Act (ADA):

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

(U.S. Department of Justice - Civil Rights Division - Disability Rights Section)

Montana Code Annotated (MCA):

(2) "Service animal" means a dog or miniature horse individually trained to provide assistance to an individual with a disability. The term does not include an emotional support animal.

[\(MCA 49-4-203\)](#)

RULES FOR SERVICE ANIMALS AT FLATHEAD COUNTY LIBRARY:

1. Animals over the age of 6 months must be up to date on all age-appropriate vaccinations, fully licensed, and house-broken.
2. Animals cannot be left unsupervised on library property.
3. Animals should be well maintained as clean, pest and odor free to the best of the owner's ability when visiting the library.
4. Animals must be leashed at all times and fully under the control of their owner while on library property.
5. Owners must clean up after their animals. Animals that urinate, defecate, or vomit on library property will be removed and the owner will be charged a \$35 biohazard fee per incident.
6. Flathead County Libraries reserve the right to remove any animal from the premises if the animal is causing damage to library property, disturbing library patrons, and/or interfering with library operations or services. This includes auditory disturbances such as barking, whining, etc.
7. Flathead County Libraries require owner to pay for any damage to library goods or property caused by their animal. Owner is liable for injury to any person or animal as a result of their animal's actions while on library property. Owner accepts all liability related to their animal being on library property.
8. Any real or perceived act of animal aggression will result in a permanent trespass of the animal from the library. If any animal has been trespassed, the owner is welcome to access library property and services without the animal.
9. Any incidents involving animal attacks will be reported to the library board, Kalispell Police Department, Flathead County Animal Control, and Flathead County Health Department.

Approved 2/23/23

Doug Adams, Chair
Library Board of Trustees

CONFIDENTIALITY OF LIBRARY RECORDS

Flathead County Library's Confidentiality Policy balances patrons' privacy rights with operational needs, legal obligations, and community safety. Through minimal data retention, secure access protocols, compliance with Montana law, and responsible third-party partnerships, the library protects patrons' freedom to explore information securely and freely.

1. PURPOSE OF CONFIDENTIALITY POLICY

- The purpose of this policy is to safeguard the privacy of Flathead County Library patrons. This policy protects personal data linked to library use, covering:
 - **Library Card Data:** Information collected during library card registration.
 - **Circulation Records:** Details about which books or resources a patron has borrowed.
 - **Visit and Usage Records:** Any data that links a patron to specific library services, resources, or computers used within the library.

2. INFORMATION COLLECTED BY FLATHEAD COUNTY LIBRARY

- **Personal Information:** When patrons request specific services (e.g., library card registration, interlibrary loans), they may be required to provide personal details, such as:
 - **Names, addresses, and contact information** for library communications.
 - **Usage and Borrowing Data:**
 - The library retains only essential data for operational purposes, such as the status of borrowed items and fines.
 - Once transactions (like book returns) are completed, any information linking patrons to specific items is automatically deleted, except for managing fines or recovering overdue materials.
- **Statistical Data Collection:**
 - Anonymous, non-identifying statistics (e.g., visitor numbers, general usage patterns) are collected to analyze and improve library services. These statistics do not include individual identities.

3. ACCESS TO LIBRARY ACCOUNTS BY INDIVIDUALS

- **Cardholder Control:** Library patrons, including minors, control access to their accounts through their library card or card number.
- **Lost/Stolen Cards:** Patrons are encouraged to report lost or stolen library cards to prevent unauthorized account access.
- **Verification for Account Access:**
 - To access account information, without presenting a library card, patrons must present photo ID and verify their date of birth. To protect customer privacy, library cardholders may only update personal information in person upon presentation of library card (except for PIN [personal identification number], which may also be updated online through the My Account services).
- **Special Rules for Minors:** If a library cardholder is under the age of 16, the caregiver who signed for the child's card may be given specific information regarding the child's record under the following circumstances:

- If the caregiver is in possession of the child's card, they may be given any information in the child's current record.
- If the child's card is not present, information will be provided to the caregiver listed on the library account upon presentation of photo identification.

4. COMPLIANCE WITH THE MONTANA RECORDS CONFIDENTIALITY ACT

- **Legal Safeguards:** Flathead County Library adheres to Montana law ([MCA 22-1-1101-1111](#)).

No personal information is released without:

- A valid court order or subpoena.
- Permission to release information solely for recovering library materials or unpaid fines.
- **Staff Confidentiality:** Library employees and volunteers are legally prohibited from disclosing patron information outside of these parameters. Any violation could lead to criminal prosecution.
- **Purpose of Compliance:** This policy ensures privacy, allowing cooperation with law enforcement only when legally mandated without obstructing justice or aiding illegal activities.

5. THIRD-PARTY ACCESS TO LIBRARY RECORDS

- **Partnerships for Enhanced Services:** Flathead County Library partners with third-party providers (e.g., for databases, digital media loans) to enhance services. Patrons may be subject to the external providers' privacy policies, which may differ from the library.
- **Encouragement to Review Policies:** Patrons are advised to familiarize themselves with third-party privacy policies. Flathead County Library is not responsible for protecting personal information garnered by outside websites.
- **Data Security in Vendor Selection:** The library prioritizes reputable vendors with responsible data practices, limiting third-party access to personally identifiable information wherever possible.
- Flathead County Library may use third-party agencies to recover materials, fines, and fees from borrowers.

6. ACTIVITIES PROHIBITED AND NOT PROTECTED BY THE POLICY

- **Library Conduct and Protection Rights:** This policy does not prevent the library from:
 - Enforcing the library Customer Conduct policy.
 - Protecting its facilities, computer network, and equipment from harm.
 - Guarding against the use of library facilities and equipment for illegal purposes.

Adopted: 2/23/89; Revised: 1/25/96; Revised: 1/27/00; Revised: 2/24/11;
 Revised: 1/26/12; Reaffirmed: 6/27/12; Revised: 7/22/15; Revised: 1/27/22;
 Revised: 12/5/24

David Ingram, Chair
Library Board of Trustees

USE OF RECORDING DEVICES ON LIBRARY PREMISES

In alignment with the library's mission and strategic plan, Flathead County Library recognizes the importance of maintaining a safe, respectful, and service-oriented environment. The use of recording devices, including photography, videography, and audio recording is permitted on Library premises only to the extent that it does not disrupt library services, staff operations, or patron privacy.

GENERAL GUIDELINES

- Filming, photography, and audio recording must not interfere with the library's operations or patrons' use of library services.
- All individuals or entities recording on Library premises are solely responsible for obtaining any necessary releases or permissions from individuals who are photographed or recorded.
- Individuals photographing or filming people inside the Library must seek verbal permission from their subjects before doing so.
- Library staff are authorized to terminate any photography, filming, or recording that compromises public safety, disrupts library services, or violates this policy.

AMATEUR PHOTOGRAPHY AND FILMING

Casual, amateur photography or videography is permitted for personal, non-commercial use by patrons and visitors wishing to document their visit to the library.

- The use of additional equipment (e.g., lighting, tripods, backdrops) is not permitted.
- Activities must not impede library operations, staff, or patrons.

NEWS MEDIA PHOTOGRAPHY AND FILMING

The library maintains an open-door policy for news media engaged in coverage that directly pertains to the library, its programs, or services.

- Advance authorization must be obtained from the Library Director or the Director's designee by calling (406) 758-2445.
- Media use of Library facilities for unrelated interviews, opinion polls, or non-library-related stories is not permitted.
- Any other filming or photography requests will be evaluated and approved at the discretion of the Library Director.

Community groups hosting scheduled events in Library meeting rooms may coordinate their own media coverage, subject to the following conditions:

- Coverage is limited to the reserved space.
- The group is responsible for securing any required releases or permissions.

LIBRARY STAFF PHOTOGRAPHY AND FILMING

- Flathead County Library reserves the right to document its programs, services, and public events. Library staff or official representatives may take photographs, video, or audio recordings for internal documentation, publicity, promotional use, and community outreach.
- These materials may be used on the Library's or Library Foundation's website, social media platforms, newsletters, and other public communication channels.
- For any use of photographs or recordings intended for marketing or publicity, a signed release form must be obtained.
- This provision extends to staff photography and filming at events hosted by the Flathead County Library Foundation, Friends of the Library, and Library sponsored booths or programs at community events.

Adopted: 02/22/12
Revised: 04/04/18
Revised: 07/21/22
Revised: 04/24/25

David Ingram, Vice-Chair
Library Board of Trustees

SECURITY CAMERA POLICY

Security cameras are used to enhance the safety and security of library users and staff by discouraging violations of the library's Patron Conduct policy, to assist library staff in preventing such violations, and when necessary, to assist law enforcement in prosecuting criminal activity.

SECURITY CAMERA PURPOSE AND PLACEMENT GUIDELINES

1. Video recording cameras are operated in public spaces of the library locations to discourage criminal activity and violations of the library's Patron Conduct policy. Recordings are restricted under the Electronic Communication Privacy Act. (MCA 45-8-213- Privacy in Communications.)
2. Cameras may be installed in outdoor and indoor locations where individuals lack a reasonable expectation of privacy. Examples include public common areas of the library such as the parking lots, entrances, seating areas, service desks, and areas prone to theft or misconduct, or areas where money is stored or handled.
3. No Cameras are installed in areas of the library where individuals have a reasonable expectation of privacy such as restrooms or private offices.
4. Signs will be posted at all entrances informing the public and staff that security cameras are in use.
5. Cameras are not continuously monitored in real time. Members of the public and staff should take appropriate precautions for their own safety and for the security of their personal property. Neither Flathead County Library nor Flathead County is responsible for loss of property or personal injury.
6. Recorded data is confidential and secured in a controlled area. Video recordings will typically be stored for no more than 14 days. As new images are recorded, the oldest images will be automatically deleted, unless they are required for an incident investigation or legal dispute, in which case they may be retained for a longer period of time as required by local and state laws.
7. Regarding the placement and use of security cameras, staff and patron safety is the first priority; protection of library property is of secondary importance.
8. Cameras are not used for the purpose of staff performance evaluation. Cameras may be installed in areas that could assist law enforcement in documenting traffic accidents or other incidents unrelated to the library that take place on the public streets and surrounding properties within camera view. Examples include cameras on the exterior of a library building that not only document activity on library property but also the sidewalk, public streets, and surrounding properties.

USE/DISCLOSURE OF VIDEO RECORDS

1. Access to the archived footage in pursuit of documented incidents of injury, criminal activity or violation of the library's Patron Conduct policy is restricted to designated managers; including the Library Director, Public Services Librarian, IT Coordinator and Branch Managers. The Library Director holds the authority to designate library staff members or contractors who may access security camera imagery. Designated staff may use live surveillance, still shots, or selected portions of recorded data to assess the security risk of a specific individual, to investigate a crime or injury on library property, to consult with law enforcement officials, to validate policy violations, to alert staff to trespassed or disruptive individuals, or to address internal security, safety, or operational concerns. In the discharge of such duties, designated

staff members are permitted to connect the recorded digital images with identification data available on the library's user database.

2. Those designated managers may have access to real-time images, viewable on desktop monitors located in secure areas to ensure private access. The frequency of viewing and the amount of video viewed will be limited to the minimum needed to ensure that the system is working or to ascertain if footage is available relative to a specific incident.
3. Access is also allowed by law enforcement pursuant to a subpoena, court order, or when required by law.
4. Video images will not be maintained, provided no criminal activity or policy violation has occurred or is being investigated.
5. Video records and still photographs may be used by authorized individuals to identify those responsible for library policy violations, criminal activity or actions considered disruptive to normal library operations as delineated in the library Patron Conduct policy.
6. In situations involving trespassed patrons, stored still images may be shared with staff system-wide. Such images may remain posted in restricted staff areas for the duration of the trespass period. After the trespass period ends, such images will be archived in administrative common drive.
7. A log will be maintained with name, date, time, duration and reason for all viewing access to security camera data by anyone for any purpose.

UNAUTHORIZED ACCESS AND/OR DISCLOSURE

1. Confidentiality and privacy issues prohibit the general public from viewing security camera footage that contains personally identifying information about any individuals. Members of the general public who feel that they have been unjustly denied access to security camera footage are advised to file a police complaint.
2. A breach of the above confidentiality and privacy provisions may result in disciplinary action up to and including dismissal. Any library employee who becomes aware of any unauthorized disclosure of a video recording and/or potential privacy breach must immediately inform the Library Director of the breach.

DISCLAIMER OF RESPONSIBILITY

1. A copy of this policy may be shared with any patron or staff member upon request. The policy is also posted on Flathead County Library's official website.
2. Questions from the public may be directed to the Library Director.
3. The library disclaims any liability for use of security camera data in accordance with the terms of this policy, given that the library is a public facility, and the security cameras shall be limited to those areas where patrons and/or staff have no reasonable expectation of privacy.

Adopted: 7/27/2023

**Doug Adams, Chair
Library Board of Trustees**

PROTECTION OF COPYRIGHT

The Flathead County Library will enforce the US copyright law (Title 17 of the United States Code) and other federal legislation related to the duplication, retention, and use of copyrighted materials. A notice of copyright must be prominently displayed on photocopier(s) and other library equipment capable of duplicating or reproducing copyrighted materials. Library staff cannot fulfill any request that would violate copyright laws.

Library staff will follow copyright law in selecting and using materials for public performance. When using library meeting rooms, organizations must follow copyright laws.

The library will use copyright free content or original content (with the creator's permission) to produce library publicity materials.

Adopted: 1/28/88

Reaffirmed: 1/25/96

Revised: 1/27/00

Revised: 12/04/08

Reaffirmed: 10/27/11

Reaffirmed: 6/27/12

Revised: 7/22/15

Reaffirmed: 1/27/22

Revised: 10/24/24

David Ingram, Chair
Library Board of Trustees

FEES AND PAYMENTS

This policy describes under what circumstances the library charges fees and the payment methods used to collect such fees.

Fees are approved by the Board of Trustees and posted on the library's website as well as at the Circulation Desks. As part of the annual budget process, the library director reviews, assesses, and adjusts fees as needed and submits any changes to the Board of Trustees for approval.

REPLACEMENT COSTS AND COLLECTION SERVICE CHARGES

One of the library's primary goals is to have a diverse, well-managed collection readily available to all patrons. Replacement charges and collection service fees are intended to encourage the timely return of materials, and to defray the costs of tracking past due items, sending delinquent notices and engaging a collection service.

Materials not returned by their due date will be labeled overdue. Patrons with overdue items will be notified by email, encouraged to return the item promptly, and informed of the charges that apply if the item is not returned. Non-traditional materials have no grace period, and fines accrue immediately on the due date ([See Fee Schedule](#)).

Materials 21 days overdue will be considered lost. Patrons will be charged the actual cost of the item at the time the replacement is purchased by the library, and a processing fee that depends on the nature of the material ([see Fee Schedule](#)). No refunds can be issued once replacement has been made. If the library chooses not to replace a lost material, patron will be charged the original acquisition cost and a processing fee. All replacement transactions and charges are final.

At the discretion of the library director, patrons themselves may purchase items for replacement. Such items must be new or like new, identical to the lost item, with the same ISBN as the original. Patrons must check with the library director before attempting to replace lost materials.

Accounts with charges 35 days overdue will be turned over to a collection service. Once the account has been turned over to collections, patrons must pay all costs charged by the collection service, even if borrowed materials are returned.

Accounts with outstanding charges of \$10 or more will be suspended. All borrowing privileges will be revoked until outstanding charges are paid in full or payment arrangements have been made. Fees for items referred to a collection service must be paid in full before borrowing privileges can be restored.

REPLACEMENT OF LIBRARY CARDS

If a patron loses their library card and requests a replacement, the library will charge a small fee (See Fee Schedule).

Patrons are responsible for materials checked out on their account before the card is reported lost or stolen. Claims that a patron did not check out the materials on their account must be supported by a police report listing the theft of the card and/or materials dated within two weeks of the checkout.

CHECK PAYMENT POLICY

Checks may be used to pay for library charges and collection service fees, copies and computer printing, lost or damaged materials, Service Animal charges, merchandise purchases, and to make donations to the library.

Checks may only be written for the exact amount owed the library or the amount of a donation. Cashback is not available.

If a check is returned for any reason, patron is responsible for the original amount owed, any bank charges, and a \$20 service fee.

CREDIT/DEBIT CARD PAYMENT POLICY

Flathead County Library accept credit and debit cards, in addition to cash and checks, for payments by adults age 18 and older. Card payments can be made at the main circulation desk.

Credit/debit cards may be used to pay for library charges and collection service fees, copies and computer printing, lost or damaged materials, Service Animal charges, merchandise purchases, and to make donations to the library.

Prohibited card activities include but are not limited to: cash advances or cash back, surcharges or additional fees for card transactions, refunds in excess of original amount paid, payments made over the phone or via email, and split-tender transactions.

For security reasons, Flathead County Library reserve the right to refuse service or cancel transactions at any time if fraud or unauthorized or illegal use is suspected. If card and receipt signatures do not match, staff will request a government issued photo ID to verify cardholder's identity.

Completion of a card transaction is contingent upon both the authorization of payment by the applicable card company or financial institution and acceptance of the payment by the library. In the event that the card payment can't be processed, the patron is responsible for full payment by cash or check.

In the event the library is notified of a dispute, the director will investigate the transaction and respond as necessary.

Flathead County Library respects patron privacy. Credit/debit card transaction details are encrypted at point of swipe.

By processing, patron agrees to accept and assume all risks and responsibilities for the losses and damages that may arise from the use of card payment services and releases Flathead County Library and Flathead County from all liability.

Approved 3/23/23

Doug Adams, Chair
Library Board of Trustees

DONATIONS (OTHER THAN LIBRARY MATERIALS)

In accordance with MCA 22-2-309, "The library board of trustees of every public library shall 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."

All such gifts, grants, donations, devises, or bequests to the Flathead County Library must be received and accepted by the library director or proxy on behalf of the Board of Trustees.

The Board reserves the right to reject any donation.

Monetary gifts, grants, donations, and bequests designated by the donor for a purpose that either violates applicable law or is not consistent with Flathead County Library policies and strategic plans will be returned to the donor. If the donor can't be identified, the Board will direct the donation towards a general purpose that benefits the library.

Monetary Donations

Monetary gifts, grants, donations, and bequests designated by the donor for a specific purpose and /or branch shall be placed in Fund 7055 (Gift Fund) to be used for their intended purpose, as long as such purpose does not violate applicable law, and is consistent with Flathead County library policies and strategic plans.

Monetary gifts, grants, donations, and bequests designated by the donor for a long-term capital improvement project, or not designated by the donor for a specific purpose, shall at the Board's discretion, be placed in Fund 4020 (Library Depreciation Reserve Fund) or directed to the Flathead Library Foundation or any public foundation dedicated to the support of the Flathead County Library System.

Non-monetary Donations

Gifts of non-library materials, such as collections, works of art, furniture, real estate, and equipment will be considered individually by the Library Trustees or Library Director. Any items donated to the library become the property of the library to be used or disposed of as best fits the library's needs. Flathead County Library is not obligated to replace donated items that are lost or stolen.

The library is not responsible for any appraisal that may be required that may be required in connections with a non-monetary donation. Proceeds from a sale of such gifts will be handled as above.

Memorial donations involving installation may be accepted by the library with the provision that the donor takes responsibility for their installation. Memorial donations become the property of the library and may be disposed of at the Board's discretion when they no longer serve the library's needs. Memorial donations will not be returned to the donor or their successor.

Donations of Library Materials or Funds for Library Materials

For gifts of library materials or donations intended for the purchase of library materials please refer to Policy - [Collection Development and Management](#).

Adopted: 7/23/2001
Revised: 12/4/2008
Reaffirmed: 2/22/2012
Revised: 12/3/2014
Reaffirmed: 1/27/2022
Revised: 10/27/2022
Revised: 10/27/2022
Revised: 12/4/2025

Dave Ingram, Chair
Flathead County Library Board of Trustees

NAMING OPPORTUNITIES AND DONOR RECOGNITION POLICY

This policy describes naming rights for and donor recognition of major donations given for the benefit of the Flathead County Library.

Naming rights carry no power of direction or implied direction to the Flathead County Library on matters of personnel appointments, policies, operations, capital improvement decisions, or any other library processes or activities.

Flathead County Library adheres to Flathead County's Advertising Policy. In the event of a conflict between this policy and Flathead County's Advertising Policy, the Advertising Policy takes precedence.

Naming Opportunities and Donor Recognition

Naming rights and donor recognition opportunities are available for library facilities and portions of facilities, such as special use and other library areas, rooms and outdoor spaces, as well as furniture, equipment and fixtures, library vehicles, and anything else used in the administration of library services.

Recognition is intended for individuals and entities who have made qualifying donations to the library or the library foundation.

Administration of Naming Opportunities

The Flathead County Library Board shall have sole responsibility for approving the naming or renaming of library facilities and/or portions of facilities.

As the primary fundraising entity, the 501(c)(3) library foundation shall develop qualifications for naming opportunities and administer naming agreements.

Naming qualifications and proposals shall be submitted to the library director, who will review and forward all such proposals to the Flathead County Library Board for approval at a regular board meeting.

The library director and select members of the library leadership and staff may provide limited support to the library foundation in informing and soliciting donors and developing formal naming agreements.

When gifts have been pledged or made to qualify for a naming right, the donor-designated name(s) shall be submitted to the Flathead County Library Board for approval at a regular meeting of the Board.

Naming rights and donor recognition opportunities shall be fulfilled only after a donor's commitment has been documented through a gift agreement that includes a payment schedule and revocation terms.

Plaques, signage and other recognition displays shall be installed in appropriate locations as approved by the Flathead County Library Board. They shall be consistent with the library's overall design requirements and specifications.

The naming agreement shall specify the visual format of the chosen name.

Appropriate Use of Naming Opportunities

No naming rights or donor recognition opportunities are permitted that refer to individuals currently employed by the Library, Flathead County, or the State of Montana; political candidates and organizations; or current elected officials.

Naming rights and donor recognition of a commercial enterprise are permitted only if the proposed name is appropriate to the public setting of the library.

Modification of Naming Agreements

Naming agreements may be modified if 1) the named facility, room, indoor space or outdoor area is substantially renovated, expanded, sold or designated for another use; 2) the named piece of equipment, furniture, fixture or vehicle is sold, destroyed, removed or abandoned; or 3) a named entity requests a change. Any change shall be approved by the Flathead County Library.

Any existing naming right can only be revoked by the Flathead County Library Board.

Naming Formats

The library administration and library foundation shall develop formats for naming rights and donor recognition. These formats shall include signage specifications.

Requests for words of recognition other than the name of the individual or entity are subject to the approval by the Flathead County Library Board.

When a proposal involves the use of the name of a deceased person, approval is contingent on the agreement of that person's next of kin. In the event the person made a bequest in his or her will, the Library Director and Board will obtain approval from the deceased person's representative in compliance with the will's directives.

The donor's choice of a name may be used with the donor's permission in library signage and other references to the named area in library publicity materials and other documents.

Duration of Naming Opportunities

The duration of naming rights and donor recognition opportunities shall be determined at the time of the donation and included in the formal naming agreement subject to the following criteria:

1. Library facilities, rooms, interior spaces and outdoor areas: naming rights will remain in place for twenty years unless otherwise approved by the Flathead County Library Board.
2. Equipment and furnishings: recognition will remain in place for the duration of the sponsored item's useful life. The donor may renew the naming right, if the donor replaces that item.

Definition, Guidelines, and Responsibilities

Flathead County Library allows for naming and donor recognition opportunities to acknowledge substantial gifts or donations to the Flathead County Library and the library foundation.

Definitions

1. Financial contributions include outright gifts of money, securities, real estate, personal property, in-kind donations and endowments.
2. Naming opportunities refer to titling of library areas inside or outside library buildings.

3. Donor Recognition acknowledges philanthropic contributions to support vehicles or equipment used in the delivery of library services, technology, enhancements, fixtures, furnishings and equipment, or general contributions to a library or foundation capital campaign.
4. Facilities include special use areas (i.e., children's, teens, reading areas, technology centers, business services; history, studios); meeting and study rooms; and designated outdoor areas such as kiosks and material return structures.
5. Library vehicles may include vehicles used in the direct delivery of library materials and services.

Responsibilities

The Flathead County Library Board is responsible for establishing policies related to naming rights and donor recognition.

All naming rights proposals related to library buildings or facility areas must be approved by the Flathead County Library Board before commitments are made to any prospective donors.

If the Flathead County Library Board solicits donations independently of the Foundation, it shall be solely responsible for all agreements, and the enforcement of compatibility with the library foundation/Library Board approved protocols for naming rights and donor recognition adopted by the Board. Tax receipts are not issued for financial contributions or in-kind products or services donated directly to the Flathead County Library Board or Flathead County.

The library director is responsible for the management of naming rights and recognition for the Flathead County Library in compliance with Board policy and in coordination with the library foundation.

The library director and select members of library leadership and staff may provide limited support to the library foundation in its efforts to solicit donors, obtain appropriate Flathead County Library Board approvals, and develop formal naming rights and donor recognition agreements with potential donors.

The library foundation has responsibility for accepting and disbursing financial contributions made to the foundation related to naming and donor recognition opportunities and for administering naming rights agreements.

Adopted 5/23/2024

David Ingram, Chair
Flathead County Library Trustees

MEDIA COMMUNICATION

PUBLIC POSTINGS

Flathead County Library utilizes social media and online platforms for informational, educational, cultural, and recreational purposes.

PRIVACY & USER RESPONSIBILITY

- The Library does not collect or use personal information from third-party social media sites beyond communicating with users unless explicit permission is granted.
- Users are encouraged to review third-party privacy policies before engaging with Library social media.
- To protect privacy--especially for minors under 18--individuals should avoid sharing personal information such as last names, schools, ages, phone numbers, or addresses.
- Parents and guardians are responsible for their children's use of Library social media platforms

CONTENT MODERATION & REMOVAL

Flathead County Library reserves the right to monitor and remove any content on its social media platforms that includes, but is not limited to:

- Copyright violations or off-topic comments
- Commercial advertisements, spam, or duplicate posts
- Obscene, threatening, libelous, or inappropriate material
- Photos or images deemed unsuitable for public viewing

The Library may choose to remove its accounts or profiles from social networking sites at any time. The Library reserves the right to disable access to forums and messaging features on social networking sites at any time.

LEGAL & POLICY COMPLIANCE

- By posting on Library social media spaces, users agree to indemnify Flathead County Library, its Board, and staff against any legal claims, damages, or costs arising from their posts or activity.
- Library forums and messaging services may not be used for commercial promotions or political campaigns.
- Violations of these terms may result in removal of content, legal action, or restriction from Library platforms.

FLATHEAD COUNTY LIBRARY STAFF POSTINGS

The Flathead County Library Board of Trustees recognizes social media as a valuable tool for promoting Library services, programs, and community engagement. Staff may use Library social media to:

- Advertise and promote Library events
- Share community and Library-related news
- Recommend books and highlight new arrivals
- Share creative content relevant to Library programming
- Engage through relevant likes and shares

POSTING GUIDELINES

- Only staff authorized by the Library Director may post to official Library social media accounts.
- Posts must be relevant to Library services, programs, or local community events.

- Staff may not post links to potentially malicious sites or unverified websites.
- Any photo featuring identifiable individuals requires written permission on file with the Library Director.
- Content must be free from profanity, nudity, political content, discriminatory language, threats, or obscenity.

TIME & USE RESTRICTIONS

- Authorized staff should only use Library social media for Library-related purposes.
- Excessive or personal use during work hours may result in disciplinary action.

TRADITIONAL MEDIA (NEWSPAPER, TV, RADIO)

All guidelines and standards described in this policy also apply to Library communications through traditional media, including newspapers, television, and radio.

Adopted: 5/26/2022

Revised: 5/22/2025

Dave Ingram, Chair
Library Board of Trustees

COLLECTION DEVELOPMENT AND MANAGEMENT

The purpose of the Collection Development and Management Policy is:

- To document collection management procedures;
- To guide staff in the selection, retention, and withdrawal of library materials;
- To inform the public of the philosophy of collection development and the policies involved; and
- To establish a framework for continuous collection evaluation and improvement.

COLLECTION OBJECTIVE

The Flathead County Library's collection is developed based upon community interests and needs, the composition and use of the existing collection, and input from customers, staff, and the Library Board of Trustees.

The Flathead County Library's primary service commitment is to the people within its service area. The Library collections fairly serve people of every age, education, background, personal philosophy, religious belief, occupation, economic level, ethnic origin and human condition. The collection is organized to provide unrestricted and easy access within the limitations of space and budget. All Flathead County Library materials are intended for public use and, with the exception of selected special or reference collections, all materials are available for check-out.

COLLECTION RESPONSIBILITY

The Board of Trustees vests responsibility for selection of library materials in the Library Director under guidelines established by the Board. Members of the staff, qualified by reason of education and/or experience, serve on the Collection Development Team and are assigned to assist with the selection of materials.

GENERAL COLLECTION DESCRIPTION

The library collections are comprised primarily of popular materials directed toward the general public and an effort is made to have the most current information available. There is a special collection of materials that focuses on the history of Flathead County and surrounding areas. Older general material is held only if it has local historical significance.

COLLECTION PHILOSOPHY

The presence of materials in the Library collection does not reflect endorsement or approval of its contents by the Flathead County Library Board of Trustees, Flathead County Library Staff, or its funding agencies.

SELECTION CRITERIA

Selectors acquire materials based on the following criteria:

- Customer demand and interest
- Critical reviews
- Presentation and readability
- To provide alternative or opposing perspective on a topic or issue
- Author's reputation and significance as a writer
- Reputation and standing of the publisher
- Local or national significance
- Availability of the material or information elsewhere
- Quality of the physical format
- Reasonable cost

- Avoidance of any picture, image, illustration, or other visual depiction of a sexual act (as defined in 18 U.S. Code § 2246) involving a minor or that could reasonably be interpreted as involving a minor.
- Selectors will use the tools and information available at the time of selection to make reasonable efforts to avoid placing materials that contain descriptions of sexual acts (as defined in 18 U.S. Code § 2246), whether conveyed explicitly or through implicit narrative of the act, in collections housed in areas designated for minors, with the exception of the Parent Resource Collection. If such materials are later identified, they will be relocated to another area as part of standard collection management.

The criteria for selection, acquisition, customer requests, duplication, replacement, and withdrawal (weeding) are the same for all materials and formats. Selection of materials is driven by customer demand in all formats for all ages. Items do not need to meet all criteria to be selected, nor does fulfillment of criteria necessarily guarantee selection.

Selectors may use a number of selection aids at their disposal to assist with selection decisions and selection tools may change over time.

In most cases, the library will not purchase or accept as gifts self-published materials that are not reviewed in established review journals.

Electronic collections available through MontanaLibrary2Go are part of a statewide consortium. These materials are selected and withdrawn by a cooperative committee, not by Flathead County Library staff, and are subject to separate collection development policies and procedures. MontanaLibrary2Go is administered by Montana State Library and by two committees: an elected Executive Committee and a volunteer Selection Committee.

[MontanaLibrary2Go Policies and Procedures](#)

USER REQUESTS

Flathead County Library values community input on our collections. As such, all user requests are considered for purchase. Items requested must meet the selection criteria described in this policy, and the Flathead County Library is not obligated to purchase items requested.

Generally requested titles are purchased if:

- The title was published in the last 5 years,
- The cost is less than \$35,
- The subject has strong local interest.

Titles outside these parameters may be purchased after the Library Director's review. If requested items are not selected for purchase, every reasonable effort will be made to secure requested items via the Partners Sharing Group or Inter Library Loan.

DUPLICATE PURCHASING

Flathead County Library selectors may purchase multiple copies of items in order to meet the demand of local users. However, every effort is made to ensure that purchasing of duplicates does not occur at the expense of less popular, though equally important, collections.

In order to achieve this balance, the Flathead County Library maintains a 5:1 hold ratio for all collections. This calculation is made using only holds placed by Flathead County Library cardholders, and does not include holds placed at Partner Libraries. Downloadable materials through MontanaLibrary2Go are part of a state-wide consortium. The holds ratio for these items is set and overseen by an outside selection team

REPLACEMENT OF MATERIALS

Selectors are responsible for reviewing withdrawn items, and consider replacement based on the same criteria for original purchase, as well as ongoing demand for that item. There is no limitation on how many times a given title may be replaced, assuming there is sufficient availability and demand for that title.

WITHDRAWAL OF MATERIALS

Staff shall review the collection on an ongoing basis with the goal of maintaining the quality and vitality of the library collections. Collection management involves continuous collection evaluation through the use of circulation reports and analysis of collection use. Worn, damaged, and dated materials shall be removed from the collection on a regular basis. Materials may also be withdrawn if they are not used or are superseded by a new edition or a more authoritative work on the same subject. Other criteria that may be applied include changing user demands, replacement of materials with alternative formats, space limitations, maintaining collection balance, and the post-purchase identification of materials that do not comply with the selection criteria.

DISPOSITION OF WITHDRAWN MATERIALS

All withdrawn materials shall be removed from the MT Shared Catalog, visibly marked as withdrawn and all Flathead County Library identification destroyed. Withdrawn materials will be disposed of in the manner deemed most appropriate for that item. Methods of disposal may include:

- Distribution to Library support Organizations and/or vendors for resale;
- Distribution to local entities to support community literacy efforts;
- Freely distributed from the Libraries' Free Shelf

In rare circumstances, library materials may be recycled. This method of disposal is reserved for items that are heavily damaged or remain after other disposition methods fail.

SPECIAL COLLECTION

The Special Collection exists to collect, preserve, and make available for research primary and secondary archival materials relating to Flathead County. The Special Collection is a repository for materials primarily concerned with Flathead County, Montana. Less extensively collected are materials related to northwest Montana and to the State of Montana as a whole. Materials with no connection to these geographic regions may occasionally be included based on local interest and demand.

Since materials in the Special Collection are intended to provide a persistent source of information on Flathead County, they are for use only in the library. Customers may use items from the Special Collection in any Flathead County Library location. When a customer requests that an item from the Special Collection be sent to a satellite location, the item will be transported there by the library courier and will remain available for a limited number of days. Items judged to be irreplaceable or too fragile to transport may be used only at the Flathead County Library Kalispell.

DONATIONS

All such gifts, grants, donations, devises, or bequests must be received or accepted by the Library Director or proxy on behalf of the Board of Trustees. See also Donations Policy.

DONATIONS OF PHYSICAL MATERIALS

Donated and memorial materials are subject to the same standards as the rest of the library collection. Once a gift is accepted, it becomes the property of Flathead County Libraries, to be used or disposed of in accordance with the Flathead County library policy.

Upon request, Flathead County Library will provide the donor a receipt, but will not appraise the value of donated items.

Whenever possible, Flathead County Library will honor a donor's wishes to house materials at a particular branch. However, at the discretion of library staff, the library reserves the right to relocate materials to its other branches.

Flathead County Library will not return unsolicited materials, nor will it be responsible for payment of costs incurred when unsolicited materials are sent.

MONETARY DONATIONS

Monetary gifts, grants, donations, and bequests intended for the purchase of library materials shall be placed in Fund 7055 (Gift Fund)

Whenever possible, Flathead County Library will honor a donor's wishes when purchasing library materials with donor funds. As with any purchase, the Collection Management Policy will be followed in order to ensure a balanced collection.

Whenever possible, Flathead County Library will honor a donor's wishes to house materials purchased with donor funds at a particular branch. However, at the discretion of library staff, the library reserves the right to relocate library materials to its other branches.

At the request of the donor, library materials purchased with donated funds may be designated by a bookplate or other appropriate identification.

CENSORSHIP AND SELECTION

Flathead County Library believes in freedom of information for all, and does not practice censorship. The selection of library materials is based on a person's right to read, listen, and view and the freedom from censorship by others. Attempting to meet the needs and interests of a diverse population requires a wide range of materials. Inevitably, there will be something in a balanced collection that may be unacceptable or disturbing to someone.

The function of materials selection is to obtain print and non-print materials suited to meet the diverse needs of Flathead County citizens. As professional librarians, selectors are conscious to not allow personal biases, pressure from outside individuals or groups, or fear of such pressure to influence selection decisions. Following the democratic principles under which it operates, the Library is obligated to fairly represent all sides of controversial topics, wherever possible.

Flathead County Library holds censorship to be a purely individual matter and declares that while anyone is free to personally reject materials of which he or she does not approve, he or she may not exercise censorship to restrict the freedom of others. For this reason, selection decisions are not influenced by the possibility that materials may be accessible to

minors. Cataloging and classification should in no way represent a value judgment of the material, and as such items are not labeled to show approval or disapproval, nor to subjectively identify certain philosophies. No items are sequestered except to protect them from damage or theft.

Flathead County Library does not act In Loco Parentis, and as such, responsibility for materials selected and read by children and adolescents rests with their parent or legal guardians.

Flathead County Library does not collect materials that fall within the U.S. Supreme Court's definition of Obscenity and asserts that the definition and application of obscenity is the responsibility of the judiciary.

REQUEST FOR RECONSIDERATION PROCEDURE

Criticism and comment on material selected for inclusion in or exclusion from the collections is an essential right of community members and a valuable part of the Flathead County Library's selection process. This process provides an opportunity for staff members to review and transparently account for selection choices and reasoning.

The Library Board of Trustees acknowledges that occasional objections to resources will be made despite the care taken and the procedures followed in their selection. The Library Board and library staff are prepared to defend the principles of freedom to read and access information. Objections to particular language or point of view of material cannot be used as justification for the exclusion of materials, but material may be relocated to a different collection if housed in a minor designated area. Selectors may address user concerns about materials identified as containing sex scenes housed in designated areas for minors (excluding the Parent Resource Collection) informally by relocating these materials to areas outside minor designated areas. The term "sex scenes" refers to descriptions of sexual acts (as defined in 18 U.S. Code § 2246), whether conveyed explicitly or through implicit narrative of the act.

Selectors will gladly respond to any concern from users about library materials. If users are not satisfied with this response, they will be referred to the Library Director. If a complaint cannot be resolved informally, the complainant may complete and return a written and signed Citizen Comment on Library Materials Form. This form may be obtained from any Flathead County Library staff member. In the absence of a fully completed form there is no formal complaint and no action will be taken. Completed Reconsideration forms will be considered only if reasonable attempts for informal resolution have been made.

When a fully completed written complaint is received, a formal review process begins. During the formal review process, all existing copies of the challenged material shall remain in circulation and are subject to the same management described in this policy. The investigation process is as follows, and should be completed within 45 days of receipt of the formal complaint:

- The Library Director establishes a review committee to investigate the complaint, consisting of members of the Collection Development Team and other professional library staff;
- The challenged title is reviewed in full by the committee;
- The review committee meets to discuss the title. Discussion should include, but is not limited to:
 - An accounting of how the material was acquired,
 - The objective legality of the material in question,

- Analysis of circulation data,
 - Critical reviews of the title, its author(s), publisher, etc.
 - The application of the Flathead County Library selection criteria
 - Consideration of whether the challenged material should be relocated to a different collection.
- A recommendation is written and presented to the Library Board of Trustees for a final decision, following established voting procedure.

Appendix: Request for Reconsideration of Library Materials

Titles may be reconsidered more than once at the discretion of the Board of Trustees.

Adopted: 4/09/2008
Revised: 9/22/2011
Revised: 10/22/2014
Revised: 10/25/2017
Revised: 5/26/2022
Revised: 10/27/2022
Revised: 01/25/2024
Revised: 05/22/2025

Dave Ingram, Chair
Library Board of Trustees

ART EXHIBITS

Flathead County Library provides space for artists of diverse media and styles to display their work to the community. Content should be appropriate for the general public and is subject to review and approval by the Flathead County Library Director and assigned staff. The Flathead County Library Board of Trustees will be notified of upcoming art exhibits and displays before final approval. Flathead County Library retains the right of refusal and is not obligated to accept every exhibit or item offered for display.

APPLICATION

Artists are invited to apply for an exhibit date by submitting a formal application to:

Flathead County Library

247 First Ave E., Kalispell, MT 59901

An application can be obtained online: [Art Exhibit Application](#)

TERMS FOR EXHIBITING

Agreement to exhibit in Flathead County Library display spaces implies acceptance of these terms.

- Artists are encouraged to visit the display space prior to the installation of their display.
- Artists are responsible for working with library staff to install and remove their artwork within the scheduled exhibit period.
- Artists are responsible for repairing damage to the display space. Library staff will assess the display area condition before and after the exhibit.
- Flathead County Library will not provide storage space for artists' materials.
- The exhibit will be open during the hours of library operation unless otherwise arranged with the Director.
- Descriptions of artwork displayed will be provided by the artist and approved by the Director.

Representative work, a description of the exhibit and a biography of the artist will be placed on the library's website. Additional promotional materials are the responsibility of the artist and must be approved by the Director two months in advance of the opening date.

Receptions for an exhibit are optional and must be approved by the Director. All receptions will be subject to library policies.

Artists are responsible for sale and collection of monies for their artwork.

Flathead County Library requests a 10% donation from all sales. Purchased artworks may be picked up from the artist at the end of the exhibit.

The display area is open to the general public and is not monitored by library staff.

Artists may wish to insure their artwork at their own expense. Flathead County Library will not provide insurance for an artist's work.

Adopted: 5/22/13; Revised: 7/21/22, 6/26/25

David Ingram, Chair
Library Board of Trustees

BULLETIN BOARD

Flathead County Library provides bulletin boards in some of its libraries for announcements promoting events and activities of interest to the community.

The use of the bulletin board is available to all groups. Flathead County Library does not endorse the viewpoints of any non-Flathead County Library postings.

The following guidelines describe the conditions for posting on the bulletin boards in the Flathead County Library:

- Only flyers, brochures, posters or other materials promoting community and public events and activities may be posted.
- Materials must be pre-approved by the library staff prior to being posted.
- Materials must include a date they were posted. All materials undated will be removed.
- Materials may be displayed for a limited amount of time only or until the event advertised has occurred.
- Because of limited space, groups are limited one posting, not to exceed 11X17 inches.
- Editorial, opinion pieces and other unapproved materials will be removed by library staff as necessary.

Adopted: 11/30/89; Reaffirmed: 10/24/96; Revised: 05/25/00; Revised: 09/26/2012; Revised: 01/25/2024

Dave Ingram, Chair
Library Board of Trustees

VOLUNTEERING

Flathead County Library welcomes volunteers who supplement and enhance services to the public through effective use of their talents and expertise.

Volunteers are organized by the Volunteer Leadership Team under the guidance and supervision of the Director of Flathead County Library. Volunteers are expected to follow all **Flathead County Library policies** as well as the Library [Patron Code of Conduct](#).

Adopted: 2/25/98
Revised: 8/26/99
Revised: 3/18/2010
Revised: 10/22/2014
Revised: 12/4/2019
Revised: 7/21/2022
Revised: 8/25/2022
Revised: 8/28/2025

David Ingram, Chair
Library Board of Trustees

PATRON SERVICES

TECHNOLOGY USE

1. PURPOSE OF TECHNOLOGY RESOURCES

Flathead County Library provides technology resources to encourage exploration, connection, and collaboration. These resources include:

- Wi-Fi
- Computers and Internet Access
- Printing and Scanning Services

All users are expected to adhere to Flathead County Library's [Patron Conduct Policy](#).

2. RESPONSIBILITIES OF USERS

- **General Responsibility:** It is each user's duty to respect library policies and maintain a respectful environment.
- **For Minors:**
 - Flathead County Library does not act *In Loco Parentis* (in place of parents).
 - Parents or guardians are responsible for overseeing online content accessed by minors.
 - Computers in the children and teen areas are filtered and point to age-appropriate websites in compliance with federal law.
 - Parents or guardians who feel their children need more guidance should directly supervise their children's computer use.

3. PROHIBITED USE

- **Illegal Activity:** Library computers and devices connected to Flathead County Library Wi-Fi may not be used for illegal activities.
- **Access to Prohibited Content:** Users must not access:
 - Illegal materials
 - Materials defined as obscene by the [Montana Code Annotated, 45-8-201](#).
- **Public Conduct:**
 - While Flathead County Library supports free access to information, deliberate display of certain materials in public could be considered sexual harassment or may violate the [Patron Conduct Policy](#).
 - Actions that create a disturbance or constitute harassment may result in restricted library privileges.

4. LIBRARY STAFF SUPPORT

- Library staff is available to provide basic technology assistance.
- **Limitations of Support:**
 - Staff cannot provide comprehensive tech support for personal devices.
 - Personal computers or devices cannot be connected directly to the library's internal networks or staff computers.

Technology Use Agreement

By clicking "Accept," you agree to:

- Adhere to time limits established by Flathead County Library.
- Promptly pay any printing fees.
- End your session and leave the workstation if asked to do so by a Flathead County Library staff member, even if you have not completed your session. (Library staff reserves the right to interrupt sessions to perform necessary maintenance.)
- Use technology only for legal activity, including adherence to copyright or other

rights of third parties, and in a manner consistent with FCL's Technology Use and Patron Conduct Policy.

- Not interfere, reconfigure or disrupt library technology hardware, software, networks, or services.

| | |
|--------------------------|------------|
| Adopted: | 2/27/97 |
| Amended and Renamed: | 6/17/02 |
| Amended and Renamed: | 1/24/2011 |
| Revised: | 10/22/2014 |
| Revised: | 3/4/2020 |
| Revised: | 5/26/2022 |
| Revised: | 10/26/2023 |
| Revised and Reformatted: | 01/16/2025 |

Dave Ingram, Chair
Library Board of Trustees

PATRON CONDUCT

To better serve all library patrons, the Library Board of Trustees has established standards of acceptable behavior to ensure a positive, welcoming, clean, and safe environment conducive to library use. Behavior becomes unacceptable when it impinges on the rights of others.

Unacceptable behavior includes, but is not limited to:

- Disturbing library users or staff members with:
 - Harassing or threatening behavior,
 - Obscene or abusive acts, language, or gestures,
 - Unreasonable noise, including loud talking on cell phones,
 - Behavior inappropriate to a business setting, such as running, fighting, or throwing objects,
- Disrupting the normal functioning of the Library
- Inappropriate use of the Library premises or equipment, including vandalism
- Soliciting of any kind
- Being intoxicated or incapacitated by drugs or alcohol, or using nicotine products, alcohol, or illegal drugs on Library premises
- Interfering with others' use of the Library
- Bringing animals inside Flathead County Library buildings, with the exception of service animals (as defined by the Americans with Disabilities Act) or animals used as part of Library programs
- Bringing a knife, unconcealed weapon or unpermitted concealed carried weapon or any other weapon into the library, 45-8-351 MCA and 45-8-352 MCA
- Engaging in any activity in violation of Flathead County Library policy, or any federal, state, local, or other applicable law
- Sleeping in or on Library premises
- Bringing personal belongings that hinder, impede, or prevent the movement of another patron into, out of, or about library property*
- Bringing personal belongings, including wagons, carts, or hand trucks that do not fit under a table and can't be easily carried downstairs during an emergency*
- Leaving personal belongings left unattended on library property

* These restrictions do not apply to items used for personal mobility, such as: walkers, strollers used to safely transport babies and toddlers, or wheelchairs. Other exceptions may be made on a case-by-case basis by library staff.

Patrons will be asked to adapt their behavior to comply with library policy. If a patron fails to do so, appropriate action will be taken, up to and including permanent expulsion from Flathead County Library facilities. Illegal activity will be referred to appropriate law enforcement agencies.

Adopted: 08/27/87

Revised: 10/27/94, 03/28/96, 10/03/96, 04/23/98, 03/25/99, 10/28/04, 04/09/08,
01/26/12, 12/05/12, 3/25/15, 7/21/22, 10/26/23

Dave Ingram, Chair
Library Board of Trustees

SAFETY OF CHILDREN

Flathead County Library offers welcoming spaces that encourage children to explore, create and connect. Library staff strive to provide a safe environment for all patrons, but safety cannot be guaranteed. While Flathead County Library staff is committed to helping children with activities and materials at the libraries, library staff do not act as child care providers or disciplinarians. Children are expected to adhere to the same rules of conduct as adults. Please refer to the **Patron Conduct Policy** in the Flathead County Library Policy Manual.

- Parents, guardians and caregivers are responsible for their children while visiting any Flathead County Library location.
- Children under the age of 11 may not be left unsupervised anywhere on the library premises. If a parent or guardian cannot be located, the police or Child and Family Services will be contacted.
- Parents will be notified if a child age 11 or older is not able to follow the library's **Patron Conduct Policy**.
- Children who have not been picked up at closing time will be given the opportunity to call a parent. Children who have not been picked up after closing time will be left in the care of the police. Under no circumstances will a library staff member transport children in a vehicle or accompany them home.
- Organized groups of children, such as school classes, day care groups, and tours, must be supervised by adults in their group at all times while in the library.

Adopted: 2/23/06
Reaffirmed: 7/09/09
Revised: 12/05/12
Revised: 11/18/15
Revised: 12/5/18
Revised: 7/21/22
Revised: 6/26/2025

David Ingram, Chair
Library Board of Trustees

LIBRARY PROGRAMS

Flathead County Library supports its mission by developing and presenting programs that provide opportunities to promote literacy, inspire lifelong learning, and enrich the community.

Programs are an integral component of library service and serve to:

- Affirm the Library's role as a community resource
- Introduce customers to Library resources
- Provide opportunities for lifelong learning
- Build relationships
- Expand the visibility of the Library

PROGRAM PHILOSOPHY

Library Programs are developed as an extension of the Library's collections, and are therefore governed by the **Statement of Core Principles Policy**, as well as the Collection Philosophy in the **Collection Development and Management Policy**. Library materials, including programs, present a variety of viewpoints that enable citizens to make the informed choices necessary in a democracy.

PROGRAM OBJECTIVES AND CRITERIA

Library programs may take place on-site at the library, offsite in other locations, or online and may be delivered by library staff or library partners. Library programs are developed by professional librarians under the supervision of the Library Director.

The Library's staff use the following criteria in making decisions about program topics and speakers:

- Community needs and interests
- Availability of program space
- Treatment of content for intended audience
- Presentation quality
- Presenter background/qualifications in content area
- Budget
- Historical or educational significance
- Connection to other community programs, exhibitions or events
- Relation to Library collections, resources, exhibits and programs

SALES AND FUNDRAISING

All programs must be open to the public and offered free of charge. At the discretion of the Library Director the following may be allowed during programs or on property governed by Library policy:

- Fundraising to benefit the Library, or sponsored by the Friends of the Library or the Flathead Library Foundation.
- The sale of books, CDs, or other items by presenters of a Library program. Presenters are encouraged to donate a copy of their work to the Library for possible inclusion in the Library collection.

The library does not offer programs of a purely commercial nature. Library programs must have educational, informational, or cultural value. Examples of programs that would be considered commercial include but are not limited to presentations offered for free with the intention of soliciting future business.

PRESENTERS

The Library strives to include a broad spectrum of opinion and a variety of viewpoints in Library programs and exhibits. The Library may collaborate with community groups or businesses on programs that support the Library's mission. Library sponsorship of a program and opinions expressed by individuals and groups presenting the program do not constitute or imply an endorsement by any library personnel, or by the Library Board of Trustees. Requests from individuals to present programs such as author readings, book signings, or music release events are weighed against the public's demonstrated interest in the topic, the library's budget and the presenter's qualifications, expertise and reputation.

Performers and presenters will not be excluded from consideration because of their origin, background or views. The Library will not exclude topics, speakers and resources from programs because of possible controversy. Library staff who present programs do so as part of their regular job.

ATTENDANCE

Every attempt will be made to accommodate all who wish to attend a program. However, when safety, cost, or the success of a program requires it, attendance may be limited. When limits must be established, attendance will be determined on a first come, first served basis, either with advance registration or at the door.

Adults who attend a program designed for children must be accompanied by a child. Teen programs are designed for teens. Adults may attend as a teen assistant or companion.

MARKETING

Organizations or individuals partnering with the Library must coordinate marketing efforts with the Library's Marketing Department. Individuals or groups offering programs in the Library's meeting room must follow the Library's Meeting Room policy.

ACCESSIBILITY

The Library makes every effort to comply with all applicable laws, including the standards and requirements of ADA and state or local accessibility guidelines. If users overflow designated event areas during library events, the library will protect ramps, pathways, and emergency exit routes to ensure access and safety for everyone.

COMPLAINTS AND CENSORSHIP

Flathead County Library believes in freedom of information and does not practice censorship.

Parents and guardians may restrict their own children's access to library programs, but no person or organization can interfere with another person's access to or participation in library programs. Concerned citizens may inquire before a program to establish whether a particular program suits their interests.

If a patron has concerns about a library program, they should first address the concern with a Library senior staff member. Patrons who wish to continue their request for review of Library programs may submit the Citizen Comment on Library Materials form. Requests for review of programs or exhibits will be considered in the same manner as requests for reconsideration of library materials as outlined in the Library's **Collection Development and Management Policy**.

Adopted: 5/29/2019
Revised: 5/26/2022
Revised: 7/24/2025

David Ingram, Chair
Library Board of Trustees

MEETING ROOM USE

This policy describes the intended purposes of the Flathead County Library meeting rooms, how and when they can be used by the public and what rules must be observed when using meeting spaces.

When not in use by the library or its programs and functions, the library meeting rooms are available by reservation to local community groups on a first-come, first-served basis. Reservations may be made by either calling the Kalispell Business Office at (406)758-5824, the Bigfork Library at (406) 837-6976, or by completing the online request form at flatheadcountylibrary.org/services/book-a-meeting-room/.

The following guidelines apply:

- The Kalispell meeting room is available by reservation Monday through Friday between the hours of 10am to 5pm.
- The Bigfork meeting room is available by reservation Tuesday through Friday between the hours of 10am to 5:45pm, Saturday 10am to 1:45pm.
- Reservations can be made for the current month, plus two months in advance.
- Groups are limited to reserving a meeting room no more than twice per month.
- Groups must notify the library at least 24 hours in advance if a scheduled meeting is cancelled.
- Library Activities shall have first priority for usage of the Library Meeting Room. In an emergency, the Library may ask a group to cancel a scheduled event to allow for library use of the room. Reasonable attempts will be made to give a 24-hour notice.
- Anyone using the meeting room must adhere to the **Library Rules of Conduct**.
- Any meeting held in the library meeting room must be open to the public.
- Attendance at any event must not exceed the posted room capacity.

The contact person for the group reserving the meeting room assumes responsibility for the use of the room and ensures that the following rules are observed:

- Library meeting rooms are handicapped accessible. It is the responsibility of the group holding meetings to provide ADA compliance for their programs. No admission or registration fee may be charged at any meeting. Donations may be accepted to recover meeting materials costs.
- With the exception of books and other resources sold at library-sponsored events, no products or services may be advertised, solicited or sold.
- All advertisements, announcements, press releases, flyers, etc. related to meetings held in the Flathead County Library meeting rooms must clearly state that the meeting is NOT sponsored by the Flathead County Library and must designate the sponsoring organization.
- Groups may not use the name, address, or telephone number of the Flathead County Library as their address or headquarters.
- Groups should schedule enough time to allow for set-up, the meeting itself, and clean-up to avoid overlap with another group.
- The Library provides several pieces of equipment that may be used in the Library Meeting Room for no additional charge.
- Groups using the Kalispell meeting room may request the use of laptops by contacting the Information Desk at (406)758-5815.
- The Flathead County Library will not provide storage of any materials for any group.

- At the end of a meeting, chairs must be stacked and tables returned to their original arrangement. If food is served, utensils must be washed, garbage disposed of and the kitchenette cleaned. (Kitchenette not available in Bigfork.)
- Alcoholic beverages may not be served or consumed on library property, except at special events hosted by library support group organizations for the benefit of the Flathead County Library. Such groups must obtain written permission to serve alcohol from the library director in advance.
- Groups showing a film must have documented public performance rights to screen the film.
- Failure to comply with any Flathead County Library meeting room rules will result in withdrawal of room reservation privileges.
- Groups shall be held liable for any damage to or loss of library property.
- The Flathead County Library may not be held liable for any damage, loss or bodily injury occurring to persons or property affiliated with the scheduled event.

Revised: 10/22/87

Revised: 9/16/93

Revised: 1/28/99

Revised: 5/27/10

Revised: 4/28/11

Revised: 9/25/13

Revised: 10/23/19

Revised: 7/21/22

Revised: 2/23/2023

Revised: 6/27/2024

David Ingram

Chair, Flathead County Library Trustees

CIRCULATION SERVICES

FLATHEAD COUNTY LIBRARY BORROWING PRIVILEGES

Flathead County Library will extend borrowing privileges to all residents of the State of Montana as well as to those persons who are temporarily residing in Flathead County. In order to borrow materials, persons must be in possession of a Flathead County library card or a library card from a participating Partner Resource Sharing Group library.

OBTAINING A LIBRARY CARD

Adults and teens ages 16 & up must present photo identification and verification of a current Montana address in order to obtain a library card.

Children- All applicants under 16 years of age must have a parent or legal guardian present at the time of application who can submit a photo ID and address information. (A parent or legal guardian cannot obtain a library card in their child's name without the child present.)

An exception to underage children requesting a library card is made for schools and groups that tour the library. Teachers are responsible for handing out and collecting completed applications from the students and bringing them to the library several days in advance so staff will have time to issue a card before the students arrive. A limit of two items can be charged on the temporary card until a parent or guardian comes into the library with proper identification and address information.

A current photo identification card (that includes name and photo) from a school, government agency, or employer AND address verification, that includes name and Montana address, must be presented.

A limited-use card will be issued to those persons who can provide a current photo ID but do not have proof of Montana address.

A parent or caregiver assumes responsibility for materials borrowed by their dependents.

It is the responsibility of the parent to perform any supervision of Library materials selected for checkout. Not all material in the library is age appropriate for minor children.

LIBRARY CARD AGREEMENTS

- The cardholder agrees to return borrowed materials on time and accepts responsibility for overdue fees, lost or damaged items.
- The cardholder is responsible for the original price of the item plus any processing or recovery fees when items are lost or damaged beyond repair.
- A valid library card or a current photo ID must be presented to check out materials.
- Held materials may only be picked up with the library card under which the item is held.
- It is the cardholder's responsibility to notify Library staff of any address or contact information changes.
- If a library card is lost or stolen, it is the responsibility of the cardholder to notify the library.
- Flathead County Library materials may be returned to any Flathead County Library location or any Partner library regardless of checkout location.

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|----------|----------|----------|---------|----------|----------|
| Revised: | 2/28/91 | Revised: | 5/23/96 | Revised: | 3/23/00 |
| Revised: | 12/04/08 | Revised: | 1/26/11 | Revised: | 1/26/12 |
| Revised: | 5/22/13 | Revised: | 2/24/16 | Revised: | 10/26/16 |
| Revised: | 3/28/24 | | | | |

Dave Ingram, Chair
Library Board of Trustees

CIRCULATION OF MATERIALS TO ORGANIZATIONS

Flathead County Library is committed to providing service to organizations with patrons who are unable to come to the library. Such organizations may include, but are not limited to assisted living facilities, nursing homes, retirement homes and preschool and daycare facilities. Any of these organizations may apply for an "organization card."

Cards will be issued to organizations in Flathead County upon request, after the receipt of a signed letter by an authorized representative of the facility. Materials will check out for the standard loan periods and the organization is responsible for any fees associated with damaged or lost materials. The organization's personnel will select and return materials.

Approved: 7/09/09
Revised: 5/22/2013
Revised: 2/24/16
Revised: 3/27/19
Reaffirmed: 7/21/22
Revised: 8/28/2025

David Ingram, Chair
Library Board of Trustees

INFORMATION SERVICES

CONTRACTED SERVICES

The Library Board of Trustees may choose to provide contracted services to other legal entities on request as per [22-1-309 MCA](#).

Details of contracted services will be defined in a written agreement to be approved by the Library Board of Trustees and the governing body of the entity requesting services.

All contracts will run from July 1 of any fiscal year until June 30 of the same fiscal year unless otherwise specified in the contract. A process for termination shall be specified in each contract.

Approved: 8/13/92; Revised: 10/24/96; Revised: 10/28/99; Revised: 7/9/09; Revised: 9/26/12; Revised: 12/9/15; Revised: 10/24/18; Reaffirmed: 8/25/22 Revised: 8/28/2025

David Ingram, Chair
Library Board of Trustees

SPECIAL REFERENCE AND RESEARCH SERVICES

Flathead County Library is committed to providing access to materials that satisfy patron interests and enable lifelong learning. Library staff will assist with self-directed research and help customers locate and use relevant research materials and library equipment. Library staff are unable to complete in-depth research on behalf of patrons as part of the library's regular services.

When time or distance prevents on-site self-directed patron use of library resources, Flathead County Library will refer Special Reference and Research Services to outside individuals or agencies as deemed appropriate. On rare occasions, Flathead County Library may choose to provide Special Reference and Research Services relating to specialized library resources not available elsewhere.

Special Reference and Research Services include, but are not limited to:

- Use of microfilm or scanning of documents on behalf of patrons
- Genealogical and local history research
- Other research beyond the normal services provided in the course of patron assistance

Adopted: 8/12/92; Revised: 1/28/99, 8/26/10, 7/24/13, 11/18/15, 10/23/19, 7/21/22, 7/24/25

David Ingram, Chair
Library Board of Trustees

APPENDIX



BOARD POWERS AND DUTIES APPENDIX

APPENDIX

Powers of Library Boards of Trustees

Attorney General's Opinions over the Years

Free public libraries in Montana are governed by a board of library trustees. Library trustees have a broad range of powers and duties. They are given, by statute, exclusive control of the expenditure of the public library fund, the construction or lease of library buildings, and the operation and care of the library. Mont. Code Ann. § 22-1-309. The board of trustees also has the duty to appoint and set the compensation of the chief librarian and, with the recommendation of the chief librarian, to "employ and discharge such other persons as may be necessary . . . , fix and pay their salaries and compensation, and prescribe their duties." Mont. Code Ann. § 22-1-310. The board of trustees prepares the library's annual budget and submits it to the local governing body. Mont. Code Ann. § 22-1-309(6). The board also has other specific powers and duties as described in the statute, and shall "exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library." Mont. Code Ann. § 22-1-309(9).

Occasionally disputes arise between the local governing body and the board of trustees regarding the ultimate authority of each entity with respect to operation of and funding for the library. Beginning in 1986 the Attorney General has issued a number of opinions recognizing the broad statutory powers and duties vested in the board of library trustees, and the "substantial autonomy" given to the board in governing and operating the library. As we will see, however, the "autonomous" nature of the board's authority has been tempered somewhat.

Opinions Issued Prior to the 2001 Legislative Changes 41 Op. Att’y Gen. No. 91 (1986)

The Jefferson County Attorney asked the Attorney General 1) whether the Jefferson Board of County Commissioners could override the library board’s decision to grant pay increases to library staff, 2) whether the county commissioners could modify the annual budget submitted by the board of trustees, and 3) whether the county commissioners had the discretion to levy no millage for funding of the library. After referring to the various statutory powers and duties of the board of library trustees, the Attorney General observed:

This brief description of the library trustees’ powers and duties reflects substantial autonomy from the governing body of the local governmental unit within which the library has been established. . . . The trustees are thus quite clearly granted direct responsibility for administering the library in a manner largely independent of city or county control. That the fiscal operation of the library is heavily interrelated with that of the local government does not, at least insofar as the trustees have been accorded explicit authority, mean that their determinations are subject to plenary review and possible modification by, in this instance, a board of county commissioners.

The Attorney General responded negatively to each question, concluding that the county commissioners had no authority to 1) modify the trustees’ decision concerning wage and salary amounts for library staff, 2) modify the annual budget adopted by the trustees, or 3) within statutory millage limits, refuse to levy the property taxes necessary to satisfy the annual budget adopted by the trustees.

Op. Att’y Gen. No. 98 (1988)

Two years later the Great Falls City Attorney asked the Attorney General whether the city commission had the authority to overrule a decision of the library board not to sell or lease a parking lot held in the name of the City of Great Falls but purchased to serve the library’s needs.

Some 23 years earlier the library board had asked the city to issue general obligation bonds to finance construction of a new library. The bonds were issued in the name of the city and the new library was constructed. Some of the bond money was used to purchase a parking lot for the library. While title to the lot was conveyed to the city, the library board had for 23 years leased out parking spaces in the lot to the public and received the income from those leases.

A developer of land adjacent to the library offered to purchase or lease the lot in order to meet the parking requirements of the city’s urban renewal plan. Following two public hearings the library board declined to sell or lease the lot to the developer. The city wanted to know whether it could modify the board’s decision.

The Attorney General cited Mont. Code Ann. § 22-1-309(4), which gives library boards the express power to sell, exchange, or otherwise dispose of real or personal property in the name of the city for the use and purposes of the library. Finding there was no similar authority granted to the city, the Attorney General determined that the city was not entitled to transfer an interest in the parking lot without the approval and request of the library board. The Attorney General also referred to his previous opinion in 41 Op. Att’y Gen. No. 91 (1986), and reaffirmed the reasoning in that prior opinion:

Insofar as the library trustees have been given explicit authority under the Library Systems Act, their determinations may not be subjected to plenary review and possible modification by the city commission. I conclude that the city commission may not overrule the decision by the library board of trustees not to sell or lease the library's parking lot.

48 Op. Att'y Gen. No. 3 (1999)

The Big Horn County Attorney asked the Attorney General two questions: Where a county library is funded by a general fund levy under Mont. Code Ann. § 7-6-2501, does the board of county commissioners have the authority to 1) modify the annual budget submitted by the library board, or 2) modify the library board's determination regarding the amount of pay increases for library personnel.

After discussing the prior Attorney General's Opinions in 41 Op. Att'y Gen. No. 91 (1986) and 42 Op. Att'y Gen. No. 98 (1988), the Attorney General noted that, while the Big Horn County Library was funded through the general fund rather than through the library tax levy authorized by Mont. Code Ann. § 22-1-304, this "does not allow county commissioners to usurp the library trustees' statutory authority in setting the library's budget and compensation for the library staff." The Attorney General observed that in enacting the statutes regarding the formation and operation of free public libraries, "the legislature clearly intended that library trustees be given independent power to manage and operate libraries without the threat of being censored by a city or county government." The Attorney General reaffirmed the express statutory authority of library boards:

To hold that a board of county commissioners could usurp the library trustees' express statutory authority by simply funding the library's budget through the general fund would defeat the very purpose of free public libraries and render meaningless §§ 22-1-301 to - 317. Accordingly, if the county commissioners fund the library's budget through the general fund, the power to decide the budget and library staff compensation still rests with the library trustees as set forth in Mont. Code Ann. §§ 22-1-309 and -310.

The Attorney General also recognized that when a county chooses to fund its library through the general fund a public vote is not necessary for the county to provide the library with funding in excess of five mills.¹ However, he noted that while the commissioners have no authority to modify specific parts of the budget submitted by the library board, they do have authority to "limit the overall funding of the budget to five mills as if it were being funded pursuant to tax levy under Mont. Code Ann. § 22-1-304," observing that any other conclusion would allow library trustees to adopt a budget that could assume the entire general fund levy.

The 2002 Opinion

49 Op. Att'y Gen. No. 16 (2002)

The Broadwater County Attorney asked the Attorney General whether the local library board had the authority to require the Broadwater County Commissioners to levy five mills to support the library. The Attorney General first noted that the 2001 Montana Legislature had passed House Bill (HB) 124, which made significant changes in the laws relating to local government and taxation. Specifically as it relates to libraries, HB 124 amended Mont. Code Ann. § 22-1-304 to delete the former reference to a five-mill levy. As amended, the statute authorizes the county to simply levy mills for support of the library, without reference to the number of mills levied, provided the budget fits within the restrictions of Mont. Code Ann. § 15-10-420..

In place of the numeric levies that were formerly found in Mont. Code Ann. § 22-1-304 and other statutes, Mont. Code Ann. § 15-10-420 as amended allows a county to levy sufficient

mills to raise the amount of property tax raised in the previous year, with an upward adjustment to account for inflation. The Attorney General noted that since the reference to a five-mill levy has been eliminated from Mont. Code Ann. § 22-1-304, there is no longer a statutory basis to argue that the library board can require county commissioners to levy five mills for support of the library budget.

Nevertheless, the Opinion recognized the continuing significance of previous Attorney General's Opinions dealing with the authority of library boards: In my opinion, the 2001 statutory changes . . . did not delete the library board's authority to determine the amount of financial support required by the library, nor did they confer on the county commissioners the authority to modify the library budget submitted by the library board. (Emphasis added).

It is therefore my opinion that [HB 124] did not give the board of county commissioners the authority to modify the budget submitted by the library board pursuant to Mont. Code Ann. § 22-1-309(1), provided that budget fits within the provisions of Mont. Code Ann. § 15-10-420. . . . [T]hat statute, as amended in 2001, limits the county to the number of mills required to raise the amount of money raised in the previous fiscal year, subject to statutory adjustments. Under the reasoning of 48 Op. Att'y Gen. No. 3 (1999), the budget which the library board may require the commissioners to adopt is limited to the amount budgeted in the prior year as adjusted pursuant to section 15-10-420.

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In 2001 the Montana Legislature amended Mont. Code Ann. § 22-1-304 to delete the reference to a five-mill levy. The effect of the amendment was analyzed in 49 Op. Att'y Gen. No. 16 (2002), discussed below.

The Attorney General's correctly concluded that HB 124, passed by the 2001 Legislature, did not affect the respective authority of library boards and local governing bodies with respect to library budgets. However, as discussed below, some ten years later the Attorney General acknowledged that the analysis in the 2002 Opinion was "incomplete."

The 2001 Legislative Changes and the 2012 Opinion

The four Attorney General's Opinions discussed above clearly and consistently recognized the broad statutory powers and duties of library boards of trustees; authority that enables library boards to manage and operate a library "largely independent of city or county control." However, an Attorney General's Opinion issued last year changed the landscape somewhat.

54 Op. Att'y Gen. No. 7 (2012)

The Livingston City Attorney posed several questions regarding its relationship with the Livingston-Park County Public Library. The main question asked was whether the library board, by adopting a budget, could require the city and county to levy a sufficient amount to fund the budget as proposed by the board. The Attorney General reviewed previously issued opinions, as well as legislative changes made in the 2001 session. In particular, the Attorney General noted that the 2001 Legislature enacted Mont. Code Ann. § 7-6-4035, which provides in relevant part: "The proposed budget and mill levy for each board, commission, or other governing entity are subject to approval by the governing body." (Emphasis added). The Opinion also referred to the enactment of Mont. Code Ann. § 7-6-4036, which provides:

The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality . . . after approval and adoption of the final budget . . . at levels that will balance the budgets as provided in 7-6-4034.

The Opinion determined that the 2001 legislative changes “upended the funding of public libraries,” changing the law from “a scheme in which library boards had complete control over the library budget . . . to a scheme in which . . . the library board’s proposed budget was subject to approval by the local governing body.”

The 2012 Opinion acknowledged that to the extent the 2002 Attorney General’s Opinion failed to address Mont. Code Ann. §§ 7-6-4035 and -4036, its analysis was incomplete and its holding was inapplicable to the questions presented by the Livingston City Attorney. To be fair, however, the 2002 Opinion only addressed HB 124, a lengthy and very complex bill known as “the Big Bill.” The Attorney General in the 2002 Opinion correctly determined that HB 124 did not change the respective budgetary powers of library boards and local governing bodies. The 2002 Opinion did not, however, address Senate Bill 138, passed in the same 2001 session, which enacted Mont. Code Ann. § 7-6-4035 and -4036, discussed above. These are the two statutes that place approval authority over library budgets directly in the hands of local governing bodies.

The 2012 Opinion also distinguished the Attorney General’s Opinions issued prior to the 2001 legislative changes, finding them inapplicable to the extent their holdings conflict with the 2001 changes to the statutes. Other aspects of those Opinions remain valid, however.

Conclusion

The 2012 Opinion establishes new parameters on the relationship between a library board and the local governing body in the case of the preparation and approval of the library’s budget. The library board still has the statutory responsibility under Mont. Code Ann. § 22-1-309(6) to “prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds.” However, the budget prepared by the board is ultimately subject to approval by the local governing body. The 2012 Opinion did, however, recognize that library boards have the power to:

- Determine how to use unspent funds in the library reserve fund; and
- Determine the details of their budget, such as hiring and firing, fixing salaries, prescribing duties of library employees, personnel administration, etc.

Thus, while the 2012 Attorney General’s Opinion acknowledges that local governing bodies have final approval over budgets prepared by library boards, the Opinion also implicitly recognizes the basic principle that was first established in the 1986 Opinion – that library boards retain “responsibility for administering the library in a manner largely independent of city or county control.”

COLLECTION DEVELOPMENT AND MANAGEMENT APPENDIX

APPENDIX

[Request for Reconsideration of Library Materials](#)