
Forming a Public Library District

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Chapter 1

Introduction To Public Library Districts

People within our communities are counting on us to provide quality library services. The ones who use the library are grateful for Internet access, reading and entertainment materials, and many of the educational opportunities we provide through programming and classes. Some community members may not use the library, but still see it as an essential service particularly for individuals and families without much money.

Library boards and directors are under a lot of pressure to provide a number of services at a high quality. It is often hard to provide these services because of a lack of funding and support for libraries. While there are non-users in our community who support us there are also vocal opponents who speak out against libraries. In the best case scenario these opponents are lukewarm about libraries and will not support any funding increases that might benefit the library. In the worst case scenarios these opponents might be in a position where they can cut the library's budget. Boards and directors often find themselves in the tough position of making budget cuts even as their patrons are begging for more services.

Because of these issues boards and directors must find a way to fund library services and staff. Many will rely on grants or donations - trying to supplement the library's budget with private funds. Unfortunately for most communities private funds can only go so far which forces the board and director to explore other possibilities.

Public library districts should be one of those possibilities. A library district has a stable source of funding and when done right can become an organization that provides excellent library service for a community. They aren't the easiest option, but they can be a long term solution to chronic funding shortages and lack of support. Library service is not free or cheap, and we must remember that when planning for library services for a community. A public library district where board members and the director ask for enough mills to truly support a library can provide improved and increased services for their community.

What Are Districts?

A library district is a governmental unit with an elected board of trustees having the power to establish a property tax mill levy for library services. Voters in the district create a library district through an election. A library district must contain territory with a taxable value of at least \$5 million.

Pros And Cons Of Library Districts

Potential benefits of becoming a library district

- ◆ A district could help areas with lower property values maintain quality library services.
- ◆ It allows public libraries to combine under a new administrative structure, which offers the potential for improved library services and cost savings through sharing costs, such as administrative, personnel, collections, and technology.
- ◆ Members of the Board of Trustees have the power to levy, within limits.
- ◆ Through elected trustees, libraries become directly linked to the people that they serve.
- ◆ City councils and county commissioners are freed from many of their administrative and governing responsibilities to the library.

- ◆ Communities can use the library district to improve an important and essential public service.
- ◆ Districts can provide the opportunity for more stable funding.

Potential disadvantages of becoming a library district

- ◆ Forming a library district may not be the right answer for all areas.
- ◆ Some local control is given up.
- ◆ Holding a successful election takes a considerable effort.
- ◆ The complexity of forming a government entity takes a great deal of time and effort.

Difference Between Library Districts And Other Types Of Libraries

City/County

- ◆ **Creation:**Resolution by governing body (city council or county commissioners) MCA 22-1-303
- ◆ **Governance:**Board of trustees are appointed by governing body (Mayor of city or chairman of County Commissioners) MCA 22-1-308
- ◆ **Finances:**Receive money from city and/or county general fund. Library may also receive a property tax levy specifically for library subject to MCA 15-10-420.
- ◆ **Dissolution:**Resolution by governing body or petition of the people. MCA 22-1-303.
- ◆ **Board Powers and Duties:**Have exclusive control of budget, construction or lease of library buildings; and operation and care of the library
 - ◆ Adopt bylaws for the board and library
 - ◆ Have the power to contract to give and receive library services
 - ◆ Have the power to acquire property for the library
 - ◆ Pay necessary expenses of library staff
 - ◆ Prepare an annual budget
 - ◆ Make an annual report
 - ◆ Accept gifts, etc.
 - ◆ Exercise such other powers, not inconsistent with law. MCA 22-1-309

Interlocal

- ◆ **Creation:**Contract between agencies for library services. Agreement is filed with county clerk or Secretary of State. MCA 7-11-101 thru 7-11-108
- ◆ **Governance:**Governance is determined by contract. See MCA 7-11-105
- ◆ **Finances:**Interlocal agreement determines what parties will pay to finance library services. MCA 7-11-105
- ◆ **Dissolution:**Dissolution is determined in interlocal agreement. Generally done by one or both parties in writing. MCA 7-11-105
- ◆ **Board Powers and Duties:**Determined by contract, but generally the same as City/County. MCA 7-11-105.

Multijurisdictional

- ◆ **Creation:**Interlocal agreement and ordinance or interlocal agreement and petition with signatures from 15% of registered voters. MCA 7-11-1102
- ◆ **Governance:**Specified in interlocal agreement. Usually the same as city/county setup. MCA 7-11-105
- ◆ **Finances:**Ordinance lists the mill levy (subject to MCA 15-10-420) necessary to finance library services. See also MCA 7-11-1112.

- ◆ **Dissolution:**Dissolution is determined in interlocal agreement. Generally done by one or both parties in writing. MCA 7-11-105
- ◆ **Board Powers and Duties:**Usually the same as City/County.

District

- ◆ **Creation:**Begin with petition with signatures from 15% of registered voters in proposed district or with a resolution from county commissioners. Requires open hearing and an election. MCA 22-1-702
- ◆ **Governance:**Initial board is appointed by governing body of county. MCA 22-1-704
 - ◆ Voters within the district elect subsequent trustees. MCA 22-1-706
- ◆ **Finances:**Initial vote for district determines the maximum mill levy for the library (subject to MCA 15-10-420. See also MCA 22-1-703)
- ◆ **Dissolution:**Dissolution begins with a resolution by library board or governing body or a petition signed by 15% of voters. Final dissolution occurs with election. MCA 22-1-710
- ◆ **Board Powers and Duties:**Operate and maintain library property; conduct programs; make improvements to property
 - ◆ Prepare annual budgets
 - ◆ Pay necessary expenses of staff members
 - ◆ Prepare and submit records to Montana State Library
 - ◆ Employ or contract with personnel or other entities to receive or give library services
 - ◆ Acquire, own, and maintain property for the district
 - ◆ Adopt bylaws for the operation of the district
 - ◆ Establish a property tax mill levy
 - ◆ Accept donations
 - ◆ Establish a depreciation fund.
 - ◆ Exercise other powers, not inconsistent with the law. MCA 22-1-707

Who To Contact For Help?

- ◆ Tracy Cook, Statewide Consulting Librarian (866) 843-6524 or tcook@mtlib.org
- ◆ Sarah McHugh, Director of Statewide Library Resources, (406) 444-9816 or samchugh@mt.gov
- ◆ Lauren McMullen, Statewide Consulting Librarian (866) 730-1681 or lmcmullen@mtlib.org
- ◆ Suzanne Reymer, Statewide Consulting Librarian (888) 826-0837 or sreymer@mtlib.org

Chapter 2

Exploring Library Districts and Gauging Support for a District Effort

In this chapter we will look at researching district options and finding out if there is support for a district effort. We will also take a closer look at some of the preliminary decisions that need to be made when creating a district.

Research The Districting Option

Read the library district section in the Montana Code Annotated (http://data.opi.mt.gov/bills/mca_toc/22_1_7.htm). Law isn't the easiest thing to read but it's important to start here. These laws will give you an idea of what it takes to become a district, what a district is, and what the library board can do once the library is officially a public library district.

- ◆ Talk to Montana State Library staff about districts. Our contact information is below. State Library staff can talk to you about districts and connect you with current district library directors and trustees.
 - ◆ Tracy Cook, Statewide Consulting Librarian (866) 843-6524 or tcook@mtlib.org
 - ◆ Lauren McMullen, Statewide Consulting Librarian (866) 730-1681 or lmcmullen@mtlib.org
 - ◆ Sarah McHugh, Director of Statewide Library Resources, (406) 444-9816 or samchugh@mt.gov
 - ◆ Suzanne Reymer, Statewide Consulting Librarian (888) 826-0837 or <mailto:sreymer@mtlib.org>
- ◆ Attend or arrange training about districts. State Library staff can visit your library and provide training for board members, directors, local government officials, and any interested volunteers. You can also ask library district directors and board members to come and talk to the board. Many directors and trustees are happy to share what they have learned about districts. You might also check to see if there is public library district training at the annual Montana Library Association conference or at other online/in person venues.
- ◆ Read this handbook. We almost didn't include this one. After all you are reading this handbook right now, but it can be a great resource for you. It's available 24/7 and hopefully will inspire plenty of food for thought.

Decide on Whether or Not to Create A Committee To Explore District Option

When you are exploring the library district option you might want to start with the board members and library director. There is a lot to forming a district and eventually you will want a committee. You will need volunteers to help with educating the public, getting out the vote, and starting up the district. However when you are deciding on whether or not to even become a district you might want to stick to a smaller group of people. Smaller groups are easier to manage.

If forming a committee is right for you then look for committee members with different skills. You need people with legal and financial backgrounds. You also need people with public speaking skills as well as volunteers who can design attractive public relations material. Don't forget to include the director and at least one board member on the committee. The director can offer insight into how the library works while the board member is an important liaison between the district committee and the library board.

Decide on Boundaries and Name of the District

This one can be tricky. The best option is to go as large as you can. This gives your library a larger population base which means more money. It's easier to raise the number of mills you actually need to thrive not just survive. Plus a larger area means you don't have to ask for as many mills, because each mill is worth more money. This makes taxpayers happy. When we say as large as you can we are encouraging you to include the entire county as well as other nearby counties. That's why we said this one is tricky. Including a larger area means working with other libraries and other local government officials. You will have to negotiate with the other libraries and work with them to create a district that benefits everyone. If you are willing to do this your communities will benefit greatly. You will have more money, more staff, and more time to provide library services. The downside is that you will have to give up some local control. However the changing world around us is already taking away some of the control that we once had, so it's more important to focus on what's best for Montanans. Can you offer them a stronger, better library system if you go larger?

If working with other counties and/or libraries isn't feasible for you then the district boundaries can be whatever you want them to be- as long as the property value within that area is at least \$5 million. We recommend using current district boundaries such as school districts, sewer and/or fire districts. Using predetermined district boundaries makes it easier for you to explain the boundaries of your district. It also makes it easier for the county election officials and the clerk or treasurer. These individuals will assist you when you are starting your district. They will be the ones to help you determine the value of a mill in your area as well as the ones who create the election materials. If it makes sense to use the same boundaries as a school district or other type of district please do so. If it doesn't you can create whatever boundaries you want to create as long as they meet the \$5 million criteria. See the North Lake County Library District (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_A.pdf) map for an example of a independent public library district that used school district boundaries.

After you have decided upon your boundaries think about what you would like the district to be called. You can leave your name the same as it is currently, but this can be misleading. If you are a county library and your boundaries include the entire county then it would be okay to keep your name, but if you are a city library you should consider changing your name. This will make it clear that you are expanding your boundaries and that people outside of the city limits are welcome to use your library. Sometimes people think that a city library can only be used by city residents, so it's a good idea to change your name to reflect your true service area.

Here are the legal options available for forming a district:

Establishment

Territory that contains no library can be formed into a library district. The new district can set up its own library and provide services itself. Advantage to this method is that the new district has a great deal of control over the service it will provide. Disadvantages are that setting up a new library takes a tremendous amount of work. If there are other libraries in the area, there may be difficulties working out reciprocal arrangements.

Establishment/Contract Service

Territory that contains no library can be formed into a library district, but the new district does not provide services itself. Instead it contracts with an existing library to provide services to its residents. Advantage of this system is that the new district does not have to set up its own library. Disadvantages are that the district must negotiate a contract with a library that does provide services. This gives it less control and at times there may be major conflicts between the district and the contracting library.

Establishment/Existing Library

Territory that includes one existing city or county library can be formed into a district that serves the city or county and surrounding area. Advantages of this option are that the district does not have to set up a new library, and the district controls the services. Disadvantages in the city library scenario are that "rural" residents may feel that the city controls all of the services and that the district is a way of making rural residents pay for city services. This would not necessarily be true in the case of a county library becoming a district since all residents pay county taxes.

Establishment/City Library Combination

Territory that includes two or more city libraries can be formed into a district that includes untaxed territory that connects the cities together. Advantages of this option are that the district does not have to set up a new library, and the district controls the services. Disadvantages are that much work will be required to coordinate the services between the branches and to assure that the different communities feel that they are treated fairly.

Establishment/County Library Combination

Territory that includes two or more county libraries can be formed into a district. Advantages of this option are that the district does not have to set up a new library, and the district controls the services. Disadvantages are that the two counties must work through their different government structures and find common ground to negotiate a district. Much work will be required to coordinate services and to assure that the different communities feel that they are treated fairly.

Establishment/County-City Library Combination

Territory that includes one or more county libraries and one or more city libraries can be formed into a district. Advantages of this option are that the district does not have to set up a new library, and the district controls the services. Disadvantages are that the county and city must work through their different government structures and find common ground to negotiate a district. Much work will be required to coordinate services and to assure that the different communities feel that they are treated fairly.

Decide on Services the District Might Offer

Many library boards and directors pursue the district option because of a funding problem. While this is understandable please don't forget to consider library services. A new library district can be an opportunity for the library to provide expanded and/or new services to the community. Ask people what they would like to see at the library. Do they want more hours? More computers? Classes or new programming? If so try to find a way to offer these through the new district. It helps your cause if you can talk about library services first - plus that's why you're here. Libraries are about improving the community's quality of life. Explore that idea and come up with ways to do that by talking about services you can offer once you become a district.

Chances are your new district expands your current boundaries (or at least makes them official), so take some time to think about how best to offer library services to people who aren't in your immediate vicinity. You will have to convince people throughout the district to vote yes, so be prepared to tell them how the new district will benefit them. Can you offer a bookmobile or mail services to people who live a long way from the library? What about book drops in remote places? How else can you offer services to these people? Consider various options and talk to people who live in the far corners of the district. Find out what they would like to see with a new library district and then follow up by considering their suggestions and doing your best to add one or two new services that will benefit people living within the district boundaries.

Create a Budget for the District

Determine the cost of the new district. This can be difficult to do, but if you have an existing library in place then you do have some idea of the costs of running the library. You will definitely have to include your current budgetary figures plus additional money for pieces that the county and/or city might be paying as well as additional money for new services. You might find it helpful to examine the statistics for libraries serving similar size populations. The State Library publishes statistics for Montana public libraries annually (http://Association's.mt.gov/For_Librarians/For_Public_Librarians/Statistics/default.asp). Average expenditures per capita are calculated for libraries in various size categories. Multiply this per capita figure by the population being served in the proposed district to figure out what a typical library of that size spends for service. Additional costs to consider include:

- ◆ costs of an annual trustee election and an annual audit of the library's budget
- ◆ bookkeeping
- ◆ building costs if they are assumed by the district - which includes lease or purchase, repair and maintenance, utilities, snow removal, landscape, janitorial services, etc.
- ◆ personnel administration costs including salaries, insurance and retirement, along with other benefits.

Because we have library districts in Montana you can contact those districts to get an idea of how much they pay for the above items.

If the new district will have to purchase, build, or extensively remodel a building in order to provide district services, you should include these costs in the total cost estimate as capital costs. Capital costs are the costs of buying or building a library facility. These costs may be raised through bond issues or as part of a depreciation fund. [See MCA 22-1-707]. If there will be major capital costs in beginning the library district, state these costs openly and honestly in any estimate of the district's total costs. (Opponents of the districting effort will certainly include these costs in their estimates, so it's best to be open about all costs.)

The issue of costs is usually one of the most difficult aspects of promoting a new library district. Be open and aboveboard when discussing the costs of a library district and how money will be raised through property taxes, but relate the cost of library services to the value people will receive from those services.

After you have all of this information try to create an operational budget for the district that includes the above expenses plus any revenues from non-levy sources such as gifts, fines, fees, etc. You need to know how much money is required to run the district in order to determine how many mills you will need from a mill levy election.

Determine the Amount of Mills You Will Need Levied

State law requires that the territory included in a public library district contain a taxable value of at least \$5 million. This requirement exists because we want libraries to survive and thrive. It's a lot of work to create a district, so it's important that you levy enough mills to truly fund your new district. You don't want to be in starvation mode before you have even started. You need your budget in order to begin the process of determining how many mills to ask for during the election.

Your clerk or treasurer can give you an idea of how much a mill is worth. If you have a good relationship with this person they probably can help you figure out how many mills you would need for your new district. If that is not the case s/he will hopefully share the value of a mill in the district territory. Once you have this information you can determine how many mills you need for your district. Refer to MCA 15-10-420 for information about calculating levies. Montana property tax laws determine maximums that can be levied each year. **Tax laws are complicated, so contact your city clerk or treasurer for help.**

Contact the local Department of Revenue office as soon as you decide to try and become an independent public library district. The Department of Revenue needs to know about new taxing jurisdictions. You can explain that the district needs to be voted on and established, but giving this local office notice should help in the long run. Here is a link to each county's local office: http://revenue.mt.gov/abouttheagency/local_office_locations/default.mcp.

Helpful Hint: Ask for more mills than you need. You have to decide on the best strategy for your community, but if you ask for more mills than you need it will give future boards the ability to raise more money for the library without going for a mill levy campaign. You may be better off asking only for the number of mills you need, but other districts have been successful at asking for more than they needed. These districts reassured voters that the board wasn't going to levy the full amount, but simply wanted it to be an option if the district needed more funding for additional services in the future.

Talk to Local Government Officials

You will need the support and assistance of your local government officials to be successful in a district effort. Once you have done some preliminary work with the district, talk to the clerk, treasurer and county commissioners. At various points in the process you will need the assistance of these people. You need the clerk or treasurer's help in order to determine the value of mill, and s/he can be very helpful when it comes to paperwork. The commissioners are the ones who need to pass resolutions - the first to put the issue of a district on the ballot and the second to form the district if the vote is positive.

You need to find out how supportive your commissioners are about the new district. They can make life difficult for you if they are against the district idea. You can continue with your efforts, but it will be much harder to form a district without the support of the commissioners. If you do decide to join with other libraries and to go outside county boundaries you must include the commissioners and clerks in those areas as well.

What if the County Commissioners Do Not Favor a Library District?

Consider whether or not to proceed. Commissioners hold a lot of power over the districting process and the first year of operation. If they are openly opposed to the idea, you may want to take the time to work with the commissioners until they are agreeable to the districting project.

Talk to Library Supporters

You need the support of these people as well. Make sure that loyal library patrons, your friends groups, other library supporters, and foundation members are behind the idea of a district. They can be a source of volunteers for the districting effort. If they are against the district idea they can make it difficult to form a district. You must talk to this group of people about why you want a district, what the boundaries of the district will be, and how much you think it will cost. Be sure to mention the value of library services and the way the district will help you to increase or improve services. It's important to talk about the stable funding piece, but don't forget to talk about the value of the library either. As you talk to these various groups you have to remember to present this idea in a way that answers the question "How does this benefit the community and/or the individual library user?"

Decide Whether or Not to Move Forward With the District Option

After working through these decisions and talking to local government officials and others, the board and director need to make a decision. Should you try to become a library district? If the answer is yes consider forming a district committee to help you with educating the public and creating materials for the campaign. If the answer is no then you can explore other ways to stabilize funding and improve library services. It's okay to say no to this idea. The time might not be right.

Chapter 3

Forming a District Group - The Role of Local Government Officials and the New Board

We need to discuss the role of local government in forming a district as well as the importance of creating a formal group/committee that will lead the district effort. Your local government officials both city and county play an important role in forming a district. They also happen to be a critical part of many of the special issues we are going to talk about later on in this chapter. So what is the role of local government? And what about the new board of trustees? In some ways it's awkward to create a library district because what happens in a new district really depends on its first board of trustees. It usually works out, but be aware of this weird dichotomy where the current board and some loyal volunteers have to make some preliminary decisions that might be carried out by a different group of individuals - the first library district board.

Create an Official District Planning Group/Committee

If you did not form a group during the initial exploratory phase you need to create one at this point. As we mentioned earlier creating a district is a lot of effort, so you need volunteers who will help educate the public, get out the vote, and start some initial work on how the district will function once it is up and running. Once you have found support and interest for a district recruit members who can help do the work necessary to create a library district. One of the five library board members from each library involved must make a strong commitment to the project by serving on the district committee and no board members should oppose it. **If strong support is not available from the existing library board(s), the districting project will almost certainly not work.** The board will need to give direction to the district committee. What exactly does the board expect of this group? It's a good idea to define board expectations before forming the district committee.

It is also essential that the library director and other staff support the project. Staff members often fear that districting may threaten their employment or their benefits. Be honest with the staff on these points. In some cases, districting will have little effect on the employment or working conditions of the staff. In other cases districting may have very serious implications for staff.

It is probably too early to determine exactly how the districting effort will affect staff members, but you need to deal with the staff in good faith. State up-front that the districting project will make major changes in the conditions of their employment if that is the case. Assure staff that their concerns will be taken into account as the districting process moves forward. Include staff representatives in the group, but ask them to be open-minded about the process.

The board, director, and perhaps staff members need to identify potential community leaders and library supporters for the district steering committee. Identify what skills are needed for running a district effort. Some suggestions include someone with legal knowledge, someone with public relations experience, someone with experience in running a campaign, and maybe even someone with experience in project management.

Educate potential group members about the commitment they are making before asking them to join the group. Districting projects involve running an election and will entail a great deal of work. Group members should have a complete understanding of the process. Hold a meeting with all potential members of a group to define the group's duties and any expectations. State Library personnel can talk to the group about the districting process and the many steps that need to be taken. You can also have someone from another districting project talk about their experience as they can give potential members an accurate picture of what happens.

Coordinating Local Government Efforts

Keep local government officials informed throughout the process. You will need to educate local officials about their responsibilities. You should also be prepared to negotiate about how the process will be carried out. Here are the responsibilities of the various local government officials.

City Government

Working with city councils is important. City council members are opinion leaders in the community, so they must be informed about the districting process. Talk to city council members about the district and how it affects their library. Educate them about the various options open to them and the advantages and disadvantages of each.

Establishment: The city council and the new library district must work together to resolve many issues. It is imperative that a city council of an established library be included in the planning process for a district that would like to include that city. If the current city library is funded through the general fund, the city council can decide to reduce property taxes by the amount currently paid for library services if the election passes. The city council can also greatly influence the ease of transition from a city library to a district library. If the city owns the library facility, it must agree to continued use of the library building. The council can also decide to provide transitional funding during the first year of the district's existence. These powers influence the operation of the district during its crucial first year of service.

Keep city councils informed about the process and consider their attitude about the district when deciding whether the city should be included in the proposed district.

Be prepared to conduct negotiations on the continued use of city library facilities, of transitional funding, and of the reduction of the city budget for the portion used for library services during the planning phase. You can find more information on these negotiations later in this handbook.

Consider including sympathetic members of the council or sympathetic city clerks in the initial district planning group. It is the best way to work with city governments. Doing this assures the council that it will receive accurate information about the group's plans, and it gives the districting effort an informed advocate at city council meetings. If this cannot be done, work hard to keep the council informed about your work by sending the council the group's meeting reports. Make an effort to report to the city council meetings on a regular basis.

Resolution Needed: If you are currently a city library you will need the city council to pass a resolution allowing you to join the library district. See MCA 22-1-705 (http://msl.mt.gov/For_Librarians/For_Public_Librarians/Library_Law/Laws_and_Rules/lawsdetail.asp?lw=162) Consolidation of existing public libraries or public library districts for more information.

County Government

County government officials carry a great deal of political power and are responsible for carrying out many of the legal activities of the districting process. County commissioners are responsible for receiving the petition for establishment, holding a hearing, carrying out some or all election procedures, and issuing the order that the district is established if the election is successful. After a successful election, county commissioners appoint the first district board.

Try to include county officials in the district group. If they do not have the time or interest to do this, you need to educate them about the process and their role in it.

County commissioners and the county clerk are probably not aware of their responsibilities in this matter. Meet with both the commissioners and the county clerk to discuss the districting process. County officials must understand their legal responsibilities for carrying out and paying for election procedures. Be prepared to work closely with the county attorney. Interpretations of state district law requirements, election requirements, and standard practices of the county commission may differ in some manner from county to county. It is important to discuss and resolve differing legal points of view to prevent them from becoming roadblocks to the district process.

Begin the education process with the county clerk, since this person will do most of the work. Work hard to keep this relationship and others cordial. Have one or two people develop an on-going relationship with the county clerk. This gives the county clerk a point of contact. Approaching the clerk with a larger group of people may make the clerk feel that you are trying to intimidate them.

Ask the county clerk for their advice, as they usually have a great deal of useful information. Be prepared to hear about the county clerk's particular issues with the process, and look for ways to compromise if problems occur.

The election's timing process can cause problems for the county when it holds the election. If proposed district boundaries do not follow voting precinct lines, it can make election procedures more complicated. To solve these problems, try conducting an election when other elections are being held or redraw district boundaries to coincide with precinct boundaries. Give the county time to budget for an election by informing them of the election date as far in advance as possible. Consider compromises if they do not drastically interfere with the districting process. If necessary be prepared to pay for part of the election costs. If you have a special election the county can ask you to come up with the money to pay for the election costs. It may be in the best interests of the district to have a special election, so don't ignore this possibility simply because you don't have the funding. Fundraising is always an option.

Once you have worked with the county clerk, schedule a meeting with the county commissioners to explain the process and ask for support. Send written reports to the commissioners and county clerk throughout the process. At strategic times, contact the county clerk and make oral reports at county commissioners' meetings.

Resolution Needed: If you are currently a county library and the county was the one who established your library you will need the county commission to pass a resolution allowing you to join the library district. See MCA 22-1-705 (http://msl.mt.gov/For_Librarians/For_Public_Librarians/Library_Law/Laws_and_Rules/lawsdetail.asp?lw=162) Consolidation of existing public libraries or public library districts for more information.

The New Board of Trustees

County commissioners appoint the board for the new district. This gives the commissioners power over the district at the beginning of its existence. Try to come to some sort of understanding with the commissioners about who should be appointed to the board. Usually the commissioners will be happy to receive suggestions about these appointees. If you are the only library

involved in the districting effort suggest that the current library board be the first board appointed. This will help with continuity of the district efforts.

If two or more counties are forming a district, then the counties jointly appoint the first board. The libraries involved in the district effort should discuss their recommendations together. It would make sense for a combination of the two boards to be appointed, so identify the best candidates to recommend to the county commission. After the first board members have served their respective terms board members are elected by the public.

Special Considerations

Many things have to be discussed and considered during the district process. The current library board and/or district committee can make suggestions, but only the official public library district board will be able to make decisions. However the initial group working on the library district can help by reviewing some major issues and then coming up with suggestions for the first library district board.

Planning for Facilities

Planning for facilities depends upon what kind of districting project is being contemplated. Planning for facilities falls into two categories: obtaining a new facility or securing the present library facility.

New Facilities

Will the new district need a new facility? This could be the case in a district where there is no existing library, there is a need for a branch, or the current facility is inadequate. If you need to acquire a new facility that cost should be factored into your budget request. You need to be up front with people if the new district is going to require a new facility. The State Library has several books about new construction. You can search our catalog at <http://msl.mt.gov>. In addition there are several libraries in Montana that have renovated and/or built a new library. MSL staff can put you in touch with these libraries if you would like more information about the process.

Existing Facilities

Services can be provided out of facilities that are already being used as libraries. The group must negotiate with the city/county to secure the library building. Local governments may turn a building over to the new district. If not, the district may have to purchase the building, work out rental agreements, or find another facility. If the library is part of a local government building, the group should negotiate with the city or county about rent and utilities. These negotiations must be completed before the creation of the district, so that voters will know what the cost of the district is likely to be.

When an agreement is reached on how facilities will be transferred, a memorandum of agreement should be written with the city or county to clarify the terms of transfer, purchase or rental. [Refer to Sample Memorandum of Agreement with City (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_B.pdf)]

Note: Cities or counties may be willing to let a new district library stay in the old library building, while the city maintains ownership and continues to pay the utilities. This seems like a good arrangement, but you may be opening yourself up to a number of problems. Taxpayers may complain about being double taxed for the library, since they are paying district, and city or county taxes. Another possible problem is a new administration may want the district to pay rent and utilities which would lead to unexpected budget demands.

Other Facility Expenses

Consider insurance, utility costs, maintenance and repair costs when making decisions about facilities. Seek out local opinions about the current structure. Is it sound? Is the flooring support in accord with the building codes that apply to book shelving? What is a typical utility bill? Are there any special problems? Answer these questions before making a decision about new facilities.

Funding For The First Year

The district will not receive money from a levy until well into the first year, so you need to plan for how you will pay for the first year.

Continued City/County Support

Cities/Counties are sometimes willing to continue funding the library until tax dollars are collected for district library services. Discuss this possibility with the local government. If the city or county accepts the idea, develop a memorandum of agreement. [Refer to Sample Memorandum of Agreement with City (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_B.pdf) Current Levy] Property owners during the transition year will continue to pay the current levy which the library should receive. The old levy will be replaced by the district levy.

In some cases the city/county may be unwilling to carry the library during the first months/year. In this case the new district may have to ask for a loan from their local government. The new district board and director should be prepared for this possibility and will need to negotiate with the city to determine interest rates, loan amount, and payment schedule.

Accounting, Legal, Maintenance Costs

Financial System

The new district will need to create an accounting system that is in accordance with the Local Government Financial Administration and Taxation laws, MCA 7-6-201 thru 7-6-213; 7-6-609 thru 7-6-1116. Accountants from the Local Government Services Bureau of the Department of Administration will help the new district with the accounting requirements. Contact your representative once the new district has formed - http://accounting.mt.gov/sad_contacts.mcp#LGSB. The district has three different options for setting up an accounting system.

- ◆ Establish its own accounting system. Accounting will be handled internally by library staff. Pros of this method are the library has complete control over the accounting; the director and board can set up accounts that work for the library; and staff are probably better able to move quickly and respond to problems faster than the other two options. Cons of this method are it has a steep learning curve for library staff and does have some costs associated with purchasing new software, etc.
- ◆ Contract with the local governing body. Accounting for the new district will be handled by the city or county. Pros of this system are that you probably will keep the same accounts as you currently have, the city/county staff are familiar with accounting procedures, and it makes for a smoother transition if you stay with your current governing body. Cons of this method are that a change in local government officials may end the contract sooner than expected; the local governing body might not respond as quickly to issues the library has; and there will be a cost associated with this one.
- ◆ Contract with a private accountant who has experience with governmental accounting. Pros of this method are that someone with accounting experience is handling the accounting for the library. Cons of this method are that you will have to set up a new system; response time might not be as quick as you like; it may be difficult to find someone with governmental accounting experience; and there is a cost associated with this one.

Legal Representation

Consider how you will employ legal counsel. It is important to ask for a legal opinion when establishing new policies and procedures. Normally districts only hire attorneys on an as-needed basis. However, it is useful to find an attorney to work with throughout the districting process.

Risk Management and Insurance

Consider errors or omission insurance for the district board, along with liability, theft, fire and damage insurance for the building. A local insurance agent may be able to assist you with acquiring insurance policies. Some local insurance agents have a relationship with the Montana Association of Counties which provides insurance for independent districts. This policy is generally provided through a local insurance agent.

Transfer Of Staff And Benefits

This is one of the most important areas of decision-making. Changes in personnel policies range from none to completely new policies. Here are the different kinds of changes that can occur.

Little or No Change

This occurs in the following instances:

- ◆ When all libraries in the new district were already operating under the same administrative unity.
- ◆ When the new district does not operate a library, but contracts with an existing library for services.

In these cases, all the district's personnel are employed under a previously established library or administrative structure. Salaries and benefits remain the same. If the name doesn't change, then no further work is needed.

If the name is changed, then the new name will need to be reported to federal and state income tax agencies, the state insurance fund for workers compensation, and the state department of employment for unemployment insurance coverage. Insurance and other companies providing personnel benefits will need to be notified of the legal name change.

Creating a New Personnel System

This occurs:

- ◆ When a new district is established where no library existed before, and the district will operate its own library.

Consider a salary structure by checking with other libraries in the area to see what they are paying for particular jobs. Look at similar jobs in your community, as you will be competing with other community employers for employees.

Establish the following required accounts:

- ◆ Federal income tax accounts
- ◆ State income tax accounts
- ◆ Social security
- ◆ Workers compensation
- ◆ Unemployment insurance

Examine the following as possible benefits:

- ◆ Health insurance
- ◆ Life insurance
- ◆ Retirement usually through the Montana Public Employee Retirement Administration (MPERA)

Final decisions will be made by the new board, based upon recommendations of the group.

Transfer from a City/County to a District Personnel System

This occurs:

- ◆ When a city or county library becomes a district library.

Establish the following required accounts:

- ◆ Federal income tax accounts
- ◆ State income tax accounts
- ◆ Social security
- ◆ Workers compensation
- ◆ Unemployment insurance

Examine the following as possible benefits:

- ◆ Health insurance
- ◆ Life insurance
- ◆ Retirement usually through the Montana Public Employee Retirement Administration (MPERA)

You must reach agreements with the city or county about transferring employees from city or county to district payroll. Avoid confusion by having a written memorandum of agreement with the city or county. [Sample Memorandum of Agreement with City.] (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_B.pdf)

Chapter 5

Pursuing the District: Legal Options For Forming A District

The next section of this handbook will be dedicated to what legally has to happen to create a district. Once you have made the decision to go forward with the district vote you need to prepare some materials that will help you with forming a district. These materials can also be used for public relations. Let's start with a discussion about the legal routes for creating a district. It will help you better understand the various materials you need to create and why.

After talking to local government officials you should know which option you are going to have to use to become a public library district. The first option is a resolution passed by the county commissioners that puts the library district issue on the ballot. The second option is the petition route. In this option you will have to get signatures from registered voters before the county commissioners pass a resolution. Both options require an election to officially create the library district. Let's explore each option. This information is based on MCA 22-1-702. Be advised that the steps outlined herein are of a summary nature only. Users of this handbook are encouraged to refer to MCA to determine the required legal steps necessary to form a district.

Option 1: County Commissioners Pass a Resolution Putting the Library District Issue on the Ballot

This is definitely the easiest option for you. If the county commissioners are supportive of your desire to become a public library district they can save you some work by holding a hearing about the library district idea and then passing a resolution to put the issue on the ballot. You will have to create a few legal documents for the commissioners before they can pass this resolution, but it's good to know which route you have to take as soon as possible. When you first talk to county commissioners find out if they are willing to pass a resolution. Here's a brief summary of the steps that would be taken if the County Commission passed a resolution.

- ◆ A resolution of intent to form a public library district is adopted by the governing body of the county. This resolution schedules a public hearing on the question of forming the district and sets forth the various issues that should be considered at that hearing.
- ◆ The governing body of the county conducts an open hearing.
- ◆ If the governing body views the open hearing results as supportive of a public library district, it adopts a resolution which sets the boundaries, maximum mill levy, and number of trustees for the proposed district, and calls for an election on the question of whether to create the district.
- ◆ An election is held.
- ◆ If a majority of the votes cast at the election approve formation of a district, the governing body of each county with territory included in the proposed public library district shall certify that the district is formed and appoint the initial members of the district's board of trustees.

If the county commissioners agree to pass a resolution here are some of the materials and/or information that you will need (based on MCA 22-1-702; again this is a summary so please refer to the actual text of the law):

- ◆ A map and description of the boundaries of the district;

- ◆ The maximum mill levy for the proposed district;
- ◆ The number of members you wish to have on the board of trustees; and
- ◆ And whether or not you wish this to be held in conjunction with a regular, primary or mail-in ballot election

The text of the resolution will cover all of the above information along with a call for an election on the question of whether or not to have a district. We will talk about each of these items after discussing the petition option, since the petition route requires the same materials.

Option 2: Create the district through a petition process and then a resolution by the County Commissioners

If the county commissioners are not supportive or feel strongly that there needs to be clear interest in the idea of a district they may require you to go through the petition process. If the commissioners require a petition before passing a resolution you will need a **petition signed by not less than 15% of the qualified electors who reside within the proposed district**. This requirement can be found in MCA 22-1-702. So what does this mean for you? Here is a quick summary of the steps to creating a district when using the petition process.

- ◆ Create petition and then gather the required number of signatures
- ◆ File legal petition with the county clerk
- ◆ The governing body of the county conducts an open hearing
- ◆ If the governing body views the open hearing results as supportive of a public library district, it adopts a resolution which sets the boundaries, maximum mill levy, and number of trustees for the proposed district, and calls for an election on the question of whether to create the district.
- ◆ An election is held.
- ◆ If a majority of the votes cast at the election approve formation of a district, the governing body of each county with territory included in the proposed public library district shall certify that the district is formed and appoint the initial members of the district's board of trustees.

If you have to go through the petition process you will need the following materials (based on MCA 22-1-702; again this is a summary so please refer to the actual text of the law):

- ◆ Petition
- ◆ A map and description of the boundaries of the district;
- ◆ The maximum mill levy for the proposed district;
- ◆ The number of members you wish to have on the board of trustees; and
- ◆ And whether or not you wish this to be held in conjunction with a regular, primary or mail-in ballot election

So let's tackle each of these in more detail. We will save the petition for last, because it requires information about the boundaries, mill levy, and number of board members.

Develop A Map And Description Of The Boundaries Of The New District

By this time you should have decided upon your boundaries. In this phase, you must make it legal by using appropriate terminology and providing a map. Ask your county attorney if s/he can help you create a legal description and map for the district. Or you can hire an engineer or surveying firm to provide you with both of these items. If these options are not available to you please contact one of the consultants at the Montana State Library. It is possible that the Natural Resources Information Systems division of the Montana State Library can create a map for you.

Please see the North Lake County Public Library District Map for an example. (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_A.pdf)

Decide Upon The Maximum Mill Levy That You Want For The District

List the proposed maximum property tax mill levy that was calculated in the previous chapter. This amount can be exactly what you want/need to levy to support the district or it could be an adjustable levy. If you are going with an adjustable levy you would use language similar to the following:

- ◆ The board will levy up to 22 mills for the library district

Find out from the clerk and recorder or the treasurer how much this is going to cost a house that is worth \$100,000 and a house that is worth \$200,000. You need to include this language on your petition and/or in the resolution. If you live in a county with lower property tax values you may also need to calculate the cost of the levy for a house that is worth \$50,000.

Decide On The Number Of Board Members

Public library districts can have five or seven members. (See Montana Code Annotated 22-1-702.) The county commission will appoint the first board. If two or more counties combine to create a library district, then the counties jointly appoint the first board. The public elects succeeding boards. You may also wish to develop a district election plan. More information about this can be found at Montana Code Annotated (MCA) 22-1-706. You need to decide how many board members will be on the district library board before designing the petition or before the commissioners pass a resolution if you can move straight to the resolution process.

Decide On When You Want To Hold The Election

According to MCA 22-1-702, the election can be held in conjunction with a regular or primary election or it can be conducted by mail ballot. General elections are held the first Tuesday after the first Monday in November. Primary elections are held the first Tuesday after the first Monday in June and September.

There are financial advantages to holding an election when other elections are taking place. MCA 13-1-302 gives counties the responsibility for carrying out and paying for the election to establish a library district. Holding an election can be expensive, so county officials may be more favorable to districting if the election is held in conjunction with other elections.

Other circumstances may affect the election date choice. Think carefully about the election date and do some research on the history of local elections. Ask yourself the following questions:

- ◆ Have there been election dates where bond issues or districting elections have been particularly successful or unsuccessful?
- ◆ Are there dates when people are more or less likely to vote?
- ◆ Are there other bond issues or controversial items planned for any particular date?

Choosing the election date is a critical decision, as it will drive your calendar, can affect the costs of districting, and will influence other decisions during this phase of the districting project.

It may also be advantageous to have a mail in election. The district may have to pay for part or all of this cost, but other districting efforts have been successful after going through the mail in ballot process.

Draft The Petition

Once you have decided all of the above you are ready to write the petition. The petition language and the eventual ballot language must match and be legally sound as approved by the county attorney. The petition must contain the boundaries of the proposed public library district; a map showing the boundaries; the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and the proposed number of members on the board of trustees, five or seven. The petition's text must be published in a newspaper in accord with MCA 7-1-2121.

[Refer to Petition for Election (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_C.pdf)]

Circulate The Petitions And Supporting Materials

Petitions containing the name of not less than 15% of voters must be presented to the county commissioners unless that governing body chooses to initiate the district without requiring a petition. Get as many signatures as possible to avoid problems if some names are disqualified. More names also show support for the district.

Petition carriers should be active supporters for the library district. If possible ask for help from people who are property owners, have good standing in the community, and understand the issues. Hold a meeting where both the library issues and the petition process are explained to petition carriers.

Provide good written and oral instructions for petition carriers. Give the carriers these instructions to assure that the petitions will be correct and legal. Use the petition process as a public relations tool for the district.

Here are some tips and instructions for petition carriers:

- ◆ Petition carriers must be registered voters within the proposed district.
- ◆ Petition signers must be registered voters within the proposed district. If the signer isn't sure whether or not s/he is a registered voter, recommend s/he not sign the petition until s/he verifies his/her residency and voter registration.
- ◆ Signers must include their entire address, city and zip code and length of residence.
- ◆ Telephone numbers are optional. Carriers should explain this to signers and let signers know that the telephone numbers will only be used to remind the signer of the hearing and to vote at the election.
- ◆ Petition carriers should sign their own petition on one of the signer's lines as well as making the notarized signature at the bottom of the petition.
- ◆ Petition carriers should not allow a spouse to sign for the other spouse.
- ◆ Petition carriers should not promise anything about tax levies. Refer questions about district financing to the District Planning Group's financial committee.
- ◆ Petition carriers should inform signers of the hearing process and ask them to attend.

Petition carriers must sign the bottom of the petition in the presence of a notary public and they must have their signature notarized. This is extremely important, as **all names will be invalidated if the petition is not notarized.** [See Petition for Election (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_C.pdf) for the language required for validation of signatures.]

- ◆ Turn in petitions by a certain date.
- ◆ Have petition carriers turn in the petition to the district project coordinator or group rather than the county clerk. The petitions can then be checked for flaws, etc. before they are officially turned in.

- ◆ Once you have presented the petition to the county clerk, s/he has 15 days to either reject the petition if it is insufficient or certify that the petition is sufficient.

The Hearing With The County Commissioners

You should have already discussed the hearing process and a timetable with the clerk and commissioners. The hearing has to occur whether you go through a petition or resolution process.

Hearing Date

The county commissioners are required by law to set a time and place for a hearing before passing a resolution. The hearing can be part of a regular county commission meeting.

Hearing Itself

This is an opportunity for the public to speak about their concerns with the districting project. MCA 22-1-702 requires the commissioners to hear testimony about:

- ◆ whether a district should be created
- ◆ the proposed boundary, the property tax mill levy, and the number of members of the board of trustees
- ◆ any other matters relating to the proposed district

Hearings may be formal, where speakers must sign up at the beginning of the meeting, and each person is only allowed to speak once. Or they may be informal, where people are allowed to speak back and forth on the issue. Find out how your county commissioners normally conduct hearings, and prepare accordingly.

People who oppose the district will attend and speak at the hearing, so have proponents of the district speak at the hearing. Here are some hints about how to make a good impression:

- ◆ Ask community leaders to be present and speak in favor of the district.
- ◆ Put together a team of speakers to address different issues.
- ◆ Ask people to come to the hearing, even if they do not wish to speak.
- ◆ Anticipate the arguments that will be made against the district and plan on answering them.
- ◆ Ask that your most knowledgeable speakers be allowed to present last, if people are only allowed to talk once. This lets them answer any arguments against the district.
- ◆ Hold a practice session a week before the hearing. Have all those who plan to speak give their presentation. Have a devil's advocate speak against the formation of a district.

After the hearing, county commissioners have two options:

- ◆ Adopt a resolution which sets the boundaries of the district, the maximum mill levy, and the number of members on the board of trustees; and schedules an election on the question, or,
- ◆ Decline to move forward on the district if they are not convinced by the results of the hearing that the issues surrounding the proposed district have been satisfactorily addressed.

Existing Public Libraries and the Hearing

Public libraries not interested in consolidating with the district should indicate so as part of the public hearing process. Those libraries that are interested in consolidating with the district should talk to their governing body. The governing body of the city or county needs to hold a hearing to discuss whether or not the library should be included in the district. If the governing body determines that the library should be included in the district, it needs to adopt a resolution following the public hearing. See MCA 22-1-705 for more information.

Election Process

You've done a lot of the hard work for the district process. This chapter will discuss the steps necessary for an election. It includes information about creating an election calendar, an election committee and other things to be aware of as you prepare for the election. Now you must convince members of the public to vote yes for a library district.

Create an Election Committee

In accord with Montana election laws form a Political Committee that is a totally independent entity. This committee will solicit, collect, expend, and track election contributions and expenditures. Advertisements for the election should carry the name of the committee and the name of the treasurer. You don't want this to become an issue during your campaign, so please take precautions beyond what is legally required. **Under no circumstance should you use tax dollars to support election advertising.**

Create an Election Calendar

A number of preliminary steps must be taken in order for an election to be held. These steps are: collecting signatures on a petition (if a petition is required), presenting these petitions to the county commissioners, notifying the public of a hearing held by the county commissioners, the hearing itself, issuing a resolution by the county commissioners, publicizing an election notice by the county clerk, and the election itself.

Each of these steps must be taken within a certain time frame, so if you carry out any steps too early or too late, you could jeopardize the election. Create an election calendar that lists the timeline for each step in the process. [See Election Calendar (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_D.pdf).]

Create a Public Relations Plan and Design Public Relations Material

The importance of public relations cannot be overemphasized. A public relations program is more than just publicity. It involves choosing one or two important messages and then designing a systematic program to carry the message(s) to the public. The way that the message is conveyed is vital. Brochures, newspaper articles, etc. are essential, but it is also important to make many personal contacts.

Library board members must participate in the public relations work for the new district. Board members must show their support for the new district by speaking out to individuals and to groups.

Repetition of the message is vital. Everyone speaking for the districting effort needs to say the same thing. Use the same slogan and graphics repeatedly in brochures and other media, so that the message becomes identifiable in the public mind.

Make the message a part of well attended community events that relate to community pride. Plan to make the districting effort visible at such activities as county fairs, parades, and other special community events.

Endorsements by both groups and individuals are vital. Groups that work with children, such as 4-H, Girl and Boy Scouts, are likely to endorse efforts to improve library services. Other groups like PTO's, school boards, etc. that emphasize community involvement and education are likely to be supportive. Seek out prominent community leaders for endorsements. Use the list of supportive contacts and groups that you developed in the assessment phase. Some groups may be willing to either pay for advertisements announcing their endorsements, or to write a letter to the editor announcing their support. Develop a schedule for seeking and releasing news of endorsements throughout the districting project.

Assure that public relations are carried out in a systematic and effective way by developing and implementing a public relations plan. Ideally, a public relations professional should do the plan.

Include the following items in the public relations plan:

- ◆ Message(s) that will be emphasized in the public relations campaign
- ◆ Slogan(s) that will carry the message
- ◆ Graphics that will carry the message
- ◆ Brochures that will carry the message
- ◆ Calendar of events and activities that will carry the message
- ◆ Lists of local media outlets, including contact persons that will be informed of districting activities.
- ◆ Community organizations that will be contacted
- ◆ Methods for soliciting and publicizing endorsements for creating a library district
- ◆ Training program for spokespersons (particularly board members) to speak for the districting project

[Refer to Public Relations Plan] (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_E.pdf)

Present Your Idea to the Community

Begin approaching community groups. Ask to be given time at the business meetings of service clubs--such as the Kiwanis and the Rotary - as well as educational organizations - such as the school board and Parent Teacher Association (PTA). Talk to these groups about the library district - discuss library services that you will offer and the importance of tax-supported libraries. You will need to talk about costs. The most successful efforts often tie the small cost of libraries to common items that people purchase. See sample materials from the North Lake County Library District. (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_A.pdf)

Try to take at least two people to each group: one to speak and one to record what is said. After the meeting, look at recorded questions and comments. Count the ones that seem positive and the ones that seem negative. Analyze the meeting by answering the questions who said what, what was said, what wasn't said, and why was it said. This is subjective, but will add to the value of counting the number of positive versus negative comments. Based on both your objective and subjective analysis of the meeting, determine whether or not changes need to be made to the presentation.

Get Out the Vote on Election Day

You must prepare to get the vote on Election Day. Make up lists of supporters including names and phone numbers. Recruit volunteers to call these supporters immediately before the election or on Election Day itself to remind them to vote. Offer rides to those who cannot easily get to the polls. Obviously you should make these preparations in advance of the election itself.

Getting people to vote is important. Elections have been lost because of poor turnout in precincts. Even though people supported the effort, they forgot to vote. Creating a good list of supporters and reminding them to vote on Election Day is extremely important.

Conducting the Election

The county may carry out and pay for the election procedures unless the district steering committee asked for a mail in election. If so the district steering committee will most likely be paying for the costs of the election. According to MCA 22-1-702, the election must be conducted in accordance with Title 13 of the Montana Code Annotated. Only qualified electors residing within the proposed public library district may vote. According to MCA 22-1-703, the ballot must contain the following wording:

_____ FOR the creation of a public library district that may levy not more than _____ mills of property tax for the operation of the district. _____ AGAINST the creation of a public library district

Stay in touch with the county clerk through the election process and monitor the various election procedures that need to be completed. [See Sample Ballot for Election (http://msl.mt.gov/For_Librarians/Online_Publications/Forming_A_Public_Library_District/Appendices/add_F.pdf) for sample ballot language.]

Results Certification, Canvassing, and the Creation Order

If the majority of voters favor the district formation, the county commissioners must certify that the district is formed within 10 days. The county commissioners then have 30 days after the certification to appoint initial members of the district's board of trustees. Refer to MCA 22-1-704 for more information.

After the district is formed, cities with an agreement from the district trustees pass resolutions to have their existing libraries consolidated into the district.

Outcomes Of The Effort

Whether you win or lose, remember that you are trying to improve your community. Change isn't easy, and sometimes it takes more than one attempt to succeed. Before leaving you with final comments, consider the following quote:

"What is a community without a thriving, fully functioning public library? It's a pretty desolate, barren, totally uncool place to be."
- Columnist Dawn Turner Trice on the importance of voting in local library referenda, Chicago Tribune, March 31, 2004. Remember our communities need quality library service. We provide a place for people to learn and grow.

Success

If your election passes and a new district is created, there are lots of things that must be accomplished:

- ◆ Celebrate your accomplishment! Say thank you to all who supported the effort.
- ◆ Monitor the county commissioners' (and in some cases the city council's) actions that are required to create or expand the district.
- ◆ Carry out your new service plan.
- ◆ Publicize the changes that are occurring.

Celebrate

Take some time to savor success. Throw a party because you have worked hard at providing excellent library service for your community.

Thank those who helped, including the county commissioners.

Monitor the County Commissioners and the City Council

Local officials have certain activities that they are required by law to carry out if the election is successful.

- ◆ After the results have been canvassed, the county commissioners must certify that the district is formed within 10 days.
- ◆ Within 30 days after the certification, the county commissioners of each county within the district must jointly appoint the initial members of the district's library board. Refer to MCA 22-1-704.

Carry Out Your Long Range Plan

Begin working on the activities you planned. Make any needed changes in personnel structure, policies, and initiating new services. The more planning you did as you prepared for the new district the easier this will be.

Election Fails

There are two possible results of an election, winning and losing. Keep in mind; many wonderful projects have ended with an unsuccessful election. Sometimes even when you do everything right, other issues cause you to lose. Perhaps there was an unpopular item on the ballot that influenced the voter's decision; maybe your supporters didn't vote. The educational effort involved in districting may require a couple of unsuccessful elections before you succeed. Because failure is a possibility, take time to decide how to handle a lost election.

Realize that you and others in the districting effort will feel anger, discouragement, and disappointment. This will not be a good time to make decisions. This is why you need to make contingency plans.

Finding Alternatives

The election failure leaves the issues that originally created an interest in districting. You have three options:

- ◆ to try again
- ◆ to try another alternative
- ◆ to let the issue rest for a time.

Carry out the following tasks to determine what is the best of these three alternatives:

- ◆ Analyze the election campaign and results
- ◆ Re-examine districting alternatives based on the analysis
- ◆ Proceed with an alternative

Analyze the Election Campaign and Results

Analyzing the election campaign and results is an important task. Analyzing a campaign will help you decide what actions you should take after a failed election. Don't assess blame. Instead use the knowledge that you have to do things differently the next time around. Look at the precinct-by-precinct report of the election results. Are there areas where the vote was strong? Areas where it was weak? Were there any surprises? Were there areas where you expected strong support, but didn't see that materialize? Was there strong opposition in some parts of the proposed district? Try to understand the reasons behind the answers you receive.

As a group talk about the election. Here are some general questions you can ask yourself:

- ◆ Were there turning points in the election process - events that had a negative effect on the outcome? Could those events have been avoided and how?
- ◆ If the election was very close, what effect might another election have? Can you change the situation enough to make a difference in the outcome? Would another election soon after this election cause a backlash among voters?

Re-examine Alternatives

Re-examine all the alternatives in light of the election results.

- ◆ If the election was extremely close and it appears that corrective measures could change the results, you may want to try again.
- ◆ If the districting measure was strongly opposed in one geographic area, but supported in others, redraw the district lines. This may create a district where there is support.

- ◆ If the election results were overwhelmingly opposed to the district, you may want to wait.

Proceeding

Proceed with a new course of action, once you have analyzed the campaign and results. Disband the group, if you choose to wait until later.

If you want to try another election, return to the drawing board. Make the necessary changes in the dates and procedures to be used. Think about how to market the proposal and make it acceptable to the electorate. Pay attention to the arguments opponents made against the district and take corrective action.

Appendices

- ◆ North Lake County Public Library District
- ◆ Sample Memorandum of Agreement with City
- ◆ Sample Petition for Election
- ◆ Sample Election Calendar
- ◆ Sample Public Relations Plan
- ◆ Sample Ballot for Election

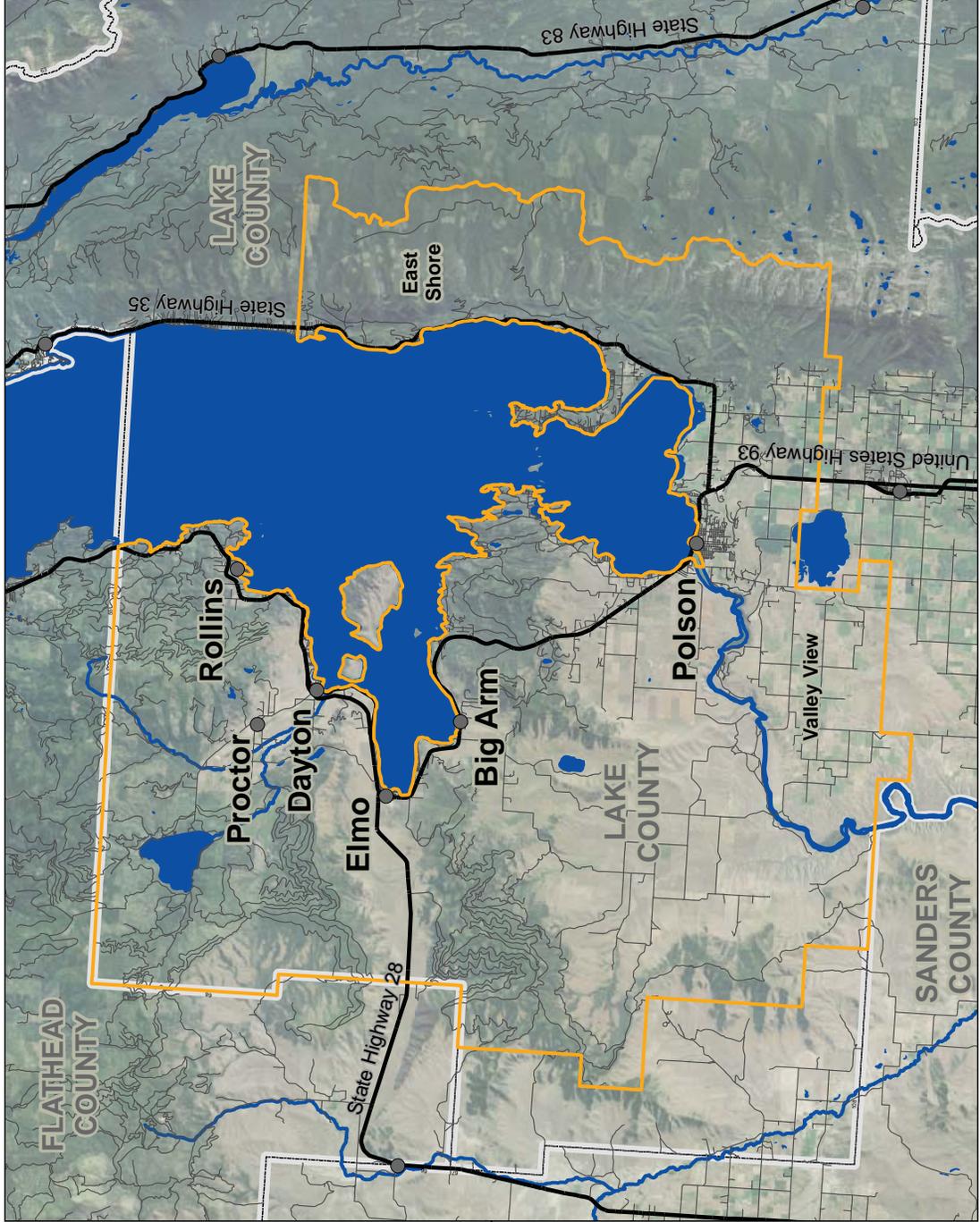
North Lake County Public Library District

Includes

- Rollins
- Proctor-Dayton
- Elmo
- Big Arm
- Polson
- Valley View
- East Shore



Library District Boundary



Sample Memorandum of Agreement with City

Memorandum of the Understanding Between the City _____ of and the _____ Public Library Board of Trustees

The City Council of the City of _____ does hereby state that upon the establishment of the _____ Public Library District it intends to proceed as follows, contingent upon the agreement of the Board of Trustees of the _____ Public Library District.

Name Change

Under the order made by the County Commissioners of _____ County on _____ [date], declaring the _____ Public Library District established, the heretofore entity known as the _____ Public Library will be known as the _____ Public Library District.

Board of Trustees

Upon the establishment of the _____ Public Library District, the Board of Trustees of the _____ will be disbanded. The first Board of Trustees of the _____ will be appointed by the County Commissioners of the following county or counties _____.

Staff

The _____ Public Library staff will be transferred for employment by the _____ Public Library District as of _____ [date].

Staff Benefits

Upon transfer of the staff of the _____ Public Library to the _____ Public Library District, the _____ Public Library District will assume payment of all premiums for personnel benefits, according to the written personnel policy of the _____ Public Library District.

Property

Option 1. Lease: The City/County of _____ will lease the library building and the land upon which it is located for \$ _____ per year to the _____ Public Library District, beginning _____ [date]. Personal property and financial assets will be transferred to the _____ Public Library District upon its establishment.

Option 2. Sale: The City/County of _____ will sell the library building and the land upon which it is located for a sum of \$ _____ to the _____ Public Library District on _____ [date]. Personal property and

financial assets will be transferred to the _____ Public Library District upon its establishment. Board of Trustees.

Option 3. Transfer: The City/County of _____ will transfer the library building, the land upon which it is located, personal property and financial assets to the _____ Public Library District upon its establishment.

Bookkeeping

The _____ Public Library District will assume all bookkeeping responsibility for its funds as of _____ [date].

Usable Fund Balance

The City/County of _____ will make a payment to the _____ Public Library District in _____ [month] and again after the finalization of the audit for _____ [year] of any funds left in the city library account.

Revenues

Option 1. The City/County of _____ agrees to support the library with a budget of \$ _____ during the first year of operation of the _____ Public Library District (that year during which the _____ Public Library District cannot make a levy because it is not yet on the tax rolls).

Option 2. The City/County of _____ agrees to support the library with a property tax levy of _____ during the first year of operation of the _____ Public Library District (that year during which the _____ Public Library District cannot make a levy because it is not yet on the tax rolls).

Revenues received by the City/County of _____ for library services (including budgeted funds and donations) through _____ [date] will be paid to the _____ Public Library District monthly. Back taxes having been levied for the library will be paid as received by the city.

*Additional terms could include specifying which entity will assume responsibility for risk management, liability, insurance, etc.

Sample Petition for Election

(Sample petition language from the Lake County efforts to form a library district)

PETITION

Persons signing this Petition request that the Lake County Commissioners call for an election on the question of whether to create a Public Library District as described below. The election would be held in conjunction with the June 8, 2004 primary election.

The Public Library District boundaries will encompass all of Lake County. Please see attached map for the boundaries. (Map is reproduced as Section III-A.)

Subject to MCA 15-10-420, the proposed maximum property tax mill levy that could be levied on property owners for the operation of this proposed Public Library District would be 10.07 mills. This mill levy will amount to \$22.80 per year for a property with a market value of \$100,000.00 and \$45.58 per year for a property with a market value of \$200,000.00 (2004 values/mill levies)

A seven member Board of Trustees would direct the Public Library District. These trustees would be elected from seven districts within the Public Library District and serve without pay. The Lake County Commissioners will create these districts.

Creating this Public Library District will stabilize funding for and improve library services, including the full-timer services of a Bookmobile, for the residents of Lake County.

WARNING

A person who purposefully signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Lake County voter is subject to a \$500 fine, 6 months in jail, or both.

All printed names MUST be legible.

Sample Petition for Election (continued)

Sample language for petition carrier to sign in front of notary based upon MCA 13-27-302.

I, _____ (name of person who is the signature gatherer), swear that I gathered or assisted in gathering the signatures on the petition to which this affidavit is attached on the stated dates, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

(Date on which the first signature was gathered)

(Signature of petition signature gatherer)

(Address of petition signature gatherer)

Subscribed and sworn to before me this _____ day of _____, 20_____.

Seal _____

(Person authorized to take oaths)

(Title or notarial information)

Sample Election Calendar

<i>Activity</i>	<i>Date</i>
Legal description and map finished	
Petition Drive (if required)	
Petitions presented to County Clerk who must reject or certify signatures within 15 days	
First printing of petition text in local newspaper, etc.	
Second printing of petition text in local newspaper, etc. (must wait at least 6 days)	
County Commissioners hold a hearing	
County Commissioners order an election	
First Notice of Election	
Second Notice of Election	
Election	

Sample Public Relations Plan

This message:

Slogans(s):

- 1.

- 2.

Description of Graphics (attach when drawn)

Media Outlets

<i>Name</i>	<i>Address</i>	<i>Telephone</i>	<i>Contact Person</i>

Training Program for spokespersons (particularly board members)

<i>Date</i>	<i>Presenter</i>	<i>Board Members Present</i>

Sample Public Relations Plan (continued)

Community Organizations

<i>Name</i>	<i>Contact Person</i>	<i>Telephone</i>	<i>Presentation Date</i>

Endorsements

<i>Person/Organization</i>	<i>Date of Announcement</i>	<i>Media Outlets</i>

Sample Ballot for Election

_____ County

_____ Public Library District

[Election Date]

INSTRUCTIONS

Mark an "X" in the box of your choice.

STATEMENT OF PURPOSE

The purpose of the proposed _____ Public Library District is to implement the declared policy of the State of Montana in regard to library districts in Montana Code 22-1-702, to establish public library service for all the people in the proposed district within _____ County, to make more adequate provision for an informed electorate by integrating, extending, and adding to existing library services and resources in such manner that public library service may be available to children in their formative years and to adults for their continuing education.

_____ FOR the creation of a public library district that may levy not more than _____ mills of property tax for the operation of the district.

_____ AGAINST the creation of a public library district.