

State of Mississippi

(Revised 8/22)

County of Madison

## **LIBRARY SERVICES CONTRACT**

This agreement is made and entered into on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between THE MADISON COUNTY LIBRARY SYSTEM BOARD OF TRUSTEES AND THE COUNTY OF MADISON, acting herein by and through their respective governing bodies, hereunto duly and fully authorized.

### **RECITALS**

The Board of Supervisors of Madison County do desire to give the best possible library service to the citizens of Madison County and WHEREAS, Section 39-3-8. Mississippi Code of 1972. states:

"The board of trustees of any municipal public library, or any group of municipal public libraries and the board of trustees of any county public library systems, may, with the consent of the governing body of said municipality, or municipalities, and with the consent of the board of supervisors of said county, contract with each other or among themselves, to create, maintain, and support a joint city-county public library system. Such a contract shall contain such terms, agreements and conditions as may be agreed upon by the board of trustees of the municipal public library or the public boards of trustees of the several municipalities, and by the board of trustees of the county public library."

WHEREAS, Resolution and Order was entered by the Madison County Board of Supervisors in October, 1962, and supplemented on January 2, 1973, creating a public library system for the residents of Madison County, which has been supported by Resolution of the City of Canton on December 5, 1972, and which has been supported by Resolution of

the Town of Flora, of the City of Madison and the City of Ridgeland on or about December, 1962.

WHEREAS, Section 39-3-1, Mississippi Code of 1972, annotated, provides that the governing bodies of counties and municipalities may establish and maintain public libraries in connection with free public libraries already established therein and may acquire necessary real estate by purchase, gift or donation and may erect necessary buildings thereon.

Section 39-3-5, Mississippi Code of 1972, as amended, provides that the Board of Supervisors of a county supporting a public library or public library system may levy a four mill tax for the support, upkeep and maintenance of any public library or public library system located in such county and may make contributions from any available funds for the support, upkeep and maintenance of any public library or public library system located in such county. The taxes levied under this Section are excluded from the Revenue increase limitation Section 27-39-321.

Section 39-3-13, Mississippi Code of 1972, annotated, as amended, authorizes the board of supervisors of any county in the state to contract with the board of trustees of any established public library or public library system to receive the services of that established public library or public library system and further specifies the structure and authority of the board of trustees of a public library system and the content of contracts for library services and it is the desire of the parties to continue the Madison County Library System as a city-county library system for all of Madison County and its municipalities;

NOW, THEREFORE, pursuant to the statutes above described and other applicable law, it is understood and agreed by the parties hereto that said participation by the County of Madison shall be in the form of support of the public library system known as the Madison County Library System, a city-county library, under laws of the State of Mississippi, and under the following terms required by Section 39-3-13 of the Mississippi Code, 1972, as amended.

## **ARTICLE I**

### **NAME OF LIBRARY SYSTEM**

The library System shall be called the Madison County Library System, a joint city-

county library system. The headquarters and centralized services for the system shall be located in the City-County Library building called the Madison County- Canton Public Library which is located at 102 Priestley Street, Canton, Mississippi. The system will operate the system headquarters and branch library for each qualified and contracting entity.

## **ARTICLE II**

### **DEFINITION OF SERVICE AREA**

The Madison County Library System shall provide public library service to those persons residing in or owning property in the City of Canton, the Town of Flora, the City of Madison, the City of Ridgeland, Camden and the County of Madison and to non-residents of the county according to policies established by the Board of Trustees.

## **ARTICLE III**

### **PARTIES TO THE CONTRACT/THEIR RESPONSIBILITIES**

The Madison County Library System shall be supported by an annual tax levy and/or from monies from the general fund from the County of Madison.

A. The System shall be supported by dedicated millage and other available funds for the support, upkeep and maintenance of the System authorized in Section 39-3-5 (County Library Tax . . .) as recommended by the Board of Trustees and appropriated by the county annually at their discretion.

B. The County of Madison shall transmit one-sixth (1/6) of the library system's annual appropriation on at least a bi-monthly basis (Section 39-3-17, Paragraph 4) or shall transmit each month sums raised by levy in the preceding month and settled to the governing authorities by the tax collectors. Any monies which may have accumulated in a fund as a result of library millage will be paid over to the library Board of Trustees within 30 days from the date of this contract.

C. Madison County and the City of Canton shall be responsible for the provision and the maintenance including insurance for the headquarters buildings in Canton. The upkeep and maintenance of the headquarters will be included in the annual appropriation provided by Madison County and the City of Canton. Title to land and buildings is and shall be held jointly

by Madison County and the City of Canton. Madison County shall be responsible for the provision and the maintenance including insurance for the Paul E. Griffin (Camden) Library. The upkeep and maintenance of the Camden Library will be included in the annual appropriation provided by Madison County. Title to land and buildings of the Camden Library is and shall remain held by Madison County.

D. The Library Board shall have the supervision care and custody of all property of the library system and its member libraries according to Section 39-3-17 of the Mississippi Code, 1972. However, Madison County and the City of Canton will continue to provide maintenance to the grounds and maintenance and repairs to the buildings they own. The Library Board may ask Madison County and the City of Canton for special appropriations in excess of amounts available in the Library System's annual operating budget for repairs to the buildings owned by Madison County and the City of Canton or for capital improvement or outlay projects for which maintenance and operating funds by law cannot be expended.

E. The Library System headquarters will provide to its member libraries the following centralized services: administration, bookkeeping, purchasing, financial reporting and planning, personnel administration, collection development, purchasing and technical processing of print and non-print materials for public use, programming, grant writing and automated library system database and equipment management.

#### **ARTICLE IV**

#### **BOARD OF TRUSTEES**

A. The management and control of the Library System shall be vested in an administrative Board of Trustees according to Section 39-3-15, Mississippi Code of 1972, with said board to be composed of nine (9) members. Board appointments consist of five (5) Trustees appointed by the Madison County Board of Supervisors; one (1) Trustee appointed by each city which is a part of the library system. These appointments are made for five year terms on a staggered basis, with the County making one appointment for each of the staggered terms. If a local Board of Trustees exists for a municipal library, then the trustee appointed to the administrative board for that municipality should also be a

member of said local board.

Each Trustee shall be a resident and qualified elector of the area represented by said Trustee. Trustees shall be limited to two (2) consecutive terms of office: However, there shall be no limit on the number of terms served by a Trustee. Vacancies on the Board of Trustees shall be filled for unexpired terms in the same manner in which members of the Board were first appointed. Any Trustee who shall not attend four (4) consecutive meetings of the Board shall be subject to removal by the appointing authority upon the recommendation of the remaining Trustees. No Trustee shall receive a salary or other compensation for his service; provided, however, that all Trustees shall be reimbursed for their necessary traveling expenses and mileage incident to their attendance upon the business of the Board, as provided in Section 25-3-41, Mississippi Code of 1972.

The Board of Trustees shall have the administrative powers and responsibilities as prescribed in Section 39-3-17, Mississippi Code of 1972, as amended:

" . . . immediately after their appointment or election, shall meet and organize by the election of such officers as they deem necessary. They shall (a) adopt such bylaws, rules and regulations for their own guidance and for the government of the library as they deem expedient; (b) meet at least once in each quarter; (c) have the supervision, care and custody of all property of the library, including the rooms or buildings constructed, leased or set apart therefor; (d) employ a library system director, prescribe his/her duties, fix his/her compensation, and remove him/her for cause; (e) employ, upon the recommendation of the library system director, such other staff as may be necessary and fix their compensation; (f) submit annually to the governing bodies a budget containing estimates for the finances of the ensuing years; (g) have exclusive control of the finances of the library system; (h) accept such gifts or money or property for library purposes as they deem expedient; (i) on recommendation of the library system director purchase books, periodicals, maps, equipment, insurance and supplies for the library system; (j) dispose of equipment and discarded library materials as provided in Section 19-7-5, Mississippi Code of 1972; and (k) do all other acts necessary for the orderly and efficient management

and control of the library system."

B. **LIBRARY DIRECTOR:** There shall be one (1) library director for the Library System, who shall attend the meeting of the regularly appointed Board and who shall serve said Board in an advisory capacity. The Library Director shall have such educational qualifications as are prescribed by the Mississippi Library Commission. The Library Director shall administer and establish procedures according to policies established by the Board of Trustees. His or her duties shall include: (a) employment of staff with the approval of the Board of Trustees; (b) prescription of staff duties; (c) removal of staff for cause; (d) preparation of the budget; (e) financial and statistical management; (f) reporting to the Board of Trustees; and (g) other acts necessary for the orderly and efficient administration of the library.

## **ARTICLE V**

### **ELIGIBILITY AND CRITERIA FOR PARTICIPATION IN THE SYSTEM**

A. Other incorporated or unincorporated areas of the County may become a participant in the Madison County Library System upon meeting the following criteria:

Supplying a building deemed adequate by the Madison County Library System Board of Trustees.

Providing for maintenance and insurance for the building and contents.

Assuming financial responsibility for, or securing additional County financial funding equal to: personnel costs at a rate set by the Madison County Library Board of Trustees upon the recommendation of the Library Director, any increase in insurance costs incurred by the Madison County Library System due to the participation of the new branch, a materials budget not to be less than 10% of the total materials budget of the Madison County Library System, and maintenance of the budget at a level which will preclude a decrease of funding from the State of Mississippi.

B. **STATED CONTRACT REVIEW AND RENEWAL PROCESS:** This contract shall be automatically renewed on its anniversary date unless Madison County Library System or Madison County calls for a review of the contract 60 days prior to its

anniversary. Such a call for review must be made in writing. Upon one of the participants calling for a review of the contract, the representatives of the other qualified and contracting entities will receive a courtesy copy of the contract and will review the contract within 60 days of the call for review.

The representatives of the Madison County and the Madison County Library System shall make any changes deemed prudent and shall renew the contract upon approval of Madison County and the Madison County Library System.

C. If Madison County wishes to withdraw from the System, it shall give a minimum of sixty (60) days written notice to the Board of Trustees prior to its June meeting. The Board shall immediately notify all parties to other support contracts with the MCLS. Madison County would be required to abide by the terms of this contract until September 30 of the year in which the withdrawal notification is made. Distribution of assets to Madison County would be decided by a committee composed of (1) trustee representing each other governing body which contracts with the MCLS, the Library System director and two (2) persons to be selected by the Mississippi Library Commission. The effects of any distribution of assets must not materially interfere with or materially dilute continuing operation of services by the remaining members to the entire county including the withdrawing member's constituents.

D. Upon dissolution of the System or withdrawal by Madison County, title to Madison County's buildings and land shall remain vested in the governing bodies responsible for their initial acquisitions. Any books, furniture, equipment, etc., bought with Madison County funds will remain the property of the library for which those items were bought. Assets will be divided as stated in Section E.

E. Assets of the Library System are defined in general terms as follows: furnishings and equipment; books and materials held for use by the general public; office supplies; art work and decorative items and materials that would not be classified as equipment; funds held on deposit for the operation of the System; endowments; automated library system hardware, software and databases; and any other tangible, or intangible, items not specifically delineated herein, but which would otherwise qualify as an asset such as books of record, financial books of the Board; personnel files, policy and procedure

manuals and any other items located on the premises of member libraries which can readily be identified as an asset of the Library System. These assets shall be divided by a committee composed of one (1) trustee representing each governing body, the Library System director, and two (2) persons to be selected by the Mississippi Library Commission.

F. This group shall use as a guideline for distribution of assets construction agreements in effect concerning construction and equipment purchased with federal or state grant funds taking into consideration percentages of local monies contributed by participants as matching funds. Assets not purchased under these agreements would be divided on the basis of that average share of income contributed by each governing body for Library System operation over the past five years preceding dissolution with the actual distribution to be determined by the above named committee except that any endowments would revert to the recipient named in the endowment or original bequest.

## **ARTICLE VI**

### **CONTRACT AMENDMENTS**

If either party wishes to amend this contract, it must submit proposed amendments to the Board of Trustees at least sixty (60) days prior to its June meeting. Both parties agree to act upon the proposed amendment within sixty (60) days after it is approved by the Board. Amendments approved by the Madison County Library System will take effect at the beginning of the next succeeding fiscal year.

## **ARTICLE VII**

### **NEW LIBRARY LAWS, REGULATIONS, GRANTS**

The Board of Trustees is authorized to take advantage of any and all state and federal laws and regulations, gifts, grants and other assistance which may be available to further the purposes of the Library System, its employees and patrons.

## **ARTICLE VIII**

### **MISCELLANEOUS**

This contract shall supersede all previous contracts and resolutions between the Library



System and Madison County pertaining to library services and administration with the exception of any contracts or agreements that any of the signatories may have with the Mississippi Library Commission for the maintenance and upkeep of libraries within their respective jurisdictions. All provisions of the Mississippi Code specifically referenced herein shall be deemed incorporated in full, the same as if fully copied in words and figures in this contract. All Code references shall include any and all subsequent amendments thereof. This agreement is further subject to state and federal laws and regulations pertaining thereto, and review by the Mississippi Library Commission.

THE MADISON COUNTY LIBRARY SYSTEM has been in operation since 1962, and has been supported by Madison County and other participating entities, and all acts of all the aforesaid party be and they are hereby confirmed and validated, including but not limited to the organization, operation and funding thereof, as well as all expenditures by and for said Madison County Library System.

Executed in quadruplicate counterparts on the day and date first herein mentioned.

IN WITNESS THEREOF the parties hereto have caused this contract to be duly executed by the respective officers on the day and the year designated above.

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Chairman \_\_\_\_\_ Date \_\_\_\_\_  
MADISON COUNTY LIBRARY SYSTEM  
BOARD OF TRUSTEES

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President \_\_\_\_\_ Date \_\_\_\_\_  
MADISON COUNTY BOARD OF SUPERIVSORS