

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

LIBRARY SERVICES CONTRACT

This agreement is made and entered into by and between THE HANCOCK COUNTY LIBRARY SYSTEM and THE CITY OF WAVELAND, THE CITY OF BAY SAINT LOUIS, THE CITY OF DIAMONDHEAD, and HANCOCK COUNTY, MISSISSIPPI, acting herein by and through their respective governing bodies, hereunto duly and fully authorized:

RECITALS

That the City of Waveland, the City of Bay Saint Louis, the City of Diamondhead, and Hancock County desire to provide the best possible library service to the citizens within their respective jurisdictions with a goal of maintaining the highest rating for public libraries, as established by the Mississippi Library Commission.

That the terms of this agreement are regulated by Mississippi law codified at Miss. Code Ann. § 39-3-1, *et seq.*

That Miss. Code Ann. § 39-3-8 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 system, 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."

That pursuant to that authority a Resolution and Order was entered by Hancock County in December, 1965, and supplemented on June 13, 1966, creating a public library system for the residents of Hancock County.

That the City of Bay Saint Louis approved the agreement by a resolution adopted on November 21, 1966 and September 16, 1967.

That the City of Waveland duly approved the agreement, as well.

That the City of Waveland, the City of Bay Saint Louis, and Hancock County amended the agreement in 1991 by a document styled Library Services Contract.

Finally, that the City of Waveland, the City of Bay Saint Louis, and Hancock County entered a Renewed and Amended Agreement to Continue the Hancock County Library System in 2017.

That Miss. Code Ann. § 39-3-1 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.

That Miss. Code Ann. § 39-3-5, as amended, provides that the Board of Supervisors of a county supporting a public library or library system may levy a four (4) mill tax for the support, upkeep and maintenance of any public library or public library system located in such county and may make additional contributions from any available funds for the support, upkeep, and maintenance of any public library or public library system located in such county. Miss. Code Ann. § 39-3-7, as amended, confers the same authority on a municipality to be used for the support, upkeep and maintenance of any public library or public library system located in said municipality, except that the tax millage which it may levy is three (3) mills.

That Miss. Code Ann. § 39-3-13, as amended, authorizes the governing body of any municipality and 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 and further specifies the structure of the Board of Trustees of a public library system and the content of contracts for library services, and it is the desire of all the parties to continue the Hancock County Library System as a city-county library system for all of Hancock County and all of its municipalities.

NOW, THEREFORE, pursuant to the statutes above set forth and other applicable laws, it is contracted and agreed by the parties hereto that said participation by the City of Waveland, the City of Bay Saint Louis, the City of Diamondhead, and Hancock County shall continue to operation of the public library system known as the Hancock County Library System, a city-county library, under the laws of the State of Mississippi, under the following terms as required by Miss. Code Ann. § 39-3-13, as amended, to-wit:

ARTICLE I NAME OF LIBRARY SYSTEM

The System shall continue to be known as the Hancock 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 (also known as the Bay Saint Louis-Hancock County Library) building located at 312 Highway 90, Bay Saint Louis, Mississippi. The system will operate the Bay Saint Louis-Hancock County Library, the Waveland Library, the Kiln Library, the Pearlinton Library, and the George and Mary Cassis Diamondhead Library (formerly known as the East Hancock Library).

ARTICLE II DEFINITION OF SERVICE AREA

The Hancock County Library System shall provide service to the residents of the City of Waveland, the City of Bay Saint Louis, the City of Diamondhead, and Hancock County and to certain non-residents of the county according to policies established by the Hancock County Library System.

ARTICLE III PARTIES TO THE CONTRACT/THEIR RESPONSIBILITIES

Parties to this contract are the Hancock County Library System, the City of Waveland, the City of Bay Saint Louis, the City of Diamondhead, and Hancock County.

- A. The System shall be supported by dedicated millage and other available funds for the support, upkeep and maintenance of the System authorized by Miss. Code Ann. § 39-3-5 and Miss. Code Ann. § 39-3-7 as submitted by the Hancock County Library System and appropriated by the governing authorities annually, at their discretion.
- B. On at least a bi-monthly basis, the governing authorities shall transmit one-sixth (1/6) of the library's annual appropriation, as required by Miss. Code Ann. § 39-3-17(4).
- C. The Hancock County Library System shall have the supervision, care, and custody of all property entrusted to the Hancock County Library System Board of Trustees and its member libraries as set forth in Miss. Code Ann. § 39-3-17 and shall be responsible for overseeing all maintenance and operation of all library buildings and shall provide operation and administration of library services. However, the governing authorities, at their discretion, shall continue to provide maintenance of the grounds and all maintenance and repairs to the buildings they own. The Hancock County Library System Board of Trustees may request the governing authorities for special appropriations in excess of amounts available in the Hancock County Library System's annual operating budget for maintenance and repairs to the buildings owned by the governing authorities or for capital improvement or outlay projects. The parties understand and agree that Hancock County Library System maintenance and operating funds cannot by law be expended for such purposes. On behalf of the Library System's employees, the Board of Trustees, on a reimbursable basis, may take advantage of any group insurance plan in which the governing authorities participate, subject to the approval of the affected governing authority, if required.
- D. The Hancock County 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, and automated Library System database and equipment management.

- E. The City of Waveland shall maintain all required property insurance on the Waveland Library. The City of Bay St. Louis shall maintain 50% of the cost of all required property insurance on the Bay Saint Louis-Hancock County Library. Hancock County shall maintain all required property insurance on all remaining libraries and shall maintain 50% of the cost of the Bay Saint Louis-Hancock County Library. Each legal entity shall maintain their own liability insurance in the amounts required by State law, or greater. The Hancock County Library System shall maintain insurance on their personal property.

ARTICLE IV BOARD OF TRUSTEES

- A. Current appointments to the Hancock County Library System Board of Trustees consist of one City of Waveland appointment with a term expiring on _____; one City of Bay Saint Louis appointment with a term expiring _____; and three Hancock County appointments, one of which must be a resident of Bay Saint Louis, with terms expiring _____, _____, and _____ (Bay Saint Louis resident appointee).
- B. Beginning on the first day of the month following the effective date of this Contract, the management and control of the Hancock County Library System shall be vested in a Board of Trustees that shall be appointed for five-year terms on a staggered basis in the following manner: one City of Waveland appointment with a term expiring on _____; one City of Bay Saint Louis appointment with a term expiring _____; one City of Diamondhead appointment with a term expiring _____; and two Hancock County appointments with terms expiring _____ and _____ (no residency requirements).
- C. The Board of Trustees shall have the organization, powers and duties as prescribed in Miss. Code Ann. § 39-3-17.
- D. The Board of Trustees shall submit annually to the respective governmental bodies a budget of estimated expenses for the ensuing year and shall have exclusive control of the finances of the library system, as required by law.
- E. The Board of Trustees shall make an annual report to all governmental bodies, as required by Miss. Code Ann. § 39-3-19.

ARTICLE V ELIGIBILITY AND CRITERIA FOR PARTICIPATING IN THE SYSTEM

- A. The Hancock County Library System has the authority to initiate new programs and establish branches within the service area. If not established by the Board, an existing library could participate in the System by exhibiting proof that it is an established

library; assuming costs of any upgrade to the System's automated library system necessary for the new library to participate; turning over all buildings, contents, funds and other property to the control and administration of the administrative board; and being accepted by a majority vote of the incumbent member libraries' representatives on the Board of Trustees. The new member must also agree to abide by the policies and procedures established by the Board and in effect at the time the new member elects to join the System. Participants can amend Article IV of this contract to provide for representation on the Board of Trustees by a new member.

- B. Any governing body requesting to withdraw from the System shall give a minimum of six (6) months prior written notice to the Hancock County Library System Board of Trustees. The Hancock County Library System shall immediately notify all governing bodies. The withdrawing body shall 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 the withdrawing governing body will be decided by a committee composed of one (1) trustee representing each governing body, the Library System executive director, and two (2) Hancock County residents to be selected by the Mississippi Library Commission. The effect of any distribution of assets shall not materially interfere with or materially dilute continuing operation of services by the remaining governing bodies including the withdrawing member's residents.
- C. Assets of the Hancock County Library System are defined in general terms as follows: furniture, 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 Hancock County Library 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 be readily identified as an asset of the Hancock County Library System.
- D. Upon dissolution of the Hancock County Library System, ownership of all buildings and real property shall remain vested in the governing bodies responsible for their initial acquisition. All other assets as defined above shall be divided by a committee composed of one (1) trustee representing each governing body, the Hancock County Library System executive director and two (2) Hancock County residents to be selected by the Mississippi Library Commission.
- E. 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 will be distributed on the basis of the average share of income contributed by each governing body for Hancock County Library System operation over the past five (5) 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 STATED CONTRACT REVIEW AND RENEWAL PROCESS

Any party wishing to amend this contract shall submit proposed amendments to the Hancock County Library System Board of Trustees not less than sixty (60) days prior to its June meeting. If a majority of the Board of Trustees approves the amendment, a copy will be immediately circulated to all governing bodies. All parties agree to act upon the proposed amendment within sixty (60) days after it is approved by the Hancock County Library System Board of Trustees. Amendments approved by all parties will take effect the following October 1 of each 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, regulations, gifts, grants and other assistance which may be available to further the purposes of the Library System, its employees, and its patrons.

ARTICLE VIII MISCELLANEOUS

This contract shall supersede all previous contracts and resolutions 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 and the approval of the Mississippi Attorney General.

THE HANCOCK COUNTY LIBRARY SYSTEM has been in operation since 1966, and has been supported by the City of Waveland, the City of Bay Saint Louis, the City of Diamondhead, and Hancock County, Mississippi, and all acts of all the aforesaid parties 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 Hancock County Library System.

Executed effective approval by all signatory entities and approval by the Mississippi Library Commission and the Mississippi Attorney General.

HANCOCK COUNTY LIBRARY SYSTEM

ATTEST:

John D. Brdecka,
Executive Director

DATE

Linda McKay, Chairman

DATE

CITY OF WAVELAND

ATTEST:

City Clerk

DATE

Jay Trapani, Mayor

DATE

CITY OF BAY SAINT LOUIS

ATTEST:

City Clerk

DATE

Michael J. Favre, Mayor

DATE

CITY OF DIAMONDHEAD

ATTEST:

City Clerk

DATE

Anna DeMarco Liese, Mayor

DATE

HANCOCK COUNTY BOARD OF SUPERVISORS

ATTEST:

Tiffany Lee Cowman,
Chancery Clerk

DATE

Scotty Adam, President
Board of Supervisors

DATE