**MEMORANDUM OF UNDERSTANDING (MOU)**

**By and Between**

**THE BERWICK LIBRARY ASSOCIATION**

**and**

**THE TOWN OF BERWICK**

**(Rev-5c)**

The Berwick Library Association by and through its Board of Directors (BLA) and The Town of Berwick, a municipal corporation under the laws of the State of Maine (the “Town”) hereby enter into this agreement to set forth the understanding of the BLA and Town with respect to management and operation of the Berwick Public Library (BPL).

1. **BACKGROUND**

The BPL provides a vibrant and dynamic place where the community engages in personal enrichment.  People of all ages are welcome and will have free access to information that promotes and inspires their educational, recreational, and cultural interests.

A public library board is responsible to serve the community’s interest by providing the planning, management oversight, and policies that will ensure the best possible library service. A public library director (the “Director”) organizes and administers the day-to-day operation of the library within this framework.

The BLA is a nonprofit 501c(3) corporation that owns the library building/land and its contents and provides the use of the building and contents, at no cost, to the Town for the purpose of operating the BPL. The mission of the BLA is to manage and operate the BPL.

The BLA is the governing board of the BPL, and is responsible for defining the BPL’s mission (i.e., the BPL’s purpose, its objectives, and its approach to reach those objectives) and vision (i.e., the desired future position of the BPL). As such the BLA performs oversight of the BPL and evaluates its effectiveness.

1. **PURPOSE & SCOPE**

The purpose of this MOU is to enhance the effectiveness of the BPL by shifting the daily operations and management of the BPL from the BLA to the Town. This transfer necessitates that the roles and responsibilities of both the BLA and the Town be clearly delineated and consistent with the mission and policies of the BLA.

1. The Director and the library staff are employed and supervised under conditions specified in the Town Personnel Policy Manual (TPPM). The TPPM and any updates shall be provided to the BLA for information. The Town and the BLA acknowledge and understand that the Director and the library staff are not employees of the BLA.
2. The Town of Berwick and the Director also will act to fulfill the mission, the policies, and the strategic plan of the BPL with guidance of the BLA.
3. The town and the BLA acknowledge that the Town has agreed to provide and fund services and/or responsibilities for the BPL.
4. It is the responsibility of both the BLA and the Town to ensure that the library operates in compliance with all applicable Federal, State, and Municipal laws, rules, and regulations including the Freedom of Access Act (FOAA). Further, the BLA and the Town will abide by the American Library Association Bill of Rights unless that would conflict with existing law.
5. **RESPONSIBILITIES UNDER THIS MOU**

The BLA shall:

1. Establish the BPL’s mission and vision and set overall library policies (e.g., banning books or specific groups from visiting the BPL) that implement this mission and vision.
2. Assist and advise in establishing the hours the library is open to the public.
3. Create a job description for the position of Library Director jointly with the Town and confirmed by the Town Board of Selectmen.  Will interview and recommend a number of candidates (number to be determined by the Town) for filling the position of Library Director that meet the criteria set forth in the job description.  Final selection and hiring of the Library Director will be done by the Town.
4. With the Director, prepare and submit an Annual Budget Request which will go through the same process as all other Town Departments.
5. Provide policy/program direction and advisory oversight with respect to library operations.
6. Support and assess the performance of the Director on an annual basis and provide this input to the Town Manager via a method jointly agreed to by the Town and the BLA.
7. Provide written documentation to the Town Manager of any issues not successfully resolved between the BLA and the Director.
8. At the discretion of the BLA, offer and fund library science related educational opportunities to the BPL staff.
9. Advise, recommend, monitor, and strengthen BPL adult/children’s programs and services.
10. Raise money, seek bequests, and accept gifts of books, manuscripts and other appropriate material from the community as a non-profit, 501c(3) organization. The BLA will provide the labor for all such fundraising.
11. Promote the BPL to the community.
12. Maintain open communications and relationships with the Town through the Town Manager.
13. Create a Capital Improvement Budget to fund all long term capital needs (e.g., Building repairs, expansions, equipment needs, and other large expense items).
14. Maintain ownership of the library building and contents and carry Property and Liability Insurance for the same. The BLA shall provide the Town Finance Department a certificate of insurance.

The Town shall:

1. Fund all operational aspects of the BPL through taxes raised. The BPL will function as a Town Department. The Director will serve as a Town Department Head. For purposes of this MOU, library operations include, but are not limited to:
   1. Recruiting and employing library personnel. The Town shall provide sufficient library personnel to support the BPL’s scheduled hours of operation in a safe and efficient manner (e.g., As per library policy, a minimum of two library staff on duty at all times the BPL is open for business).
   2. Provide all utilities including heating, lighting, air conditioning, water, and sanitary facilities for the library building.
   3. Grounds maintenance (e.g., Lawn care and parking lot plowing) and janitorial services.
   4. Collection rotation and sale of materials per recommendation of the Director. All revenue generated from these material sales goes to the BLA which will determine how the funds will be used.
   5. Funding all library activities (e.g., Author talks, educational lectures, etc…).
   6. Maintain and upgrade BPL information technology (e.g., PCs and computer networks).
2. Set policies that govern personnel and the day to day operations of the library (e.g., Declaration of snow days or emergency/disaster contingency plans).
3. Ensure good communication between the Town and the BLA by informing the BLA in a prompt fashion of any concerns of the Town, library related complaints, or any other business concerning the BPL or the BLA.
4. Provide a monthly operating statement and/or other library related financial reports to the BLA for use at the monthly BLA meeting.
5. Maintain open communications and relationships with the BLA. The BLA and Town Manager will meet monthly or when needed to discuss any concerns or needs concerning the BPL.

**EFFECTIVE DATE; TERMINATION; MODIFICATION**

The budget funding of the BPL is contingent on Berwick voter approval at the Annual Referendum Vote.

This MOU shall be effective upon the last date stated below, and shall remain in full force until terminated in writing with 60 days advance notice by the BLA or the Town. Any modifications to this MOU shall be in writing and approved by both the BLA and the Town.

**Berwick Library Association** **Town of Berwick Board of**

**Board of Directors Selectman**

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BLA President Selectboard Chair

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BLA Vice President Selectboard Vice Chair

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BLA Treasurer Selectperson

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BLA Secretary Selectperson

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BLA Board member Selectperson

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BLA Board member

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BLA Board member

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BLA Board member