

Power of Attorney and Declaration of Representative

OMB No. 1545-0150

▶ Go to www.irs.gov/Form2848 for instructions and the latest information.

For IRS Use Only

Received by: _____
 Name _____
 Telephone _____
 Function _____
 Date / /

Part I Power of Attorney

Caution: A separate Form 2848 must be completed for each taxpayer. Form 2848 will not be honored for any purpose other than representation before the IRS.

1 Taxpayer information. Taxpayer must sign and date this form on page 2, line 7.

Taxpayer name and address Marshall District Library 124 West Green Street Marshall, MI 49068	Taxpayer identification number(s) <p style="text-align: right;">38-3223889</p> Daytime telephone number <p style="text-align: center;">269-781-7821</p> Plan number (if applicable)
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hereby appoints the following representative(s) as attorney(s)-in-fact:

2 Representative(s) must sign and date this form on page 2, Part II.

Name and address Amanda J. Dernovshek 313 South Washington Square Lansing, MI 48933 Check if to be sent copies of notices and communications <input checked="" type="checkbox"/>	CAF No. <u>0314-62721R</u> PTIN _____ Telephone No. <u>517-371-8259</u> Fax No. <u>617-367-7159</u> Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address Lindsey M. Mead 313 South Washington Square Lansing, MI 48933 Check if to be sent copies of notices and communications <input checked="" type="checkbox"/>	CAF No. _____ PTIN _____ Telephone No. <u>517-371-8326</u> Fax No. <u>517-371-8200</u> Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address (Note: IRS sends notices and communications to only two representatives.)	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____ Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>
Name and address (Note: IRS sends notices and communications to only two representatives.)	CAF No. _____ PTIN _____ Telephone No. _____ Fax No. _____ Check if new: Address <input type="checkbox"/> Telephone No. <input type="checkbox"/> Fax No. <input type="checkbox"/>

to represent the taxpayer before the Internal Revenue Service and perform the following acts:

3 Acts authorized (you are required to complete line 3). Except for the acts described in line 5b, I authorize my representative(s) to receive and inspect my confidential tax information and to perform acts I can perform with respect to the tax matters described below. For example, my representative(s) shall have the authority to sign any agreements, consents, or similar documents (see instructions for line 5a for authorizing a representative to sign a return).

Description of Matter (Income, Employment, Payroll, Excise, Estate, Gift, Whistleblower, Practitioner Discipline, PLR, FOIA, Civil Penalty, Sec. 4980H Shared Responsibility Payment, etc.) (see instructions)	Tax Form Number (1040, 941, 720, etc.) (if applicable)	Year(s) or Period(s) (if applicable) (see instructions)
Application for Recognition of Exemption	1023	N/A

4 Specific use not recorded on the Centralized Authorization File (CAF). If the power of attorney is for a specific use not recorded on CAF, check this box. See Line 4. Specific Use Not Recorded on CAF in the instructions

5a Additional acts authorized. In addition to the acts listed on line 3 above, I authorize my representative(s) to perform the following acts (see instructions for line 5a for more information):
 Access my IRS records via an Intermediate Service Provider;
 Authorize disclosure to third parties; Substitute or add representative(s); Sign a return; _____

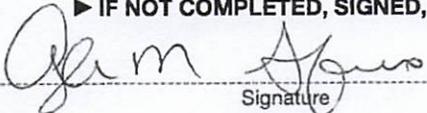
Other acts authorized: _____

b Specific acts not authorized. My representative(s) is (are) not authorized to endorse or otherwise negotiate any check (including directing or accepting payment by any means, electronic or otherwise, into an account owned or controlled by the representative(s) or any firm or other entity with whom the representative(s) is (are) associated) issued by the government in respect of a federal tax liability.
 List any other specific deletions to the acts otherwise authorized in this power of attorney (see instructions for line 5b): _____

6 Retention/revocation of prior power(s) of attorney. The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this form. If you **do not** want to revoke a prior power of attorney, check here **YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.**

7 Taxpayer declaration and signature. If a tax matter concerns a year in which a joint return was filed, each spouse must file a separate power of attorney even if they are appointing the same representative(s). If signed by a corporate officer, partner, guardian, tax matters partner, partnership representative (or designated individual, if applicable), executor, receiver, administrator, trustee, or individual other than the taxpayer, I certify I have the legal authority to execute this form on behalf of the taxpayer.

▶ IF NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THIS POWER OF ATTORNEY TO THE TAXPAYER.

 _____ Signature
 6/26/25 _____ Date Director
 _____ Title (if applicable)

Angela Semifero _____ Print name
 Marshall District Library _____ Print name of taxpayer from line 1 if other than individual

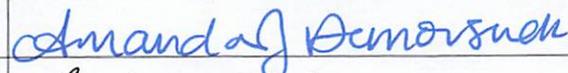
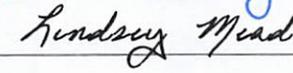
Part II Declaration of Representative

Under penalties of perjury, by my signature below I declare that:

- I am not currently suspended or disbarred from practice, or ineligible for practice, before the Internal Revenue Service;
- I am subject to regulations in Circular 230 (31 CFR, Subtitle A, Part 10), as amended, governing practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:
 - a Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant—a holder of an active license to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent—enrolled as an agent by the IRS per the requirements of Circular 230.
 - d Officer—a bona fide officer of the taxpayer organization.
 - e Full-Time Employee—a full-time employee of the taxpayer.
 - f Family Member—a member of the taxpayer’s immediate family (spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).
 - g Enrolled Actuary—enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the IRS is limited by section 10.3(d) of Circular 230).
 - h Unenrolled Return Preparer—Authority to practice before the IRS is limited. An unenrolled return preparer may represent, provided the preparer (1) prepared and signed the return or claim for refund (or prepared if there is no signature space on the form); (2) was eligible to sign the return or claim for refund; (3) has a valid PTIN; and (4) possesses the required Annual Filing Season Program Record of Completion(s). **See Special Rules and Requirements for Unenrolled Return Preparers in the instructions for additional information.**
 - k Qualifying Student or Law Graduate—receives permission to represent taxpayers before the IRS by virtue of his/her status as a law, business, or accounting student, or law graduate working in a LITC or STCP. See instructions for Part II for additional information and requirements.
 - r Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

▶ IF THIS DECLARATION OF REPRESENTATIVE IS NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THE POWER OF ATTORNEY. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN PART I, LINE 2.

Note: For designations d–f, enter your title, position, or relationship to the taxpayer in the “Licensing jurisdiction” column.

Designation— Insert above letter (a–r).	Licensing jurisdiction (State) or other licensing authority (if applicable)	Bar, license, certification, registration, or enrollment number (if applicable)	Signature	Date
a	MI	P82895		6/27/25
a	MI	P87022		June 26, 2025

MARSHALL DISTRICT LIBRARY

EIN: 38-3223889

APPLICATION FOR TAX EXEMPTION SUPPLEMENTAL RESPONSES

PART IV, QUESTION 1 – ACTIVITIES

A. WHAT IS THE ACTIVITY?

Located in the heart of Downtown Marshall, Michigan, Marshall District Library (the “Library”) has been serving the greater Marshall community – comprised of approximately 14,900 residents – for over 140 years. The Library offers programs, services, and collections to the community to provide local persons, organizations, and businesses access to information, events, and outreach opportunities. Particular areas of focus for the Library’s initiatives include: collections, technology access & training; early literacy & learning programs; after school engagement activities; genealogy & local history research; lifelong learning, and other services (collectively, the “Activities”). Below are specific breakdowns of the Activities the Library provides to the greater Marshall community:

- 1. Library Collections:** (1) a physical collection of more than 60,000 items including books, audio books, DVDs, magazines, newspapers, and media kits; (2) downloadable e-books, audio books, magazines, music, and films through the apps Hoopla, Libby, and Kanopy; (3) online subscriptions to Mango Languages, Consumer Reports, Ancestry Library Edition, Tutor.com, and other databases; (4) Library of Things, including wireless hotspots, Chromebooks, technical equipment, board games, educational toys, sewing machines and other items; (5) access to more than 20 million items through the statewide Interlibrary Loan System, MelCat; (6) free “library cards” are available to residents of the Library district; and (7) free “corporate cards” are available to businesses in the Library district. This item is represents approximately 25.8% of the Library’s activities.
- 2. Technology Access & Training:** (1) one-on-one technology help by appointment for computers, phones, tablets, and other devices; (2) drop-in tech times on Mondays from 6:00-8:00 pm and Wednesdays from 1:00-3:00 pm; (3) technology classes such as “Savvy Streaming: Affordable Cable Alternatives”, “Getting the Most from Your Google Account”, and “Smart Homes & Smarter Shopping”; (4) group training for local businesses and community organizations; (5) free wireless access and low-cost wireless printing; (6) 24 public access computers; (7) printing & scanning services; (8) wireless hotspot and other equipment circulation; (9) media conversation station that converts older media formats such as slides, cassettes, and VHS to digital formats; and (10) wireless access points outdoors at Eckford Community Center, Fredonia Township Hall, and Marengo Township Hall. This item is represents approximately 28.1% of the Library’s activities.
- 3. Early Literacy & Learning Programs:** (1) story, music, and movement programs include weekly “Jumpin’ & Jammin’”, “Family Storytime”, and “Little Explorers” programs; (2) outreach story times at 6 daycare centers & preschools in the Marshall area; (3) “Rock Star

Readers”, a free, self-paced reading program that encourages parents to read 1,000 books to their children before kindergarten; and (4) Dolly Parton’s Imagination Library, a free book-gifting program, available to children ages zero to five, that mails high-quality children’s books each month to all children who register in a geographic area at no cost to the child’s family (more than 475 children in the Marshall area are currently registered). This item is represents approximately 14.2% of the Library’s activities.

4. **After School Engagement Activities:** after school program include activities three days per week aimed at a middle school audiences, such as crafts, gaming, music, fitness, theater, writing, and technology programs. However, note that some after school engagement programs are conducted partnership with local businesses and non-profit organizations. This item is represents approximately 15.2% of the Library’s activities.
5. **Genealogy & Local History Research:** (1) local history resources include Marshall High School yearbooks, city directories, church records, family histories, plat maps, and other print resources in donor-funded MDL History Center space; (2) grant-funded searchable digital newspaper collection available through the Library’s website, including all Marshall newspapers from 1838-2024; (3) Marshall digital archive containing yearbooks from 1899-2012, city directories, photographs, maps, and other historic documents available through the Library’s website; and (4) one-on-one consultations by appointment with local history librarian. This item is represents approximately 8.5% of the Library’s activities.
6. **Lifelong Learning:** (1) more than 50 no-cost educational and recreational programs each month for all ages; (2) adult programs held on relevant subjects such as music, crafts, cooking, financial education, consumer health, gardening, literature, and history; (3) monthly “Teen Loot Box” program; (4) weekend family programs such as “Lego Club”, “Pizza & Puzzles”, and crafts; and (5) biennial intergenerational celebration of author John Bellairs. This item is represents approximately 5.1% of the Library’s activities.
7. **Other Services (including but not limited to):** (1) research, reader’s advisory, & information services; (2) free notary services; (3) exam proctoring; (4) laminating; (5) meeting room rental; (6) legal and tax forms; (7) classroom visits; (8) resume assistance; (9) curbside pickup; (10) homebound delivery; and (11) access to state braille & “Talking Book Library” delivery. This item is represents approximately 1.1% of the Library’s activities.

B. WHO CONDUCTS THE ACTIVITY?

The Library’s directors, officers, employees (such as librarians and other administrative staff), and volunteers conduct the Activities.

C. WHERE IS THE ACTIVITY CONDUCTED?

The Activities are conducted at 124 West Green Street, Marshall, Michigan 49068. However, certain Activities, such as outreach programs and the outdoor wireless access points

(noted in the “Technology Access & Training section above) can be located outside the Library’s main building.

D. WHAT PERCENTAGE OF YOUR TOTAL TIME IS ALLOCATED TO THE ACTIVITY?

The Library’s directors, officers, employees, and volunteers allocate approximately 98% of their time to the Activities. The remaining, estimated 2% of directors’, officers’, and employees’ time is spent on administrative needs and necessary Library upkeep to ensure the facility remains in order and the Library continues to be in good standing with the Marshall community & state of Michigan.

E. HOW IS THE ACTIVITY FUNDED (FOR EXAMPLE, DONATIONS, FEES, ETC.) AND WHAT PERCENTAGE OF YOUR OVERALL EXPENSES IS ALLOCATED TO THIS ACTIVITY?

The Library is tax supported by the residents of Eckford, Marengo, Fredonia, and Marshall Townships & the City of Marshall (except those located in the Harper Creek School District). Additionally, operating funds for the Library can be, and historically have been, obtained from state aid, penal fines, donations, and bequests. Certain Activities performed by the Library, such as Dolly Parton’s Imagination Library, are funded solely through local donations. The percentage of the Library’s overall expenses allocated to the Activity is 98%.

F. HOW DOES THE ACTIVITY FURTHER YOUR EXEMPT PURPOSES?

The Activities further the Library’s exempt purpose to provide adequate and improved Library services to the greater Marshall area through equitable access to educational resources, programs, and community services that enrich & connect the Marshall Community. Additionally, the Library’s Activities bridge the digital divide by providing technology access and training to its local residents, ensuring that all members of the Marshall community have the opportunity to develop critical technological skills.

PART V, QUESTION 3

Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes" if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.

The majority of the Library's programs, events, services, and collections are limited to residents located in Eckford, Fredonia, Marengo, and Marshall Townships and the City of Marshall in the state of Michigan. The Library also requires residents and/or businesses located in the greater Marshall community register for a library card or corporate card to access certain Library materials. However, certain online features (such as the Library's digital newspaper collection) may be accessible to persons located anywhere in the United States.

PART VI ITEMIZED FINANCIAL DATA

7/1/20-6/30/21				
	Line 7	Penal fines	21,394	Marshall District Library (MDL) portion of Calhoun County, MI penal fines collected to fund libraries
	Line 9	Fines & fees	10,958	non-resident library cards/copies for patrons/room rentals/overdue fines
	Line 23	Materials	50,411	materials for library patron use and checkout
	Line 23	Programming	10,738	supplies for library programs
	Line 23	Supplies	12,097	office/program/cleaning/restroom supplies
	Line 23	Contracted Services	19,296	library cooperative services (MDL share state aid/ILL services/downloadable material), digitizing material, hotspots for patrons, library ancestry & other research programs for patrons
	Line 23	Marketing	2,336	advertising, giveaway MDL logo items
	Line 23	Retiree expense	52,689	pension, health insurance expense for one previous employee
7/1/21-6/30/22	Line 7	Penal fines	18,310	Marshall District Library (MDL) portion of Calhoun County, MI penal fines collected to fund libraries
	Line 7	Refunds	907	partial refund workers comp ins
	Line 9	Fines & fees	16,760	non-resident library cards/copies for patrons/room rentals/overdue fines
	Line 9	Used book sales	1,937	sales of used books to general public
	Line 23	Materials	65,950	materials for library patron use and checkout
	Line 23	Programming	9,486	supplies for library programs
	Line 23	Supplies	14,119	office/program/cleaning/restroom supplies
	Line 23	Contracted Services	20,482	library cooperative services (MDL share state aid/ILL services/downloadable material), digitizing material, hotspots for patrons, library ancestry & other research programs for patrons
	Line 23	Contracted Services	32,760	contracted cleaning service
	Line 23	Marketing	3,380	advertising, giveaway MDL logo items
	Line 23	Retiree expense	16,219	pension, health insurance expense for one previous employee
7/1/22-6/30/23	Line 7	Penal fines	20,421	Marshall District Library (MDL) portion of Calhoun County, MI penal fines collected to fund libraries
	Line 7	Refunds	1,174	partial refund workers comp ins/prop ins
	Line 9	Fines & fees	18,753	non-resident library cards/copies for patrons/room rentals/overdue fines
	Line 9	Used book sales	2,323	sales of used books to general public
	Line 23	Materials	60,381	materials for library patron use and checkout
	Line 23	Programming	9,454	supplies for library programs
	Line 23	Supplies	11,486	office/program/cleaning/restroom supplies
	Line 23	Contracted Services	23,053	material), digitizing material, hotspots for patrons, library ancestry & other
	Line 23	Contracted Services	32,760	outside contracted cleaning service
	Line 23	Marketing	2,619	advertising, giveaway MDL logo items
	Line 23	Retiree expense	34,493	pension, health insurance expense for one previous employee

7/1/23-6/30/24	Line 7	Penal fines	19,792	Marshall District Library (MDL) portion of Calhoun County, MI penal fines collected to fund libraries
	Line 7	Refunds	1,750	partial refund workers comp ins/security co/periodical cancellation
	Line 9	Fines & fees	22,345	non-resident library cards/copies for patrons/room rentals/overdue fines
	Line 9	Used book sales	2,849	sales of used books to general public
	Line 12	Unusual grants	300,000	Bequest from a deceased person's estate. Person handling estate has no position of authority over the library and is not related to anyone who does. The grant was in the form of cash and no material restrictions or conditions have been imposed by the grantor.
	Line 12	Unusual grants	150,000	
	Line 23	Materials	61,383	materials for library patron use and checkout
	Line 23	Programming	9,404	supplies for library programs
	Line 23	Supplies	18,279	office/program/cleaning/restroom supplies
	Line 23	Contracted Services	18,142	material), digitizing material, hotspots for patrons, library ancestry & other
	Line 23	Contracted Services	8,190	contracted cleaning service
	Line 23	Marketing	2,454	advertising, giveaway MDL logo items
	Line 23	Retiree expense	60,703	pension, health insurance expense for one previous employee

Line 25 Itemized financial data

Tax Year	Line number	Type of income/ Expense	Amount	Description of type of income
7/1/24-6/25/25	Line 7	Penal fines	15,631	Marshall District Library (MDL) portion of Calhoun County, MI penal fines collected to fund libraries
	Line 9	Fines & fees	22,143	non-resident library cards/copies for patrons/room rentals/overdue fines
	Line 9	Used book sales	1,104	sales of used books to general public
	Line 12	Unusual grants	42,779	Bequest from a deceased person's estate. Person handling estate has no position of authority over the library and is not related to anyone who does. The grant was in the form of cash and no material restrictions or conditions have been imposed by the grantor.
	Line 12	Unusual grants	200,000	
	Line 23	Materials	67,183	materials for library patron use and checkout
	Line 23	Programming	11,945	supplies for library programs
	Line 23	Supplies	14,738	office/program/cleaning/restroom supplies
	Line 23	Contracted Services	34,280	library cooperative services (MDL share state aid/ILL services/downloadable material), digitizing material, hotspots for patrons, library ancestry & other research programs for patrons
	Line 23	Contracted Services	7,925	contracted cleaning service
	Line 23	Marketing	4,992	advertising, giveaway MDL logo items
	Line 23	Retiree expense	45,190	pension, health insurance expense for one previous employee

PART VII, QUESTION 2(I)

Did you receive contributions from any person, company, or organization whose gifts totaled more than the 2% amount of line 8 in Part VI-A? If "Yes, " identify each person, company, or organization by letter (A, B, C, etc.) and indicate the amount contributed by each. Keep a list showing the name of and amount contributed by each of these donors for your records.

A. In 2023, we received a bequest from Bernard and Mary Jane Roy upon Mary Jane's death. They were both educators who worked for the local Marshall Public Schools. The amount of this bequest was \$300,000. The person handling the estate has no position of authority over the library and is not related to anyone who does. The grant was in the form of cash and there were no material restrictions or conditions imposed by the grantor.

B. In 2024, we received \$150,000 from the Laura Withee Bliss Trust after her death in 2023. The person handling the estate has no position of authority over the library and is not related to anyone who does. The grant was in the form of cash and there were no material restrictions or conditions imposed by the grantor. Due to the interests of Laura Withee Bliss, these funds were used for the construction of a local and family history room within the Marshall District Library building in April 2025.

DISTRICT LIBRARY AGREEMENT

THIS DISTRICT LIBRARY AGREEMENT is entered into as of the 1st day of April, 1995 (the "Effective Date of the Agreement"), by and between the City of Marshall (the "City") and the Townships of Eckford, Fredonia, Marengo and Marshall (the "Townships") pursuant to the District Library Establishment Act (MCL 397.171 et seq.) (the "Act").

PREMISES

The City and the Townships (the "Parties"), each desire to establish a district library pursuant to the Act in order to provide adequate and improved library services to the area described on Exhibit A attached hereto and made a part hereof. The governing boards of each of the Parties have determined that it is in the best interests of the residents of their respective communities to provide library services by establishing a district library. The governing body of the public library currently located in the proposed district has approved the establishment of a district library under this Agreement.

Therefore, in consideration of the premises and other mutual obligations and promises, the Parties agree as follows:

1. The Parties hereby establish as of the Effective Date of this Agreement a district library pursuant to the Act, to be known as the "Marshall District Library," (the "District Library") having all of the powers granted to such district libraries by the Act.
2. The territory of the Parties included within the District Library district shall be as described in Exhibit A (the "District").
3. The District Library shall be governed by a board (the "Board") which shall consist of 7 members, the members to be appointed as follows:
 - A. The City of Marshall shall appoint three City residents as members of the Board.
 - B. The Townships shall appoint 4 members to the Board in the following manner:
 - (i) Each Township that is a Party to this Agreement, plus any other governmental unit having a contract for library services with the Library Board of Marshall, shall create a Library Advisory Council, consisting of one resident from each.
 - (ii) The Library Advisory Council shall nominate three persons as members of the Board, specifying for each the initial term of office. Each nominee must be a resident of one of the Townships within the Library District, and shall be appointed by the respective Township Board where he or she resides.
 - (iii) The City of Marshall shall then nominate 3 additional residents of the Library District. The Library Advisory Council shall select one of these nominees for the

Library Board. The person selected will be appointed by the legislative body where the nominee resides.

- C. Terms of office: Each term of office shall commence on the Effective Date of this Agreement or on the anniversary of the Effective Date of this Agreement.
- (i) Of the three members initially appointed by the City of Marshall under section 3a above, 1 shall serve for a 1 year term, 1 shall serve for a 2 year term, 1 shall serve for a 3 year term.
 - (ii) Of the three members initially approved by the Library Advisory Council and appointed by the Townships, 1 shall serve for a 1 year term, 1 shall serve for a 2 year term, 1 shall serve for a 3 year term.
 - (iii) The member selected, from those nominated by the City of Marshall, by the Library Advisory Council, and appointed by the respective governmental unit, shall serve for a 3 year term.
 - (iv) All terms of office, after the initial nomination, shall be for 3 year terms.
 - (v) No individual may serve more than three consecutive full terms.

In accordance with Section 8(2) of the Act, the Governor of the State of Michigan shall have the power to remove a member for cause, pursuant to the provisions of Section 10 of Article V of the State Constitution of 1963, as amended. Vacancies shall arise in the event of the removal, resignation, death or imprisonment of a member, in the event a member has moved outside the municipality that appointed the member, or has been declared by a court of law to be mentally incompetent. In the event of a vacancy, the Party that appointed the member whose position has become vacant shall appoint a replacement therefor within 2 months of the vacancy. In the event no such replacement shall have been appointed by the appropriate Party at the end of such 2-month period, the Board shall have the power to appoint such replacement, whose term shall extend to the end of the term of the former member of the Board.

4. Except during the period commencing the Effective Date of this Agreement and ending on the first date on which the District Library is authorized to levy a districtwide millage (the "Interim Period"), funds necessary for the operation of the District Library shall be derived from state aid, penal fines, donations and bequests, if any, and a districtwide millage authorized to be levied upon all taxpayers of the District. In the event a districtwide millage of not less than 1 mill has not been authorized by the qualified electors of the District by January 1, 1998, this District Library Agreement shall expire by its terms and all assets of the District Library shall be returned to the City of Marshall for the purpose of reestablishing a public library.

During the Interim Period, the Marshall District Library shall be funded as follows:

The Parties shall continue to fund the operations of the Marshall District Library in the same manner as the Marshall Public Library was funded in the 1994-95 fiscal year, either by means of appropriation or voted millage. During the Interim Period, the Board shall be required to submit its proposed budget for the period commencing July 1 and ending the following June 30 to the Parties no later than the March 31 preceding such July 1 of each year; provided, however, that the initial budget for the operation of the District Library shall be submitted to each Party no later than one month following the date of this Agreement. Each Party shall pay to the Board its share of the District Library budget in the same manner as the funds were paid to the public library in fiscal year 1994-95.

The Parties' obligation to fund the operations of the District Library shall continue beyond the end of the Interim Period until such time as sufficient revenues derived from the levy of the first districtwide millage have been collected and distributed to the District Library. However, once the districtwide millage is approved for the District Library, the individual City and Township millages that were previously levied for the operation of a public library shall no longer be levied and only the District Library millage shall be levied uniformly on all of the electors of the Library District.

To the extent any moneys or property from any source whatsoever are received by any of the Parties designated for the operation and administration of community library services or acquisition of books and equipment and other real or personal property for community library use, such Party shall transfer such moneys and property upon receipt thereof to the District Library.

The Parties understand and agree that the moneys paid over to the Board for the operation of the District Library are District Library moneys, subject to the exclusive control and direction of the Board. The Parties also understand and agree that the City and the District Library shall enter into a Fiscal Agency Agreement in which the District Library will contract with the City to act as its fiscal agent until such time as the Board determines to act on its own behalf. The contractual obligations of the City associated with the operation and maintenance of the Marshall Public Library that will be assumed by the District Library Board pursuant to this Agreement are listed on Exhibit B attached hereto.

5. The fiscal year of the District Library shall be the annual period commencing July 1 and ending the following June 30, provided that the initial fiscal year shall commence the Effective Date of this Agreement and shall end June 30, 1996. Thereafter, the Board shall have the authority to change its own fiscal year as it deems necessary.

6. Upon the Effective Date of this Agreement, the real property of the Marshall Public Library shall be conveyed to the District Library by quit claim deed in the form attached as Exhibit C and the personal property of the Marshall Public Library shall be conveyed to the District Library by bill of sale in the form attached as Exhibit D.

7. During the Interim Period and at all times thereafter, employees of the existing Marshall Public Library shall become employees of the District Library.

8. Beginning the July 1 following approval by the electors of the District of a districtwide millage, the District Library shall be required to indemnify the Parties against all claims arising from or relating to the operation by the Board of the District Library. The Board shall obtain insurance coverage in amounts reasonably determined by the Board to be adequate to meet such liabilities, and such insurance policies shall name the Parties as additional insured parties.

9. The District Library may be dissolved and this District Library Agreement may be terminated if all but one of the Parties withdraw. Upon dissolution, any Party may purchase the existing assets of the District Library and pay the other Parties the pro rata amounts of such purchase price provided that the proceeds of such sale and the assets of the District Library are used for the purpose of maintaining and operating a public library or for a similar public educational purpose. The purchase price upon dissolution shall be the cost of the assets comprising the District Library property at the time of purchase depreciated on a straight line basis over a period of 5 years for books and equipment, and over a 30 year period for real property, including buildings and fixtures.

10. Any Party may withdraw from the District Library subject to the following conditions:

(a) No Party may adopt a resolution authorizing its withdrawal prior to one year after the Effective Date of this Agreement.

(b) Not less than two (2) months before the next regularly scheduled election of each Party, the governing body of the Party shall adopt a resolution to withdraw from the District Library on a date specified in the resolution, which shall be a date not less than six (6) months following the next regularly scheduled election of the Party.

(c) Notice of an election on the resolution shall be published in a newspaper published or of general circulation in the jurisdiction of the Party not less than ten (10) days before the next regularly scheduled election of the Party following adoption of the resolution.

(d) The resolution is approved by a majority of the electors of the Party voting on the resolution at the next regularly scheduled election of the Party.

(e) After approval of the resolution by the electors, the Clerk or Secretary of the Party shall file a copy of the official canvass statement and a certified copy of the resolution with the Library of Michigan and with the Board in sufficient numbers for distribution to the governing bodies of each of the other Parties.

(f) The Party withdrawing shall have made payment or provision for payment to District Library or its creditors of all obligations of the Party.

(g) The governing body of the Party withdrawing shall furnish to the Library of Michigan a plan for continuing, after the Party no longer receives library services from the District Library, public library services for all residents of the jurisdiction of the Party.

In the event the withdrawal of any Party would cause the dissolution of District Library, such withdrawal and dissolution shall be subject to the requirements specified in Section 9 of this Agreement.

11. Any city, village, township or county (a "Municipality") may become a party to this District Library Agreement upon satisfaction of the following conditions:

(a) The governing body of the municipality resolves by majority vote that the Municipality become a Party to this District Library Agreement and that all or a portion of the territory of the Municipality be added to the District.

(b) The governing body of the Municipality files a certified copy of its resolution with the chairperson of the Board.

(c) The Board adopts a resolution authorizing amendments to this District Library Agreement reflecting the addition of the Municipality and the territory of the Municipality to the District, and specifying the changes in board representation or the percentage of funds necessary for the establishment and operation of the District Library to be provided by the Municipality within six (6) months of the date of receipt of the resolution of the Municipality.

(d) The electors of the Municipality or the portion of the territory of the Municipality to be added to the District shall have approved the levy of the districtwide millage, if any, by majority of the electors voting on the question.

12. In the event of failure by any of the Parties to perform its obligations under this District Library Agreement, the other Parties, and each of them separately, shall have the power to seek such remedies as shall be available to them at law or in equity, including actions for mandamus.

13. This District Library Agreement may be amended in writing upon the consent of the governing bodies of each of the Parties.

14. This District Library Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

15. If any clause, provision or section of this District Library Agreement shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

16. This Agreement may be executed in two or more counterparts, each of which shall be deemed and all of which shall constitute one and the same agreement, and the signature of any party to any counterpart shall be deemed a signature to and may be appended to any other counterpart.

IN WITNESS WHEREOF, the Parties have caused this District Library Agreement to be duly executed as of the date first written above.

CITY OF MARSHALL

By Sue Kelly-Heard
Its Clerk / Treas

TOWNSHIP OF FREDONIA

By Ruth L. Albaugh
Its Clerk

TOWNSHIP OF ECKFORD

By Arthur Hayden
Its Supervisor

TOWNSHIP OF MARENGO

By Marilyn S Jones
Its Clerk

TOWNSHIP OF MARSHALL

By Cynthia Smith
Its Clerk

MARSHALL PUBLIC LIBRARY

By Rebecca K. Vitell
Its Secretary

**MARSHALL DISTRICT LIBRARY
AMENDMENT TO THE DISTRICT LIBRARY AGREEMENT**

This Amendment to the District Library Agreement that was entered into on April 1, 1995 ("Amendment"), is entered into on 20th day of February, 2006, by and between the City of Marshall and the Townships of Eckford, Fredonia, Marengo and Marshall.

WHEREAS, the Marshall District Library ("District Library") was established by an agreement dated April 1, 1995 ("Original Agreement") entered into between the City of Marshall and the Townships of Eckford, Fredonia, Marengo and Marshall pursuant to the provisions of the District Library Establishment Act, 1989 PA 24, MCL 397.171 et seq. ("DLEA"); and

WHEREAS, the Marshall District Library, the City of Marshall and the Townships of Eckford, Fredonia, Marengo and Marshall ("Parties") desire to further amend the Original Agreement in order to provide for more direct involvement by all Parties in appointing members to the District Library Board; and

WHEREAS, pursuant to the Act and the Original Agreement, the Marshall District Library and the Parties have approved or will soon approve an amended Agreement.

THEREFORE, be it resolved by the Parties as follows:

1. Amendment. The Parties approve this Amendment to the Amended District Library Agreement. Paragraph 3 shall read in its entirety as follows:

3. The District Library shall be governed by a board ("the Board" or "Library Board") which shall initially consist of eight (8) appointed members. However, the Board shall be reduced to seven (7) members after the expiration of the term of office of the At-Large member whose term expires on March 31, 2007.

a. The members of the Board currently in office at the time of this Amendment, as provided in the Original Agreement, shall hold office until their current terms expire.

b. Upon the expiration of the term of office of the Board Member member appointed by a participating Township whose term expires on March 31, 2008, the **Township of Eckford** shall appoint one member to the Library Board, whose term shall begin on April 1, 2008 and expire on March 31, 2011.

c. Upon the expiration of the term of office of the Board Member member appointed by a participating Township whose term expires on March 31, 2007, the **Township of Fredonia** shall appoint one member to the Library Board, whose term shall begin on April 1, 2007 and expire on March 31, 2010.

- d. Upon the expiration of the term of office of the Board Member member appointed by a participating Township whose term expires on March 31, 2006, the **Township of Marshall** shall appoint one member to the Library Board, whose term shall begin on April 1, 2006 and expire on March 31, 2009 .
- e. Upon the effective date of this Amendment, the **Township of Marengo** shall appoint one member to the Library Board, whose term shall begin on the effective date of this Amendment and shall expire on March 31, 2009.
- f. Upon the expiration of the term of office of the Board Member member appointed by a participating Township or the City (i.e. "At Large" position) whose term expires on March 31, 2007, that position shall no longer exist and the number of Board members will be reduced to a seven (7) member Board.
- g. The remaining three (3) appointments to the Library Board by the City of Marshall shall remain unchanged.

As the above described terms of office expire, and with each expiration of office thereafter, the respective party who made the appointment of the Board member whose term has expired shall make an appointment to replace the board members whose terms expired to serve a three (3) year term of office.

Nothing herein shall prohibit a Party from reappointing a member whose term has expired to a successive term of office. However, no member may serve more than three (3) consecutive terms.

In accordance with Section §(2) of the Act, MCL 397.178, the Governor of the State of Michigan shall have the power to remove a member of the Board for cause, pursuant to the provisions of Section 10 of Article V of the State Constitution of 1963. Vacancies shall arise in the event of the removal by the Governor, resignation, death, conviction of a felony, in the event a member ceases to be a resident of the District or of the Party that appointed the Board member or otherwise as provided by law.

In the event of a vacancy, the Party which appointed the member whose position has become vacant shall appoint a replacement within 3 months of the vacancy. In the event no such replacement shall have been appointed by the appropriate Party at the end of such 3-month period, the Board shall have the power to appoint such replacement, whose term shall extend to the end of the term of the former member of the Board, and whose appointment shall be deemed to have been approved by the Party which originally appointed the member whose position has become vacant.

2. Remainder of Agreement. This Amendment only affects Paragraph 3 of the Original Agreement. This Amendment shall not affect any of the remaining

clauses, provisions or sections of the Original Agreement, which shall remain in full effect.

3. Effective Date. This Amendment shall become effective the date that the Library of Michigan approves this Amendment, according to Section 5 of the DLEA, MCL 397.175.

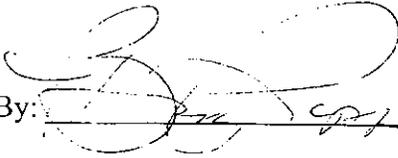
4. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Michigan.

5. Severability. If any clause, provision or section of this Amendment shall be ruled invalid or unenforceable by any court of competent jurisdiction, the invalidity or unenforceability of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections.

6. Execution in Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed and all of which shall constitute one and the same agreement, and the signature of any Party to any counterpart shall be deemed a signature to and may be appended to any other counterpart.

7. Conflict of Provisions. This Amendment does not in any way affect the Amended District Library Agreement or other agreement unless specifically stated in this Amendment. In the event a conflict occurs, this Amendment shall govern.

ECKFORD TOWNSHIP

Dated: 1-16-06 By: 

Bruce Rapp

(Print Name)

Its: Supervisor

CITY OF MARSHALL

Dated: 1-5-06 By: Gail Budrow-Bradstreet

GAIL BUDROW-BRADSTREET

(Print Name)

Its: Finance Director/Clerk-Treasurer

FREDONIA TOWNSHIP

Dated: 2/20/06 By: David Sebring

David L Sebring

(Print Name)

Its: Supervisor

MARENGO TOWNSHIP

Dated: 1/31/06 By: Robert H. Brownell

Robert H. Brownell

(Print Name)

Its: Doran Vandenberg, Clerk

MARSHALL TOWNSHIP

Dated: 2/21/2006 By: Eugene D. Hamaker

Supervisor Marshall Township

(Print Name)

Its: Eugene D. Hamaker

MARSHALL DISTRICT LIBRARY

Dated: 2/20/06 By: Diane M. Kellogg

DIANE M. KELLOGG

(Print Name)

Its: Board President



Library of Michigan

P.O. Box 30007, 717 West Allegan Street, Lansing, MI 48909
Administration: 517-373-1580. Information: 517-373-5400.

1 March 1995

Mr. Renwick Garypie
Marshall Public Library
111 East Mansion Street
Marshall, MI 49068

Dear Mr. Garypie:

This is to notify you that, effective 1 April 1995, the Marshall District Library is recognized by the Library of Michigan as a legally established district library pursuant to 1989 PA 24.

The District Library Agreement and the resolutions are hereby approved as follows:

- (1) The participating municipalities include the City of Marshall and the Townships of Eckford, Fredonia, Marengo, and Marshall. The district library's legal service area includes all of the territory located within the participating municipalities, except that portion within the legal service area of the Willard Public Library.
- (2) The district library board is a seven-member appointed board. Please send us a list of your board members' names and addresses.

Congratulations on the establishment of the new district library. If you have any questions, please feel free to contact me.

Sincerely,


Jeffrey P. Johnson
Deputy State Librarian

JPJ:tk

THE DISTRICT LIBRARY ESTABLISHMENT ACT
Act 24 of 1989

AN ACT to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 1998, Act 176, Eff. Mar. 23, 1999.

Popular name: District Libraries Act

The People of the State of Michigan enact:

397.171 Short title.

Sec. 1. This act shall be known and may be cited as "the district library establishment act".

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.172 Definitions.

Sec. 2. As used in this act:

(a) "Agreement" means a district library agreement required by section 3 or the agreement governing a district library established under former 1955 PA 164.

(b) "Board" means a district library board.

(c) "Department" means the department of education.

(d) "District" means the territory of the participating municipalities that is served by a district library established under this act.

(e) "General election" means that term as defined in section 2 of the Michigan election law, 1954 PA 116, MCL 168.2.

(f) "Largest" means, if used in reference to a participating school district, the participating school district having the most electors voting at the last regularly scheduled school board election in the participating school district.

(g) "Largest" means, if used in reference to a county, the county having the most registered electors of a district as last reported to the county clerk under section 661 of the Michigan election law, 1954 PA 116, MCL 168.661.

(h) "Legislative body" means, if the municipality is a school district, the school board.

(i) "Municipality" means a city, village, school district, township, or county.

(j) "Participating" means, in reference to a municipality, that the municipality is a party to an agreement.

(k) "School district" means 1 of the following but does not include a primary school district or a school district that holds meetings rather than elections:

(i) "Local act school district" as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(ii) "Local school district" as that term is used in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(l) "State librarian" means the department.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2001, Act 64, Eff. Oct. 1, 2001;—Am. 2005, Act 60, Imd. Eff. July 7, 2005;—Am. 2015, Act 108, Imd. Eff. June 30, 2015.

Popular name: District Libraries Act

397.173 Joint establishment of district library; requirements; portion of municipality to be included in district library; excluded portion; documents to be filed with state librarian; review; approval or disapproval; amendment of boundaries; effect of excluded territory; single municipality.

Sec. 3. (1) Except as otherwise provided under subsection (12), 2 or more municipalities, except 2 or more school districts that hold their regularly scheduled elections on different dates, authorized by law to establish and maintain a library or library services may jointly establish a district library if each of the following requirements is satisfied:

(a) If the proposed district contains a public library, other than a district library established under this act, and that public library is recognized by the department as lawfully established for purposes of the distribution of state aid and penal fines, the governing board of the public library approves the establishment of the district library.

(b) The legislative body of each municipality identified in the agreement described in section 4 adopts a

resolution providing for the establishment of a district library and approving an agreement.

(c) The proposed district library district does not overlap any portion of another district library district.

(2) A participating municipality may provide in the resolution required by subsection (1) that only a portion of its territory is included in the district library district. Except as provided in subsection (3), the portion of a participating municipality included in a district library district shall be bounded by county, township, city, village, or school district boundaries.

(3) A city, village, or township may exclude from a district library district only that portion of the municipality's territory located within the boundaries of a public library that is all of the following:

(a) Recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines.

(b) Established under this act or any of the following acts:

(i) 1877 PA 164, MCL 397.201 to 397.217.

(ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(iii) 1917 PA 138, MCL 397.301 to 397.305.

(4) Participating municipalities that propose to establish a district library shall file with the state librarian both of the following:

(a) A copy of an agreement described in section 4 that identifies the proposed library district.

(b) A copy of a map or drawing that is no smaller than 8-1/2 by 11 inches or larger than 14 by 18 inches and clearly shows the territory proposed to be included in the district library district. The map shall unambiguously show the relationship of the proposed district library district to the adjacent and constituent units of government, which include counties, cities, villages, townships, school districts, and district libraries.

(5) The state librarian shall review the agreement described in section 4 and the map described in subsection (4)(b) and approve or disapprove of the proposed district library district in accordance with section 5. The participating municipalities shall cooperate with the state librarian to correct any errors or changes in the agreement or map that the state librarian considers necessary to comply with this act.

(6) Upon receiving notice of the state librarian's approval of an agreement described in section 4, or upon expiration of the 10-day period described in subsection (10), the secretary of the board of the affected district library shall submit to the county treasurer of each county in which the district library district is located and to the treasurer of each municipality in which the district library district is located a copy of all of the following:

(a) The state librarian's written statement of approval for the district library issued in accordance with section 5.

(b) The map or drawing of the district library's territory described in subsection (4)(b).

(c) If the district library includes only a portion of a municipality, the tax identification number of each parcel of property within that municipality which is included in the district library district.

(7) Once an agreement is approved by the state librarian, the agreement and boundaries of a district library established under this act may be amended to do only the following:

(a) Provide for the withdrawal of a participating municipality in accordance with section 24.

(b) Add a participating municipality in accordance with section 25.

(c) Provide for the disincorporation, annexation, consolidation, or merger of a participating municipality in accordance with sections 3c and 3d.

(d) Provide for the merging of 2 or more district libraries.

(e) Eliminate certain territory in accordance with subsection (9).

(8) For any amendment described in subsection (7), the secretary of the board of the district library shall file with each of the following a copy of the map or drawing of the amended boundaries approved by the participating municipalities:

(a) The county treasurer of each county in which the district library is situated.

(b) The department.

(9) A district library recognized by the legislative council before December 29, 1997 may amend its boundaries to eliminate territory located within the legal boundaries of a public library or another district library district, if that public library or other district library is recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines. The procedures for amending an agreement under section 5 do not apply to a boundary amendment described in this subsection. A district library that amends its boundaries under this subsection shall meet all of the following requirements:

(a) The board of the district library adopts a resolution designating the territory to be excluded from its boundaries.

(b) The proposed amended boundaries exclude only that territory which is within the legal boundaries of a public library established under this act or any of the following acts and recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines:

(i) 1877 PA 164, MCL 397.201 to 397.217.

(ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(iii) 1917 PA 138, MCL 397.301 to 397.305.

(c) The district library files with the state librarian a copy of the resolution of the board described in subdivision (a) together with a map or drawing that complies with the requirements of subsection (4)(b).

(10) If a district library complies with subsection (9) and the state librarian does not disapprove the amended boundaries within 10 business days after receiving the map or drawing described in subsection (9)(c), the boundaries are amended.

(11) The territory that has been excluded from any district library district under subsection (9) shall remain a part of the district library district from which it has been excluded for the purpose of levying debt retirement taxes for bonded indebtedness of the district library district that exists on December 29, 1997. The territory shall remain a part of that district library district until the bonds are redeemed or sufficient funds are available in the debt retirement fund of the district library for that purpose.

(12) Except for a school district and with the approval of the state librarian, a single municipality may establish a district library under this section if each of the following requirements is satisfied:

(a) The municipality has made an assertive effort over a period of time of not less than 3 consecutive years to form a district library with 1 or more other municipalities.

(b) The municipality has submitted to and received the state librarian's approval of a plan of service.

(c) The municipality has a population of 4,500 or more.

(d) The municipality is otherwise qualified and meets the requirements of a district library under this act.

(e) Any other requirements considered necessary by the state librarian to ensure that a district library created under this section complies with the intent of this act.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 1997, Act 160, Imd. Eff. Dec. 29, 1997;—Am. 2001, Act 64, Eff. Oct. 1, 2001;—Am. 2005, Act 60, Imd. Eff. July 7, 2005;—Am. 2014, Act 570, Imd. Eff. Jan. 15, 2015.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.173a Referendum on question of becoming district library or joining existing district library; filing, approval, and review of petition; approval by electors; establishment of new-district library; appointment of interim board; vote by district library board to accept or reject new proposed participating municipality.

Sec. 3a. (1) Upon petition by not less than 5% of the registered electors residing in the affected municipality, municipalities, or the portion of a municipality, requesting a referendum on the question of becoming a district library or joining an existing district library, the clerk of each affected municipality, upon verifying the required number of signatures on the petitions, shall file a copy of the petition with the department and submit the question of whether the municipality should become a participating municipality to the vote of the electors of the municipality at the next general election or special election called for that purpose and conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) If the question of the petition under subsection (1) relates to the joining of an existing district library, before circulating the petition for signatures, the supporters of the petition may submit the proposal and the petition language to the existing district library board for review and approval. The district library board shall vote by resolution to accept or reject the proposed new participating municipality within 30 days of receiving a copy of the proposed petition. If the proposal is approved by the district library board and the referendum is passed by the electors, the district library shall amend its agreement to incorporate the new participating municipality.

(3) The referendum submitted to the electors under this section shall include a request for a millage to fund the new district or the municipality's obligation to the existing district. For district libraries with appointed boards, the referendum shall include language regarding the appointment of new members to represent any new participating municipality.

(4) If approved by a majority of the electors in the affected municipality voting on the question, the municipality shall proceed to become a participating municipality in the manner provided under this act.

(5) A new district library established under this section shall consist of 2 or more municipalities and be governed by an elected board as provided under section 11. The board required under this subsection shall be elected not later than 1 year from the date the electors approve the new district.

(6) If a new district library is created under this section, each participating municipality shall appoint members to an interim governing board in a number proportional to its population in relationship to the entire

district. The interim board shall prepare and submit the agreement and map required by this act to the department no later than 180 days from the date the electors approve the new district. If the agreement and map are not submitted as required by this subsection, the agreement and map shall be prepared by the state librarian.

(7) If the district library board has not approved the new participating municipality under subsection (2) and the petition is submitted to the electors for approval and passes, the board of the district library shall vote within 30 days following certification of the election results whether to accept or reject the new proposed participating municipality. If the new participating municipality is accepted, the district library shall amend its agreement to incorporate the new participating municipality.

History: Add. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.173b Merging of district libraries; requirements; districtwide library tax.

Sec. 3b. (1) Two or more district libraries may merge if all of the following requirements are satisfied:

(a) The governing boards of the district libraries by majority vote approve that the district libraries merge and that all territory located within their jurisdictional service areas are included in the merger.

(b) The approving resolution is conditioned upon majority vote of approval by the governing boards of all participating municipalities, within a period of time specified in the resolution.

(c) By a majority vote of the members of the district library boards, amend the agreement to reflect the merger of the libraries and the territory served by the merger.

(d) The amendments to the agreement shall include, but are not limited to, changes in board representation, the percentage of funds necessary from each participating municipality for the establishment and operation of the merged district libraries, a revised legal description of the district, and a map that clearly shows the revised service area of the new district library.

(e) That all amendments and resolutions are submitted to the state librarian.

(2) If there is a districtwide library tax being levied by a participating library at the time of the merger, the tax will remain in effect and can be considered as a portion or all of that library's contribution in the merger. A districtwide tax will be extinguished upon the approval of a merged district library districtwide tax by the majority of the electorate residing in the merged district libraries' jurisdictional limits.

History: Add. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.173c Disincorporation, annexation, consolidation, or merger of municipalities.

Sec. 3c. If 2 or more participating municipalities establish a district library under this act and 1 or more of those participating municipalities is subsequently disincorporated, annexed, consolidated, or merged, or if all participating municipalities are consolidated or merged into 1 municipality, the disincorporation, annexation, consolidation, or merger does not affect the validity of the district library, and all of the following apply:

(a) The district library shall continue to be recognized for all purposes as a lawfully established district library that may continue to exercise all powers, duties, functions, and responsibilities, including the levy of taxes authorized by the electors of the district, as provided in the agreement, this act, and any other applicable law.

(b) If 2 or more participating municipalities remain in the district library, those municipalities shall amend the agreement to reflect the disincorporation, annexation, consolidation, or merger. If only 1 participating municipality remains in the district library after the disincorporation, annexation, consolidation, or merger, or if all participating municipalities are merged or consolidated into 1 municipality, that municipality shall assume the powers, duties, functions, and responsibilities of the former participating municipality or municipalities without amendment of the agreement.

(c) The terms of the district library board members shall continue as provided in the agreement and this act, except that if the district library board members are appointed, the legislative body of a single remaining participating municipality or a consolidated or merged municipality shall appoint district library board members as the terms of district library board members expire.

History: Add. 2014, Act 570, Imd. Eff. Jan. 15, 2015.

Popular name: District Libraries Act

397.173d Transfer of portion of district library to other district library; condition; effect of districtwide library tax; "transfer area" defined.

Sec. 3d. (1) Two district libraries may amend a contiguous boundary by transferring a portion of 1 district library to the other district library if all of the following requirements are satisfied:

(a) The transfer area is bounded by county, township, city, village, or school district boundaries.

(b) The governing board of each district library adopts a resolution approving the transfer by majority vote of the members appointed and serving.

(c) By resolution within the time period specified in a resolution described in subdivision (b), the governing board of each participating municipality for both district libraries approves the transfer by majority vote of the members appointed and serving.

(d) Both agreements are amended to reflect the transfer. The amendments to the agreements shall include, but are not limited to, all of the following:

(i) Changes in board representation.

(ii) The money necessary from each participating municipality for the establishment and operation of the district libraries.

(iii) A revised legal description of the district.

(iv) A map that clearly shows the revised service area of each new district library.

(e) Each district library shall submit the resolutions described in subdivisions (b) and (c) and the amendments to the agreement described in subdivision (d) to the state librarian.

(2) If a districtwide library tax is being levied in the district library district receiving the transfer area, the board of that district library shall condition acceptance of the transfer area on the approval of the tax by a majority of the electors residing in the transfer area. Failure of a majority of the electors residing in the transfer area to approve the tax does not affect the validity of the continued levy of any previously authorized millage by the district library transferring the transfer area. A tax levied by the district library transferring the transfer area will be extinguished in the transfer area upon approval by a majority of the electors residing in the transfer area.

(3) If a districtwide library tax is not being levied by the district library receiving the transfer area at the time of the transfer, but a districtwide library tax is being levied by the district library transferring the transfer area, the districtwide tax of the district library transferring the transfer area is extinguished in the transfer area only upon approval of the transfer by the state librarian.

(4) As used in this section, "transfer area" means the portion of the district library district to be transferred.

History: Add. 2014, Act 570, Imd. Eff. Jan. 15, 2015.

Popular name: District Libraries Act

397.174 District library agreement; provisions.

Sec. 4. (1) The agreement shall provide for all of the following:

(a) The name of the district. For a district that is created on or after the effective date of the amendatory act that added section 3a, the name shall include the word "district".

(b) The identity of the municipalities establishing the district library.

(c) The creation of a board to govern the operation of the district and the method of selection of board members, whether by election or appointment. If board members are selected by appointment, the agreement shall provide for the term of office, the total number of board members, and the number of board members to be appointed by the legislative body of each participating municipality. If board members are selected by election, the agreement shall provide for the number of provisional board members to be appointed by the legislative body of each participating municipality.

(d) Of the amount of money to be stated in the annual budget under section 13, the percentage to be supplied by each participating municipality.

(e) The procedure for amending the agreement, which shall require the consent of the legislative bodies of not less than 2/3 of the participating municipalities.

(f) A period of time after the effective date of the agreement, not less than 1 year, during which the adoption of a resolution to withdraw from the district library under section 24 shall be void.

(g) Any distribution of district library assets to take place upon the withdrawal of a participating municipality.

(h) Any other necessary provisions regarding the district library.

(2) A district library agreement may provide that the district library board is abolished and the district library terminates unless, on or before a date stated in the agreement, the district electors approve a district

library millage at a rate not less than a minimum number of mills stated in the agreement. If the district library agreement contains such a provision, the district library agreement shall specify the manner in which the net assets of the district library shall be distributed to the participating municipalities upon termination and shall contain a plan for continuing public library service to all residents of the district after termination.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.175 Submission of agreement and amendment to state librarian; approval or disapproval of agreement, amendment, or revision; statement.

Sec. 5. (1) The legislative bodies of the municipalities that establish a district library shall submit the agreement to the state librarian within 10 days following the date on which the agreement is adopted. A board shall submit an amendment to the agreement to the state librarian within 10 days following the date on which the amendment is adopted.

(2) The state librarian shall approve an agreement or an amendment to an agreement submitted pursuant to subsection (1) or a revision in board structure submitted pursuant to section 6 if it conforms to the requirements of this act and shall disapprove the agreement, amendment, or revision if it does not conform to the requirements of this act. Within 30 days following the date on which the state librarian receives an agreement, amendment, or revision, the state librarian shall send to the board or the legislative bodies that submitted the agreement, amendment, or revision a written statement of approval or disapproval. If the state librarian disapproves the agreement, amendment, or revision, the state librarian shall explain in the written statement the reasons for the disapproval, and the department shall not recognize the district library as lawfully established for purposes of the distribution of state aid and penal fines until the state librarian approves an amendment or revision that causes the agreement to conform to the requirements of this act. If the state librarian fails to send a written statement of approval or disapproval within 30 days following the date on which the state librarian receives the agreement, amendment, or revision, it shall be considered approved.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2001, Act 64, Eff. Oct. 1, 2001.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.176 Organizational plan; revision of board structure and selection.

Sec. 6. Within 1 year after May 22, 1989, the board of a district library established pursuant to former 1955 PA 164 shall submit to the state librarian an organizational plan including the information required to be set forth in an agreement under section 4(1) and shall revise the board structure and selection to conform to section 9 or to sections 10 and 11. If the board of a district library established pursuant to former 1955 PA 164 complies with this section and the state librarian does not disapprove the revision of board structure and selection, the district library shall be considered to be established pursuant to this act.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2002, Act 540, Imd. Eff. July 26, 2002.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.177 District library as authority.

Sec. 7. A district library established pursuant to this act constitutes an authority under section 6 of article IX of the state constitution of 1963.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.178 Candidate for appointment or election as board member; qualifications; vacancy in office of board member.

Sec. 8. (1) An individual appointed as a board member shall be a qualified elector of the participating municipality that appoints the member on the date the appointment is made. A candidate for election as a board member shall be a qualified elector of a participating municipality on the deadline for filing nominating petitions. A candidate for appointment or election shall be a resident of the district.

(2) The office of board member becomes vacant when the incumbent dies, resigns, is convicted of a felony,

is removed from office by the governor pursuant to section 10 of article V of the state constitution of 1963, or ceases to be a resident of the district. In addition, the office of an appointed board member becomes vacant when the incumbent ceases to be a resident of the participating municipality that appointed the incumbent.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.179 Appointed board members; number; right to appoint; term; vacancy.

Sec. 9. If an agreement prescribes appointed board members, the board shall consist of not fewer than 5 and not more than 8 members. The agreement may provide that the right to appoint 1 or more board members rotates between 2 or more municipalities. A term shall not be more than 4 years. A member shall serve until the appointment and qualification of a successor. A vacancy shall be filled for the unexpired term by the participating municipality that appointed the member whose position is vacant.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.180 Repealed. 2002, Act 159, Eff. Jan. 1, 2003.

Compiler's note: The repealed section pertained to election of board members.

Popular name: District Libraries Act

397.180a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 10a. A petition under section 10 or 11, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 176, Eff. Mar. 23, 1999.

Popular name: District Libraries Act

397.181 Election of board members of district library; provisions applicable where school district is participating municipality; amendment of agreement.

Sec. 11. (1) Except as otherwise provided under subsections (2) and (3), all of the following apply to an election of board members of a district library:

(a) If an agreement prescribes elected board members, the board shall consist of 7 members elected at large from the district.

(b) If an agreement prescribes elected board members, a provisional board of 7 members shall be appointed. The members of the provisional board shall hold office until their successors are elected and qualified.

(c) The first election of board members shall take place at the first general election held 140 days or more after the appointment of the first member of the provisional board. The 4 persons receiving the most votes at the first election for board members shall have 4-year terms, and the 3 remaining persons elected to the board shall have 2-year terms. After the first election, board members shall be elected at general elections for 4-year terms that begin on January 1 following the election.

(d) Board members shall be elected on nonpartisan ballots.

(e) Subject to subdivision (f), a nomination for the office of board member shall be by nonpartisan petitions signed by registered electors of the district. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(f) In lieu of the nominating petition prescribed in this subsection, an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(g) A nominating petition or filing fee shall be filed with the clerk of the largest county not later than 4 p.m. of the day 110 days before the date of the election. The county clerk with whom nominating petitions or filing fees are filed shall certify the names of the candidates to the clerk of every other county in which all or part of a participating municipality is located.

(h) A vacancy in the office of a board member shall be filled until the expiration of the vacating board member's term by appointment by majority vote of the remaining board members. If the vacancy occurs 140 or more days before the first regularly scheduled election of board members that follows the beginning of the term of the board member vacating office and that term is 4 years, all of the following apply:

(i) The vacancy shall be filled by appointment by majority vote of the remaining board members only until

the next date on which the term of any board member expires.

(ii) A board member shall be elected at the regularly scheduled election of board members next following the occurrence of the vacancy to fill the vacancy for the remainder of the term of the board member vacating office.

(2) If a school district is a participating municipality, the following apply to an election of board members for a district library:

(a) The first election of board members shall take place at the same time as the first regularly scheduled election of school board members in the largest participating school district occurring on or after the thirteenth Monday following the appointment of the first member of the provisional board. The term of office of an elected member of the board shall begin at the same time as the term of a school board member elected at the same election in the largest participating school district.

(b) Subject to subdivision (c), a nomination for the office of board member shall be by a petition meeting to the extent applicable the same requirements, including filing requirements, as a nominating petition for the office of school board member in the largest participating school district. The petition shall be filed not later than 4 p.m. of the twelfth Tuesday preceding the election. The number of signatures shall be as follows:

(i) For a district with a population of less than 10,000, not less than 6 or more than 20.

(ii) For a district with a population of 10,000 or more, not less than 40 or more than 100.

(c) In lieu of the nominating petition prescribed under subdivision (b), an individual may file a \$100.00 nonrefundable fee to have his or her name placed on the ballot. A nominating petition or filing fee shall be filed with the school district election coordinator for the largest participating school district. The school district election coordinator shall certify the names of the candidates and the date of the election to the school district election coordinator of every other participating school district and to the election officials authorized by this act to conduct the election in each participating municipality all or a portion of which is located within a nonparticipating school district.

(3) The agreement may be amended to coordinate the terms and election of board members with the terms and election of other school or municipal officials.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2002, Act 159, Eff. Jan. 1, 2003;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.182 Powers of board; compensation and expenses of board members; deposit and expenditure of money in district library fund.

Sec. 12. (1) A board may do 1 or more of the following:

(a) Establish, maintain, and operate a public library for the district.

(b) Appoint and remove officers from among its members.

(c) Appoint and remove a librarian and necessary assistants and fix their compensation.

(d) Purchase, sell, convey, lease, or otherwise acquire or dispose of real or personal property, including, but not limited to, land contracts and installment purchase contracts.

(e) Erect buildings.

(f) Supervise and control district library property.

(g) Enter into a contract to receive library-related service from or give library-related service to a library or a municipality within or without the district.

(h) Adopt bylaws and regulations, not inconsistent with this act, governing the board and the district library.

(i) Propose and levy upon approval of the electors as provided in this act a tax for support of the district library.

(j) Borrow money pursuant to the district library financing act, 1988 PA 265, MCL 397.281 to 397.290.

(k) Issue bonds pursuant to the district library financing act, 1988 PA 265, MCL 397.281 to 397.290.

(l) Accept gifts and grants for the district library.

(m) Do any other thing necessary for conducting the district library service, the cost of which shall be charged against the district library fund.

(2) A board may reimburse a board member for necessary expenses that the member incurs in the performance of official duties. A board may compensate board members for attending official meetings of the board or committees of the board and shall include the amount of compensation in the annual budget. Compensation shall not exceed \$30.00 per board member per meeting. A board member shall not be compensated for attending more than 52 meetings per year.

(3) Money for the district library shall be paid to the board and deposited in a fund known as the district library fund. The board shall exclusively control the expenditure of money deposited in the district library fund.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2002, Act 540, Imd. Eff. July 26, 2002;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.183 Determination of money necessary for establishment and operation of district library districtwide tax; payment by participating municipality; approval of tax; library tax.

Sec. 13. (1) Subject to any limitation in the district library agreement on the amount of the district library annual budget or the amount or percentage of an increase in the district library annual budget, or both, that applies in the absence of a districtwide tax approved by the electors, the board shall annually determine the amount of money necessary for the establishment and operation of the district library and shall state that amount in an annual budget of the district library.

(2) All or part of the money necessary for the establishment and operation of a district library may be supplied by a tax levied by the district library on the taxable property in the district. A district library shall not levy a tax authorized by this subsection unless the tax is approved as provided in section 15. However, a districtwide tax in effect or authorized to be levied by a district library established pursuant to former Act No. 164 of the Public Acts of 1955 may be levied by the district library at the rate and for the period of time originally authorized without being approved as provided in section 15.

(3) A districtwide tax or taxes authorized by subsection (2) shall not exceed 4 mills.

(4) That portion of the total districtwide tax or taxes that exceeds 2 mills shall be authorized to be levied for a period of not more than 20 years. However, if 1 or more of the participating municipalities had a legally established public library with an authorized tax levy of more than 2 mills on December 31, 1993, that portion of the total districtwide tax or taxes that exceeds the greatest number of mills authorized to be levied by any such participating municipality for its public library on December 31, 1993 shall be authorized to be levied for a period of not more than 20 years.

(5) Of the amount of money stated in the annual budget pursuant to subsection (1) that is not supplied by a districtwide tax, the legislative body of each participating municipality shall annually pay to the board the percentage set forth in the agreement pursuant to section 4. A participating municipality may make the payment by appropriating money from its general fund or by levying a tax for district library purposes on the taxable property in the municipality, or both.

(6) A participating municipality shall not levy a tax authorized by subsection (5) unless the tax is approved by a majority of the electors who reside in the participating municipality and vote on the proposal. Not less than 60 days before the date of the election, the legislative body of a participating municipality shall certify a proposed tax to the clerk of the municipality or, if the participating municipality is a school district, to the secretary of the school board for inclusion on the ballot.

(7) A library tax in effect or authorized to be levied by a participating municipality before the municipality became a party to an agreement may be levied at the rate and for the period of time originally authorized and used as a source of all or part of the percentage of money set forth in the agreement pursuant to section 4, unless prohibited by the millage authorization.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 1994, Act 114, Imd. Eff. May 11, 1994.

Popular name: District Libraries Act

397.184 Provisions governing elections.

Sec. 14. (1) An election for or recall of board members and an election for a districtwide tax shall be conducted under the provisions of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, and applicable provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, except to the extent that those provisions are inconsistent with the provisions of this act.

(2) If none of the participating municipalities are school districts, an election for a districtwide tax is governed by sections 15 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for a districtwide tax is governed by section 15 and sections 19 to 23.

(3) If none of the participating municipalities are school districts, an election for district library board members is governed by sections 16 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for district library board members is governed by sections 19 to 23.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2002, Act 540, Imd. Eff. July 26, 2002.

Popular name: District Libraries Act

397.185 Ballot proposal for districtwide tax; amount of millage; proposed duration; adoption by resolution; certification; authorization of tax levy; limitation on elections.

Sec. 15. (1) A ballot proposal for a districtwide tax shall state the amount of the millage. If section 13(4)

limits the maximum duration of a portion of the millage in a ballot proposal for a districtwide tax, the ballot proposal shall state the proposed duration of that portion of the millage.

(2) If none of the participating municipalities are a school district, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the county clerk of each county in which all or part of the district is located for inclusion on the ballot. The proposal shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution.

(3) If 1 or more of the participating municipalities are school districts, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the school district election coordinator of the largest participating school district. The board shall certify the proposal for inclusion on the ballot at the next regularly scheduled election of school board members in the largest participating school district or at a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution. The school district election coordinator to whom the ballot proposal was certified shall promptly certify the proposal and date of election to the school district election coordinator of every other participating school district and to the election officials authorized by this act to conduct the election in the participating municipalities or the portions of participating municipalities located within a nonparticipating school district.

(4) If a majority of the votes cast on the question of a districtwide tax is in favor of the proposal, the tax levy is authorized. No more than 2 elections shall be held in a calendar year on a proposal for a districtwide tax.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 1994, Act 114, Imd. Eff. May 11, 1994;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.186 Providing ballots.

Sec. 16. If none of the participating municipalities are a school district, the county election commission of each participating county and each county in which all or part of a participating municipality is located shall provide ballots for an election for board members or a districtwide tax for each participating municipality or part of a participating municipality located within the county.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.187 Conduct of election; list of electors.

Sec. 17. (1) Except as otherwise provided in subsection (3), if none of the participating municipalities are school districts, an election for board members or a districtwide tax shall be conducted by the city and township clerks and election officials of the municipalities located within the district.

(2) If an election on a proposal for a districtwide tax is to be held in conjunction with a general election or state primary election or board members are to be elected and if a participating village is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village or the portion of the village that is included in the district. By the fifteenth day preceding the election, the village clerk shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the district election by special ballot.

(3) If a districtwide tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a participating village is located within a nonparticipating township, the village clerk and election officials shall conduct the election.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.188 Publication of notices of close of registration and election; canvass and certification of results of election.

Sec. 18. (1) If an election for board members or a districtwide tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election and none of the participating municipalities are school districts, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, if none of the participating municipalities are school districts, the county clerk of the largest county shall publish the notices of close of registration and

election. The notice of close of registration shall include the ballot language of the proposal.

(2) If none of the participating municipalities are school districts, the results of an election for board members or a districtwide tax shall be canvassed by the board of county canvassers of each county in which a participating municipality is located. The board of county canvassers of a county in which a participating municipality is located and which is not the largest county shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for board members or a districtwide tax based on the returns of the election inspectors of the participating municipalities in that county and the certified results of the board of county canvassers of every other county in which a participating municipality is located. The board of county canvassers of the largest county shall certify the results of the election to the district library board and issue certificates of election.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.189 Printing and providing ballots.

Sec. 19. If 1 or more participating municipalities are school districts, the school district election coordinator of each participating school district shall provide for the printing of ballots for that school district. The school district election coordinator of the largest participating school district shall provide ballots for an election for board members or a districtwide tax for a participating municipality or part of a participating municipality located within a nonparticipating school district.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.190 Conduct of election for board members or districtwide tax.

Sec. 20. If 1 or more participating municipalities are school districts, the election for board members or a districtwide tax shall be conducted as follows:

(a) The school district election coordinator otherwise authorized by law to conduct elections in a participating school district shall conduct the election in that school district.

(b) If all or a portion of the participating municipality is located within a nonparticipating school district that is holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the nonparticipating school district shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district. The qualified and registered electors of the participating municipality that reside within the nonparticipating school district shall vote in the election for board members or a districtwide tax by special ballot at their regular polling places in the election in the nonparticipating school district. Those qualified and registered electors shall be identified from the registration records of the nonparticipating school district or from a list of the names, addresses, and birth dates of qualified and registered electors of the participating municipality who reside in the nonparticipating school district and are eligible to vote in elections for board members or a districtwide tax. The list shall be supplied and updated by the clerk of the participating municipality at the request of the school district election coordinator or other official authorized by law to conduct the election.

(c) If all or a portion of a participating municipality is located within a nonparticipating school district that is not holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the participating municipality shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.191 Publication of notices for election of board members or districtwide tax; publication of notices of close of registration and election; ballot language of proposal.

Sec. 21. (1) If an election for district board members or a districtwide tax is conducted by a participating school district under section 20(a), the school district election coordinator required by law to publish notices of the close of registration and election for a school district election in that school district shall publish the notices for the election for board members or a districtwide tax in that school district.

(2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district, under section 20(b), the school district election coordinator required by law to publish the notices of close of registration and election for a

school district election in that school district shall publish the notices for the election for board members or a districtwide tax for the participating municipality or portion of a participating municipality located within that school district. The notices of close of registration and election shall designate the participating municipality for all or a portion of which the election is being conducted under section 20(b).

(3) If an election for board members or a districtwide tax is conducted by a participating municipality under section 20(c), the clerk of the participating municipality shall publish notices of close of registration and election for the participating municipality or that portion of the participating municipality located in the nonparticipating school district.

(4) A notice of close of registration published under this section shall contain the ballot language of the proposal.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.192 Canvass and certification of results of election.

Sec. 22. (1) If an election for district board members or a districtwide tax is conducted by a participating school district pursuant to section 20(a), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in that school district and, if the school district is not the largest participating school district, certify the results of the election to the board of canvassers of the largest participating school district.

(2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district pursuant to section 20(b), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in the participating municipality or portion of the participating municipality located within the nonparticipating school district and certify the results to the board of canvassers of the largest participating school district.

(3) If an election for board members or a districtwide tax is conducted by a participating municipality pursuant to section 20(c), the board of canvassers required by law to canvass the results of a municipal election in that municipality shall canvass the results of an election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district and certify the results of the election to the board of canvassers of the largest participating school district.

(4) The board of canvassers required by law to canvass the results of elections held in the largest participating school district shall make the final canvass of the election for board members or a districtwide tax based on the returns received from the election inspectors of that district and certified results received from other boards of canvassers that canvassed part of the election. The board of canvassers required by law to canvass the results of a school district election in the largest participating school district shall certify the total results of the election to the board and issue certificates of election.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

397.193 Reimbursement for costs of election.

Sec. 23. (1) A county clerk shall charge the district library and the district library shall reimburse the county for the actual costs the county incurs in an election for board members or a districtwide tax.

(2) If a participating township, city, or village conducts an election for district library board members or a districtwide tax, the clerk of that municipality shall charge the district library and the district library shall reimburse the municipality for the actual costs the municipality incurs in conducting the election if 1 or more of the following apply:

(a) The election is not held in conjunction with a regularly scheduled election in that municipality.

(b) Only a portion of the territory of the municipality is included in the district.

(c) The election is conducted under section 20(c) in conjunction with a regularly scheduled election in the municipality and a portion of the municipality lies within the boundaries of a nonparticipating school district.

(3) If an election for district library board members or a districtwide tax is held in conjunction with the regular election of a participating school district, the school district election coordinator authorized by law to conduct the election shall charge the district library and the district library shall reimburse the school district for the additional costs that the school district incurs in conducting the election.

(4) In addition to costs reimbursed under subsection (1), (2), or (3), a municipality shall charge the district library and the district library shall reimburse the municipality for actual costs that the municipality incurs and that are exclusively attributable to an election for board members or a districtwide tax.

(5) The actual costs that a county, township, city, village, or school district incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

397.194 Withdrawal of municipality from district library; amendment of agreement; dissolution.

Sec. 24. (1) Except to the extent that the agreement provides otherwise, a participating municipality in which a district library tax is in effect or authorized to be levied by the district library or by the participating municipality may withdraw from the district library if all of the following requirements are satisfied:

(a) Not less than 2 months before the next regularly scheduled election of the municipality, the legislative body of the municipality adopts a resolution to withdraw from the district library on a date specified in the resolution. The date specified shall be not less than 6 months after the next regularly scheduled election of the municipality.

(b) Notice of an election on the resolution is published in a newspaper published or of general circulation in the municipality not less than 10 days before the next regularly scheduled election of the municipality following adoption of the resolution.

(c) The resolution is approved by a majority of the electors of the municipality voting on the resolution at the next regularly scheduled election of the municipality following adoption of the resolution. If only a portion of the territory of a municipality is included in the district, the vote shall be conducted only in that portion of the municipality included in the district.

(d) After approval of the resolution by the electors, the clerk of the municipality or, if the municipality is a school district, the school district election coordinator files with the library of Michigan a copy of the official canvass statement and a certified copy of the resolution and files with the board a copy of the official canvass statement and a number of certified copies of the resolution sufficient for distribution to the legislative body of each of the participating municipalities.

(e) Payment or the provision for payment to the district library or its creditors of all obligations of the municipality seeking to withdraw is made.

(f) The legislative body of the withdrawing municipality furnishes to the library of Michigan a plan for continuing, after the municipality no longer receives library services from the district library, public library service for all residents of the withdrawing municipality or the portion of the territory of the withdrawing municipality that is included in the district.

(2) A district library tax in effect or authorized to be levied by the district library or by the withdrawing municipality before the adoption of the resolution to withdraw shall be levied in the municipality for its original purpose but only for the period of time originally authorized and only so long as the board continues in existence. In addition, a municipality that withdraws from a district library shall continue to receive library services from the district library so long as a districtwide tax authorized to be levied before the withdrawal of the municipality continues to be levied in the municipality and the district library remains in operation.

(3) Except to the extent that the agreement provides otherwise, a participating municipality in which no district library tax is in effect or authorized to be levied by either the district library or the participating municipality may withdraw from the district library if all of the following requirements are satisfied:

(a) The legislative body of the municipality adopts a resolution to withdraw from the district library on a date specified in the resolution. The withdrawal date shall follow the date of the resolution by not less than 1 year.

(b) The clerk of the municipality or, if the municipality is a school district, the school district election coordinator files with the library of Michigan a certified copy of the resolution and files with the board a number of certified copies of the resolution sufficient for distribution to the legislative bodies of each of the participating municipalities.

(c) The requirements of subsection (1)(e) and (f) are satisfied.

(4) After the withdrawal of a municipality, the agreement shall be amended to reflect the withdrawal.

(5) The state librarian may initiate proceedings to dissolve a district library established under this act if he or she finds 1 or more of the following:

(a) The district library does not qualify for distribution of state aid and penal fines.

(b) The district library board has not met within the last 12 months.

(c) The district library lacks the funding to provide adequate library-related services.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2005, Act 60, Imd. Eff. July 7, 2005.

Popular name: District Libraries Act

Compiler's note: For transfer of powers and duties of library of Michigan and state librarian, except pertaining to services for blind and physically handicapped and those related to census data functions, to department of education, see E.R.O. No. 2009-26, compiled at MCL 399.752.

397.195 Municipality other than school district as party to existing agreement; requirements; acceptance conditioned on authorization of tax; change in number of mills based on district library agreement.

Sec. 25. (1) A municipality other than a school district may become a party to an existing agreement if the agreement's requirements concerning the addition of a participating municipality are satisfied, or, in the absence of requirements in the agreement, if each of the following requirements is satisfied:

(a) The legislative body of the municipality resolves by majority vote that the municipality become a participating municipality and that all or, pursuant to section 3(2), a portion of the territory of the municipality be added to the district.

(b) The resolution is conditioned upon the board's adopting, within a period of time specified in the resolution, amendments to the agreement specified in the resolution. The amendments specified shall reflect the addition of the municipality or of the territory to the district and shall include, but need not be limited to, changes in board representation or the percentage of funds necessary for the establishment and operation of the district library to be supplied by each participating municipality after the municipality becomes a party to the agreement.

(c) The board amends the agreement within the time and in the manner specified in the resolution of the legislative body of the municipality. Notwithstanding anything to the contrary in the procedure for amending the agreement set forth in the agreement pursuant to section 4, the amendment shall be made by majority vote of the members of the board elected or appointed and serving.

(2) If there is a districtwide library tax, the board shall condition acceptance of the municipality or portion of the territory of the municipality into the district on the authorization of that tax by a majority of the electors of the municipality or portion of the territory of the municipality voting on the proposal.

(3) Notwithstanding section 13 or a districtwide tax or taxes authorized by section 13, an existing district library agreement may change the number of mills authorized in the existing district library agreement if 1 or more municipalities or parts of municipalities join the existing district library district through a preexisting written agreement with the district library board. The change of the number of mills to be levied in the district library district shall be contingent on the approval by a majority of the voters of the existing district library district voting on the question and on the approval of a majority of the voters of each municipality or part of a municipality seeking to join the existing library district voting on the question. Defeat of the proposal submitted to the electors of the existing district library district shall not have any effect on the validity of the continued levy by the existing district library and district library board of previously authorized millage.

History: 1989, Act 24, Imd. Eff. May 22, 1989;—Am. 2002, Act 540, Imd. Eff. July 26, 2002;—Am. 2003, Act 279, Imd. Eff. Jan. 8, 2004.

Popular name: District Libraries Act

397.195a Repealed. 2003, Act 279, Imd. Eff. Jan. 8, 2004.

Compiler's note: The repealed section pertained to a consolidated district library agreement.

Popular name: District Libraries Act

397.196 Repeal of MCL 397.271 to 397.276.

Sec. 26. Act No. 164 of the Public Acts of 1955, being sections 397.271 to 397.276 of the Michigan Compiled Laws, is repealed.

History: 1989, Act 24, Imd. Eff. May 22, 1989.

Popular name: District Libraries Act

**Marshall District Library
Board of Trustees**

BY-LAWS

ARTICLE I

NAME AND PURPOSE

Section 1. This organization shall be called the Marshall District Library.

Section 2. The Marshall District Library is organized exclusively for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations described under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE II

MEMBERSHIP

Section 1. In accordance with Michigan Public Act 24 of 1989, known as the District Library Establishment Act (the "Act"), and the Marshall District Library Agreement, as amended, the Board of Trustees of the Marshall District Library shall consist of seven (7) members to be appointed. The appointments shall be made pursuant to the terms of Section 3 of the District Library Agreement, as amended.

Section 2. In accordance with Section 8(2) of the Act, the Governor of the State of Michigan shall have the power to remove a Board of Trustees member for cause, pursuant to the provisions of Section 10 of Article V of the Michigan Constitution of 1963, as amended. Vacancies shall arise in the event of the removal, resignation, death or felony conviction of a member. A vacancy also occurs in the event a member has moved outside the municipality that appointed the member. In the event of a vacancy, the party that appointed the member whose position has become vacant shall appoint a replacement therefore within two (2) months of the vacancy. In the event no such replacement shall have been appointed by the appropriate party at the end of such two (2)-month period, the Board of Trustees shall have the power to appoint such replacement, whose term shall extend to the end of the term of the former member of the Board of Trustees.

ARTICLE III

POWERS OF THE BOARD OF TRUSTEES

Section 1. The Board of Trustees may exercise any and all of the powers granted to it in the Act, Michigan Public Act 265 of 1988, known as the District Library Financing Act, or as otherwise authorized by law. The Board of Trustees may delegate such powers (that may lawfully be delegated) to the officers of the Board of Trustees and to the Library

Director as it deems necessary.

Section 2. The Board of Trustees shall have the exclusive control of the budget of the Marshall District Library. The fiscal year of the Marshall District Library shall be the annual period commencing July 1 and ending the following June 30.

Section 3. The Marshall District Library Board of Trustees shall prepare and publish an annual budget and shall obtain an annual audit by an independent certified public accountant selected by the Board of Trustees, all in accordance with the Uniform Budgeting and Accounting Act, being Act No. 2 of the Public Laws of Michigan of 1963, as amended.

ARTICLE IV

OFFICERS

Section 1. Officers of the Board of Trustees shall be President, Vice-President, Secretary, and Treasurer.

Section 2. The officers shall be elected for a term of one (1) year at the March Board of Trustees meeting. The term of office for the Officers of the Board of Trustees shall begin on April 1 and continue for one (1) year until March 31 of the subsequent year.

Section 3. Vacancies in office shall be filled by the Board of Trustees at the next regular meeting of the Board of Trustees following the occurrence of a vacancy, except for the office of President, in which case the Vice-President shall assume the duties of the office for the unexpired term. A successor Vice-President shall be elected to fill the vacancy so created in that office.

Section 4. No officer shall serve more than three (3) consecutive one (1)-year terms in the same office.

ARTICLE V

DUTIES OF THE OFFICERS

Section 1. The President shall preside at all meetings, appoint committees with the approval of the Board of Trustees, authorize calls for any special meetings and generally perform the duties of a presiding officer.

Section 2. In the absence of the President, the Vice-President shall perform the duties of the President.

Section 3. The Secretary of the Board of Trustees shall see that a true and accurate account of all proceedings of the Board of Trustees meetings is kept. In compliance with any requirements of state law regarding the holding of meetings, the Secretary shall issue notices of all regular meetings, and on the authorization of the President or written request of two (2) Trustees, of all special meetings, and shall have custody of the minutes

and other records of the Board of Trustees. With the approval of a majority of the Board of Trustees, the Secretary may delegate any of the responsibilities to the Library Director.

Section 4. The Treasurer shall have charge of the funds of the Marshall District Library, providing for their safe custody and investment as directed by the Board of Trustees, subject to limitations for investment of public funds as provided by law. The Treasurer shall control expenditures from the Marshall District Library fund through a system of vouchers presented by authorized personnel. A record of all moneys received or deposited to the Marshall District Library fund, and all disbursements, sales and transfers from the fund shall be kept by the Treasurer, and reported monthly to the Board of Trustees at its regular meeting. In addition the Treasurer shall perform such other duties as may be prescribed for him or her by State or Federal law and these by-laws. With the approval of a majority of the Board of Trustees, the Treasurer may delegate any of these responsibilities to the Library Director.

ARTICLE VI

MEETINGS

Section 1. Within ten (10) days following the first meeting of the calendar or fiscal year a notice shall be posted in a public place setting forth dates, times, and places of all regular meetings scheduled for the ensuing year. If there are any changes in this schedule, as required, the Marshall District Library shall post a public notice stating the new times, dates and places of its regular meetings. This notice shall be posted within three (3) days after the meeting at which the change is made and shall be posted in the monthly announcement of the regular meeting.

Section 2. The annual meeting of the Marshall District Library Board of Trustees shall be the regular meeting in the month of April and shall be for the purpose of organizational matters as may be required.

Section 3. Special meetings may be called by the President or upon written request of two (2) trustee members, provided proper notice is provided, as required by the Michigan Public Act 267 of 1976, known as the Open Meetings Act, at least eighteen (18) hours before the special meeting giving the time and purpose for which such meeting is called. Trustees not present at the time of announcement of such special meeting shall be notified by the Secretary.

Section 4. Notices of regular meetings with agenda shall be posted in a public place and shall be distributed by the Secretary to all members at least three (3) days before the meeting.

Section 5. The following items will constitute the minimum agenda for regular meetings:

- [Call to order and attendance
- Approval of agenda
- Approval of minutes

Financial report, including approval of bills
Library Director's report
Committee reports
Unfinished business
New business
Comments from Board of Trustees members
Comments from the public
Adjournment]

Section 6. A quorum for the transaction of business shall consist of four (4) members of the Board of Trustees.

Section 7. Any Board of Trustees action, to be official must be approved at an official Board of Trustees meeting by a majority of the quorum, unless otherwise required by law.

Section 8. The procedure for action at the meeting shall be as follows:

- a. All actions, whether by resolution or by motion, shall be moved and supported before discussion. If a motion is not supported, it shall not be taken up for discussion.
- b. After an action is moved and supported, it shall be open for discussion by members of the Board of Trustees.
- c. Members shall seek recognition by the President before speaking.
- d. Any motion or resolution under discussion may be amended prior to adoption by the following action:
 - (1) The proposed amendment is moved and supported.
 - (2) The proposed amendment is open for discussion.
 - (3) Following discussion, or upon request by a member of the Board of Trustees, the President shall call the amendment for approval.
 - (4) If the amendment passes by majority vote, the originally proposed action shall be considered as amended.
- e. Following discussion, or upon request by a member of the Board of Trustees, the President shall call the action for approval.
- f. Unless otherwise requested by a member of the Board of Trustees or required by law, all actions shall be taken by voice vote signifying "Aye" or "Nay".

Section 9. During any public comment period at an open meeting, each speaker shall limit his or her comments to three (3) minutes in duration.

ARTICLE VII

LIBRARY DIRECTOR

Section 1. The Library Director shall be appointed by the Board of Trustees and shall be considered the executive officer of the Marshall District Library.

Section 2. The Library Director shall have sole charge of the administration of the Marshall District Library under the direction and review of the Board of Trustees. The Library Director shall be responsible for the care of the building and equipment; for the employment, development, and direction of the staff; for the operation of the Marshall District Library under the financial conditions set forth in the budget approved by the Board of Trustees; and for the submission to the Board of Trustees a written annual report of the library, including the audited financial statements.

Section 3. The Library Director or the Library Director's representative shall attend all meetings of the Board of Trustees.

ARTICLE VIII

DISSOLUTION

Section 1. Upon the dissolution of Marshall District Library, its assets shall be distributed for one (1) or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a State or Local government, for a public purpose.

ARTICLE IX

AMENDMENTS

Section 1. These by-laws may be amended at any regular or special meeting of the Board of Trustees by a majority vote of all members, provided the amendment was presented in writing at the previous regular meeting.

Originally adopted by the Marshall District Library Board of Trustees at its special meeting on April 10, 1995, amended by the Marshall District Library Board of Trustees at its regular meeting on March 14, 2006. Article VI, Section 1, and Article IV, Section 2, amended by the Marshall District Library Board of Trustees at its regular meeting on May 11, 1999. Article VI, Section 5 amended by the Marshall District Library Board of Trustees at its regular meeting on June 29, 2006. Article II, Section 1; Article VI, Sections 1, 5, 6, 9; Article VII, Section 2, amended by the Marshall District Library Board of Trustees at its regular meeting on April 14, 2009, Article IV, Section 2, Article VI, Section 2 at its regular meeting on October 8, 2013. All Articles amended by the Marshall District Library Board of Trustees as its regular meeting on May 13, 2025.

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