

October 8, 2009

Mr. Michael Q. Davis
Walsh & McKenna, P.C.
109 East Main Street, Suite 1
Bozeman, MT 59715

Dear Mr. Davis:

This pertains to your request for an opinion regarding funding of the West Yellowstone library. As you know, we circulated a draft opinion some time ago that addressed your question in conjunction with a different but related issue pertaining to funding of the county hospital district in Granite County.

Following circulation of the draft, we became aware that an appeal was pending before the Montana Supreme Court regarding issues related to the management of the public library in Butte-Silver Bow County. Because of the pendency of that appeal, we decided to separate your issue from the hospital issue, on which we issued our opinion on July 30. Out of respect for the pending appeal, we limited that opinion to the hospital situation and specifically disclaimed any intention to opine regarding the statutes governing libraries.

However, we have the following advice regarding the funding contributed by Gallatin County to support the West Yellowstone library.

For some years Gallatin County has contributed financial support to the library through a tax levy that applies county-wide, except within the limits of the Town of West Yellowstone. The library is not a joint city-county library under Mont. Code Ann. § 22-1-316, and the Town of West Yellowstone and Gallatin County have not entered into an interlocal agreement under which the library has assumed the functions of a county library, as allowed in Mont. Code Ann. § 22-1-315. Assuming no other pertinent facts exist, it does not appear that Gallatin County is under any ongoing obligation to contribute funds for the library. Therefore, the percentage of the library budget, if any, to be funded by Gallatin County is a matter of agreement between the library trustees and Gallatin County.

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I apologize for the delay in providing this information. I hope you find it helpful.

Sincerely,

CHRIS D. TWEETEN
Chief Civil Counsel

cdt/jym

c: Marty Lambert, Gallatin County Attorney