

Memorandum of Understanding
By and between the
City of Essex Junction City Council and the
Brownell Library Board of Trustees

Preamble

The following Memorandum of Understanding is established to define the roles and responsibilities between the City of Essex Junction City Council (“City Council”) and the Brownell Library Board of Trustees (“Library Trustees”) regarding the Brownell Library (“Library”). The intent is to clarify the interaction between the VT state statutes, including changes made in Act 150 of the 2024 Legislative session, and the City Charter and Personnel Regulations.

The role of the Library Trustees is significant regarding the operations of the Library, as it is unlike any other City Department. Therefore, it is helpful to define the unique roles and responsibilities of the Trustees and how they differ from those of other City departments and operations. The overriding principle is ongoing collaboration between the Library Trustees and the City Council. Both the Library Trustees and the City Council are committed to fostering an environment of mutual respect, collaboration, and shared responsibility.

The Library is a City Department, employees are City employees, and the Building is owned by the City. As such, the City will provide financial, administrative, legal, building and grounds maintenance and human resources services, support and functions as are currently in place at the signing of the MOU. The Library personnel shall follow the City Purchasing Policy for purchases made for the Library.

Type of Library

The Essex Junction voters accepted the charitable gift of both the land and building as described in the deed from Samuel A. Brownell dated May 15, 1925; and the Library is a public library pursuant to Vermont statute, because it is open to the public.

General Vermont Law has two types of libraries:

1) Incorporated Public Libraries (*see, 22 VSA 101 et. seq.*). These are essentially non-profit corporations that work in conjunction with a municipality and in exchange (for funding) agree to adhere to the statutes that govern the open meeting/public records law; audits; etc.

2) Municipal Libraries (*see, 22 VSA 141 et. seq.*). These libraries are part of a municipal corporation. These libraries are subject to all laws that apply to municipal entities. The trustees are always elected or appointed by the municipality and have broad discretion over the operation of the library. The municipality must fund the library (subject to reasonable limits) as set forth by the Vermont Supreme Court in *Hartford Library Trustees v. Town of Hartford*, 174 Vt. 598 (2002).

The Brownell Library is essentially a hybrid incorporated/municipal library since one-half (five people) of the members of the Library Trustees are elected by the City residents as defined in Section 301 of the City Charter, and one-half (five people) of the members are self-perpetuating "permanent" Library Trustees as defined in Section 705 of the City Charter. In reference to the permanent members, the Brownell Trust agreement dated May 25, 1925, states "which said board of library trustees shall be perpetual with power to fill any vacancy therein caused by death, resignation or otherwise."

The Brownell Trust agreement dated May 25, 1925 governs the functions of the appointed Library Trustees; however the City Charter as it applies to "financial and personnel policies" controls and overrides the Brownell Trust agreement of 1925 based on this sentence from Section 705 of the City Charter: "**Notwithstanding the forgoing**, the Library is required to follow all financial and personnel policies adopted by the City Council (emphasis added)."

Therefore, both elected and permanent Library Trustee members are subject to financial and personnel policies of the City including the Ethics Policy (as may be amended).

It is understood that any reference in historical documents to the "Village of Essex Junction" refers to the "City of Essex Junction", the "Unified Manager" refers to the "City Manager", and "Village Trustees" refer to "City Councilors."

The Library Trustees are a public body as defined by 1 VSA § 310.

Setting Library Policy

In accordance with § 705 of the City Charter, the Library Trustees shall have the authority to establish any new policy for the operation of the Library or repeal or replace any existing policy and shall otherwise act in conformance with the Vermont statutes. Notwithstanding the forgoing, the Library is required to follow all financial and personnel policies adopted by the City Council.

22 V.S.A. § 143, states that the Library Trustees: "adopt bylaws, and policies governing the operation of the library."

It is agreed that there is no conflict between the City Charter and Vermont state statutes regarding Library operations; and therefore, the Library Trustees oversee the general operation of the Library except where the financial and personnel policies take precedence.

The Library Trustees will work with the Library Director to set policies that are in the best interests of the residents of the City and that are in compliance with all State and Federal laws and regulations.

The Library Trustees will set Library hours.

The operation of the Library shall be supervised by the Library Trustees. The Library Trustees shall adopt bylaws, establish Library policies, and receive, control and manage property that shall come into the hands of the City for the benefit of the Library or the Library directly by gift, purchase, devise or bequest.

When there is a vacancy of an elected Library Trustee, the City Council will appoint a person to fill that vacancy until an election is had pursuant to 24 VSA § 963, and the Brownell Trustees' Bylaws. The Council will endeavor to fill the vacancy as soon as practicable. The Library Trustees will provide the City Council with a list of skills needed by the Library Trustees to aid them as they recruit and appoint new Library Trustees. When a vacancy occurs among the permanent Trustees, the permanent Trustees will endeavor to fill the vacancy as soon as practicable.

The Library Trustees shall maintain a Library material selection policy and procedures for the reconsideration and retention of Library materials that comply with the First Amendment to the US Constitution, the Civil Rights Act of 1964, and State Laws prohibiting discrimination in places of public accommodation and that reflect Vermont's diverse people and history. The Library may adopt as its policy a model policy adopted by the Department of Libraries as allowed by 22 VSA § 69.

Library Closures

The City's General Rules and Personnel Regulations (title of the personnel policy) currently states: "214. CLOSING A VILLAGE DEPARTMENT. The Unified Manager may close a Village Department (including the Library) due to inclement weather, safety, employee funeral, etc. The Village Trustees shall be notified of all such decisions. If the Unified Manager closes a Village Department, employees shall receive full pay during normal working hours." Therefore, the Library Trustees are not currently authorized to close the library.

The City Council agrees to amend the General Rules and Personnel Regulations to read: "214. CLOSING A CITY DEPARTMENT. The City Manager may close a City Department due to inclement weather, safety, employee funeral, etc. The City Council shall be notified of all such decisions. If the City Manager closes a City Department, employees shall receive full pay during normal working hours. The Library Trustees, in coordination with the Library Director, also have the authority to close the Library due to inclement weather, safety, employee funeral, etc. If the Library Trustees close the Library, Library employees shall receive full pay during normal working hours".

Budget Development

Annually the City Council will provide guidance to all City Departments regarding overall budget parameters, which may include, but not be limited to, work plans and a set percentage increase or decrease. The Library Trustees shall annually recommend to the City an amount of support to be sought from the voters at the Annual Meeting for the operation of the Library in the next

fiscal year by submitting annually an Operating Budget for the Library and the building. The Library Trustees and the Library Director will present their budget to the City Manager and Finance Director. The City Manager will then present the budget to the City Council, and the Council will engage the Library Trustees and the Library Director to understand the proposed budget. The City Council shall make the final decision as to the amount of support to be recommended to the voters at the Annual Meeting.

Any Library fundraising or donations by the Library Foundation or other like group will supplement funding from the City's General Fund rather than supplant it and cannot be used for any non-library purposes.

The Library Trustees will work with the Library Director to make changes within established annual budget line items as needs change throughout the year, within the context of the budget adopted by the voters.

Promoting Library Use

The Library Trustees will develop a 5-year Strategic Plan for the Library in collaboration with the Library Director, Library staff and the public.

The Library Trustees will serve as representatives of all City residents and will advocate for a library that meets the community's current and future needs. This may include but not be limited to communicating with the community and the City Council in person as well as through letters, social media and print about the budget needs that the Library deems necessary to continue to meet the community's current and future needs.

Library Director and Personnel

In accordance with 22 V.S.A. § 143 (c) "The board may appoint a director for the efficient administration and conduct of the library. A library director shall be under the supervision and control of the library board of trustees, unless the employee relationship is otherwise specified in the municipality's charter or by written agreement between the legislative body of the municipality and the trustees."

In accordance with § 602 (b) of the City Charter, "the Manager shall appoint and, when the Manager deems it necessary for the good of the service, suspend or remove all City of Essex Junction employees, including the Treasurer, and other employees provided for by or under this charter for cause, except as otherwise provided by law, this charter, collective bargaining unit contracts, or personnel rules adopted pursuant to this charter."

It is agreed that the Library Director and Library staff are employees of the City and are under the supervision of the City Manager. The Library Director shall be hired by the City Manager with the advice and consent of a majority of the Library Trustees. The City Charter allows for the City Manager to suspend or remove any City employee, subject to the applicable due process.

This includes Library staff. Compensation for the Library Director shall be set by the City Manager and shall be consistent with the City's Pay and Classification system. An annual evaluation of the Library Director shall be completed by the City Manager in consultation with the Library Trustees.

Library Trustees

It is agreed that both elected and permanent Library Trustees are eligible for the City's Stipend Program, the costs of which will be included in the Library budget.

Buildings and Grounds

The City shall be responsible for repairing and making necessary improvements to the physical structure and grounds of the Library Building. Input from the Library Director and Trustees will be considered in prioritizing repairs and initiating improvements.

Legal Support

The City shall provide to the Library support on legal matters concerning questions, claims or suits involving property, casualty, liability and personnel issues. Requests for legal advice or opinions should be brought to the attention of the City Manager by the Library Director or Library Trustees. The Manager's Office shall also be made aware of, as soon as practically possible, any lawsuits filed against the Library, Library personnel or Trustees except personal civil suits unrelated to the Library or its operations.


Risk Management

The City shall provide property and liability insurance as it does for all other buildings and Departments.


It is agreed that this MOU will be reviewed by both entities periodically, and at the request of either entity, and changes and/or additions will be included as warranted. Further, the City Council and Library Trustees shall meet at least annually to coordinate and check-in.

Dated the 18th day of February, 2025 (Brownell Library Trustees)

Dated the 12th day of March, 2025 (City of Essex Junction City Council)


Jeanne Grant (Mar 14, 2025 14:32 EDT)

Jeanne Grant, Chair
Brownell Library Board of Trustees


Raj Chawla (Mar 17, 2025 12:49 EDT)

Raj Chawla, President
City of Essex Junction City Council