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## **Memorandum of Agreement**

*Between the Board of Supervisors of Warren  
County and the Samuels Public Library Board of  
Trustees*

### **I. HISTORICAL PERSPECTIVE**

Samuels Public Library Board of Trustees has successfully operated the Samuels Public Library (“Library”) as a 501(c)(3) nonprofit organization for 45 years, since 1978, with public support from the Town of Front Royal, Warren County and the community at large. The library’s history dates back to 1799, when the Front Royal Library Society was chartered as the second subscription library in the Commonwealth of Virginia. Thus, the Library has operated in service to, and with the support of, the citizens of Front Royal and Warren County for over two centuries.

On or about November 21, 2017, the Warren County Board of Supervisors and the Board of Trustees of the Library entered a Memorandum of Agreement (“2017 MOA”) which noted that: “the Warren County Board of Supervisors requested the formation of an ad-hoc committee to examine the management structure of Samuels Public Library and potential options that could save County taxpayers money in the long run. The Board of Supervisors understands that the Samuels Public Library Board of Trustees is a separate entity and that the County cannot dictate how the library is operated”.

Further, the 2017 MOA acknowledged that “Samuels Public Library compares favorably in respect to facilities, operations, and staff of other libraries in our geographic area. The library is a source of pride for our residents and is widely used.”

After a comprehensive review, the Board of Supervisors adopted the recommendation of the Ad-Hoc Committee that “Samuels Public Library continue to operate as an independent operation with management by its Board of Trustees.”

### **II. PURPOSE:**

The Library is a non-profit organization and is organized exclusively for charitable and educational purposes, including the operation of Samuels Public Library that serves County taxpayers. The operations of the Library are managed by Library Trustees (collectively, the “Trustees”, individually, each, a “Trustee”) who have the authority to appoint officers, employ personnel and make decisions on how the Samuels Public Library operates. The Warren County Board of Supervisors (the “Supervisors”) governs the County.

The purpose of this Agreement is to memorialize the process by which the County will

provide funding to the Library for a multi-year period. Currently, County taxpayers contribute approximately 76% of the Library's operational budget.

### III. 2023-2024 FUNDING

After the complete execution of the Agreement, the Supervisors shall resume quarterly funding that has been previously appropriated by the Supervisors for the Library for the fiscal year which begins July 1, 2023 and ends June 30, 2024 (the "Funds").

### IV. LIBRARY GOVERNANCE

Samuels Public Library shall seek to have a diverse Board of Trustees that represents each of the County's Magisterial Districts. The Warren County Board of Supervisors hold a seat on the Library Board with full voting rights. Trustees are volunteers who freely give their time as well as giving financially to the Library. Pursuant to the Library's Articles of Incorporation of bylaws, Trustees are selected based on experience, education and community involvement and are familiar with the library's offerings. Current Trustees' occupations and experience include the following: education, home schooling, military, medicine, media and communications, finance, law, development, leadership, social service, non-profit, the arts, and business. In addition, Board members bring diversity in terms of religious and political affiliations.

### V. FUNDING CRITERIA

Samuels Public Library will continue to submit their fiscal year funding request to Warren County's Financial Department during the second quarter of each fiscal year. The Trustees will submit a Warren County Budget Preparation Form: Partner Agency Documentation Form which reflects the funding level outlined herein under Section VII.1.

Samuels Public Library will continue its not for profit fundraising efforts to supplement county/public annual funding and accommodate contingencies that are outside of the budget.

### VI. CONSIDERATIONS FOR FUNDING

The Board of Supervisors acknowledges recent changes to the Library's Patron Registration Policy and changes to the configuration of the collection in response to patron concerns. The Library established a new collection located in the Adult section of the library called "New Adult". This collection houses books for patrons over age 16 and allows for the housing of mature content, including materials that contain some sexually explicit content, from the Young Adult collection in a more appropriate venue. Two new limited access card options are available to parents and caregivers who would prefer their child not have access to print or online materials with mature content.

As outlined in the 2017 MOA, "Both parties agree that the purpose of a public library is to level the playing field". In keeping with this agreed upon principle. Samuels Public Library will continue to take responsibility for providing a well-rounded collection which will continue to adhere existing law, and specifically, to policies and practices as outlined

in the Virginia Administrative Code: 17VAC15-110-10, Requirements. Library Board of Trustee meetings will continue to be open to the public as required by the Virginia Freedom of Information Act (2.2-3700 et seq. of the 1950 Code of Virginia, as amended).

Samuels Public Library will continue its demonstrated policy of transparency to the public, conduct periodic surveys of Warren County residents and provide continuous opportunities for patron input and feedback. The Library will maintain a robust website with accessible book reviews and descriptions for parents and caregivers to monitor their child's literary needs. The website will include information, policies, financial documents and a calendar of programs, meetings and events.

## VII. BUDGET

During each year of this Agreement, the Board of Trustees agrees to request, and the County agrees to appropriate, the sum of the following amounts:

1. Increase in County appropriation in its operational funding budget FY 2023-2024 (0% increase), FY 2024-2025 (1% increase), for its FY 2025-2026 budget (2% increase), for FY 2026-2027 budget, (2% increase), for FY 2027-2028 (3% increase), and for FY 2028-2029 (3% increase)
2. A cumulative amount equal to the annual increase in Library employee Health Insurance premiums; and
3. If there is a substantive increase in County revenue during the period of this agreement, the County may consider an additional appropriation to match any across-the-board compensation increases provided to County employees.

## VIII. COLLABORATION

The Library and County agree to work together to identify opportunities to share resources to provide cost savings for the Library without reduction in the County appropriation.

## IX. CAPITAL IMPROVEMENTS

As the owner, the County acknowledges that it is responsible for building maintenance and, as such, agrees to consider building improvements including updated flooring, HVAC replacement, and other facility needs as part of its Capital Improvement Plan.

## X. TERM OF AGREEMENT

**This agreement will cover the period from July 1, 2023 to June 30, 2029.**

## XI. ENTIRE AGREEMENT

This Agreement constitutes the entire, full, and complete understanding and agreement of the parties, and may be modified in whole or part by mutual consent of the Samuels Public Library Board of Trustees and the Warren County Board of Supervisors.

## XII. SEVERABILITY

Any term of this Agreement which is prohibited by, or is unlawful or unenforceable under Virginia law, shall be ineffective only to the extent of such prohibition, without invalidating the remaining terms of this Agreement.

**Approved by the Samuels Public Library Board of Trustees on \_\_\_\_\_**

**Approved by the Warren County Board of Supervisors on \_\_\_\_\_**

**Witnesseth the following signatures and seals:**

For the County of Warren, Virginia

Board of Supervisors

For the Samuels Library Board of Trustees

Samuels Public Library

County Attorney

County of Warren, Virginia