

RESOLUTION # 2016-63 A Resolution Approving an Amendment to the Albion District Library Agreement Pursuant to Public Act 24 of 1989

At a regular meeting of the City Council of the City of Albion, held on November 7, 2016 in the City of Albion, Calhoun County, commencing at 7:00 p.m.:

Present: *Council Members Barnes, Reid, Brown, Decker, Krause
French & Mayor Domingo*
Absent: *None*

The following resolution was offered by Council Member *Barnes* and supported by Council Member *French*.

WHEREAS, the Albion City Council has reviewed the attached Amendment to the Albion District Library Agreement and wishes to approve the same.

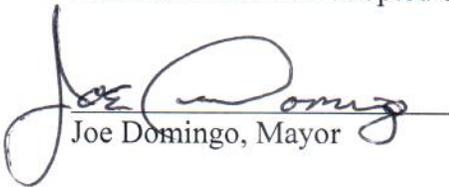
NOW, THEREFORE, BE IT RESOLVED, that the Albion City Council hereby approves the attached Amendment to the Albion District Library Agreement.

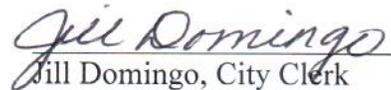
BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the attached Amendment to the Albion District Library Agreement and all related documents on behalf of the City of Albion in substantially the form attached (subject to any minor changes approved by the Mayor).

YEAS: *7*

NAYS: *0*

Resolution declared adopted on *November 8*, 2016.


Joe Domingo, Mayor


Jill Domingo, City Clerk

This certifies that the foregoing is a true and complete copy of action taken by the City of Albion City Council at the regular meeting held on *November 8*, 2016.


Jill Domingo, City Clerk

**AMENDMENT TO THE ALBION
DISTRICT LIBRARY AGREEMENT**

THIS AMENDMENT TO THE ALBION DISTRICT LIBRARY AGREEMENT (“Amendment”) is entered into this 1st day of August, 2016 by and between the **CITY OF ALBION**, a Michigan municipal corporation, 112 W. Cass Street, Albion, Michigan 49224, **ALBION TOWNSHIP**, a Michigan general law township, 28051 F Dr. S, Albion, Michigan 49224, **MARSHALL PUBLIC SCHOOLS**, as successor to the former Albion Public Schools, 100 E. Green Street, Marshall, Michigan 49068, and **ALBION DISTRICT LIBRARY**, a Michigan district library, 501 S. Superior Street, Albion, Michigan 49224.

WHEREAS, the Albion District Library Agreement (“Agreement”) became effective April 1, 2007 following approval by the State Librarian pursuant to Section 5(2) of the District Library Establishment Act (MCL 397.175(2)); and

WHEREAS, the participating municipalities in the original Agreement were the City of Albion, Albion Township, and the Albion Public Schools; and

WHEREAS, pursuant to a referendum vote on May 3, 2016, the Albion Public Schools were annexed to the Marshall Public Schools effective July 1, 2016; and

WHEREAS, the annexation of the former Albion Public Schools to the Marshall Public Schools did not change the boundaries of the Albion District Library district which continues to include the former Albion Public Schools district within Sheridan Township; and

WHEREAS, as the result of the annexation of the former Albion Public Schools to the Marshall Public Schools, Marshall Public Schools is now the successor to the former Albion Public Schools for purposes of this Agreement by operation of law; and

WHEREAS, as a participating municipality, Albion Public Schools was responsible for appointing two Albion District Library Board members pursuant to Section II.A. of the Agreement; and

WHEREAS, it is necessary and desirable to amend the Agreement to formally recognize Marshall Public Schools as the successor to the former Albion Public Schools for purposes of the Agreement, including the appointment of District Library Board members.

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

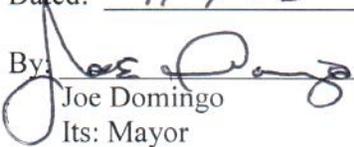
1. General Amendment. The Agreement is hereby amended to name “Marshall Public Schools, as successor to the former Albion Public Schools” as a participating municipality of the Albion District Library in place of “Albion Public Schools”, and all references in the Agreement to “Albion Public Schools” shall be deemed to mean “Marshall Public Schools, as successor to the former Albion Public Schools”.

2. Board Appointments. The parties affirm that Marshall Public Schools, as successor to the former Albion Public Schools, is responsible for appointing the two District Library Board members formerly appointed by the Albion Public Schools under Section II.A. of the Agreement. The two District Library Board members appointed by Marshall Public Schools, as successor to the former Albion Public Schools, must be residents of the former Albion Public Schools district as required by Section II.A. of the Agreement and Section 8(1) of the District Library Establishment Act (MCL 397.178(1)).
3. No Financial Obligations of Participating Municipalities. The parties affirm that Marshall Public Schools, as successor to the former Albion Public Schools for purposes of the Agreement, and the other two participating municipalities (the City of Albion and Albion Township) have no obligation to appropriate funds for the support of the Albion District Library as provided in Section III.C.6. of the Agreement.
4. Indemnification by Albion District Library. The parties affirm that the Albion District Library shall defend, indemnify, and hold harmless Marshall Public Schools as the successor to the former Albion Public Schools for purposes of this Agreement, and the other two participating municipalities (the City of Albion and Albion Township), from all claims and liabilities arising out of the operation, maintenance and improvement of the Albion District Library as provided in Section IV.E. of the Agreement.
5. Library District. The parties affirm that the territory within the district of the Albion District Library was not changed by the annexation of the former Albion Public Schools to the Marshall Public Schools on July 1, 2016. However, since Albion Public Schools is now a former school district, it is necessary to slightly amend Section I.D. of the Agreement to reflect this change in status of the former Albion Public Schools district. Accordingly, the parties amend Section I.D. of the Agreement to read in its entirety as follows:
 - D. District Description. The district of the Albion District Library consists of all that territory which is located in the jurisdictional limits of the City of Albion, Albion Township, and the former Albion Public Schools district as such school district existed as of June 30, 2016, excluding those portions of the former district of the Albion Public Schools within the jurisdictional limits of the Marshall District Library (Eckford Township and Marengo Township) and the Jackson District Library (Jackson County). The district of the Albion District Library is shown on Exhibit A.
6. Effective Date. This Amendment shall be submitted to the State Librarian for approval pursuant to Section 5(2) of the District Library Establishment Act (MCL 397.175(2)).
7. Full Force and Effect. The Agreement, as amended herein, shall continue in full force and effect in accordance with its terms.

8. 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 the Amendment and may be appended to any other counterpart.

CITY OF ALBION

Dated: 11-9-16

By: 
Joe Domingo
Its: Mayor

By: 
Jill Domingo
Its: Clerk

ALBION TOWNSHIP

Dated: _____

By: _____
Thomas Frank
Its Supervisor

By: _____
Kathy Grundemann
Its: Clerk

**MARSHALL PUBLIC SCHOOLS,
as successor to the former Albion
Public Schools**

Dated: _____

By: _____
Richard Lindsey
Its President

By: _____
Annette Campau
Its Secretary

ALBION DISTRICT LIBRARY

Dated: _____

By: _____
Kim Arndts
Its President

By: _____
Jessica Roberts
Its Secretary

EXHIBIT A

