



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM
MEETING DATE: March 15, 2022**

AGENDA TITLE

Discussion on the draft library district Intergovernmental Agreement and key issues from the February 8, 2022 study session

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Chris Meschuk, Deputy City Manager
David Farnan, Library Director
David Gehr, Interim Director Planning & Development Services
Janet Michels, Senior Attorney
Jennifer Phares, Deputy Library Director

EXECUTIVE SUMMARY

The Library District Advisory Committee (LDAC) made recommendations on a draft Intergovernmental Agreement (IGA) between the City of Boulder, Boulder County and a library district board of trustees. The purpose of this memorandum is to provide City Council with more information on library district formation and the draft IGA. Although council will still have opportunities to make decisions about these matters, it will help guide the IGA negotiations if staff understands the position of the majority of council on the following:

- The lease versus sale/deed of the city-owned library buildings and land.
- Appointment of a library district board of trustees.
- Process for dissolution of the library district if voters within the district boundary don't approve the property tax.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** The proposed library district boundaries and property tax mill levy recommended by the LDAC is estimated to sustainably fund library services at

the library master plan service expansion level. The cost of library services will be shared by more persons.

- **Environmental:** The environmental impact of forming a library district is negligible. Expanding library services into unincorporated Boulder County may have a slight impact by reducing community members' car trips into Boulder to get library services if the district is funded to level so it can establish new library facilities.
- **Social:** A library district board of trustees will be solely responsible to the community for overseeing how the library's budget and other resources are used to provide library services. Stable funding will allow the library district to extend its reach further into the community to marginalized and underserved members as well as provide more convenient access to services for members who reside in unincorporated Boulder County.

OTHER IMPACTS

- **Fiscal:** Ultimately, the formation of a library district will require voter-approved funding through property tax revenues. If approved, it is estimated that \$9.5 to \$10.25 million could be made available to fund other city priorities.

BACKGROUND

After considering the LDAC recommendations ([Feb. 8, 2022 study session](#)) about the terms of an IGA between the City of Boulder, Boulder County, and a library district board of trustees, council decided to continue deliberation about forming a library district by resolution and discuss in more detail several terms of the draft IGA (**Attachment A**). Council acknowledged the 12 community members who served on the LDAC for their hard work. Council did not request any community engagement that entails the LDAC so the committee's work concluded as of Feb. 8, 2022.

ANALYSIS

From the Feb. 8, 2022 study session, three key issues were identified by staff as needing additional council conversation:

- The lease versus sale/deed of the city-owned library buildings and land.
- Appointment of a library district board of trustees.
- Process for dissolution of the library district if voters within the district boundary don't approve the property tax.

The following analysis section provides a background, options, and the staff recommendation for each topic.

Key Issue 1: Lease versus Sale/Deed

There are two primary approaches to transfer real property to the library district, long-term lease or conveyance by some form of fee simple title. Title to each property may

include the land and building(s) as a three-dimensional unit under the [Colorado Common Interest Community Act](#).

I. Background

The Boulder community has a long history of establishing facilities and expanding them for its library system. The four city-owned library properties were paid for by the community through taxation. If these properties are conveyed to the library district, the properties will be owned by the library district and will exist in service to the community. The maintenance of the facilities will be paid for by the community through library district taxation.

The Charter of the City Boulder, [Article IX, Section 134](#) states that revenues deposited in the Library Fund shall be used only for the benefit of the library. Revenues from gifts, bequests, and donations to the fund, and proceeds of the sale of any library property, or the pro rata portion of such property, purchased with funds from the property tax appropriated shall also be deposited into the fund.

The four city-owned library facilities and a brief history¹ of how the city came to own these facilities in service to the community is as follows:

Carnegie Library for Local History, 1125 Pine St.

In 1907, after 10 years of an active community campaign to open a public library, a volunteer library board obtained funding from Andrew Carnegie to build Boulder's first public library. The Pine Street site was purchased to secure the grant, along with an appropriation for operating funding from the city. When the city charter was drafted in 1918, funding was dedicated through the .333 mill as stated in Charter Section 134. Donations and contributions from the community were used to purchase the collection and furnishings for the library.

In 1975, the Boulder Library Foundation partnered with six other organizations on a fundraising campaign to develop materials on Boulder history and genealogy. Between 1980 and 1985, the Carnegie Library building (vacant and deteriorating) was renovated and equipped as the community's local history archive and genealogical library with funding obtained from community donations and grants.

Main Library, 1001 Arapahoe Ave.

A new city hall was built in 1952, without the library wing promised in the 1945 bond election. After being informed that the city had no funds for additional repairs to the Carnegie Library building, the Library Commission mounted a community campaign for a new library. This campaign resulted in a successful 1959 bond election and construction of what is now the Main Library north building.

¹ Most of the history information is from the Boulder Library Champions Dec. 15, 2019 Memorandum to City Council. Timeline & Recommendations on Key Issues in the Intergovernmental Agreement (IGA) for a Boulder Library District.

Boulder's rapid population growth continued and by 1971, the Main Library lacked the space needed to serve the community. The Library Commission worked with the city manager to put a bond issue on the ballot which received voter approval and funded the 1974 expansion of the Main Library over Boulder Creek. The expansion included space for the city's first cable TV station, a project that the library and Library Commission managed.

In 1987, a .38 percent sales tax increase/\$14 million bond measure received voter approval. The bond revenues funded construction of the Main Library south building and renovation and expansion of the George Reynolds Branch Library.

In 2011, the community passed a city-wide, \$49 million bond proposal to address "significant deficiencies" in the city's deferred capital maintenance, including the Main Library. The south building was renovated between 2011 and 2015 using funds from this bond, supplemented by revenues from the Library Fund, and annual set-asides made from the library operating budget to the Facilities Renovation and Replacement Fund.

George Reynolds Branch Library, 3595 Table Mesa Dr.

By the early 1960's, new families moving into the rapidly growing Table Mesa area wanted local library services. The George F. Reynolds Branch Library was constructed in 1968, with more than 80 percent of funding obtained through community bequests, donations and a federal grant.

In 1987, a .38 percent sales tax increase/\$14 million bond measure received voter approval. The bond revenues funded expansion of the George Reynolds Branch Library and operating funds to restore library hours and buy more books.

New North Boulder Branch Library, 4540 Broadway St.

In 1995, the city adopted the North Boulder Subcommunity plan, including a village center with a public library. In 1997, a commitment was obtained from Safeway to donate land for the library. Development Excise Tax revenues were appropriated so construction on the branch library could begin that year. But the land donation was not approved by council until 1998, operating funds were not appropriated, and revenues set aside for library construction were reallocated to other needs. After 27 years, the completion of the new north boulder branch has been funded through a combination of Community, Culture and Safety Tax revenues, the General Fund, the Library Fund, and donations to the Library Fund, and is anticipated to break ground in 2022.

The transfer of property during the formation of other Colorado library districts varied. The table 1 below is information about the transfer of property for other Colorado library districts when they were formed.

Table 1. Some Colorado Library Districts Transfer of Property at Formation

Library	Est.	Transfer of Ownership? / Cost	Lease Cost
Poudre River Library District, Fort Collins	2007	Yes; No cost	One building; cost not provided
Clear Creek County, Georgetown	2004	No	\$1/year
Rangeview Library District, Thornton	1995	Yes; No cost	-
Grand County	1995	-	Branches leased from towns or county; \$65/month + utilities for one branch, \$1 /year for 13 years for another branch
Mesa County Library District, Grand Junction	1992	Yes; Market rate	-
Estes Park Public Library*	1988	Yes; Building. No cost.	Land \$1/year
Weld Library District	1986	Building; No cost	One building: \$10/year
East Routt, Steamboat	1980	-	\$1/year for 20 years
Pueblo City- County Library District	1969	No	\$1/year for 99 years

*Town gives annual refund to Urban Renewal Authority \$10K, and \$27,600 for building bond.

II. Options

Option A. Lease: Under this option, the city leases one or more of the library buildings to the library district. The library district is responsible for all maintenance and future capital improvements.

Considerations

- City and library district will have landlord/tenant relationship.
- A lease term is limited to 20 or possibly 30 years per charter section 111.
- Library district controls investment into facilities, and the city and district determine the level of city review or approval to modifications to the building.
- City retains ownership of buildings and land.
- Library district could not pledge the properties for bond or certificates of participation funding.
- As the west bookend of Boulder’s Civic Area, the Main Library land has shared use with other city services.

The city subsidizes some 501(c)(3) not-for-profit organizations such as The Dairy Arts Center, Boulder Museum of Contemporary Art and Colorado Chautauqua Association through leasing of the city’s buildings and land used by these organizations. This support was critical to these organizations’ ability to establish and offer arts and cultural opportunities in Boulder. While the library has a complementary [mission](#) and exists to serve the community, as an independent governmental entity with stable funding, a library district will not require a subsidy.

Option B. Transfer of ownership buildings/land: Under this option, the city transfers one or more of the library buildings to the library district with the land. The library district is responsible for maintenance of the buildings and land and future capital improvements to the buildings.

Considerations

- Library district owns assets and controls investment in facilities. The city and library district do not have a landlord/tenant relationship.
- The library district may pledge the assets for bond or certificates of participation funding.
- For Carnegie Library for Local History, the George Reynolds Branch Library, and the new north Boulder Branch Library, the land is discrete and not used by other city services.
- As the west bookend of Boulder’s Civic Area, the Main Library land has shared use with other city services.
- The library district is able to dictate the geographic distribution and diversity of services and facilities through the sale of property.
- C.R.S. § 24-90-112(2)(a) (**Attachment B**) prevents the library district from using the proceeds from the sale of property for any other purpose than providing library services.

Option C: For one or more of the library facilities, the city transfers only the buildings to the library district, and the city owns the land. The library district is responsible for maintenance and future capital improvements to the buildings.

Considerations

- Library district owns the buildings. The city and library district do not have a landlord/tenant relationship.
- The city retains ownership of the land and the responsibility to maintain it. This could be advantageous in situations where no clear parcel lines exist or the land surrounding asset has a non-library community purposes, such as the Main Library.
- This may be an overly complex ownership structure especially for facilities and land that are discrete from other city services as it requires the library district and the city to clearly define responsibilities and service levels.

Staff Recommendations on Property Transfer

An interdepartmental staff team of the city, including the City Manager’s Office, Library, Facilities and Fleet, Planning and Development Services, City Attorney’s Office and Innovation and Technology developed and reviewed the options, discussed the various considerations, and developed the recommendation (Table 2) to the LDAC.

Table 2. Staff Recommendation to LDAC for Property Transfer to the Library District

Facility	Building Transfer Ownership	Land Transfer	Building Lease	Land Lease/ Agreement
Carnegie Library for Local History , 1125 Pine St.	X	X		
Main Library , 1001 Arapahoe Ave.	X			X
George Reynolds Branch Library , 3595 Table Mesa Dr.	X	X		
New north Boulder branch library , 4540 Broadway St.	X	X		

This staff recommendation was made for the following reasons:

- There are two advantages to a library district to own through fee title the library facilities and land.
 - The district has control over the property and may improve and maintain them according to its own standards and at its own cost without a complex landlord/tenant relationship regarding maintenance and capital improvements.
 - When a local government, such as a library district or a city, owns a property, then it may pledge the property as collateral for either certificates of participation or bonds.
- The buildings remain in the public domain, being used by a governmental entity for the purpose they were originally developed for. Staff recommends nominal charges to the library district for title transfer or lease as the community has already paid for the facilities through taxation. It is recommended the IGA include a first right of refusal clause giving the city the opportunity to purchase the assets from the district if they are intended to be sold to address a concern about the asset being sold to an entity that might be undesirable to the local community. Another option would be a right of reverter clause. With such a clause, if a library facility ceased being used for library purposes, it returns to the city for another public use. While the library district will not obtain any proceeds that it could use to move library services to somewhere else in the community, the district would still have the option to ask for voter approval to increase the mill levy to fund such changes.

Key Issue 2: Library District Board of Trustee Appointment

Colorado Library Law (**Attachment C**) provides two options for the appointment of library district board of trustees as the terms expire after the initial board members are appointed by the establishing entities (City of Boulder and Boulder County). The initial board of trustees is appointed by a committee composed of two members of each establishing entity, and then ratified by a two-thirds majority of each legislative body.

Thereafter, the establishing entities have two options:

Option 1: Establishing entities review, appoint and ratify.

The establishing entities may continue appointing trustees to fill vacancies via the same committee process described above. This means two city council members and two commissioners participate on a committee to review applications and select appointees for ratification by the full council and commissioners.

Option 2: Trustees review and appoint, establishing entities ratify.

The establishing entities may delegate to the district board of trustees the authority to recommend new trustees, ratified by a two-thirds majority of each legislative body. This means the trustees would review applications and appoint trustees. These appointments are then sent to the city council and BOCC for ratification. With the delegation process, failure of the legislative bodies to act within 60 days of the trustees' recommendation shall be considered ratification of the appointment of trustees recommended by the board.

Key Issue 3: Process for Dissolution of Library District

The process for dissolution is included in the City Council and Board of County Commissioners for Boulder County (BOCC) resolutions to form a library district, respectively. Through mutual agreement, council and BOCC may determine the process for dissolution of the library district if the TABOR ballot item is not approved by voters in the IGA.

The draft IGA from the Feb. 8, 2022 study session stated specifically that the district could seek funding on the 2022 ballot, and if not funded, on the 2023 ballot, and if not funded, on the 2024 ballot, and if not funded then the district would dissolve.

This timeline and approach is fully negotiable, as this is not a defined process in state law. Therefore, council has two options:

- **Option 1:** Defining what years and how many attempts at funding can occur prior to dissolution. This looks similar to the draft language in the current draft IGA. If council supports this option, direction is desired by staff on what years and how many.
- **Option 2:** Defining a deadline date that a district must obtain voter approval for tax funding. This looks something like “The electors of the Library District must approve a XX mill levy to fund the District by the December 31, 2025 or the District shall dissolve without further action by the establishing entities and this IGA shall terminate.” If council supports this option, direction is desired by staff on what date should be included in the draft IGA.

Staff recommends option 2, as the language provides a simple yet flexible approach and gives the library district Board of Trustees leeway to determine how many times and during what years the measure can be put to vote for approval prior to the established deadline.

QUESTIONS FOR COUNCIL

For the IGA between the City of Boulder, Boulder County and the Boulder Library District, staff seeks general council direction on the following topics.

1. Regarding the library facilities, is council interested in transferring ownership or leasing buildings to the library district for the following facilities:
 - a. Carnegie Library for Local History (Staff Rec: Transfer land and building)
 - b. George Reynolds Branch Library (Staff Rec: Transfer land and building)
 - c. New north Boulder Branch Library (Staff Rec: Transfer land and building)
 - d. Main Library (Staff Rec: Transfer building)
2. What option for the library district board of trustee appointment does council support?
3. What option for the timing of dissolution of the library district does council support?

NEXT STEPS

The next step in this process is the April 5, 2022 joint public hearing with the Board of County Commissioners for Boulder County and City Council for consideration of a motion to adopt a resolution forming a library district.

A timeline with deadlines following a resolution to form a library district by City Council and the BOCC is **Attachment D**.

ATTACHMENTS

- A. Draft Intergovernmental Agreement Among Boulder Library District, the City of Boulder, and the County of Boulder
- B. C.R.S. § 24-90-112(2)(a) Tax support – elections
- C. C.R.S. § 24-90-108 Board of trustees of public libraries
- D. Library District Formation by Resolution Timeline

DRAFT
INTERGOVERNMENTAL AGREEMENT
AMONG
THE COUNTY OF BOULDER, COLORADO
THE CITY OF BOULDER, COLORADO
AND
THE BOULDER LIBRARY DISTRICT

The Board of County Commissioners of Boulder County, the Boulder City Council, and the Board of Trustees of the Boulder Library District (collectively the “Parties”) enter into this Intergovernmental Agreement regarding operations of the Boulder Library District, pursuant to § 24-90-107(2)(e), C.R.S.

RECITALS

- A. Pursuant to § 24-90-107(2), C.R.S., on April 5, 2022, the City Council of the City of Boulder, a Colorado home rule city (“City”) adopted Resolution No. XXXX to approve the formation of the Library District and a levy of not more than 3.8 mills on all property within the Library District subject to a vote of the electorate approving such mill levy.
- B. Pursuant to § 24-90-107(2), C.R.S., on _____, 2022, the Board of County Commissioners of the County of Boulder, a political subdivision of the State of Colorado (“County”) adopted Resolution No. XXXX to approve the formation of the Library District and a levy of not more than 3.8 mills on all property within the Library District subject to a vote of the electorate approving such mill levy.
- C. The “legal service area” of the Library District defined in § 24-90-103(4.5), C.R.S., is depicted in **Exhibit A** (“Service Area”).
- D. Pursuant to § 24-90-108(1), C.R.S., the City and the County appointed a seven-member board of trustees in which the management and control of the Library District has been vested. The first meeting of the Boulder Library District Board of Trustees was held on _____, 2022. A list of the appointed Trustees and their elected officers is attached as **Exhibit B**.
- E. Pursuant to § 24-90-107(2)(e), C.R.S., the legislative bodies of the County, the City, and the Library District are required to enter into an intergovernmental agreement within ninety days of the appointment of the board of trustees, or within such time

frame is otherwise agreed by the Parties, that “shall set forth fully the rights, obligations, and responsibilities, financial and otherwise,” of the Parties.

- F. The Parties desire to enter into this intergovernmental agreement (“Agreement”) to ensure that the transfer to the Library District of assets and liabilities held by the City for the benefit of the former City of Boulder Public Library (“BPL”), including all real and personal property, be effectuated in a manner that serves the best interests of the community members of the County, the City, and the Library District.
- G. The Parties’ goal is a transfer of management and operation of BPL from the City to the Library District on December 31 of the year following approval of a tax measure as set forth herein.

NOW, THEREFORE, the Parties agree that their rights, obligations, and responsibilities are as set forth in this Agreement.

AGREEMENT

ARTICLE I. OBLIGATIONS AND RESPONSIBILITIES OF THE LIBRARY DISTRICT

Section 1.1 General Obligations. The Library District shall operate, provide, and maintain public library services at the “Service Expansion Level” identified in the 2018 Boulder Public Library Master Plan, and in a manner consistent with the Colorado Library Law, § 24-90-101, *et seq.*, C.R.S., as amended, this Agreement, and the bylaws and policies of its Board of Trustees.

Section 1.2 Powers of Trustees. The Board of Trustees shall have all powers and duties delegated to it under § 24-90-109, C.R.S., as amended from time to time.

Section 1.3 Transitional Costs.

Section 1.3.1 Transition Year. The City will continue to operate the Boulder Public Library for the remainder of the fiscal year that the Library District is formed at a funding level that is approved by the Boulder City Council. In addition, the City, and its employees, will continue to operate the Boulder Public Library through the year following approval of a Library District tax measure pursuant to the Taxpayer Bill of Rights (“tax measure”), Article X, Section 20 of the Colorado Constitution, so long as a tax measure is approved by 2024. The year following approval of a Library District tax measure described in Section 1.8 is defined as the “Transition Year”.

Section 1.3.2 Cost Reimbursement. For the Transition Year, the Library District shall reimburse the City for the actual costs to provide library services and cost of providing support services as identified by the most recent Cost Allocation Plan as described in Section 2.1. according to the following schedule:

- a. One-third of the total financial support no later than June 1 of the year following the Transition Year.
- b. One-third of the total financial support no later than June 1 of the second year following the Transition Year.
- c. One-third of the total financial support no later than June one of the third year following the Transition Year.

Section 1.3.3 The City will loan an amount not greater than two million dollars to the Library District to be used to support the Library District in providing library services in the Transition Year. This loan shall bear interest at the prime rate at the time the loan is extended plus 1% and be repaid by the Library District by December 31 of the third year following the Transition Year.

Section 1.4 Public Library Fund. Pursuant to § 24-90-112(2)(a), C.R.S., as amended, all moneys generated for Library District purposes shall be delivered to the custody of the City Chief Financial Officer and credited to a special fund known as the “Public Library Fund.”

Section 1.4.1 Pursuant to § 24-90-112(2)(a), C.R.S., as amended, effective January 1 of the Transition Year, money held in the Public Library Fund shall be expended only upon approval by the President of the Board of Trustees or his or her designee as established in the Library District Finance Policy.

Section 1.4.2 No sooner than the year following the Transition Year, the Board of Trustees of the Library District may require the City Finance Director to transfer all or a portion of the Public Library Fund into the custody of the Board of Trustees pursuant to § 24-90-112(2)(c), C.R.S., as amended. However, in the event the Board of Trustees does so, it shall carry a bond for such purpose, make monthly accountings and cause an annual audit to be performed as required by law.

Section 1.4.3 Pursuant to § 24-90-112(2)(a), C.R.S., as amended, all moneys in the Public Library Fund, together with all interest income that accrues thereon, shall continue to be used only for library purposes at the direction of the Library District. Individual expenditures must be made only in accordance with the Library District’s bylaws, and after adoption of an approved budget.

Section 1.5 Policy and Plan. The Library District will establish an emergency reserve as required by Article X, Section 20(5) of the Colorado Constitution and may establish other financial reserves consistent with Board of Trustee-adopted policy. The Library District will report to the City and the County on the status of the reserves on an annual basis, pursuant to the annual report required below.

Section 1.6 **Annual Report.** No later than March 31 of each year, beginning the year following the Transition Year, the Library District will provide a written annual report to the City and the County (“Annual Report”). The contents of the Annual Report shall include, but not be limited to, the current state of the library system, goals and projections for the coming year, a summary of the current adopted budget, status of reserve accounts, and such other statistics and information as the Board of Trustees deems to be of public interest. The information in the Annual Report shall also be presented publicly to the City Council and to the Board of County Commissioners at such times as each body and the Library District may agree. The Library District shall also make available to the City and the County a copy of its audited financial statements for the previous fiscal year when available and submitted to the Office of the State Auditor in compliance with Section 29-1-606(3), C.R.S.

Section 1.7 **Annual Meeting.** The City Council and Board of Trustees, or subcommittees thereof, shall meet annually (or as otherwise agreed between them) to discuss issues of common interest and concern, upon the request of either party. The annual verbal report to Council in a public meeting, as required by Section 1.6, may, upon mutual agreement, be sufficient to meet this requirement. This requirement shall remain in effect for five years following the Transition Year and shall be thereafter renewable, by mutual agreement, in three-year increments. The Library District shall provide notice of this meeting to the Board of County Commissioners and invite the Board of County Commissioners to participate.

Section 1.8 **Library District Tax Measure.** In the General Election on November 8, 2022, the Library District will place a measure on the ballot asking electors of the Library District to vote to approve a mill levy not to exceed 3.8 mills to support the Library District. In the event this measure is not approved in 2022, the Library District will place the measure on the 2023 ballot. In the event this measure is not approved in 2023, the Library District will place the measure on the 2024 ballot. In the event the measure is not approved by the 2024 election, the Library District shall be dissolved and this IGA shall terminate. The cost of each such election shall be the responsibility of the Library District unless the tax measure fails, in which case responsibility for the cost of each such election shall be negotiated between the establishing entities and the Library District Board of Trustees.

ARTICLE II. OBLIGATIONS AND RESPONSIBILITIES OF THE CITY

Section 2.1. **Support Services.** Beginning January 1 of the Transition Year, the City will provide the following administrative and support services (“City Support Services”) to the Library District at cost: Accounting and Accounts Payable, Payroll, Human Resources, Risk Management including Insurance Coverage, Purchasing, Parks Maintenance, and Facilities Maintenance. In purchasing these services, the Library District intends to follow the City’s policies and procedures. Where the City Manager or City Council has the authority to make exceptions to policies and procedures on behalf of the City, the Library District Director or Board of Trustees, respectively, will have the same authority to make exceptions to these policies and procedures on behalf of the Library District. The services that are available to the Library District are described in more detail in **Exhibit C** (“City Support Services”).

Section 2.1.1. The City will provide any or all of the City Support Services to the Library District at cost through December 31 of the Transition Year. The City and the Library District believe it is in the best interest of the parties to retain their distinct operations. However, there may be extraordinary circumstances in which the District may require additional City Support Services beyond the Transition Year. The Library District Board of Trustees shall request by formal action any City Support Services required beyond the Transition Year by June 1 of the year preceding the year for which services are sought. The Library District shall repay the City for the actual costs of providing City Support Services, in accordance with the schedule in Section 1.3.2, above.

Section 2.1.2. Upon request from the Library District, the City may renew the City Support Services at the beginning of any fiscal year, upon adoption of the annual city budget by Boulder City Council. All City Support Services are subject to annual budget adoption and appropriation by the Boulder City Council.

Section 2.2. Technology Services. The City and the Library District believe it is in the best interest of the people of Boulder and the Library District to establish and retain their distinct technological systems where feasible.

Section 2.2.1. Meeting room technology in all branches of BPL will remain at the branches and become the property of the Library District following approval of a tax measure as set forth in section 1.8.

Section 2.2.2. The City and the Library District agree to cooperate to develop an intergovernmental agreement with a detailed transition plan for technology services, to be completed within five years following approval of a tax measure as set forth in section 1.8.

Section 2.3. Library Finances. The City has revenue sources that are restricted for library services only. Except as otherwise provided herein, the City will provide historic schedules for and transfer the audited fund balances, if any, to the Library District by July 1 of the year following the Transition Year:

Section 2.3.1. Charter Section 134 Library Fund.

- a. City of Boulder Charter section 134 established a Library Fund to hold revenues from a dedicated .333 mill tax levied upon each dollar of assessed valuation of all taxable property in the City.
- b. The Boulder Library Foundation, a Colorado nonprofit organization (“Foundation”), provides supplemental funding for BPL events, activities, and programs through private donations. Funding from the Foundation is deposited into the Library Fund, and balances, if any, would be transferred according to this Section 2.3.

Section 2.3.2. **Taxes and Fees.** The City currently collects a Capital Facility Impact Fee pursuant to section 8-9-5, “Capital Facility Impact Fee to be Earmarked,” B.R.C. 1981 (“Capital Facility Impact Fee”). The City shall continue to collect the Capital Facility Impact Fee and allocate it as directed by the City Council and the Library District shall not make any claim for such fee. The City will collect the Capital Impact Fee up to date of conveyances of real property as set forth in Article IV. Following such conveyances the City will discontinue allocation of the Capital Facility Impact fee for public library facilities and transfer any remaining audited fund balance to the Library District.

Section 2.3.3. **Community, Culture and Safety Tax (“CCS”).** The City currently collects tax revenues from the CCS approved by the electors of the City in 2014 and extended by the electors in 2017. Revenues collected are dedicated to city capital improvement projects including approximately \$5,000,000 toward the new North Boulder library project. The expectation is that the construction of and funding provided to the North Boulder library project will be completed prior to the end of the Transition Year. If there are any funds dedicated for the new North Boulder library project remaining after the Transition Year, the audited fund balance will be transferred to the Library District by July 1 of the year following the Transition year. The Library District shall not make any claim for any other CCS funds.

Section 2.3.4. **Blystat-Laeser House Proceeds.** BPL has funds remaining from the proceeds from the sale of the Blystat-Laeser House at 1117 Pine St., which was purchased in late 1986 to supplement the archival storage needs of the Carnegie Library for Local History. After the purchase, the house was determined to be inadequate for the intended use, and when it was sold in 2002, the City’s intention was to use sale proceeds to fund other archival storage options.

Section 2.3.5. **Facilities Renovation & Replacement Fund.** The FR&R accounts for major maintenance, renovation, and replacement projects for city-owned buildings, structures, and property. The City will transfer the balance of direct contributions from the Library Fund to the FF&R Fund to the Library District by April 1 of the Transition year.

Section 2.3.6. **Old Library Fund Restricted Reserve.** The balance in the Library Fund prior to the 2015 City of Boulder Charter change is held in a restricted reserve for BPL’s use for one-time expenditures.

Section 2.4. **Appointment and Removal of Trustees.**

Section 2.4.1. **Appointment of Trustees.**

- a. The City and the County shall be responsible for appointing trustees to the initial Library District Board of Trustees, which will be done through a committee made up of two members of each legislative body with ratification of appointments by both legislative bodies, pursuant to § 24-90-108, C.R.S. Thereafter, the committee shall delegate the authority to recommend trustees to the Board of Trustees. Following the appointment of the initial Library District Board of Trustees the

Library District Board of Trustees shall be responsible for appointing trustees and filling vacancies to the Board of Trustees, subject to ratification of appointments by the County and the City, pursuant to § 24-90-108, C.R.S., as amended.

- b. The Board of Trustees should reflect the demographic and geographic diversity of community members within the Service Area.
- c. For the initial Library District Board of Trustees, the City and the County shall appoint seven members from the residents within the Service Area. One member shall serve a one year; one member shall serve a two-year terms; one member shall serve a three-year terms; two members shall serve four-year terms; and two members shall serve five-year terms. [*Terms dictated by CRS 24-90-108(3)(a)*]
- d. The Board of Trustees shall elect from its members a president and a secretary. Four members of the Board of Trustees constitute a quorum, and the Board shall only act on an affirmative vote of at least four members.
- e. The Board of Trustees shall make all necessary rules and regulations for managing and discharging its duties and for its own governance and procedure and for the preservation and protection of the Public Library Fund.

Section 2.4.2. Removal of Trustees.

- a. Until the adoption of the Library District Bylaws by the Board of Trustees, the Boulder City Council may remove any member of the Library District Board of Trustees by majority vote for conflict of interest violation, any other violation of applicable law, regulation, or policy, nonattendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by a majority of the Library District Board of Trustees, or for other good cause as determined by Boulder City Council.
- b. Following adoption of the Library District Bylaws, the Board of Trustees may remove any member of the Library District Board of Trustees by majority vote for cause as defined in the Library District bylaws.

Section 2.4.3. Vacancies. If a member of the Library District Board of Trustees is removed as provided in Section 2.4.2.a, Boulder City Council shall fill any vacancy for the remainder of the term of the removed director. If a member of the Library District Board of Trustees is removed as provided in Section 2.4.2.b, the Library District Board of Trustees shall fill any vacancy for the remainder of the term of the removed director.

ARTICLE III. EMPLOYMENT AND PERSONNEL

Section 3.1. BPL Employees. The City will provide the Library District with a list of BPL employees as of November 1 of the Transition Year, not including those employees who report to

or the Arts Manager (“BPL Employees”). BPL Employees shall continue to be employees of the City through 11:59 p.m. December 31 of the Transition Year, at which time their employment with the City will terminate.

Section 3.2. **Transfer of BPL Employees to the Library District.** The expectation is that all BPL Employees employed on December 31 of the Transition Year will become Library District employees by the process described herein.

Section 3.2.1. On or before December 1 of the Transition Year, the Library District shall make offers of employment to all BPL Employees to be effective the following January 1 at 12:00 a.m.

- a. The Library District commits to paying all employees of the District a living wage and will strive to offer salaries, pay grades and benefits generally comparable to those provided by the City for the BPL Employees, subject to appropriation by the Board of Trustees.
- b. Commencing at 12:00 a.m. January 1 of the year following the Transition Year, the Library District shall be responsible for the payment of employee salary and wages; its share of any retirement benefits; medical, dental, vision, and voluntary benefits; state and/or federal taxes; workers compensation insurance; and unemployment insurance for these employees, and shall be responsible for the defense and indemnification of such employees pursuant to the Colorado Governmental Immunity Act, § 24-10-101, *et seq.*, C.R.S., as amended.
- c. Commencing at 12:00 a.m. January 1 of the year following the Transition Year, the Library District shall be responsible for the payment of annual leave time and sick leave for its eligible employees.

Section 3.2.2. At 12:00 a.m. January 1 of the year following the Transition Year, the City will eliminate all BPL Employee positions and will no longer have BPL Employees.

- a. The City will remit BPL Employees’ accrued vacation leave in accordance with the City policies and Boulder Municipal Employee Association contract in effect as of December 31 of the Transition Year.
- b. BPL Employees may redeem their Well-Being@Work dollars earned through 11:59 p.m. December 31 of the Transition Year in accordance with the Cigna™ policy in effect as of December 31 of the Transition Year.
- c. Through 11:59 p.m. December 31 of the Transition Year, the City shall be responsible for the payment of salary and wages, and its share of retirement benefits, state and/or federal taxes, workers compensation insurance, and unemployment insurance for BPL Employees, and shall be responsible for the

defense and indemnification of such employees pursuant to the Colorado Governmental Immunity Act, § 24-10-101, *et seq.*, C.R.S., as amended.

Section 3.2.3. The City agrees to allow Library District employees to participate in City-sponsored training classes when space allows and if the Library District pays any required fees.

ARTICLE IV. REAL PROPERTY

Section 4.1. City Library Facilities.

Section 4.1.1. The City owns and/or operates real property on which public library facilities are situated, as more specifically described in **Exhibit D**, attached hereto and incorporated herein by this reference (“City Library Facilities”). The City Library Facilities are located at the following addresses:

- a. Downtown Main Library Building – owned and operated by the City (1001 Arapahoe Avenue).
- b. Carnegie Library for Local History– owned and operated by the City (1125 Pine Street).
- c. George Reynolds Branch Library– owned and operated by the City (3595 Table Mesa Drive).
- d. New North Boulder library – City owns the land and is developing plans for a public library facility on the site (4540 Broadway).
- e. Meadows Branch Library– leased and operated by the City (4800 Baseline Road).
- f. North Boulder Corner Library—leased and operated by the City (4600 Broadway).

Section 4.1.2. The Library District has commenced and will complete within 18 months of the date of this Agreement preparation of a strategic plan which will evaluate how the Library District can best utilize the above City Library Facilities to carry out its voter-mandated charge to provide library services (“Strategic Plan”). The Strategic Plan will take into account the conveyance and use of property and rights relating to the City Library Facilities set forth in Section 4.2, below.

Section 4.2. Conveyance Use of Property and Rights.

Section 4.2.1. Carnegie Library for Local History, George Reynolds Branch Library. On or before December 31 of the Transition Year, the City shall convey by quit claim deed, fee simple determinable interest in and to the Carnegie Library for Local History and the George Reynolds Branch Library. Such conveyance will be subject to any easements of record, and with the City retaining any necessary easements for existing City utilities running on, under

or through the property, and shall be subject to [a right of first refusal] [automatic reversion] as set forth in Section 4.2.5, below.

Section 4.2.2. **New North Boulder Library.** Using Community Culture and Safety tax revenues, other capital funds, library-specific funds, donations, and funds from the general fund, the City will complete the construction, tenant finish, furnishing (including equipping with Information Technology infrastructure) and the purchase of a materials collection for the new North Boulder library. Within six months following completion of construction, the City will convey by quit claim deed, fee simple determinable interest in and to the new North Boulder library. Such conveyance will be subject to any easements of record, and with the City retaining any necessary easements for existing City utilities running on, under or through the property, and shall be subject to [a right of first refusal] [automatic reversion] as set forth in Section 4.2.5, below

Section 4.2.3. **Assignment of Leases.**

- a. The Meadows Branch Library is currently subject to a 20-year lease in effect through 2029. On or before December 31 of the Transition Year the Library District will assume the lease and all of the City's rights and obligations under that lease.
- b. The North Boulder Corner Library is currently subject to a year-to-year renewable lease in effect through 2022. On or before December 31 of the Transition Year, the Library District will assume the lease and all of the City's rights and obligations under that Lease. The North Boulder Branch Library will close once the new North Boulder library is opened.
- c. If the lessors of the Meadows Branch Library or North Boulder Corner Library will not agree to release the City from the leases, the Library District shall indemnify and hold harmless the City against any and all damages to property or injuries to or death of any person or persons arising from the Library District's use or operation of these properties, and shall indemnify and hold harmless the City from any and all claims, demands, suits, actions or proceedings of any kind or nature, of or by anyone whomsoever in any way resulting from or arising out of the Library District's operations of the properties in connection with the leases.

Section 4.2.4. **Downtown Main Library.** The City and Library District recognize that the Main Library is located in the Civic Area and an integral part of downtown Boulder. The Library District agrees to continue providing services out of the downtown Main Library.

- a. **Transfer of Building Ownership.** On or before December 31 of the Transition Year, the City and the Library District shall convey the library building to the Library District by quit claim deed subject to the conditions of sections 4.2.4.c and 4.2.5 herein. Such conveyance will be subject to any easements of record, and with the City retaining any necessary easements for existing City utilities running on, under or through the property.

- b. Ownership of Land. The City will retain ownership of the land in and under the downtown Main Library building.
- c. Common-interest Agreement. The City and Library District agree to establish a collaborative partnership to manage the land under and around the downtown Main Library (“Main Library Area of Influence”) in the best interests of the community, in the location generally bordered by 9th Street, Broadway, Canyon Boulevard and Arapahoe Avenue. The City and Library District agree the Library District will not have influence on City plans outside of the Main Library Area of Influence. The City and the Library District agree to cooperate to develop a common-interest agreement in the year following the Transition Year to manage the Main Library Area of Influence and to guide future planning and development of Boulder Civic Area within the Main Library Area of Influence. Concepts to address in such common-interest agreement include (in no priority order):
 - i. The City and Library District will have an equal partnership regarding management, planning and development of the Main Library Area of Influence.
 - ii. The City and Library District are committed to partner together to agree on any proposed changes that will materially impact the Library District’s ability to provide library services or impact the District’s financial obligations. Any such proposed changes will be jointly approved by the City and Library District.
 - iii. The City and Library District are committed to partner together to identify the various interests that need to be funded, including but not limited to snow removal, park maintenance, and parking lot maintenance; and to describe the standard of service that will apply to each.
 - A. In any future redevelopment the City and Library District will consider the performance criteria developed in the 2015 Civic Area Plan for the West End.
 - B. If future development of the downtown Main Library results in changes to the building shell, the Library District will consider the performance criteria for Building Form and Massing in the 2015 Civic Area Plan in plans it submits for the City site review process.
 - iv. The Library District will manage the downtown Main Library consistent with the seven guiding principles enumerated in the 2015 Civic Area Master Plan:
 - A. The civic heart of Boulder.

- B. Life and property safety.
 - C. Outdoor culture and nature.
 - D. Celebration of history and assets.
 - E. Enhanced access and connections.
 - F. Place for community activity and arts.
 - G. Sustainable and viable future.
- v. The common-interest agreement should recognize and continue to support the longstanding community desire to have a main library in the downtown area that mutually benefits the City and library patrons. The agreement should recognize that the downtown Main Library has a longstanding role within downtown Boulder as part of the historic land use fabric, and as a cornerstone of social, cultural, and economic vitality for businesses, non-profit organizations, and downtown visitors.
 - vi. The downtown Main Library should be accessible to all, including but not limited to patrons who drive themselves, walk, bike, or take public transportation and those who are ambulatory and non-ambulatory.
 - vii. The common-interest agreement and any amendments thereto will be consistent with Policy 8.13 of the Boulder Valley Comprehensive Plan: Support for Community Facilities.
 - viii. The downtown Main Library and Civic Area are part of a previous development site review approval pursuant to the City of Boulder Land Use Code, Title 9, B.R.C. 1981. Amendments to the site review approval requires written consent of the owners of all property to be included in the development. The City agrees to coordinate and cooperate with the Library District on any major redevelopment efforts in the Main Library Area of Interest.

Section 4.2.5. [Right of First Refusal/Offer.] [Automatic Reversion.] [The Library District agrees that it will not sell Carnegie Library for Local History, George Reynolds Branch Library, the new North Boulder library or the downtown Main Library, or any part thereof, without first offering same to City for purchase. This Agreement creates in the City a right of first refusal/offer to purchase these properties, or any part thereof, according to the terms and conditions of **Exhibit E.**] [The Library District agrees that the quit claim deed will convey title with a revisionary interest such that if Carnegie Library for Local History, George Reynolds Branch Library, the new North Boulder library or the Downtown Main Library are no longer used to provide public library services in the Service Area, full title and the right of possession shall become immediately vested in the City.]

Section 4.2.6. Prior to the conveyances by the City to the Library District as set forth in this Article IV, the Library District shall occupy such premises for the operation and maintenance of the City Library Facilities and shall not compensate the City for such occupation in the form of rent or any other monetary payment.

Section 4.2.7. Until the date of the conveyances by the City to the Library District of the real property and improvements described in Exhibit D, the City shall continue to maintain adequate general liability, property, and casualty insurance on such properties, in at least the minimum amounts as may be required under Colorado law, either through a program of self-insurance or through a commercial insurance broker licensed to do business in the State of Colorado.

Section 4.2.8. Following the conveyances by the City to the Library district of the real property and improvements described in Exhibit D, the Library District shall be responsible for the maintenance of such property and improvements and shall maintain adequate general liability, property, and casualty insurance on such properties, in at least the minimum amounts as may be required under Colorado law, either through a program of self-insurance or through a commercial insurance broker license to do business in the State of Colorado.

ARTICLE V. TRANSFER OF PERSONAL PROPERTY

Section 5.1. No later than December 31 of the Transition Year the City shall convey through a bill of sale to the Library District the following items of personal property that are owned by the City and were purchased with funds budgeted for library purposes or donated specifically for library use:

- a. All books, magazines and collections of other materials.
- b. All furniture, shelving, office equipment and supplies.
- c. All computers and computer software/hardware/programs subject to Section 2.2 Technology Services.
- d. All art purchased by or donated to the City specifically for library use. Art in the City Library Facilities, in storage, or in other City owned or operated facilities purchased by the City, for other than library use or where provenance is unknown will remain the property of the City.
- e. All other items of personal property otherwise used or housed exclusively in City Library Facilities.

Section 5.2. Any items of personal property located in the City Library Facilities stored for other City departments will remain the property of the City.

Section 5.3. Following conveyance of personal property as set forth in Section 5.1, above, the Library District agrees to consult with the City before it disposes of any materials related to City of Boulder government donated to Carnegie Library for Local History.

Section 5.4. The City and Library District agree to cooperate to develop an intergovernmental agreement with a detailed transition plan for retention of historic materials at Carnegie Library for Local History.

ARTICLE VI. ASSIGNMENT OF CONTRACTUAL RIGHTS AND DELEGATION OF DUTIES AND LIABILITIES

Section 6.1. To the extent legally possible, effective December 31 of the Transition Year, the Library District shall assume all contractual rights and obligations of the City entered into solely for library purposes, as more particularly described in **Exhibit F**.

Section 6.2. Following the execution of this Agreement the City shall not enter into any contracts for the benefit of BPL, whether for supplies, services, capital improvements or any other purpose, that are not within the ordinary course of library business, without consent of the Board of Trustees.

ARTICLE VII. OBLIGATION AND RESPONSIBILITY OF THE COUNTY

Section 7.1. Appointment of Trustees. The County, in cooperation with the City, shall be responsible for appointing seven members to the initial Board of Trustees from the residents within the Service Area which will be done through a committee made up of two members of each legislative body with ratification of appointments by both legislative bodies, pursuant to § 24-90-108, C.R.S. Thereafter, the committee shall delegate the authority to recommend trustees to the Board of Trustees.

ARTICLE VIII. MUTUAL UNDERSTANDINGS

Section 8.1. Boulder Valley Comprehensive Plan (BVCP). The BVCP guides decisions about growth, development, preservation, environmental protection, economic development, affordable housing, culture and arts, urban design, neighborhood character and transportation. BVCP policies and sustainability principles inform decisions about the manner in which urban services are to be provided, including library services. The Library District agrees to embrace the BVCP Sustainability Principles and commit to continuing its important role in social sustainability. BPL has been a leader in social sustainability by providing free library services that allow community members of all incomes, ages, and backgrounds to stand on equal footing with regard to information access. The Library District should continue this legacy.

- a. To ensure social equity is addressed and improved for community members, the City, the County, and the Library District will adhere to the BVCP social equity policy section 8.03. The library district will uphold the [American Library Association Bill of Rights](#) and the [American Library Association Code of Ethics](#).

- b. The Library District will strive to promote a healthy community and address social, cultural, racial, and ethnic inequities by respecting and valuing cultural, social, racial, and ethnic diversity and providing free library services that allow community members of all incomes, ages, and backgrounds to stand on equal footing with regard to information access.
- c. Boulder Public Library will continue to serve as a community center, providing services for a wide variety of public gatherings and cultural events.
- d. The Parties agree to actively collaborate in supporting and implementing BVCP policies and sustainability principles relevant to library services and programs.
- e. The Parties acknowledge and agree that the BVCP policies set forth in **Exhibit G** will serve as guiding principles in implementation of this Agreement, and in any initiatives, projects, negotiations, and interactions among the Parties and their partners.
- f. The City and the County agree to actively engage with and consult with the Library District during updates to the BVCP.
- g. The Library District agrees to periodically update its Strategic Plan in collaboration with the City and the County. This includes expanding the geographic purview of the 2018 Boulder Public Library Master Plan to include the Library District's areas of influence; the use of relevant economic and demographic data and projections developed by the City and the County; robust community engagement as defined in BVCP policy 10.02; referral of drafts for comment to appropriate City and County departments and boards; and review and comment by the City and the County.

Section 8.2. Jurisdiction and Venue. The laws of the State of Colorado shall govern the interpretation, validity, and effect of this Agreement. The City and the Library District agree that venue for any disputes arising under this Agreement shall be in Boulder County, Colorado.

Section 8.3. Compliance with Laws. In connection with the negotiation and performance of this Agreement the Parties state that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18-8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present. The Parties agree to comply with the privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) when exposed to or provided with any data or records that are considered to be “Protected Health Information.” The Parties agree to comply with § 24-73-101, *et seq.*, C.R.S. and any other federal or state laws concerning the confidentiality or privacy of any information contained in the records accessed under or in association with this Agreement.

Section 8.4. Assignability. Neither this Agreement nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable without the prior written consent of all Parties.

Section 8.5. **Waiver.** Waiver of strict performance or the breach of any provision of this Agreement shall not be deemed a waiver of any other provision, unless such waiver has rendered future performance impossible.

Section 8.6. **Force Majeure.** Except as otherwise provided by Colorado law, neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, riots, fires, floods, earthquakes, or other acts of God.

Section 8.7. **Notice.** Any notices given under this Agreement are deemed to have been received and to be effective: (1) three days after the same shall have been mailed via Federal Express; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that an electronic mail transmission was received. For the purposes of this IGA, any and all notices shall be addressed to the contacts listed below:

For the County:

Board of County Commissioners
Boulder County Courthouse
Third Floor
1325 Pearl Street
Boulder, CO 80302
303-441-3500

Boulder County Attorney's Office
Boulder County Courthouse
Fifth Floor
1325 Pearl Street
Boulder, CO 80302
303-441-3190

For the Library District:

Board of Trustees
Boulder Library District

Library District Attorney

For the City:

City Manager
Attn. Nuria Rivera-Vandermyde
1777 Broadway
Boulder, CO 80302
303-441-3090
riveravandermyden@bouldercolorado.gov

City Attorney
Attn. Teresa T. Tate
1777 Broadway
Boulder, CO 80302
303-441-3020
tatet@bouldercolorado.gov

Section 8.8. **Integration.** This Agreement contains the entire understanding of the Parties and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the Parties or their authorized representatives.

Section 8.9. **Section Headings.** Section headings are inserted for the convenience of reference only.

Section 8.10. Intended Beneficiaries. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon or to give to, any person other than the Parties, any right, remedy or claim under or by reason of this Agreement or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this Agreement are for the sole and exclusive benefit of the City, the County and the Library District.

Section 8.11. Severability. If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of the Agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

Section 8.12. Authorization. Each party represents and warrants that it has the power and ability to enter into this Agreement, to grant the rights granted herein, and to perform the duties and obligations herein described.

DRAFT

IN WITNESS WHEREOF, the City, the County and the Library District have signed this Agreement to be effective on the date last signed below.

**BOARD OF COUNTY COMMISSIONERS
BOULDER COUNTY, COLORADO**

Chair

Date

ATTEST:

Approved as to form:

Boulder County Attorney

**BOULDER LIBRARY DISTRICT
BOARD OF TRUSTEES**

President

Date

ATTEST:

Approved as to Form:

Secretary

Library District Attorney

CITY OF BOULDER, COLORADO

Mayor

ATTEST:

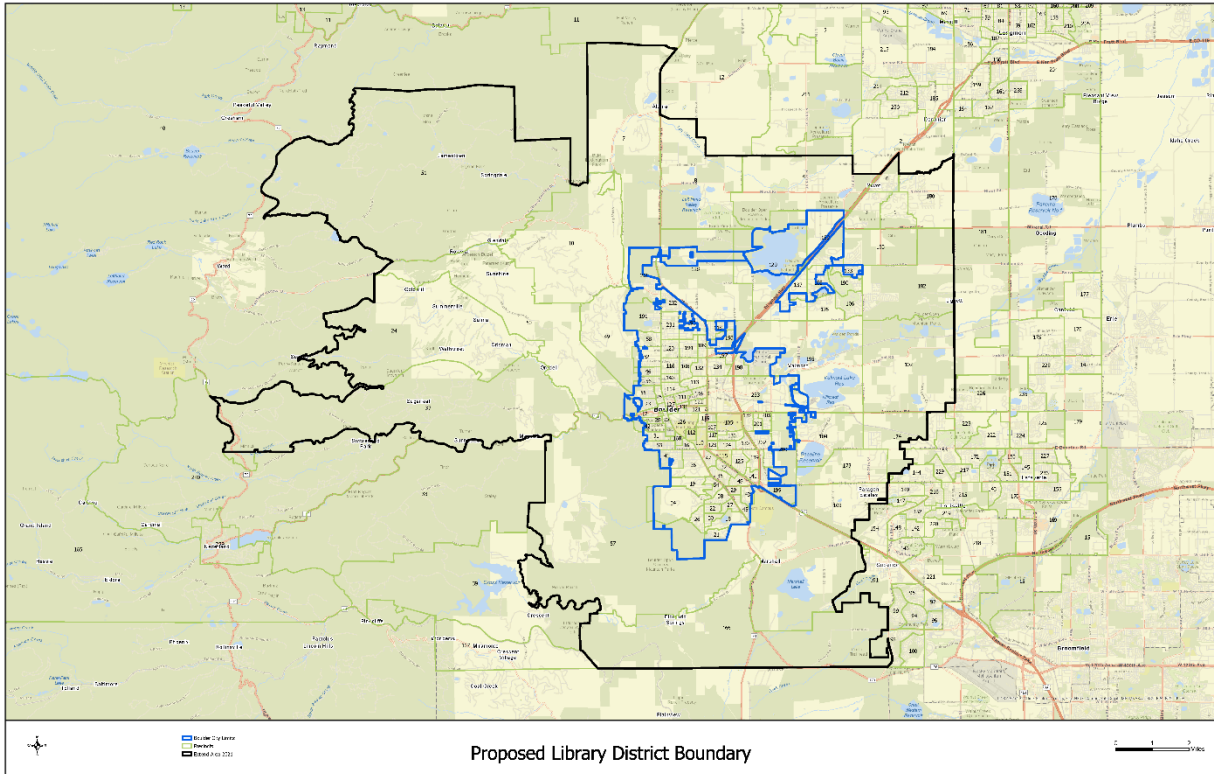
Approved as to Form:

City Clerk

City Attorney

EXHIBIT A

Library District Legal Service Area



DRAFT

EXHIBIT B

Library District Board of Trustees and Elected Officers § 24-90-108, C.R.S.

	<u>NAME</u>	<u>TERM</u>	<u>EXPIRY DATE</u>	<u>OFFICE</u>
1.		1 year	March 31, 2023	
2.		2 years	March 31, 2024	
3.		2 years	March 31, 2024	
4.		3 years	March 31, 2025	
5.		3 years	March 31, 2025	
6.		4 years	March 31, 2026	
7.		4 years	March 31, 2026	

Exhibit C

City Support Services

Accounting – Treasury

Maintain accounting records, prepare journal entries, provide banking and investment services, provide summary and detail transaction reports, provide accounting assistance as needed, notify Library District staff of any areas of concern noted.

Accounts Payable

Process and mail or make electronic vendor payments in compliance with procedures in effect for the City and adopted by the Library District. Process Library District employees purchasing card transactions and prepare and provide reports to Library District staff of purchasing card activity. Record transactions as directed by Library District staff. Assist in resolving errors and discrepancies. Prepare 1099 forms for applicable Library vendors. Provide all forms and supplies needed for the accounts payable function. Maintain documentation of transactions in compliance with established archive requirements.

Payroll

Process biweekly payroll and distribute paychecks or direct deposits to Library District staff for distribution to Library District employees. Assist in transaction analysis as requested. Provide all forms and supplies needed for the accounts payable function. Process payroll tax deposits, benefits payments and other withholdings when due. Prepare quarterly and annual payroll tax deposit forms, employee W-2's and remittance forms. Maintain documentation of payroll records in compliance with established archive requirements.

Human Resources

Provide all human resource services including maintenance and access of personnel files, application posting, acceptance and processing, drug and background investigations, benefits management, employee training and the Wellness Program. This includes access to exercise rooms and participation in special programs such as health fairs, blood drives and flu shots.

Purchasing

Process purchase orders, requisitions and other documents needed to acquire vendor goods and services. Assist in issuing and evaluating Library District bids and requests for proposals (RFP's). Provide all forms and supplies needed. Allow Library District to participate

in City bids and RFP's where appropriate (such as custodial services). Maintain purchasing records in compliance with established archive requirements.

Operations – Facilities

Provide maintenance and repair of Library District-used facilities as requested and approved by Library District staff. Materials and outside labor billed at cost.

Custodial services will be provided by the city-approved vendor.

Mail Services

Provide mail services including inter-City/Library District mail, mail pickup and delivery, and regular and bulk mailing.

DRAFT

Exhibit D

City Library Facilities

DRAFT

Exhibit E

Right of First Refusal/Offer

DRAFT

Exhibit F

Assigned Contracts

DRAFT

Exhibit G

Boulder Valley Comprehensive Plan Policies

[Policies below are indexed by page number in the BVCP and policy number]

P. 24

1.01 Regional & Statewide Cooperation

Intergovernmental Cooperation

Therefore, the city and county will actively pursue cooperative planning opportunities, intergovernmental agreements, broader information exchange and communication, collaborative initiatives and closer cooperation with each other and with other entities in the region and state. This may include other cities, counties, unincorporated communities, the region and state. This may include other cities, counties, unincorporated communities, the University of Colorado, the school districts, regional organizations and other policymaking bodies. These entities will be encouraged to identify and address issues of shared concern for which a multi-jurisdictional perspective can best achieve mutually beneficial solutions.

P. 46

2.20 Role of the Central Area

Boulder's Central Area will continue as the regional service center of the Boulder Valley for office, retail, financial, governmental, civic, cultural and university activities. As such, it will remain the primary activity center and focal point of the Boulder Valley. The Central Area includes distinct, interrelated centers such as the Downtown Business District, Civic Area, University Hill and Boulder Valley Regional Center. It also includes the University of Colorado Main Campus and Canyon Boulevard Cultural Corridor. A variety of land uses surround the centers and complete streets and multimodal transportation alternatives provide direct connections between them.

P. 69

5.02 Regional Job Center

The city supports strategies that recognize Boulder's continued role as a regional job center, consistent with economic sustainability goals and projected employment growth. The city and county recognize the importance of regional planning and partnerships for housing and transportation and will continue to address impacts on housing affordability and transportation related to their role as a regional job center.

P. 70

5.05 Support for Local Business & Business Retention

The city and county value the diverse mix of existing businesses, including primary and secondary employers of different sizes, in the local economy. Nurturing, supporting and maintaining a positive climate for the retention of existing businesses and jobs is a priority. The city recognizes the vital role of small, local and independent businesses and non-profits that serve the community and will balance needs of redevelopment in certain areas with strategies that minimize displacement of existing businesses and create opportunities for startups and growing businesses. The city will continue to proactively analyze trends in market forces to shape its activities, plans and policies regarding local business and business retention. The city and county will consider the projected needs of businesses and their respective employees, such as commercial and office space, when planning for transportation infrastructure, programs and housing.

5.06 Affordable Business Space & Diverse Employment Base

The city and county will further explore and identify methods to better support businesses and non-profits that provide direct services to residents and local businesses by addressing rising costs of doing business in the city, including the cost of commercial space. The city will consider strategies, regulations, policies or new programs to maintain a range of options to support a diverse workforce and employment base and take into account innovations and the changing nature of the workplace .

P. 71

5.08 Funding City Services & Urban Infrastructure

The city will encourage a strong sustainable economy to generate revenue to fund quality city services and recognizes that urban infrastructure, facilities, services and amenities are important to the quality of life of residents, employees and visitors to the community. A strong and complete local and regional multimodal transportation system and transportation demand management programs are essential to a thriving economy, as they offer options for commuters, help attract and retain key businesses, employers and visitors and provide regional access to global markets. The city will continue to plan for and invest in urban amenities and infrastructure (e.g., bike paths, parks, shared and managed parking, public spaces, quality gathering places, cultural destinations and public art) as well as community services (e.g., open space and mountain parks, high speed internet, fire-rescue, public safety and senior services).

5.10 Role of Arts, Cultural, Historic & Parks & Recreation Amenities

The city and county recognize arts and culture, historic, and parks and recreation amenities as important contributors to the city's economic vitality and quality of life. The city and county will work to support and, as appropriate, enhance the resiliency, sustainability and innovation of arts, cultural, historic, and parks and recreation amenities so they continue to contribute to the economic vitality of the community, provide unique offerings and foster meaningful connections to Boulder among its residents, workforce and visitors.

P. 72

5.17 Partnerships to Support Economic Vitality Goals

The efforts of the city, county and the private sector to enhance the economic prosperity of the community are directly and indirectly supported by many organizations and entities. The city and county work in partnership with a number of organizations, including but not limited to the Boulder Chamber, Boulder Convention and Visitors Bureau, Boulder Economic Council, the Boulder Independent Business Alliance, Boulder Small Business Development Center, Boulder Valley School District, CO-LABS, Downtown Boulder Partnership, Innosphere, Latino Chamber of Boulder County, the University of Colorado and other diverse and emerging groups to support economic vitality goals. The city and county acknowledge that although each of these organizations and entities has an independent focus, their work contributes to the overall quality of life enjoyed within the community.

P. 73

5.18 Support for the University of Colorado & Federal Labs

The city and county understand the important role that federally funded labs and the University of Colorado play in the economy and will continue to work with state and federal elected officials to foster their important economic contribution. The city will take an active role in efforts to preserve the state and federal funding for these entities to ensure they remain in Boulder and will pursue mutually beneficial partnerships. The city recognizes the importance of having strong and thriving institutions for higher education and programs for continuing education and workforce training. The city supports the seminal role of the University of Colorado, a world-class research university, and the federal labs in business support technology transfer and tech startups. The city will work with the University of Colorado to further the community's goals for sustainable urban form as university-owned land is developed or redeveloped.

5.19 Diverse Workforce, Education & Training

The city and county will encourage and support the Boulder Valley School District and post-secondary educational institutions to offer quality continuing education and technical training. The city will work with employers, educators and partners to support programs designed to help develop and attract workers in multiple fields with specialized skills and experience and foster a well-educated, highly skilled and creative workforce.

5.20 Support for Living Wage

In support of economic vitality and opportunities for all residents, the city and county will encourage all employers in the city and county to provide access to living wage, health care and transit passes to all workers.

P. 75

6.02 Equitable Transportation

The city and county will equitably distribute transportation investments and benefits in service of all community members, particularly vulnerable populations, ensuring that all people benefit from expanded mobility options. Providing more transportation options – like walking, biking, transit and shared options – in areas where people are more reliant on various modes will have a greater benefit to overall mobility. New transportation technologies and advanced mobility options provide Boulder with an opportunity to expand affordable transportation choices to those who need them the most, including those who cannot use existing fixed route transit such as service and shift workers.

P. 77

6.08 Accessibility and Mobility for All

The city and county will continue development of a complete all-mode transportation system accommodating all users, including people with mobility impairments, youth, older adults, non-English speakers and low-income persons. This will include increased support for mobility services for older adults and people with disabilities, reflecting the expected increases in these populations. Efforts should focus on giving people options to live well without a car and may include prioritizing affordable public transportation and transit passes, new technologies such as electric bikes, mobility services and prioritizing connections between multimodal transportation and affordable housing to facilitate affordable living.

6.09 Transportation Safety

The city and county recognize safety for people of all ages using any mode within the transportation system (i.e., walking, bicycling, transit riding and driving) as a fundamental goal. The city's and county's Vision Zero policies aim to eliminate traffic deaths and severe injuries involving people using all modes of travel, focusing on crash trends and mitigation strategies identified in the Safe Streets Boulder Report and on-going local, regional and statewide safety assessments. Improving travel safety is based on a holistic combination of the four E's: Engineering, Education, Enforcement, Evaluation and relies upon our whole community to keep people safe. To achieve Vision Zero, the four E's approach helps ensure we are addressing travel safety from all angles. This means dangerous travel behaviors, such as distracted and impaired travel, can be countered through enforcement efforts and safety education outreach, while engineering treatments and innovative street design can help prevent intersection conflicts for example. Applying all four E's is the most comprehensive way to help prevent crashes.

P. 88

8.03 Equitable Distribution of Resources

The city and county will work to ensure that human services are accessible, available and affordable to those most in need. The city and county will consider the impacts of policies

and planning efforts on low- and moderate- income and special needs populations regardless of

immigration status and ensure impacts and costs of sustainable decision-making do not unfairly burden any one geographic or socioeconomic group in the city. The city and county will consider ways to reduce the transportation burden for low-income, older adult and disabled populations regardless of immigration status and enable equal access to community infrastructure. The city recognizes that equitable access to employment opportunities is an important element to economic mobility.

P. 89

8.04 Addressing Community Deficiencies

The city and county will use community feedback in conjunction with robust data resources to identify barriers to development and provision of important basic human services and will work closely with community partners and non-profits to find solutions to critical deficiencies.

8.05 Diversity

The community values diversity as a source of strength and opportunity. The city and county will support inclusion of racial, ethnic, socioeconomic, and cultural diversity into physical, social, cultural and economic environments. Furthermore, the city and county will promote opportunities for community engagement and formal and informal representation of diverse community members in civic affairs. The city and county value, embrace and promote diversity in all of their hiring and employment practices.

8.06 Mutual Respect

The city and county value all residents and visitors and promote mutual respect. The city and county strive to ensure community members are safe from discrimination and physical violence.

P. 91

8.13 Support for Community Facilities

The city and county recognize the importance of educational, health, cultural and non-profit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs and consider location based on transportation accessibility or other needs.

P.93

8.18 Libraries

Library facilities and services of the Boulder Valley will be responsive to the needs of all populations, providing an adequate range of informational, educational and intellectual opportunities for all residents.

8.19 Information Resource/Community Center

The city will facilitate access to information through a variety of formats providing materials, technology and services to enhance the personal development of the community's residents. In its role as the community's public and civic information center, the library will provide venues for community group meetings and resources and services to meet the needs of the community's multicultural and special populations. Other community gathering spaces and information sources include the city and county websites, municipal buildings and recreation and senior centers.

8.20 Education Resources

The city will seek to provide educational, cultural and literacy resources and opportunities for the community. The city will develop and maintain resources to assist learners and students of all ages, including support for formal education programs, and provide public workspaces and independent learning resources. The city will develop collaborative relationships with community educational institutions and function as a research center for residents.

8.21 Arts & Cultural Facilities

The city and county recognize the ability of cultural facilities and activity to positively contribute to community members' well-being, sense of community and cultural understanding. The city and county will encourage the provision of venues and facilities for a wide range of arts and cultural expression that are available and affordable to everyone. The city supports neighborhood-serving arts and cultural amenities, including public sculptures, murals, plazas, studio space and community gathering spaces.

P. 100

10.02 Community Engagement

The city and county recognize that environmental, economic and social sustainability of the Boulder Valley are built upon full involvement of the community. The city and county support

better decision-making and outcomes that are achieved by facilitating open and respectful dialogue and will actively and continually pursue innovative public participation and neighborhood involvement. Efforts will be made to:

1. Use effective technologies and techniques for public outreach and input;
2. Remove barriers to participation;
3. Involve community members potentially affected by or interested in a decision as well as those not usually engaged in civic life; and

4. Represent the views or interests of those less able to actively participate in the public engagement process, especially vulnerable and traditionally under-represented populations.

Therefore, the city and county support the right of all community members to contribute to governmental decisions through continual efforts to maintain and improve public communication and the open, transparent conduct of business. Emphasis will be placed on notification and engagement of the public in decisions involving large development proposals or major land use decisions that may have significant impacts and/ or benefits to the community.

P. 101

10.03 Communication Capacity for Resilience

The city and county recognize that engaged communities and residents are better prepared to support themselves in the event of a disruption and encourage community engagement in conjunction with risk education and preparedness. The city and county will continue to support ongoing, robust communication and outreach to communities and vulnerable residents to educate and prepare for disruption.

10.04 Informed Community

The city and county commit to gathering and sharing information to support and encourage open, participatory government and an informed community. To encourage vibrant public discourse, the city and county strive to provide participants with the information they need to participate in a meaningful way. The city and county strive to ensure high-quality language services in order to communicate effectively with limited English-proficient residents.

10.05 Support for Volunteerism

The city recognizes the value of community volunteers to help achieve the organization and community goals. The city supports volunteer programs that engage residents to improve their community and participate in addressing local issues. City volunteer programs connect

residents with city staff to enhance programs and policies while improving community relations. These programs are intended to be mutually beneficial, offering skills and experience for volunteers and assisting staff with reaching community goals.

10.06 Youth Engagement

The city and county support youth engagement and partner with organizations in the community to offer opportunities to youth for civic engagement and education. This activity is intended to foster innovative thinking and leadership.

[C.R.S. 24-90-112](#)

Statutes current through Chapter 1 of the 2022 Regular Session. The inclusion of the 2022 legislation is not final. It will be final later in 2022 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

Colorado Revised Statutes Annotated > Title 24 . Government - State (§§ 24-1-101 — 24-115-118) > Libraries (Art. 90) > Article 90 .Libraries (Pts. 1 — 6) > Part 1. Library Law (§§ 24-90-101 — 24-90-120)

24-90-112. Tax support - elections.

(1)

(a)

(I) If the electors of the governmental unit approve a tax levy, the legislative body of any incorporated city or town is hereby authorized to levy the tax for municipal libraries upon real and personal property for the establishment, operation, and maintenance of a public library.

(II) If the electors of the governmental units approve a tax levy, the board of county commissioners of any of the several counties is hereby authorized to levy the tax for county libraries or library districts upon real and personal property for the establishment, operation, and maintenance of county libraries or library districts.

(III) (Deleted by amendment, L. 2003, p. 2458, § 12, effective August 15, 2003.)

(IV) The tax authorized by [section 24-90-110.7](#) (3)(f) and (3)(h) may be levied in addition to any other tax the participating governmental entities levy for the support of their own public libraries.

(V) The board of education of a school district that began levying a tax for the operation and maintenance of a school district supported public library before the enactment of the “Colorado Library Law” on July 1, 1979, is authorized to continue to levy such tax for said purposes, subject to the limitations set forth in paragraph (b) of this subsection (1).

(b)

(I)

(A) Except as otherwise provided under sub-subparagraph (B) of this subparagraph (I), the legislative body for the specified governmental unit shall submit, after notice, the question of any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors for the establishment, operation, and maintenance of public libraries

C.R.S. 24-90-112

to a vote of the registered electors residing in the unit or that portion of a library district within the unit, as the case may be, at the next general election, or on the election held on the first Tuesday in November of odd-numbered years.

(B) The board of education of a school district shall submit, after notice, the question of any amount of tax levy not previously established by resolution for the operation and maintenance of school district supported public libraries to a vote of the registered electors residing in the school district at the next general election on the first Tuesday in November of odd-numbered years. For purposes of this subsection (1), “school district supported public library” means any library solely established and maintained by a school district for which such school district began levying a tax before the enactment of the “Colorado Library Law” on July 1, 1979.

(II) (Deleted by amendment, L. 2003, p. 2458, § 12, effective August 15, 2003.)

(III) Notwithstanding the authorization contained in paragraph (a) of this subsection (1) and in addition to the provisions of subparagraph (I) of this paragraph (b), upon request of the board of trustees of the municipal or county library or the library district, or upon resolution of the legislative body of the city or town by its own initiative in the case of a municipal library, of the board of education of the school district by its own initiative in the case of a school district supported public library, or of the board of county commissioners by its own initiative in the case of a county library or library district, the legislative body of the city or town, the board of education of the school district, or the board of county commissioners shall cause to be submitted to a vote of the registered electors residing within the library’s legal service area a proposition containing the desired maximum tax levy specified in the request or resolution.

(IV) Following a vote by the people in which a maximum mill levy has been set for the support of a municipal or county library or a library district, such levy shall remain in effect, subject to the requirements of [section 29-1-301, C.R.S.](#), until the people have established by subsequent vote pursuant to the provisions of this section a change in the levy. For a school district that began levying a tax for the operation and maintenance of a school district supported public library before the enactment of the “Colorado Library Law” on July 1, 1979, such mill levy shall remain in effect until the people have established, by subsequent vote pursuant to the provisions of this section, a change in the levy.

(2)

(a) The treasurer of the governmental unit in which such library is located or, if a library district has been established embracing parts or all of more than one county, the treasurer of the county containing the largest valuation for assessment of property for tax purposes of the said district shall be the custodian of all moneys for the library, whether derived from taxation, gift, sale of library property, or otherwise. All moneys generated for library purposes shall be credited to a special fund in the office of

C.R.S. 24-90-112

said treasurer to be known as the public library fund. The fund, together with all interest income that accrues thereon on and after July 1, 1991, shall be used only for library purposes.

(b) (Deleted by amendment, L. 2003, p. 2458, § 12, effective August 15, 2003.)

(c) If requested by the board of trustees, the treasurer designated as custodian of the library's money pursuant to paragraph (a) of this subsection (2) may transfer moneys into the custody of the board, but the board shall carry insurance for such purpose, make monthly accountings to said treasurer, and cause an annual audit to be performed and submitted to said treasurer with respect to the board's management of said moneys.

(3) Approval of any tax levy not previously established by resolution or ordinance nor previously approved by the electors shall conform to the requirements of [section 20 of article X of the state constitution](#).

History

Source: L. 79:Entire article R&RE, p. 990, § 1, effective July 1. L. 83:(1)(a)(III) added and (1)(b) and (2) amended, pp. 1017, 1018, §§ 3, 4, effective June 2. L. 85:(1)(b) amended, p. 871, § 1, effective June 2. L. 86:(2)(c) added, p. 965, § 2, effective April 17. L. 87:(1)(a)(III) and (1)(b)(I) amended, pp. 320, 1388, §§ 63, 7, effective July 1. L. 88:(1)(b)(II) amended, p. 1267, § 1, effective July 1; (1)(b)(II) amended, p. 1267, § 2, effective January 1, 1993. L. 90:(1)(a)(I), (1)(a)(II), (1)(b)(I), and (2)(a) amended and (1)(b)(III) and (1)(b)(IV) added, p. 1300, § 9, effective July 1. L. 91:(1)(b)(II) amended, p. 2005, § 2, effective June 6. L. 94:(1)(a) and (1)(b)(I) amended and (3) added, p. 738, §5, effective July 1. L. 98:(1)(a)(V) added and (1)(b)(I), (1)(b)(III), and (1)(b)(IV) amended, p. 179, §§ 3, 4, effective April 6. L. 2003:(1)(a)(III), (1)(a)(IV), (1)(b)(I), (1)(b)(II), (1)(b)(III), (2)(b), and (2)(c) amended, p. 2458, § 12, effective August 15. L. 2009:(1)(b)(III), (2)(a), and (2)(c) amended, [\(HB 09-1072\), ch. 74, p. 266, § 7](#), effective August 5.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[C.R.S. Title 24](#)

[C.R.S. Title 24, Art. 90](#)

State Notes

Notes

Editor's note:

This section is similar to former [§ 24-90-116](#) as it existed prior to 1979.

Research References & Practice Aids

Cross references:

For the legislative declaration contained in the 1998 act enacting subsection (1)(a)(V) and amending subsections (1)(b)(I), (1)(b)(III), and (1)(b)(IV), see section 1 of chapter 70, Session Laws of Colorado 1998.

Colorado Revised Statutes Annotated

Copyright © 2022 COLORADO REVISED STATUTES All rights reserved.

End of Document

[C.R.S. 24-90-108](#)

Statutes current through Chapter 1 of the 2022 Regular Session. The inclusion of the 2022 legislation is not final. It will be final later in 2022 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

Colorado Revised Statutes Annotated > Title 24 . Government - State (§§ 24-1-101 — 24-115-118) > Libraries (Art. 90) > Article 90 .Libraries (Pts. 1 — 6) > Part 1. Library Law (§§ 24-90-101 — 24-90-120)

24-90-108. Board of trustees of public libraries.

- (1) The management and control of any library established, operated, or maintained under the provisions of this part 1 shall be vested in a board of not fewer than five nor more than seven trustees. Appointees to the library board of trustees shall be chosen from the residents within the legal service area of the library.
- (2)
 - (a) In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body.
 - (b) In counties the trustees shall be appointed by the board of county commissioners.
 - (c) In a library district established by only one governmental unit, the legislative body of the governmental unit shall decide the number of its members to be appointed to the committee formed to appoint the initial board of trustees in accordance with the requirements of this paragraph (c). In a library district established by more than one governmental unit, the legislative body of each participating governmental unit shall appoint two of its members to a committee that shall appoint the initial board of trustees. Thereafter, any such legislative body or bodies may either continue such a committee or delegate to the board of trustees of the library district the authority to recommend new trustees. Trustee appointments shall be ratified by a two-thirds majority of the legislative body; except that the failure of a legislative body to act within sixty days upon a recommendation shall be considered a ratification of such appointment.
 - (d) In school districts the trustees shall be appointed by the school board.
 - (e) For joint libraries, the trustees shall be appointed by the legislative bodies of the participating governmental units unless otherwise specified in the contract.

(3)

(a) The first appointments of such boards of trustees shall be for terms of one, two, three, four, and five years respectively if there are five trustees, one for each of such terms except the five-year term for which two shall be appointed if there are six trustees, and one for each of such terms except the four-year and five-year terms for each of which two shall be appointed if there are seven trustees.

Thereafter, a trustee shall be appointed for the length of term specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees. The number of terms a trustee may serve shall be specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees.

(b) Vacancies shall be filled for the remainder of the unexpired term as soon as possible in the manner in which trustees are regularly chosen.

(4) A trustee shall not receive a salary nor other compensation for services as a trustee, but necessary traveling and subsistence expenses actually incurred may be paid from the public library fund.

(5) A library trustee may be removed only by a majority vote of the appointing legislative body or bodies, but only upon a showing of good cause as defined in, but not limited to, the bylaws adopted by the board.

(6) The board of trustees, immediately after their appointment, shall meet and organize by the election of a president and a secretary and such other officers as deemed necessary.

History

Source: L. 79:Entire article R&RE, p. 987, § 1, effective July 1. L. 80:(1) amended, p. 619, § 6, effective July 1. L. 90:(1), (2)(c), (3)(a), and (5) amended and (2)(e) added, p. 1297, § 4, effective July 1. L. 2003:(1), (2)(c), and (3)(a) amended, p. 2449, § 9, effective August 15. L. 2009:(2)(c) amended, ([HB 09-1072](#)), [ch. 74, p. 264, § 5](#), effective August 5.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[C.R.S. Title 24](#)

[C.R.S. Title 24, Art. 90](#)

State Notes

Notes

Editor's note:

This section is similar to former [§ 24-90-114](#) as it existed prior to 1979.

ANNOTATION

Court may review existence of good cause for removal of a trustee under subsection (5).

High Plains Library Dist. v. Kirkmeyer, 2015 COA 91, 370 P.3d 254.

For case under former provision relating to board of directors of city library,

see *People ex rel. Lamb v. Shaffer, 90 Colo. 432, 9 P.2d 612 (1932).*

Colorado Revised Statutes Annotated

Copyright © 2022 COLORADO REVISED STATUTES All rights reserved.

End of Document

Attachment D - Library District Formation by Resolution Timeline
LIBRARY DISTRICT FORMATION BY RESOLUTION TIMELINE

DATE	ITEM	STATUTE
Tuesday, March 15, 2022	City Council Meeting - Matters from the City Manager Discussion of draft library district Intergovernmental Agreement and key issues from the February 8, 2022 study session	
Tuesday, April 5, 2022	City Council and Boulder County Board of County Commissioners Joint Public Hearing -Public Hearing to discuss purpose, powers, and financing - Council consider a resolution to form a library district - Review/comment draft IGA - Select subcommittee members to appoint Library District Board of Trustees	24-90-107(2)(a)-public hearing; 24-90-107(2)(c)-resolution No changes to the service area boundary after this.
Thursday, April 7, 2022	Board of County Commissioners Meeting - Consider resolution to form a library district -Select subcommittee members to appoint Library District Board of Trustees	
IF both City Council and Board of County Commissioners adopt a resolution to form a library district, THEN timeline continues.		
Week of Monday, April 11, 2022	Council/County Commissioner Subcommittee Meet - Appoint Library District Board of Trustees.	24-90-108(2)(c)
Tuesday, May 3, 2022	City Council Meeting - Ratification of Library District Board	
Thursday, May 5, 2022	City Staff meet w/ Boulder County Board of Commissioners - Ratification of Library District Board	
Week of May 23, 2022	Library District Board of Trustees Deadline: Notice to Boulder County of the library district service area boundary map and notice to the County Assessor of the intent to begin collecting property tax in 2022.	
Last June 2022 Meeting	Library District Board of Trustees Meeting Execute final IGA	
July 2022	Library District Board of Trustees - Draft TABOR ballot measure and meet election deadlines.	
August 2022	City Council Meeting Consent Agenda - Approve final IGA	24-90-107(2)(e)(IGA within ninety days of appointment of the Board of Trustees.)
August 2022	Boulder County Board of Commissioners Meeting - Approve final IGA	24-90-107(2)(e)(IGA within ninety days of appointment of the Board of Trustees.)

Attachment D - Library District Formation by Resolution Timeline
LIBRARY DISTRICT FORMATION BY RESOLUTION TIMELINE

Oct-22	City Council Meeting Council approval of 2023 budget with library	
Tuesday, Nov. 8, 2022	TABOR Election for library district funding	
IF voters approve library district TABOR measure, THEN timeline continues.		
Nov-22	Library District Board of Trustees Notify PERA of district formation if voters approve funding for the library district.	
2023	City funding support library district during the transition year	24-90-107(2)(d)
Monday, January 1, 2024	City library employees become district employees (timing dependent on PERA plan amendment)	