



COLORADO LIBRARIES COLLABORATE! (CLC)

PROGRAM HANDBOOK

January 2009

Also available on the web at

<http://www.cde.state.co.us/cdelib/CLC/download/pdf/CLCManual2009.pdf>

Table of Contents

Policies	1
Frequently Asked Questions	7
How to Participate	9
Participation Agreement	10
Self-Insurance Program	12
Office of the Attorney General Memorandum - 1991	14
CLC Benefits	17
Percentages of Libraries Participating in CLC	18

These policies establish the guidelines for the Colorado Libraries Collaborate! Program. Participants are encouraged to establish local policies that fall within these parameters.

For a list of CLC Program committee members, please go to
<http://clc-key.org/contactus/CLCCommitteeList.pdf>.

Policies

HOW DOES IT WORK?

1. Participation by libraries in the CLC program is voluntary.
2. A patron from a participating library requests CLC privileges from another participating CLC library.
3. No physical CLC card is issued. Patrons will need to meet the lending requirements of the library they wish to use.
4. Local lending practices will be followed for user privileges.
5. Participating libraries must keep **data on the following**:
 - How many CLC circulations – monthly totals will be reported annually.
 - How many CLC patrons - total registered will be reported annually.
 - **Public libraries will submit the collected CLC data to the State Library in the Public Library Annual Report.**

FULL CLC MEMBERSHIP

6. Participating libraries are expected to extend to CLC borrowers the same lending privileges received by their primary clientele. CLC borrowers will not be charged a non-resident fee when borrowing from a participating CLC library.
- 6.a. CLC participants must pay local taxes that support a Colorado library in order to receive CLC privileges at other participating libraries.**
7. Home libraries will maintain and assist lending libraries in sharing current patron address and phone number in the retrieval of overdue materials or collection of fines/fees. Home libraries may suspend borrowing privileges due to non-return of items or non-payment of fines at a lending library. Borrower may be asked to sign a waiver allowing borrower information to be shared with other participating libraries.
8. Items loaned through CLC are not eligible for reimbursement through Payment for Lending program.
9. Reimbursement for items lost and postage may be available through the Self-Insurance Program.
10. Borrowers will be subject to the rules of the lending library. (Note: Academic library rules are often more stringent.)
11. Lending libraries may request to know if a patron is in good standing at his or her home library.
12. When the returning library is not on a library courier route, the US Postal Service must be used if the library wishes to be reimbursed. The cost of US postage may be fully reimbursed up to the amount available from the self-insurance fund.

ASSOCIATE CLC MEMBERSHIP

13. Libraries primarily supported by private funding (51% or more) are encouraged to be CLC members. If they are unable to become full members, they must meet the following criteria of participation to qualify for **Library Services and Technology Act (LSTA)** funds. If a library of any type finds it necessary to put restrictions on the number and/or type of materials loaned to CLC borrowers, participation with this kind of restriction is preferable to non-participation. Criteria:
 - a. Provide ILL (Interlibrary Loan) at no charge to Colorado libraries;

- b. Have collection records available in a Z39.50 compliant format that is searchable and able to be linked to/through the Colorado Virtual Library via ACLIN (**LSTA** may be used to meet this); and any three of the following:
 - i. Provide walk-in building collection and reference use at no cost to Colorado residents;
 - ii. Participate in publicly available access to digital collections (other than the library's collection);
 - iii. Accept direct patron referrals from other Colorado libraries at no cost to the patron.
- 14. Publicly funded school libraries are encouraged to become fully participating CLC members. If a school library cannot fully participate, the school must meet the following criteria for participation:
 - a. Provide circulation access at no cost through a designated school district facility and provide public access to a catalog of the library holdings and materials in one or more of the following ways:
 - i. Allow walk-in access to building collections to Colorado residents at any time the building is open. When buildings have visitor access rules, the library users must adhere to these rules.
 - ii. Provide walk-in access when the library is open before or after school hours. When buildings have visitor access rules, the library users must adhere to these rules.
 - iii. Accept direct patron referrals from other Colorado libraries.
 - iv. Make records of library holdings available on the Colorado Virtual Library via ACLIN.
 - iv. Make records of library holdings available in at least one publicly accessible point, such as a district office.
- 15. Libraries primarily supported by public funds (51% or more from tax funds) are required to be full or associate CLC members to be eligible for **LSTA** funds and State Grants to Libraries.

STATE LIBRARY RESPONSIBILITIES

- 16. Serve as advocate, promoter, and spokesperson for the program statewide.
- 17. Solicit and consider suggestions for improvement of the program. Review policy annually to maintain the best possible service.
- 18. Maintain an active file of resolutions of intent to participate in the program and publish and indicate participating in the online Directory of Colorado Libraries found at <http://projects.aclin.org/directory/>.
- 19. Appoint an ongoing advisory committee for the program.

COLORADO LIBRARY CONSORTIUM (CLiC) RESPONSIBILITIES

- 20. Serve as advocate, promoter, and spokesperson for the program statewide.
- 21. Encourage libraries to participate in the program.
- 22. Provide information and orientation to local library staff.
- 23. Manage CLC program funds

PARTICIPATING LIBRARIES' RESPONSIBILITIES

- 24. Honor patrons from all participating libraries.
- 25. Adopt a CLC policy that states the local library's borrowing privileges for non-resident borrowers.

26. File a signed CLC Participation Agreement with the State Library. Each governing authority of a joint library must file a signed separate Agreement.
27. Inform CLC borrowers about local rules of service, including a CLC Policy, if such a policy exists.
28. Eliminate non-resident fees for authorized CLC borrowers.
29. Keep and provide **data to the Public Library Annual Report** about non-resident registration and use.
30. Publicize and promote the program at the local level.
31. Acquire the current address of CLC borrowers.
32. Stamp all materials with property stamp.
33. Collect overdue fines for overdue materials that the library loaned through the CLC program.
34. Apply, if needed, within one year for lost material or postage reimbursement. Reimbursement may be available through the Self-Insurance Fund.

BORROWER'S RESPONSIBILITY

34. Register and be in good standing at a library supported by their local taxes.
35. Be informed about and abide by the rules and policies of the CLC libraries they use.
36. Assume responsibility for all materials borrowed, including but not limited to payment for lost/damaged materials and overdue fines.
37. Return materials in a timely fashion according to the rules of the lending library.

**Information on CLC membership can be obtained by contacting the Colorado State Library at
(303) 866-6900 or Patricia Froehlich at froehlich_p@cde.state.co.us**

Frequently Asked Questions

Q1. Who should sign the Colorado Libraries Collaborate! (CLC) participation form?

A1. Whoever is authorized to sign agreements for your library. This is not usually the librarian, but rather a board chair, superintendent, city manager, etc.

Q2. What if an out-of-state person requests CLC privileges from my library?

A2. The CLC program is available to Colorado residents only. A resident is defined as anyone living in Colorado (including students).

Q3. Will there be a statewide database of borrowers?

A3. The feasibility of such a database is being studied.

Q4. How do we know if a borrower is in good standing?

A4. You will not know. You'll take the same risk with non-residents as with residents. To minimize your risk, be sure to get a current address. If materials are lost you may apply for reimbursement if you participate in the [Self-Insurance Fund](#). [CLC Policy #9](#). You may also contact their local library and request to know if the borrower is in good standing

Q5. Must an adult sign a child's CLC card?

A5. If the policy of the lending library requires regular patrons who are juveniles to have an adult signature, then the CLC juvenile borrower must have an adult signature on file. [CLC Policy #6](#).

Q6. Can my library be reimbursed for postage costs of returning CLC materials?

A6. When available use the courier to return materials. If your library participates in the self-insurance program, you may apply for reimbursement for the cost of returning materials through the US Postal Service. [CLC Policies #8 and 9](#).

Q7. Is it important for my library to have a property stamp?

A7. Yes. Stamping materials with a property stamp will help identify them as your materials and ensure they get back to you quickly.

Q8. Are materials considered returned when they reach the lending library or when they are returned at another library?

A8. This depends on the policy of the lending library. [CLC Policy #6](#).

Q9. What if I have art or other special materials in my library?

A9. It is better to impose restrictions by establishing a local CLC policy than not to participate. [CLC Policy #13](#).

Q10. Can public libraries share the name and address of their library patron with another library that is seeking the return of overdue materials?

A10. Yes. [Memorandum from Attorney General's Office, Answer #1, p. 15](#).

Q11. Can a school or college library share the name and address of their library patron with another library that is seeking the return of overdue materials?

A11. Yes, public, school, and college libraries may. [Memorandum from Attorney General's Office, Answer #2, p. 15](#). Private academic libraries may do so if their policies allow, but should notify patrons that such disclosures are possible in the case of delinquent materials.

Q12. Is there anything in the library law, which precludes one library from limiting service to a library cardholder because that person has overdue materials or fines from another library?

A12. No. [Memorandum from Attorney General's Office, Answer #3, p. 15](#).

Q13. Is it necessary to inform library users or have them sign a form that tells them that their name and address information will be shared with other libraries if library materials are not returned?

A13. No. [Memorandum from Attorney General's Office, Answer #4, p. 15](#).

Q14. Do other states have statewide borrowers cards?

A14. Yes. Colorado is one of many states that have statewide borrower cards.

Q15. My library issues library cards to patrons. May I issue a card to a resident of my jurisdiction even though he/she has a card from another library that participates in CLC? (For instance, a student from my local school)

A15. Yes.

Q16. Can I refuse to lend materials to a patron from another jurisdiction that is unwilling to follow our registration procedures?

A16. Yes. [CLC Policy #6](#).

Q17. When a card is expired is that patron still a valid CLC user?

A17. No. The patron needs to re-register with his/her library. Please be aware that some library cards do not expire.

Q18. What if a potential CLC patron comes in with a library barcode on a card other than a library card?

A18. Many colleges use the college ID card for identification purposes. Some libraries do not issue cards. Libraries are asked to check the Directory of Colorado Libraries to verify that a potential patron's library is a CLC participant. Locate the individual library in the directory and look for "CLCP: Colorado Libraries Collaborate! Participant" under the main entry. See <http://projects.aclin.org/directory>.

Q19. What if a card becomes too full to hold another bar code?

A19. Before adding another bar code, identify if your system will read an existing bar code. If not, issue a second card.

Q20. How does my library withdraw from the program?

A20. A library may withdraw from the CLC program at any time by sending written notification to the Colorado State Library. Please be aware that this action will make your library ineligible for state grants to libraries and for LSTA funding.

Q21. Are CLC borrowers allowed access to electronic resources that the library pays for?

A21. Most vendor contracts restrict usage of their electronic content to a defined library population. Typically, CLC borrowers are allowed access to databases from library computers but should not be permitted remote access. It is the library's responsibility to know what restrictions to access exist in each contract and to determine a way to disallow remote access for CLC patrons.

How to Participate

1. Review this *Colorado Libraries Collaborate! Implementation Manual*.
2. Obtain appropriate approval to participate in the program by having your board chair, superintendent, city manager or other authorized person sign the completed Participation Agreement (see next page).
3. Mail or fax the completed and signed Participation Agreement to: Colorado Libraries Collaborate! Program, Colorado State Library, 201 E. Colfax, Room 309, Denver, CO 80203.
4. If you plan to request reimbursement for postage cost or materials lost through this program, you must participate in the optional [Self-Insurance Program](#).
5. A confirmation letter will be mailed to you. Download the bookmark template and make bookmarks to distribute to your patrons. Request library card stickers to attach to your library cards. These can be obtained from the CLC website at: <http://www.clc-key.org>.
6. When a new potential CLC patron wishes to use your library's services, check the Directory of Colorado Libraries at <http://projects.aclin.org/directory/> to locate the individual library and check for participation. Look for "**CLCP**: Colorado Library Card Participant" under the main entry. You may contact the home library to see if the potential patron is in good standing there. Verify the patron's identification information as you normally would. Enter the new patron in your library's records as a CLC patron. Your library may issue its own library card to the new CLC patron. Please note: all public libraries participate in the CLC program.
7. Maintain required statistics and report them annually to the State Library.
8. Follow all rules of the program as outlined in this *Colorado Libraries Collaborate! Program Handbook*.

**Colorado Libraries Collaborate! Program
Participation Agreement – Page 1 of 2
(One Time Sign-Up*)**

The _____
(Full Legal Name of Organization and/or Governing Authority—if joint library)

located at _____
(Mailing Address, City & Zip Code)

in _____ county, is pleased to participate as a (circle one) **FULL** or **ASSOCIATE** member in the Colorado Libraries Collaborate! Program. (Membership participation requirements are found in the Colorado Libraries Collaborate! Program Manual.) The library understands and agrees to follow the conditions set forth in the published guidelines.

The organization named above is (check one):

- ☐ K-12 **public** school district
 - o Attach list of names of all participating schools, including charter.
- ☐ K-12 **private** school(s)
 - o If more than one school, attach list of names of all participating schools.
- ☐ Public library or library district
 - o Attach list of names of all branches.
- ☐ Academic library (college or university, public or private)
- ☐ Joint library
 - o Each governing authority of a joint library must file a signed separate Agreement.
- ☐ Other. Please give brief explanation:

This organization agrees to contribute _____ dollars to the optional Colorado Libraries Collaborate! Self-Insurance fund. (Make check out for a minimum of \$10 payable to the "Colorado Libraries Collaborate! Program.")

After obtaining the necessary signatures (see next page), send both pages of this completed Agreement with a list of participating schools or branches and your optional self-insurance check to: Colorado Libraries Collaborate! Program, Colorado State Library, 201 E. Colfax Ave., Room 309, Denver, CO 80203.

**Colorado Libraries Collaborate! Program
Participation Agreement – Page 2 of 2**

CONTACT INFORMATION AND SIGNATURES

Contact Name: _____

Contact Telephone: _____

Contact E-mail: _____

Name of Librarian (if different than contact): _____

Librarian E-mail: _____

Signature: _____ Date: _____

Name & Title of Authorized Person*: _____

Authorized Person E-mail: _____

Signature: _____ Date: _____

* Library board chair, school district superintendent, city manager, etc.

NOTE: It is only necessary to “sign up” to participate in CLC once, not annually.
If you are not certain if your organization is a CLC participant, please check at
<http://projects.aclin.org/directory/> or contact the State Library at **(303) 866-6900 or**
Patricia Froehlich at froehlich_p@cde.state.co.us

End of Participation Agreement

Self-Insurance Program

The Self-Insurance Fund allows your library to be reimbursed for lost materials and/or postage related to CLC use.

Such costs are reimbursable when they equal \$25 or when the hardship threshold below has been met. Participation is optional.

I. Participation.

- To participate, attach a check made out to the Colorado Libraries Collaborate! Program to your Participation Agreement and mail to the Colorado State Library. The check must be for a minimum of \$10, but it may be for a larger amount.
- Maintain records on cost of materials lost through the CLC program and efforts to recover same. Loss is defined as when materials are normally considered lost under the library's lending policy.
- Maintain records for US Postal Service costs incurred for returning CLC materials to lending library.
- Submit a request for reimbursement. (1) Postage reimbursement may be submitted annually when the total amount equals \$25 or more. (2) Reimbursement for lost materials should be submitted annually. If losses total less than \$25 a hardship case must be proved (see below). Send request to: Colorado Libraries Collaborate! Program, Colorado State Library, 201 E. Colfax Ave., Room 309, Denver, CO 80203.

II. Definitions.

Loss defined as:

When materials are normally considered lost under the library's lending policy.

Hardship defined as:

Any CLC loss for a library with a total materials **annual** budget under \$5,000.

2% of materials budget for type of material lost when total **annual** materials budget is over \$5,000.

III. Documentation and Submission Procedures.

Documentation needed to receive reimbursement for lost materials:

- List of items lost through CLC usage.
- Cost of materials - screen printout or copy of shelf list card.
- Copy of the library's cost recovery policy (original cost, replacement cost, set cost, etc.).
- Indication of good faith effort to recover lost items.

Documentation needed to receive reimbursement for postage:

- US Postal Service receipt for CLC activity.

Procedure to receive reimbursement:

Submit documentation to:

**Colorado Libraries Collaborate! Program
Colorado State Library
201 E. Colfax Ave., Room 309
Denver, CO 80203**

- A committee of State Library staff will process reimbursements that fall within parameters and present a budget report at each meeting of the CLC Committee.
- The CLC Advisory Committee will consider case-by-case exceptions to the parameters.

The State of Colorado
Department of Law
Office of the Attorney General

August 21, 1991

MEMORANDUM

TO: Nancy Bolt
Assistant Commissioner, Libraries and Adult Services
Colorado Department of Education

FROM: Antony B. Dyl
William E. Thro
Assistant Attorneys General
Human Resources Section
Education Unit

RE: Disclosure of Information Regarding Library Patrons

In your letter of August 15, 1991, you requested an informal opinion regarding the disclosure of certain information about library patrons. Specifically, your letter raised the following questions:

1. Can public libraries share the name and address of a library card holder with another library seeking the return of overdue materials?
2. Can a school or college library share the name and address of a library card holder with another library seeking the return of library materials?
3. Is there anything in the library law which precludes one library from limiting service to a library card holder because that person has overdue materials or fines from another library?
4. Is it necessary to inform library users or have them sign a form that tells them name and address information will be shared with other libraries if library materials are not returned?

CONCLUSION

Based on our research, our answers to your questions are as follows:

1. Yes. Under the terms of § 24-90-119 (2), C. R. S., the disclosure of records is permitted "when necessary for the reasonable operation of the library" or "upon written consent of the user." Since the guidelines for the Statewide Borrower's Program mandate that borrowers sign a waiver allowing the information to be shared with other libraries, Borrower's Responsibilities No. 3, and since obtaining the return of overdue materials is part of the "reasonable operation" of a library, we conclude that disclosure in this context is consistent with the purpose of the law. Accordingly, such disclosure would not be considered illegal.
2. Yes. Since the definition of "publicly supported library," § 24-90-103(5), includes libraries at public colleges and universities as well as public school libraries, these libraries would have the same ability to share information as the traditional public libraries. As detailed above in the response to question 1, public libraries can disclose such information under the waiver exception and/or the reasonable operation exception.
3. No. Based on our reading of the library statute, § 24-90-101 et seq., C.R.S., there is nothing to prohibit a publicly supported library from withholding the library privileges of a patron who has overdue materials or fines at another publicly supported library.
4. No, but obtaining a waiver from each borrower is the preferable course. The "reasonable operation" exception to the no disclosure law, § 24-90-119(2), C.R.S., would support disclosure without the signing of a formal waiver. Obviously, obtaining the return of overdue materials is part of the "reasonable operation" of the library. However, although it may not be required, having the patron sign a waiver would prevent any potential problems regarding whether the term "reasonable operation" can be construed to include disclosure of the borrower's records to obtain return of overdue materials.

DISCUSSION

Colorado Revised Statutes § 24-90-119(2) allows the disclosure of library records in the following instances:

- (a) When necessary for the reasonable operation of the library;
- (b) Upon written consent of the user;
- (c) Pursuant to subpoena, upon court order, or where otherwise required by law.

The disclosure contemplated in the present situation must be justified under the first or second exception.

In order to determine if either of these exceptions applies, it is necessary to interpret the meaning of the statute.

It is well founded that legislative intent is the polestar of statutory interpretation and our primary task in construing this statute is to discern the intent of the Colorado General Assembly. Englebrecht v. Hartford Accident & Indemnity Co., 680 P.2d 231 (Colo. 1984). A statute should be construed to accomplish the purpose for which it was enacted, and constructions which would defeat the obvious legislative intent should be avoided. People v. District Court, 713 P.2d 918, 921 (Colo. 1986).

To reasonably effectuate legislative intent, statutes must be construed as a whole with an eye to the entire statutory scheme. Public Employee Retirement Association v. Greene, 195 Colo.

575, 580 P.2d 385 (1978). Where possible, the statute should be interpreted so as to give a consistent, harmonious, and sensible effect to all its parts. If separate clauses within a statute may be reconciled by one construction but would conflict under a different interpretation, the construction which results in harmony should be adopted. District Court, supra. Additionally, in determining legislative intent, it is presumed that a just and reasonable result is favored over any private interest; and, in making that determination, we may consider, among other things, the consequences of a particular construction. Conrad v. City of Thornton, 36 Colo. App. 22, 536 P.2d 855 (1975), rev'd on other grounds, 191 Colo. 444, 553 P.2d 822 (1976).

The waiver exception contained in § 24-90-119(2) definitely would apply to this situation. According to the proposed guidelines which you included with your letter, all borrowers who wish to participate in the Statewide Borrowers Program, must "sign a waiver that borrower information may be shared with other participating libraries to assist in the retrieval of materials and/or the collection of fines and fees." Borrower's Responsibilities No. 3. It seems clear that signing such a waiver would constitute "written consent of the user" and, thus, would allow disclosures between libraries to come under the second exception of § 24-90-119(2). As long as a waiver is signed, the disclosures are legal.

This analysis does not change when public school and public college/university libraries are added to the Statewide Borrowers Program. These types of libraries are specifically included in the statutory definition of "publicly-supported library" contained in § 24-90-103(5)(a) & (d).

The legality of the disclosures becomes more problematic when a waiver is not signed. Nevertheless, we conclude that the reasonable operation exception would still apply in such a situation. Obtaining the return of overdue materials is part of the normal day to day operation of any library. Indeed, failure to perform this function would soon render any library incapable of serving its patrons. Thus, any construction of the words "reasonable operation of the library" must include the process of securing the return of overdue materials. Accordingly, even if the patron did not sign a waiver, the disclosures would still be legal.

Moreover, the stated policy of the library statute is to ensure equal access to information...." § 24-90-102, C.R.S. One way of insuring that residents of small towns and rural areas have equal access to information is to allow these residents to borrow materials from the larger libraries in urban areas as contemplated in the Statewide Borrower's Program. Yet, if the larger libraries cannot have access to information about the smaller libraries patrons when those patrons fail to return materials, the larger libraries will have no choice but to decline to participate in the scheme. To do otherwise would be to jeopardize the larger libraries' ability to provide services. Consequently, the stated legislative purpose of the library statute will be frustrated if disclosure were to be prohibited.

Finally, our reading of the library statute, § 24-90-101 et seq., C. R. S., indicates that there is nothing which precludes one library from limiting service to a patron because that patron has overdue materials or fines at another library.

In summary, under the proposed guidelines, which you enclosed, disclosures under the Statewide Borrowers Program meet both the waiver exception and the reasonable operation exception. College/university and school libraries may participate in the program because they are publicly supported libraries. Nothing in the statute prohibits a library from suspending the privileges of a patron who has overdue materials at another library. Even if the patron does not sign a waiver, the reasonable operation exception will allow disclosure. However, to avoid potential problems we believe that waivers should be obtained as outlined in your proposed guidelines for the State Borrowers Program.

This memorandum reflects the legal opinion of the authoring Assistant Attorneys General and is not to be construed as an official opinion of the Attorney General of the State of Colorado.

Colorado Libraries Collaborate! Benefits

- Opens Colorado library doors to most Colorado residents.
- Expands library services at no additional cost.
- Provides free access to more resources than any single library can provide.
- Supports literacy and reading.
- Encourages every Colorado library to participate (including public, academic, school and special libraries).
- Increases public awareness of libraries.
- Provides opportunities for school and community partnerships.
- Eases the strain on materials budgets.
- Allows for reimbursement for postage and lost materials related to CLC use.
- Maintains lending library control.
- Makes participating entity eligible to apply for State Grants to Libraries.
- Makes participating entity eligible to apply for **Library Services and Technology Act (LSTA) funds.**

**Percentages of Libraries Participating in CLC
As of July 2006**

	<u>Total in State</u>	<u>Participating in CLC</u>	<u>% Participation</u>
Public	114	114	100%
Academic*	57	36	63%
School Districts	178	173	97%
Private K-12 ("nonpublic")	378		%
Special	228	47	21%

Information for private schools and special libraries: insufficient data is available to calculate participation rates accurately.

*The number of academic libraries reflects the number of university campuses, not number of library buildings on those campuses.

Go to the Directory of Colorado Libraries at <http://projects.aclin.org/directory/>
to locate the individual library and look for "**CLCP: Colorado Libraries Collaborate! Participant**"
under the main entry.