

## HOW A CITY OR COUNTY CREATES A LIBRARY DISTRICT (CRS 24-90-107)

*Note: The process for a home rule city or county may vary, depending on the specific requirements of the city or county charter. For instance, a city charter will usually stipulate the number of petition signatures required to put something on the ballot.*

1. By ordinance of resolution: (cities generally use the ordinance process; counties generally use the resolution process.)
  - A. The ordinance/resolution must include the proposed service area, mill levy and dollars or other type of funding, and a statement that the electors must approve any amount of tax not previously approved.
  - B. After giving notice, hold public hearings; hearings must include discussion of the purposes of the library district.
  - C. A vote is required to approve any amount of tax not previously established or approved.
  - D. The library district is established January 1 following the ordinance/resolution and the vote.
  - E. Within 90 days after establishment and the appointment of the library board of trustees, a written agreement must be made between the city and the library trustees "to set forth the rights, obligations and responsibilities, financial and otherwise, of both parties."
2. By petition of 100 registered electors: the law includes a similar list of requirements. In addition, it stipulates that the name must end with the words "Library District" and says that the petition is to be delivered to the county commissioners 90 days before the election date.
  - A. When the petition is received, an election is held, following hearings, OR
  - B. An ordinance/resolution is adopted and the city or county procedure (in #1 above) is then followed.

### WHO PAYS FOR THE ELECTION?

1. If the election passes and the district is formed, the new district pays.
2. If the election fails and the formation was by ordinance or resolution, the city or county pays.
3. If the election fails and the formation was by petition, life gets REALLY COMPLICATED!
  - A. A bond is filed with the city or county to pay for the election OR
  - B. The city or county can waive the bond requirement and pay for the election, BUT
  - C. If the petition was signed by at least 5% of the total votes cast for the Secretary of State, the board of county commissioners – or presumably the city council (though the law does not say so) must pay no less than 50% of the cost of the election.

### APPOINTMENT OF THE BOARD OR TRUSTEES (CRS 24-90-108)

1. The "management and control" of the library is vested in a board of "not fewer than 5 nor more than 7 trustees."
2. Appointees must live in the library district.
3. "Each legislative body" appoints 2 people to a committee to appoint the first board of trustees. Thereafter, there are 2 methods:
  - A. Continue this committee OR
  - B. The city or county delegates to the board the authority to recommend new trustees who are then ratified by a 2/3 majority of the city council or county commissioners. Failure to act in 60 days is considered ratification.
4. Vacancies are filled the same way.
5. Terms are staggered. Term lengths and the number of terms are specified in the library district bylaws.

6. Trustees may be removed only by a majority vote of the city council or county commissioners, "but only upon showing of good cause as defined in, but not limited to, the bylaws adopted by the board."
7. Trustees may not receive a salary, but expenses can be reimbursed.
8. Immediately after appointment, the board meets to elect officers.

## POWERS AND DUTIES OF THE BOARD

See CRS 24-90-109. Note especially (e) (II), which clearly gives library districts appropriation powers not given to city or county libraries.

## THE MONEY FOR A LIBRARY DISTRICT (CRS 24-90-112)

1. If the tax is approved by the voters, the board of county commissioners is authorized to levy a tax for the library district "upon real and personal property."
2. You can go to a vote any November.
3. "Upon request" of the board of trustees, the board of county commissioners "shall submit to a vote...a proposition...." (See both 24-90-109(4) and 24-90-112 (1)(b)(III).)
4. The treasurer of the county is the custodian of all moneys for the library, which is transferred into a special fund called "the public library fund." This fund, including all its interest, can be used for library purposes. It is expended upon "warrants" signed by the president of the board of trustees.
5. If the board of trustees requests it, the treasurer may transfer the money into the custody of the board, with the stipulation that the board must "carry a bond" for this purpose, make a monthly accounting to the treasurer, and perform an annual audit. (The "bond" carried by the Arapahoe Library District is a performance bond on each trustee for \$10,000 each, for a total premium of \$245/year.)
6. Other revenue sources: Specific ownership tax, interest, grants, fines, fees, contracts, gifts, Friends or Foundation donations to the library.

## EXAMPLES OF OTHER PRIVILEGES, LAWS AND LIMITATIONS

1. Library districts can hold bond elections and issue bonds. (CRS 24-90-112.5)
2. The Budget Law and the statutory 5.5% revenue limit apply. (CRS 29-1-101+)
3. The Sunshine Law applies. (CRS 24-6-401+)
4. The Election Law applies. (CRS 1-45-101+)
5. The constitutional provisions of Gallagher apply.
6. The constitutional provisions of Taxpayer Bill of Rights (TABOR) apply (Article X, Section 20). These include:
  - A. All tax rate increases must go to a vote.
  - B. The ballot question must start with the amount of the increase.
  - C. Requires emergency reserves of 3% of the fiscal year spending.
  - D. Imposes spending limits and revenue limits.
  - E. Includes a provision of local growth.
  - F. 30 days before an election, you must mail a notice to increase taxes. This must include 2 summaries, up to 500 words each (one for and one against), of written comments filed by 45 days before the election. The "election officer" maintains and accurately summarizes all comments. This mailing is often handled through a "consolidated election" process by the county clerk, paid for by the library.

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