
MEMORANDUM

TO: Poudre River Public Library Trustees

FROM: Seter & Vander Wall, P.C.

DATE: October 8, 2014

RE: Legal Status Report

This is our legal status report for the Trustees meeting scheduled for October 13, 2014.

IGA with the City re: STREAMLAB LSTA Grant

Task: Counsel reviewed and revised an IGA drafted by the City concerning the LSTA grant funds and the corresponding obligations of the Library and the City.

Status: Counsel is negotiating with the City concerning the finalized version of the IGA.

Action: Possible approval of the IGA at the October meeting.

Trademark of Sumer Reading Theme STREAM

Task: Obtain a trademark for the summer reading theme STREAM.

Status: Counsel is investigating the possibility and appropriate trademark for the STREAM program.

Action: None at this time.

Important Case Update: High Plains Library District, et. al. v. Kirkmeyer, et. al.

Task: A majority of the establishing entities of the High Plains Library District ("HPLD") approved removal of the entire Board of Trustees at once. The towns then passed a resolution appointing new trustees consisting of several town mayors, county commissioners, and the president of the school district. HPLD and the removed trustees filed suit to enjoin their removal and replacement by the new board and obtain a declaratory judgment that the actions of the towns and county commissioners were

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illegal.

After a two-day preliminary injunction hearing, the Judge ordered the original Board would maintain their trustee positions until the matter is resolved. The establishing entities filed an appeal of the preliminary injunction order. The District Court litigation has been stayed pending the outcome of the court of appeals litigation.

Status: Counsel was retained by the Colorado Association of Libraries (“CAL”) to file an Amicus Brief on its behalf in the Court of Appeals. An Amicus Brief (meaning “friend of the court”), allows CAL to submit a brief explaining the impact this case may have on all libraries and the appropriate interpretation of the Colorado Library Law.

Counsel filed the amicus brief on October 9th. The amicus is limited to addressing the issues raised in the opening brief by the county commissioners and establishing entities. Specifically, Counsel argued the appropriate process for removal of library trustees. The appointment issue will be addressed at a later point in the litigation, if at all. The Trustees and HPLD obtained an extension of time to file their responsive brief because the parties recently engaged in mediation and have scheduled a second mediation. Counsel will continue to monitor the progress of the litigation.

Action: None at this time.