
MEMORANDUM

TO: Board of Trustees- Poudre River Public Library

FROM: Seter & Vander Wall, P.C.

DATE: January 7, 2014

RE: Legal Status Report for the January 13, 2014 Meeting of the Board of Trustees

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

Annual Administrative Resolution

Matter: Consider adoption of the annual administrative resolution at the March meeting.

STATUS: A draft resolution will be provided in the February meeting packet.

ACTION: None required.

Renovation of Main Library: Spec. and Contract for Diagonal Walk & Stage

MATTER: The Contract for diagonal walk and stage improvements was awarded to Hoff Construction. The Contract was reviewed and approved by Counsel. Construction is underway.

STATUS: The District obtained additional funds for construction and included an add alternative that was excluded from the original bidding process. The Board adopted a resolution waiving the requirements of the municipal code 8-161(c) to permit the add alternative without re-bidding the project.

ACTION: None at this time.

Legal Research regarding CSU RamCard Project

MATTER: The District and Colorado State University (“CSU”) desire to provide for the use of the CSU RamCard as a Poudre River Public Library District card. Incoming students will be permitted to register their RamCard as a public library card in addition to its other uses.

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STATUS: Counsel provided an attorney opinion letter regarding possible legal issues concerning the dual use and a draft letter confirming the District's expectations and understandings for Ms. Carroll to send to CSU.

ACTION: None at this time.

Review of Executive Director Contract

MATTER: Requested review of Executive Director contract.

STATUS: This item will be removed from the next report.

ACTION: None at this time.

Governmental Immunity for Motor Vehicle Research

MATTER: PRPLD has been renting city vans to transport youth as part of an outreach program.

STATUS: We prepared a new policy to protect PRPLD from personal injury liability. The committee made substantial changes and the policy was adopted last month. This matter will be removed from the next report.

ACTION: None required.

Important Case Update: *Johnstown v. High Plains Library District*

MATTER: We have repeatedly confronted counties and towns that have removed property and tax base from library district boundaries. We have utilized the courts to define the statutes to preclude the removal of property from library district boundaries. Poudre chose not to appeal certain language in the *Wellington* case because we were victorious but that language in the case was of concern. That language is now on appeal in the referenced case to determine whether property may be removed from a library district if the board of trustees agrees to removal.

STATUS: This matter has been briefed to the Colorado Supreme Court and we are waiting it to be scheduled for oral argument.

ACTION: None required.

Urban Renewal Authorities and the TIF

MATTER: Advise the board with regard to the possibilities of reducing tax increment financing opportunity costs.

STATUS: See reports from the URA committee, if any.

ACTION: None required.

Sublease of 256 W. Mountain Avenue

MATTER: The Trustees approved subleasing 256 West Mountain Avenue and the storage unit on Mason Street to the Friends of the Library for sorting and storing books.

STATUS: Everyone seems to have lost interest in this. We'll discuss this with Holly and see if we can find another way to complete this matter.

ACTION: None required.