

---

## MEMORANDUM

TO: Board of Trustees Poudre River Public Library

FROM: Seter & Vander Wall, P.C.

DATE: February 5, 2013

RE: Legal Status Report for the February 10, 2014 Meeting of the Board of Trustees

---

This is our legal status report for the Trustees meeting scheduled for February 10, 2014.

### **Annual Administrative Resolution**

MATTER: Adoption of the annual administrative resolution at the March meeting.

STATUS: A draft resolution will be provided in the February meeting packet. We would like to move this annual event to the January meeting beginning in 2014. There are several matters addressed in the Administrative Resolution that are to be addressed by law at “the first meeting of the year.”

ACTION: None at the February meeting.

### **District Bank Account Resolution**

MATTER: Jeff Barnes contacted us to determine the appropriate procedures for setting up a separate bank account from the City to pay smaller vendors.

STATUS: Counsel is speaking with representatives of First National Bank to obtain the preferred form of resolution and signatory documents. Counsel expects to have the necessary documents prepared to deliver at the February meeting of the Board.

ACTION: Approval of resolution authorizing creation of District bank account and of signatories to the account.

**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 and close to completion.
- 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.

**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.

**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: Still no action or movement by anyone.
- ACTION: None required.