
MEMORANDUM

TO: Board of Trustees Poudre River Public Library

FROM: Seter & Vander Wall, P.C.

DATE: March 4, 2014

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

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

Annual Administrative Resolution

MATTER: Adoption of the annual administrative resolution.

STATUS: Counsel would like to move this annual event to the January meeting beginning in 2015 because there are several matters in the Administrative Resolution that are to be addressed by law at “the first meeting of the year.” Counsel removed the election of officers language from the annual administrative resolution and drafted a separate resolution to approve the election of officers to the Board.

ACTION: Discussion and approval of the annual administrative resolution.

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

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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. We believe a decision will be made soon, based upon our experience with other matters in the Supreme Court.

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: To our knowledge, still no action or movement by anyone.

ACTION: None required.