
MEMORANDUM

TO: Board of Trustees Poudre River Public Library

FROM: Seter & Vander Wall, P.C.

DATE: May 7, 2014

RE: Legal Status Report for the May 12, 2014 Meeting of the Board of Trustees

This is our legal status report for the Trustees meeting scheduled for May 12, 2014.

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: Counsel anticipates the project will be complete by the May meeting of the Board of Trustees.

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 was on appeal in the High Plains case to determine whether property may be removed from a library district if the board of trustees agree to removal.

STATUS: The Colorado Supreme Court declined to accept certiorari on the High Plains case. Thus, the Court of Appeals' opinion permitting removal from a library district upon the agreement of the Board of Trustees stands.

ACTION: Counsel is analyzing the impacts of the Court of Appeals' decision and will distribute a memorandum on the state of the law in this area and

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providing best practices in light of this ruling.

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. Counsel will inquire as to the status of this project.

ACTION: None required.