
MEMORANDUM

TO: Poudre River Public Library District

FROM: Seter & Vander Wall, P.C.

DATE: June 2, 2014

RE: Legal Status Report

This is our legal status report for the Trustees meeting scheduled for June 9, 2014.

Sublease of 256 W. Mountain Avenue

Task: 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: The City notified the District that it is exercising its right to terminate the sublease on November 6, 2014.

Action: None at this time.

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

Task: A majority of the towns that established the High Plains Library District (“HPLD”) approved removal of the entire Board of Trustees at one time. 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 illegal. After a two-day preliminary injunction hearing, the Judge ordered the original Board would maintain their trustee positions until the matter goes to trial. The matter will be set for trial expeditiously.

Status: Counsel is communicating with the Colorado Association of Libraries (“CAL”) and the Colorado Library Consortium (“CLiC”) regarding the possibility of filing an amicus brief in this litigation. An amicus Brief (meaning “friend of the court”), would allow CAL and CLiC to submit a brief explaining the impact this case may have on all libraries. Counsel has

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scheduled a presentation to the CLiC and CAL Board of Directors who will make the decision on whether to become involved in the litigation. Counsel drafted a survey to be sent to all public libraries in the state to gather information on how the appointment and removal process is being conducted.

Action: None at this time.