

## **Statutory Obligations of a Library District Board of Trustees**

### **A. SHORT LIST OF OBLIGATIONS OF A LIBRARY DISTRICT BOARD OF TRUSTEES<sup>1</sup>:**

1. A library district board of trustees:
  - a. Has fiscal and legal responsibility for the control and management of the library.
  - b. Has authority to make policy.
  - c. Hires/fires the library director.
  - d. Has all the powers enumerated in CRS 24-90-109.
2. Duties of Trustees (CRS 24-90-109):
  - a. Adopt library policies and bylaws for, and participate in, all board meetings.
  - b. Have custody of library property.
  - c. Employ a highly qualified library director. Empower them to manage the day-to-day operation of the library. Evaluate the director's performance annually.
  - d. Secure adequate funding and practice responsible fiscal management of the public money.
  - e. Have authority to enter into contracts.
  - f. Maintain a current map of library service area.
  - g. File an annual report of statistical data with the State Library.
  - h. Plan for the future of the library. Monitor and evaluate the overall effectiveness of the library.
  - i. Promote library services and advocate for the library in the community.

### **B. DETAILED LIST OF OBLIGATIONS OF A LIBRARY DISTRICT BOARD OF TRUSTEES.**

1. IGA. After the appointment of the library district board of trustees, the library board, the BOCC and City Council must enter into a written agreement within 90 days. This intergovernmental agreement (IGA) sets forth the rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement. The IGA must also provide for:
  - a. The transition from the library as a municipal service to a library district, such as ownership of the library's real and personal property, personnel, and how administrative services will be provided during the transition; and
  - b. The method of trustee selection; and
  - c. Other terms and conditions as agreed to by the parties to the IGA. CRS 24-90-107(3)(h).
2. Cost of Election. The library district shall reimburse the BOCC for the expenses incurred in holding the election to form the library district. CRS 24-90-107(3)(i).

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<sup>1</sup> Taken from Colorado Department of Education, Colorado Public Library Board & Trustee Handbook, <https://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/trusteehandbook> .

3. Management and Control of Library District. The library district board of trustees is responsible for the management and control of the library. Trustees are chosen from the residents within the service area of the library. CRS 24-90-108(1).
4. Number of Trustees; Term. The board of trustees must be not fewer than five nor more than seven trustees. CRS 24-90-108(1).
  - a. The first appointments of the board of trustees shall be for terms of one, two, three, four, and five years respectively, if there are five trustees.
    - i. If six trustees are appointed, two trustees are appointed, two are appointed for five-year terms.
    - ii. If seven trustees are appointed, two are appointed for four-year terms and two are appointed for five-year terms. CRS 24-90-108(3)(a).
  - b. Subsequent trustee appointments are appointed for the length of term specified in the bylaws adopted by the board of trustees. CRS 24-90-108(3)(a).
  - c. The number of terms a trustee may serve is specified by the bylaws adopted by the board of trustees. CRS 24-90-108(3)(a).
5. Vacancies. Vacancies are filled for the remainder of the unexpired term, as soon as possible, the way trustees are regularly chosen. CRS 24-90-108(3)(b). For the Boulder Public Library District, the trustees are chosen:
  - a. By a selection committee made up of two City Council members and two Commissioners of the Board of County Commissioners of Boulder County (BOCC). CRS 24-90-108(2)(c).
  - b. A two-thirds majority of each legislative body must ratify the trustees recommended by the selection committee within sixty days. CRS 24-90-108(3)(c).
  - c. The BOCC and City Council decides whether to continue appointments by a selection committee or whether to delegate the selections to the board of trustees. Either way, a two-thirds majority of BOCC and City Council must ratify the trustee selection within sixty days. CRS 24-90-108(3)(c).
  - d. If the BOCC and City Council do not ratify the board recommended by the selection committee within sixty days, the board recommended by the selection committee is considered ratified. CRS 24-90-108(3)(c).
6. Compensation; Expenses. Trustees do not receive compensation for their service as a trustee. Necessary traveling and subsistence expenses may be paid from the public library fund. CRS 24-90-108(4).
7. Removal. A library trustee may be removed only by a majority vote of the BOCC and City Council, only upon a showing of good cause as defined in (but not limited to) the bylaws adopted by the board. CRS 24-90-108(5).

8. Officers. Immediately after their appointment, the board of trustees must meet and elect a president, a secretary, and another officers the board deems necessary. CRS 24-90-108(6).
9. Governance. The board of trustees adopts bylaws, rules, and regulations for its own guidance and policies for the governance of the library. The bylaws must include (but are not limited to):
  - a. Defining “good cause” to be applied in the removal of a trustee.
  - b. Designation of those officers of the board who will be appointed or elected and the manner of the appointment and election.
  - c. Rules and regulations for conducting meetings.
  - d. Rules for public participation in meetings.
  - e. Procedures for amending the bylaws.
  - f. The length and number of terms of board members. CRS 24-90-109(1)(a).
10. Reporting. The board must file a copy of the bylaws with the BOCC, City Council, and the State Library. CRS 24-90-109(1)(a).
11. Property. The board of trustees has custody of all library property, including buildings constructed, leased, or set apart for the library. CRS 24-90-109(1)(b).
12. Employees. The board of trustees employs a library director, and on the director’s recommendation, employs other staff as necessary. CRS 24-90-109(1)(c).
13. Budget Adoption. The board of trustees:
  - a. Adopts a budget and makes appropriations for the ensuing fiscal year as set forth in the Local Government Budget Law of Colorado,” C.R.S. 29-1-101 through 29-1-115. CRS 24-90-109(1)(e)(II).
  - b. Has exclusive control and spending authority over the disbursement of library funds. CRS 24-90-109(1) (e)(II).
    - i. The Boulder County Treasurer is the custodian of the public library fund. CRS 24-90-112(2)(a).
    - ii. If the board of trustees requests it, the County Treasurer may transfer the money in the public library fund to the board of trustees, but the board must carry insurance for handling the funds, make monthly accountings to the treasurer, and cause an annual audit to be performed and submit that to the treasurer. CRS 24-90-112(2)(c).
    - iii. The public library fund is all moneys generated for the library, whether from taxation, gifts, sale of library property, or otherwise. CRS 24-90-112(2)(a).
    - iv. The board of trustees shall use the public library fund only for library purposes. CRS 24-90-112(2)(a).

14. Budget Submission. The board of trustees annually submits a budget and certifies to the BOCC and City Council the amount of the mill levy necessary to maintain and operate the library during the ensuing year. CRS 24-90-109(1)(d).
15. Gifts. The board of trustees can accept gifts of money or property for library purposes. CRS 24-90-109(1)(f).
16. Property. The board of trustees can:
  - a. Hold and acquire land by gift, lease, or purchase for library purposes. CRS 24-90-109(1)(g).
  - b. Lease, purchase, or erect any appropriate building for library purposes and acquire other property as may be needed for library purposes. CRS 24-90-109(1)(h).
  - c. Sell, assign, transfer, or convey any property of the library, real or personal, which may not be needed within the foreseeable future for any purpose, or lease library property pending a sale of the property. CRS 24-90-109(1)(i).
    - i. Before conveying any library district property, the board of trustees must make a finding that the property may not be needed within the foreseeable future for library purposes unless the property is conveyed to a state agency or political subdivision of the state. CRS 24-90-109(1)(i).
17. Finances. The board of trustees must conduct an annual audit of the financial statements of the district. CRS 24-90-109(1)(1)(II).
18. Equipment and Material Policy. The board of trustees must adopt a policy for the purchase of library materials and equipment (on the recommendation of the director). CRS 24-90-109(1)(m).
19. Service Area Map. The board of trustees must maintain a current, accurate map of the district's legal service area, and file the map with the state library. CRS 24-90-109(p.5)
20. School District Collective Bargaining Agreements. The board of trustees must obtain copies of all school district collective bargaining agreements submitted by the "Colorado School Collective Bargaining Agreement Sunshine Act," CRS 22-32-109.4 and
  - i. Create an electronic or physical repository for those collective bargaining agreements at the library that is available for public inspection. CRS 24-90-109(1)(q).
21. Reporting.
  - a. At the close of each calendar year, the board of trustees makes a report to the BOCC and City Council showing the condition of its "trust" [undefined, but indicates a fiduciary duty on the part of the board], the sums expended and the purposes of the

- expenditures and other statistics and information as the board of trustees deems to be of public interest. CRS 24-90-109(2).
- b. At the close of each calendar year, the board of trustees makes a report to the state library containing statistics and information required by the state library. CRS 24-90-109(2.5).
22. Out of Area Use. The board of trustees must decide whether to allow people outside of the library district's service area to use the library's materials and equipment. CRS 24-90-109(3).
23. Issuance of Bonds. If the board of trustees determines that it is necessary to create a general obligation indebtedness of the county on behalf of and in the name of the library district to finance the acquisition of real or personal property for library purposes, the trustees must adopt a resolution requesting the BOCC to submit the question of creating the indebtedness at the next general election. The statute sets forth what the board of trustee's resolution must recite. CRS 24-90-112.5(1)(a).
24. Additional Guidance. The Colorado Public Library Board & Trustee Handbook has additional information and resources for a library board of trustees. See, <https://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/trusteehandbook>