
MEMORANDUM

TO: Board of Trustees- Poudre River Public Library District

FROM: Seter & Vander Wall, P.C.

DATE: November 4, 2013

RE: Legal Status Report for the November 11, 2013 Meeting of the Board of Trustees

This is our legal status report for the Trustees meeting scheduled for November 11, 2013.

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.

STATUS: The District obtained additional funds for construction and wants to include an add alternative that was excluded from the original bidding process. Including the add alternative would result in a contract change over 15% of the original contract amount. City Code requires that the District would have to re-bid the project to make changes over 15%.

ACTION: Counsel is researching this issue. Counsel will present to the Board regarding possible solutions at the November meeting of the Board of Trustees.

Governmental Immunity for Motor Vehicle Research

MATTER: PRPLD has been renting city vans to transport youth as part of an outreach program.

STATUS: We prepared a new policy to protect PRPLD from personal injury liability. A draft policy was provided at the September meeting. District insurance would not cover many aspects of the vehicle use.

We were contacted by County Attorney Ingrid Decker regarding the District's use of city fleet vehicles last week. She asked whether we would authorize her to meet with Jeff Barnes as representative of the District, the City Risk Manager, and Operation Services Director Ken

{00080683}

Mannon to discuss future use of vehicles.

Ingrid noted that the IGA with the City did not provide for use of vehicles and the City is concerned about its own insurance coverage. We do not know how this issue arose within the city but did not object to Ingrid being part of the meeting with Jeff.

ACTION: None required.

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.

Urban Renewal Authorities and the TIF

MATTER: Advise the board with regard to the possibilities of reducing tax increment financing opportunity costs.

STATUS: See reports from the URA committee, if any.

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: I have contacted the City Attorney's office to prepare a lease for the storage area which can then be subleased to the Friends. The City's real estate person is looking into the status of this as it is "still on her desk." There does not seem to be much urgency in this regard.

I asked Ingrid Decker, Esq. about this when we talked about the city

vehicles and she stated that she would follow-up. I have not heard back as of the date of this report.

ACTION: None required.