MEMORANDUM

TO: Poudre River Public Library District

FROM: Seter & Vander Wall, P.C., Kim J. Seter, Esq., Elizabeth A. Dauer, Esq., and Cameron J. Richards, Esq.

DATE: February 4, 2020

RE: Legal Status Report for February 10, 2020, Trustees' Meeting

District Boundary Map

Task: Work with the Larimer County Assessor to obtain an updated District boundary map and ensure accuracy.

Status: This project began with notice of an annexation of real property into the Town of Wellington. Prior to the case of *Wellington v. Board of Trustees of the Fort Collins Regional Library District*, 216 P.3rd 611 (Colo. App. 2009), property annexed into Wellington was being removed from the District. Given the pace of growth around Larimer County and the possibility of a future election, we requested the County Assessor provide an updated map showing District boundaries to verify no properties have been improperly excluded from the District.

The Larimer County Assessor will be providing the information. There is no update since the last report.

Action: No action is required at this time.

Photography Policy

Task: Consult on proposed changes to the District's Photography Policy

Status: Provide feedback on proposed changes to the Photography Policy. Revisions are being presented for second reading.

Action: Consider adopting the revised policy on second reading by motion, second and majority vote of a quorum of the Board.

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Options for Funding Future Facilities Development

Task: Summarize financing options the District can consider to fund future facilities development.

Status: **No change. This item is for informational purposes.**

The District has three options to pay for the construction of new libraries or the improvement of existing branches: (1) Cash out of reserve/budgeted funds; (2) General obligation bonds; and (3) Lease/purchase financing with or without certificates of participation. Each is summarized below. We recommend use of certificates of participation as a simple and cost-effective approach.

Cash on Hand: Availability of this "pay as you go" option depends on the scale of the project, the District's financial position, and budget considerations for not only the next year, but in years to come. It is often best to utilize cash on hand to provide current services.

General Obligation Bonds: The most common form of government financing. Bonds are secured by the full faith credit and taxing power of the government issuer. Bonds offer low interest rates and are attractive to investors due to their double tax-exempt status. However, the issuance of debt through general obligation bonds requires an election as does the corresponding increase in taxes pursuant to Art. X, §20 of the *Colorado Constitution* ("**TABOR**").

Lease/Purchase with or without Certificates of Participation ("**COP**"): Libraries are in a unique position to take advantage of sale/lease back financing. From a legal perspective, this method involves selling or leasing a property that is owned by the District. The funds received are used to buy new or improve old facilities. The property sold/leased by the District is leased back to the District which pays rent consisting of principal and interest to the investor[s]. The lease back to the District contains an option to purchase the property at the end of the lease for a nominal fee, often $1.00. Lease/purchase financing does not constitute long-term debt obligations of the issuing authority, and is therefore exempt from state and local laws that require voter approval under TABOR.

We recommend lease/purchase financing as the best option. However, we are ready to assist on any method the District may ultimately pursue.

Action: No action is required at this time.   This item is being retained as placeholder for future considerations.

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