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## MEMORANDUM

TO: Poudre River Public Library District

FROM: Seter & Vander Wall, P.C.

DATE: January 9, 2023

RE: Legal Status Report

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### Executive Director Salary Survey Information

- Task:** Obtain a copy of the State's Executive Director Salary survey for budgeting process every September.
- Status:** Information was delivered to President Colby. This matter will remain on the report as a reminder for next fall.
- Action:** None required.

### Annual Administrative Resolution

- Task:** Consider the Annual Administrative Resolution (attached).
- Status:** The annual administrative resolution is sort of a "housekeeping" resolution whereby the board delegates tasks to consultants and makes determinations required by law to ensure that the Board is meeting compliance requirements for the upcoming year. There are certain decisions in the admin resolution that are legally required to be made at the first meeting of the year. Our Firm's general practice is to ensure that all our clients consider the admin resolution in January (if they meet then).
- Action:** **Proposed Motion:**  
*I move the Board approve the 2023 Annual administrative Resolution as presented.*

### Colorado Family Medical Leave Insurance Program

- Task:** Consider whether to "opt-out" of the Colorado Family and Medical Leave Act.

{00635842}

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**Status:** The District has successfully opted out of the Colorado Family and Medical Leave Act.

**Action:** Revisit the decision in eight (8) years.

**Poudre River Public Library District  
Board of Trustees: Res. -**

**CERTIFIED COPY OF ANNUAL ADMINISTRATIVE RESOLUTION OF THE  
POUDRE RIVER PUBLIC LIBRARY DISTRICT  
(2023)**

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF LARIMER    )

At a regular meeting of the Board of Trustees of the Poudre River Public Library District, City of Fort Collins, Larimer County, Colorado, held at 4:00 p.m., January 9, 2023, at The Old Town Library, 201 Peterson Street, Ft. Collins, CO 80524, the following Trustees were present:

- Fred Colby
- Matt Schild
- Corey Radman
- Anuja Riles
- Randyn Heisserer-Miller
- Becki Schulz
- Joe Wise

The following proceedings were had and done, to wit:

It was moved by Trustee \_\_\_\_\_ to adopt the following Resolution and ratify actions taken in connection herewith:

WHEREAS, the Poudre River Public Library District (the “District”) was organized as a library district pursuant to §24-90-101 *et seq.*, C.R.S.; and

WHEREAS, the Board of Trustees of the District has a duty to perform certain obligations in order to assure the efficient operation of the District; and

WHEREAS, Colorado statutes require the Board to publish legal notices in a newspaper of general circulation in the District chosen as the newspaper for official publications; and

WHEREAS, § 24-90-109(1)(a). C.R.S. requires that a copy of the District’s bylaws shall be filed with the State Library; and

WHEREAS, § 24-90-109(1)(k), C.R.S. authorizes the Board of Trustees to bond persons entrusted with library funds; and

WHEREAS, Section 24-90-109(1)(p.5), C.R.S. requires the District to maintain a current, accurate map of the legal service area and provide for it to be on file with the State Library; and

WHEREAS, § 24-90-109(2.5), C.R.S. requires the Board of Trustees to respond to a survey by the state library at the close of each calendar year; and

WHEREAS, the statutes require that the Board of Trustees meet regularly at a time and in a place to be designated by the Board; and

WHEREAS, § 24-6-402(2)(c), C.R.S., specifies the duty of the Board of Trustees to designate a public posting place within the boundaries of the District for notices of meetings, in addition to any other means of notice; and

WHEREAS, in accordance with the Colorado Governmental Immunity Act, the Board is given authority to obtain insurance against liability for injuries for which the District may be liable under the Governmental Immunity Act, pursuant to § 24-10-115, C.R.S.; and

WHEREAS, concerning the public records of the District, § 24-72-202(2), C.R.S. defines “Official Custodian” to mean and include any officer or employee of any political subdivision of the state who is responsible for the maintenance, care, and keeping of public records, regardless of whether the records are in his or her actual personal custody and control; and

WHEREAS, the Local Government Budget Law of Colorado, §§ 29-1-101, *et seq.*, C.R.S., requires the Board to hold a public hearing on proposed budgets and amendments thereto, to adopt budgets, and to file copies of the budgets and amendments thereto; and

WHEREAS, the Board of Trustees desires to appoint a finance officer for the District to assist with providing financial services and to assist with the financial operations of the District, and who shall also be designated as the budget officer required to prepare and submit to the Board a proposed District budget by October 15, pursuant to §§ 29-1-104 and 29-1-105(3)(d), C.R.S.; and

WHEREAS, if required under § 29-1-603, C.R.S., the governing body of the District shall cause to be made an annual audit of the financial statements for each fiscal year; and

WHEREAS, pursuant to the Intergovernmental Agreement among the District, City of Fort Collins, and Larimer County dated December 18, 2007, the District is required to file an annual report with the City and the County by March 31 of each year; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE Poudre River Public Library District That:**

1. The Board designates *The Fort Collins Coloradoan* as the official newspaper of general circulation within the boundaries of the District, or in the vicinity of the District if none is circulated within the District, and directs that all legal notices shall be published in accordance with applicable law therein.

2. The Board directs the Executive Director to file a copy of the District's bylaws with the State Library.

3. The Board directs the Executive Director to obtain bonding for the persons entrusted with the Library funds.

4. The Board directs the Executive Director to maintain a current, accurate map and file it with the State Library.

5. The Board directs the Executive Director to complete the annual questionnaire submitted by the State Library at the end of each year.

6. The Board will hold its regular meetings on the second Monday of every month at 4:00 p.m. at various library locations within the District. The Board may also conduct meetings via Zoom videoconferencing platform.

7. Regular and Special Meeting notices shall be posted at the Community Bulletin Boards at the Old Town Library at 201 Peterson Street, the Council Tree Library at 2733 Council Tree Avenue and the Harmony Library at 4616 South Shields, Fort Collins, Colorado and on the District's website at [www.poudrelibraries.org/board/meetings](http://www.poudrelibraries.org/board/meetings).

8. The Board directs the Executive Director to obtain quotes and maintain insurance for the District, to insure the Trustees acting within the scope of employment by the Board against all or any part of liability for an injury; to insure against the expense of defending a claim for injury against the District, its staff or its Board. The Board will annually review all insurance policies in effect.

9. The Board designates the Executive Director to serve as the official custodian of public records for the District, who shall coordinate with legal counsel to the extent they maintain any public records.

10. The Board designates Amy Lyons, District accountant, as the District's finance officer. The Board designates the Finance Officer to serve as the budget officer, and to submit a proposed budget to the Board by October 15, and, in cooperation with legal counsel, to schedule a public hearing on the proposed budget; to prepare a final budget, budget resolutions and amendments to the budget, if necessary; to certify the mill levy on or before December 15; and to file the approved budgets and amendments thereto with the proper governmental agencies in accordance with the Local Government Budget Law of Colorado.

11. The Board of Trustees appoints the law firm of Seter & Vander Wall, P.C. as legal counsel for the District.

12. The Board directs the District accountant to prepare or cause to be prepared for filing with the State Auditor, if required, an audit of the financial statements by June 30. Further, the Board directs that the audit be filed with the State Auditor by July 31.

13. The Board directs the Executive Director to, no later than March 31 of each year, complete the annual report as required by the Intergovernmental Agreement with the City of Fort Collins and Larimer County which report shall include: the current state of the library system; goals and projections for the coming year; a summary of the current adopted budget; status of reserve accounts and accounts; and such other statistics and information as the Board deems to be of the public interest.

Whereupon, the motion was seconded by Trustee \_\_\_\_, and upon vote, unanimously carried. The Chair declared the motion carried and so ordered.

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**CERTIFIED COPY OF ANNUAL ADMINISTRATIVE RESOLUTION OF THE  
POUDRE RIVER PUBLIC LIBRARY DISTRICT (2023)**

**SIGNATURE PAGE**

ADOPTED AND APPROVED THE 9TH DAY OF JANUARY, 2023.

**Poudre River Public Library District**

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary/Assistant Secretary

**CERTIFICATION**

I, \_\_\_\_\_, Secretary/Assistant Secretary of the Board of Trustees of the Poudre River Public Library District, do hereby certify that the attached and foregoing Resolution is a true copy from the records of the proceedings of the Board of said District, on file with Seter & Vander Wall, P.C., legal counsel to the District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the District, Larimer County, Colorado, this 9th day of January, 2023.

\_\_\_\_\_  
Secretary

[SEAL]