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**MEMORANDUM**

TO: Poudre River Public Library District  
FROM: Seter & Vander Wall, P.C., Kim J. Seter  
DATE: May 3, 2017  
RE: Legal Status Report for May 8, 2017 Trustees' Meeting

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**MEMORANDUM**

TO: Poudre River Public Library District  
FROM: Seter & Vander Wall, P.C., Kim J. Seter  
DATE: June 7, 2017  
RE: Legal Status Report for June 12, 2017 Trustees' Meeting

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This is our legal status report for the Trustees' meeting scheduled for June 12, 2017.

**Review IGA between the District, City of Fort Collins, and Larimer County**

**Task:** Review the IGA signed by the District, City of Fort Collins, and Larimer County for purposes of determining what portions of the agreement have been accomplished and which portions still govern the relationship of the parties.

**Status:** Following the Board's direction at the February meeting, we are reviewing the IGA to determine what portions of the IGA remain in effect and which portions have been accomplished or are no longer controlling over the parties. The IGA dates from the formation of the District and deals in large part with the creation of the new entity, establishing the initial relationship of the parties, and transfer of property between the City, the County and the District. Much of this has been accomplished. However, the portions concerning the ongoing relationship remain valid. A summary of the review and discussion of the relevant governing provisions will be presented at either the April or May meeting.

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**Action:** No action required at this time.

### **Review of Bylaws**

**Task:** Review the District's bylaws for any changes or updates that are necessary or inconsistent with changing law.

**Status:** The review of bylaws was requested as part of the ongoing review of policies. We are working with the committee of Ms. Quijano, Mr. Frey, and Ms. Schultz to make appropriate and necessary revisions.

As discussed in last month's report, the bylaws are generally in good shape, though there are areas which could be cleaned up for clarity, consistency with policy, and corrections to grammar. Because these changes will affect numerous provisions throughout the document, the recommended procedure is to present a fully revised copy of the bylaws to the Board which can then be voted on as amended and restated bylaws.

A draft document will be presented to the committee shortly. Pursuant to the bylaws, any proposed amendment must be presented to the entire Board at least 15 days before a vote. This will likely be ready for action at the July meeting.

**Action:** None at this time.

### **Important Case Updates**

#### **Sutherland Lawsuits**

**Task:** Eric Sutherland has filed numerous lawsuits concerning tax, URA and election issues against the county, city and two school districts.

**Status:** We are monitoring the actions in preparation for any claims against the Library District which now seem very unlikely.

1. *Sutherland v. Poudre School District*, Larimer County District Court, 2016CV000299 – This case was dismissed on January 19, 2017. To my knowledge, no appeal has been filed.

2. *Poudre School District v. Sutherland*, Larimer County District Court, 2016CV031130 – This case was decided in favor the school district on May 3, 2017. The period for appeal has not yet expired.

3. *In Re Petition of Poudre School District R-1*, Larimer County

District Court, 2016CV31129 – This case was resolved in favor of the school district on March 10, 2017.

It is interesting that Mr. Sutherland brought actions against all of the parties that promoted tax questions (county, city and two school districts), except the Library District.

If an appeal is filed, there may be further litigation. We will continue to monitor.

All of these matters are instructive for the Library District. To date, they confirm the validity and correctness of the Library Trustee's actions in the 2016 election and there do not appear to be any avenues for Sutherland to bring claims against the Library District at this time.

**Action:** None required.