Meeting date: Saturday, March 9, 2019
Location: Open Space and Mountain Parks HUB at 2520 55th St., Boulder
Meeting time: 8:30 a.m. meeting set up and morning refreshments
9 a.m. meeting start
10:30 a.m. 20-minute break time
12:00 to 1:15 p.m. lunch
2:30 p.m. 20-minute break time
4:00 p.m. adjournment

1. Approval of agenda
2. Public input
3. Resolution saluting Kevin Kaufman
4. Guidance on boundaries around campaigning, and library business vs. campaign business for the library commissioners – David Gehr, City Attorney’s Office
5. Commission discussion of the petition drive and the talking points and scheduling of one-on-one meetings with City Council members.
6. Matters from the Library Director
   - North Boulder branch library project update and BLF fundraiser events closure request
   - Main Library restroom renovation project update: discuss draft FAQ/talking points and supplemental budget request
   - Background on Library Polling Project (oral update will be provided during the meeting)
7. Policy review
   - Review and agree to changes to the Library Rules of Conduct prior to public review process
   - Review examples of inclusivity statements/policies and provide direction to staff
8. Appreciation of Library Commissioner Joni Teter for her service to the library
10. Library planning
    - Considerations for library projects if a library district is formed
    - Strengths/weaknesses in relation to serving user groups
    - Projects/initiatives coming in the 2nd half of 2019
    - 2020 budget priorities based on unfunded Master Plan goals
11. Matters from the Library Commission
    - Check in on representatives and officers’ duties including meeting preparation process and the schedule for the Library Commission monthly memo for the meeting packet
    - Discuss and agree upon format and parameters for public input during Library Commission meetings
12. Adjournment at or before 4 p.m.

2019 Library Commissioners
CITY OF BOULDER, COLORADO

Office of the City Attorney
Municipal Building
1777 Broadway
Post Office Box 791
Boulder, Colorado 80306
Telephone (303) 441-3020
Facsimile (303) 441-3859

MEMORANDUM

TO: City Employees

FROM: Jane S. Brautigam, City Manager
       Thomas A. Carr, City Attorney

SUBJECT: Participation in Election Campaigns

DATE: September 5, 2018

We are heading into election season. We wanted to take this opportunity to remind you about the rules governing elections as they apply to city employees. As city employees, we retain our first amendment rights to participate in the political process. We must, however, be careful not to use any city resources for campaign purposes. We can participate in campaigns, but we can only do so on our personal time, not at work. We cannot use city resources, including our time at work, to participate in any election in any way. The people who pay our salaries have a right to expect that we will not use our positions to help or hurt a candidate or ballot measure. What we do on our free time is our business; what we do at work is the people’s business. When in doubt, ask! Our offices are available to you if you have any question about something that you want to do.

The city has exempted itself from the Colorado Fair Campaign Practices Act, section 1-45-117 C.R.S., however, we aspire to meet the requirements of that Act. The Act limits the campaign activities of cities, city officials and city employees. Also, the city has adopted policies applicable to all employees regarding election campaigns. These laws apply to all ballot questions, not just those placed on the ballot by the city. This means that the policies discussed in this memo also apply to ballot measures of Boulder County, any school district, or any other city or political subdivision.

USE OF CITY RESOURCES

State law and city policy both prohibit the use of any city resources, including city letterhead, e-mail accounts, city vehicles, city webpages, or city uniforms to urge electors to vote in favor of or against any issue before the electorate. City employees should never engage in campaign activities during their work time or use equipment or materials for campaign purposes.
CAMPAIGN MATERIALS

Wearing campaign buttons is not prohibited by the Colorado Fair Campaign Practices Act and there are First Amendment implications to any prohibition on their use. However, political buttons may not be worn on uniforms. Also, non-uniformed employees should refrain from wearing campaign buttons while on duty. This is particularly important for employees who have contact with the public. The reason for these rules is that it is not appropriate to suggest or imply that a personal political view of an employee is somehow endorsed by the city.

Similar rules apply with regard to campaign literature, and particularly to literature dealing with city ballot measures. The lobby of the municipal building is made available for campaign literature; otherwise no campaign literature should be in public areas of city property. City Council can pass a resolution endorsing or opposing a ballot measure. However, once passed, the council may use only “established means” to distribute that resolution. Therefore, no special or unusual distribution of materials containing political conclusions (even if council endorses a political position) may occur in city buildings or through the use of city resources.

PRESENTATION OR DISCUSSION OF BALLOT MEASURES

The city manager has designated the employees who may speak on behalf of the city regarding pending ballot measures, and has given them the appropriate parameters for such discussion. No other employees may make presentations or participate in discussions in their capacity as a city employee on ballot measures.

ANSWERING QUESTIONS FROM THE PUBLIC

The Fair Campaign Practices Act allows employees to respond to questions from members of the public about a local political issue so long as the “...employee has not solicited the question.” An employee may answer an unsolicited question factually without urging a vote for or against a particular ballot measure. However, it is prudent for public employees to exercise caution in such circumstances. A member of the public may become confused about an employee’s support of a particular candidate or initiative, and this may bring into question the ability of the employee to carry out his or her duties in an impartial and effective manner as a public employee.

EMPLOYEE FIRST AMENDMENT RIGHTS

The Act recognizes the

...right for individuals to express their own positions and to expend personal funds, make contributions in kind, or use personal time to urge electors to vote in favor of or against any issue before the electorate. §§ 1-45-117(1)(b)(III)(C) C.R.S.

City employees are free to volunteer their time outside of office hours to work on a political campaign. As long as it is on their own time (and not using city equipment, or wearing city uniforms),
RE: Participation in Election Campaigns

city employees may sign petitions, participate in elections, donate funds and engage in all other manner of political activity. However, as employees engage in political activity outside of their employment, they should not suggest or imply that they represent the city. For that reason, the city’s Conflict of Interests Policy provides:

Individually or together with other City employees, employees may not identify their position or title or use their uniform while campaigning for or in support of any candidate for any public office, or knowingly permit themselves to be so used.

Questions? If any employee has questions with regard to this topic, both the city manager and the city attorney are available to respond to inquiries.
The Charter of the City of Boulder, Colorado
Library Commission

Footnotes:
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Editor's note—Ord. No. 8055, § 2, adopted by electorate on November 3, 2015, repealed §§ 132—136, and enacted new sections as set out herein. The former sections pertained to similar subject matter. See Table of Charter Amendments for complete derivation.

Sec. 132. - Library commission established.

There shall be and is hereby established a library commission which shall have the primary responsibility as an advisory commission with regard to the provision of library services to the Boulder community. The members of the commission shall be qualified to serve on an advisory commission pursuant to Section 130, shall not hold any other office in the city, and shall serve without pay.

(Amended by Ord. No. 8055 (2015), § 2, adopted by electorate on November 3, 2015.)

Sec. 133. - Powers and duties of library commission.

The library commission shall not perform any administrative functions unless expressly provided in this charter. The commission shall provide recommendations to the city council in matters concerning the library, and the commission shall have the following duties:

(a) Adopt bylaws, rules, and regulations for its guidance and governance;
(b) Provide advice to assist in preparation and revision of a master plan for the development and maintenance of a modern library system within the city;
(c) Review annually the library budget prepared by the library director prior to its submittal to the city manager and make recommendations regarding approval or modification of the same;
(d) Review periodically the director's operational service plans and make comments and recommendations;
(e) Make recommendations to the director and the city council on library facilities, including capital improvements, maintenance of existing facilities, and need for new facilities;
(f) Review the library director's annual report and make comments and recommendations;
(g) Represent the library to the community and the community to the library with the goal of building awareness, understanding, and support; and
(h) Take steps as the library commission may deem feasible to encourage grants or gifts in support of the library.

(Amended by Ord. No. 8055 (2015), § 2, adopted by electorate on November 3, 2015.)
Sec. 134. - Library fund.

The city council shall make an annual appropriation, which shall amount to not less than the return of one-third of a mill tax levied upon each dollar of assessed valuation of all taxable property in the City of Boulder. All revenue from such tax shall be paid into the city treasury and be designated the "Library Fund." Said fund shall be used only for the benefit of the library.

Revenues from the following sources shall be deposited in the Library Fund referenced above. Expenditures of revenues from the following sources shall be made only upon the favorable recommendation of the library commission.

(a) Gifts, bequests, and donations to the fund.

(b) Proceeds of the sale of any library property, or the pro rata portion of such property, purchased with funds from the property tax appropriated pursuant to this section 134 or the predecessor section 135 or gifts, bequests, and donations.

Any portion of the fund remaining unexpended at the end of any fiscal year shall not in any event be converted into the general fund nor be subject to appropriation for general purposes. Money appropriated from the fund which is not expended in whole or in part shall be returned to the fund and shall not be subject to appropriation for general purposes.

(Amended by Ord. No. 8055 (2015), § 2, adopted by electorate on November 3, 2015.)

Secs. 135, 136. - Reserved.
Boulder Revised Code, 1981

(a) The library commission of the City of Boulder consists of five members appointed by the city council for five-year terms. The commission shall have the primary responsibility as an advisory commission with regard to the provision of library services to the Boulder community. The members of the commission shall not hold any other office in the city, and shall serve without pay.

(b) The library commission shall not perform any administrative function unless expressly provided in the charter. The commission shall provide recommendations to the city council in matters concerning the library.

(c) The commission shall have the following duties:

(1) Adopt bylaws, rules, or policies for the guidance and governance of the commission and the library;

(2) Provide advice to assist in preparation and revision of a master plan for the development and maintenance of a modern library system within the city;

(3) Review annually the library budget prepared by the library director prior to its submittal to the city manager and make recommendations regarding approval or modification of the same;

(4) Review periodically the library director's operational service plans and make comments and recommendations;

(5) Make recommendations to the library director and the city council on library facilities, including capital improvements, maintenance of existing facilities, and need for new facilities;

(6) Review the library director's annual report and make comments and recommendations;

(7) Represent the library to the community and the community to the library with the goal of building awareness, understanding and support;

(8) Make recommendations concerning the expenditures of revenues for the benefit of the library from the following sources:

   (1) Gifts, bequests, and donations to the Library Fund established by Charter Section 134; and

   (2) Proceeds of the sale of any library property, or the pro rata portion of such property, purchased with funds from the property tax appropriated pursuant to Charter Section 134 or the predecessor Section 135 or gifts, bequests, and donations; and

(9) Take steps as the library commission may deem feasible to encourage grants or gifts in support of the library.

(d) Members of the commission may serve on the board of directors of non-profit organizations that support the library.

(e) The commission is not authorized to issue subpoenas.

Ordinance No. 8110 (2016)
GUIDING PRINCIPLES FOR INTERACTION AMONG COUNCIL, BOARDS, COMMISSIONS AND CITY STAFF

Council appreciates deeply the time, specialized knowledge and commitment of members of City boards and commissions. Occasionally, awkward situations have arisen from the lack of clarity about roles and the lack of communication as to how to work seamlessly together. Council realized that articulating some basic principles to guide interactions among boards, commissions, staff and Council might help prevent some of these difficulties. The following guiding principals are offered from the Council in the spirit of partnership and a desire to create a good working relationship.

COUNCIL

1. City policies are established by the City Council. With the exception of limited circumstances (often charter-based), the role of boards and commissions is advisory to the City Council.

2. It is Council’s desire to use boards and commissions as the first step for gathering community feedback on difficult and controversial issues as a means to creating viable policy options.

3. All policy expressions on national, international, statewide and county issues should come from Council and not individual boards and commissions. Boards and commissions may suggest that Council take policy positions by resolution but should not independently issue such resolutions.

4. Council members should refrain from discussion with board members any quasi-judicial issues coming before the board. For matters that are not quasi-judicial, Council members may discuss a point of view with board members but should clarify that this perspective may not represent the position of the Council as a whole.

BOARDS AND COMMISSIONS

5. Board and commission members who wish to explain or advocate positions to Council should identify themselves as board members and clarify whether they are speaking from a personal position or on behalf of the majority or minority position that the board has taken.

6. When members of a board or commission disagree about a given issue or policy, Council expects to be apprised of the disagreements and of the reasoning underlying the various points of view.

7. The City Manager is responsible for the budget recommendation to City Council. When a board or commission disagrees with the City Manager’s budget, the City
Manager should be notified as a matter of courtesy prior to the board or commission members addressing Council.

CITY STAFF

8. Staff takes direction from the City Manager, except as authorized by the Charter. Boards and commissions may request research or other work of staff but, if the work requires more than what staff determines is reasonable, the board or commission, supported by a majority of members at a meeting, must make a direct request of the City Council.

9. City staff ultimately is responsible for supporting City Council. Council expects staff to provide the best professional judgment regarding issues and policies, whether or not boards and commissions agree with those professional judgments. Staff should inform Council when a board or commission disagrees with the staff’s position and, when possible, explain the basis of that disagreement.

10. When several boards and commissions review elements of a given proposal or issue, staff reports to Council should reflect the perspectives of all reviewing boards and commissions.

In addition, the City maintains a Boards and Commissions website as an added resource to its boards and commissions. (www.bouldercounty.gov, then select Government, select City Council, select Boards and Commissions.)
Library Commissioner Talking Points for One on One Meetings with City Council Members  
March 8, 2019

- We have established, registered and funded an issue committee for a county ballot issue on library funding. We have a campaign committee in place - about 35 people have signed up to help so far - and we are still recruiting. Our website will be up by the end of the month. We are flying Patrick Sweeney from EveryLibrary out on March 10, 2019 to do a first round of volunteer training.

- The City Council meeting to review polling data has been pushed back to May 7, 2019. Petitions need to be submitted to the Commissioners in the first week of June to allow time for adequate process before going to the November 2019 ballot. This timing includes preserving time for council to allow staff to negotiate an “in principle” Inter Governmental Agreement (IGA).

- In order to meet this deadline, we are planning to launch a petition drive in early March 2019. Although we only need 100 signatures to qualify for the ballot, we plan to collect substantially more.

- Once a petition is certified with the Board of County Commissioners (BOCC), the statute requires that the issue must go to a vote. The County Commissioners then have a choice: they can put two questions on the ballot (create a district and funding the district); or create the district, appoint the initial group of trustees, and put only the funding question on the ballot.

- The timing is awkward. We’ve been trying very hard to work cooperatively with council, but the long delay in getting to agreement on polling questions has eaten up time that we hoped would be used to talk further about the district and begin working towards an IGA. We must proceed with a petition drive to preserve the option of a November 2019 districting vote but would like to continue working cooperatively with council within that framework.

- One final note: Some council members may be tempted to propose that council use the “nuclear option” - i.e., try to withdraw the city from the district. We think this would be a huge mistake. As outlined below, such an action would be highly undemocratic and very much out of character for how Boulder City Councils usually deal with citizen petitions. (Personally, I think it unlikely that a majority of council would go along with this kind of action, given the strong values members hold around democracy and appropriate community representation.)
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ACOUSTIC SEPARATION AND FLOOR TO CEILING WALLS BETWEEN STALLS IN ALL GENDER RESTROOMS

4 TO 6 INCH GAP UNDER DOORS IN ALL GENDER RESTROOMS TO ALLOW FOR SAFETY SITELINES AND VENTILATION INTO THE STALLS

INCREASE MECHANICAL VENTILATION IN EACH STALL TO PULL FRESH AIR FROM THE MAIN RESTROOM AREA, EXITING THROUGH CEILING MOUNTED FANS AND REDUCING OVERALL ODOR FROM MAIN RESTROOM.

1" THICK (TYPICAL) STALL PARTITIONS IN MEN'S RESTROOMS

INCREASE THICKNESS OR 'R' VALUE OF INSULATION IN BUILDING ENVELOPE WALLS

BABY CHANGING STATION, ASSUME CHILD JUMPSEAT AT ALL LOCATIONS WITH BABY CHANGING STATIONS

NOTE: SEE 1.A-101 FOR NOTES.

LEVEL 1 AND LEVEL 2 ARE SIMILAR.

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