

**Boulder Library District Advisory Committee (LDAC)
December 8, 2021, 6:00-9:00 p.m., Online**

Meeting Notes

Meeting Objectives:

1. Build agreement on recommendation on concepts for Main Library Common-Interest Community Agreement
 2. Review: Boulder Valley Comprehensive Plan and Civic Area Master Plan relationship to a Library District; Transition and contracting with Boulder for facilities and grounds maintenance services; Equity considerations related to library district formation and taxing
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Public Comment Session – *Each speaker is allowed 2-3 minutes depending on how many people wish to speak.*

No community members present.

Follow-up Information: November 29th LDAC Meeting Questions

Boulder County response to boundary lines

The LDAC recommended a boundary criterion “Conform to Boulder County voting precinct boundaries to the extent feasible” intended to allow the County to meet their needs for efficient ballot distribution and election. If the County provides further input before January 2022, staff will share that with LDAC.

Special Districts use of Impact Fees

Staff consulted with the City of Boulder’s special counsel regarding imposing an impact fee for the Library District, the counsel did not recommend it as a viable approach for generating additional revenue. A library district is a political subdivision of the state and has only those powers that are expressly granted to it by the Colorado Constitution or General Assembly. A library district does not have explicit authority to impose an impact fee; statute only allows a government to impose an impact fee on behalf of another government or for fire or emergency services. Additionally, in this case if only the city were to impose an impact fee there would be equity issues because the impact fee would only apply to properties in the City of Boulder. In the Case of Poudre River Public Library District, the city of Fort Collins continued to collect an impact fee after the library district constructed a new library within the city limits. The impact fee was no longer imposed after the facility was built.

Boulder Valley Comprehensive Plan and Civic Area Master Plan Relationship to a Library District

The Boulder Valley Comprehensive Plan (Comprehensive Plan) provides high-level policy direction for the City of Boulder and Boulder County actions within the Boulder Valley. The Comprehensive Plan includes many polices, such as a living wage policy and city department capital and operational plans for the next five to ten years (including the current Library Plan, and Boulder’s Civic Area Plan).

The Comprehensive and Civic Area plans discuss the Downtown as a cultural, financial, and retail center, with the library playing a key role as a cultural center of the downtown, and the Civic Area as the heart of both government and library services.

The Civic Area plan details an aspirational vision (not guaranteed) for what the three parts of the area could become in the future (aspirational, not guaranteed): 1. The park at the core with a renovated bridge; 2. The “east bookend” (including the Boulder Dushanbe Tea House area); and 3. The “west bookend” area (including the Main Library). Currently, there is no funding to implement the vision plans. If funding becomes available, more planning and discussions will occur with partners and stakeholders, including the Library District.

Services - facilities & grounds maintenance

The staff proposal is the Library District will:

- Pay to maintain the parking lot and grounds for new North Boulder Branch Library (the library environs will be defined to determine the library’s share).
- Pay to maintain grounds at George Reynolds Branch library and Carnegie Library for Local History.
- Pay to maintain parking at George Reynolds Branch library.
- Pay its fair share of grounds and parking at the Main Library. A common-interest community agreement will be developed between the Library District and the City of Boulder to define the Main Library environs, responsibilities, and Library District’s fair share of the costs).

The Library District may contract with the City for grounds maintenance or may seek another grounds maintenance vendor. The Park and Recreation Department’s current estimates for grounds maintenance costs at five library facilities (not including NoBo Corner Library) ranges from \$322,000 to \$422,000 annually. Members of the LDAC commented that the total cost seems high. Staff responded that the estimate is based upon a \$2 to \$3 per square foot which is on the low end for grounds maintenance costs. The proposed Library district budget (3.7 mill levy) did not include specific costs for grounds maintenance. Staff estimated that an additional 0.063 mill would generate approximately \$322,000 for grounds maintenance. Parking lot maintenance costs estimates are forthcoming and may impact the proposed mill levy amount.

Discussion

- Concern: The proposed mill levy should not assume the lowest-end estimate for grounds maintenance; it will not be sustainable.
- Concern: The parking maintenance cost is still unknown; it is difficult for the LDAC to recommend an acceptable mill levy ask without knowing this additional cost.
- Suggestion: Consider including the Civic Area playground and area under the Library connector over Boulder Creek as part of the Main Library environs. The playground is perceived as a library amenity therefore, the library should have greater control of how it is maintained.
 - *Question:* If the Library District took responsibility for the playground and the area under the Library connector over Boulder Creek would liability insurance costs increase significantly to cover them?
Answer: Staff is working with the City’s insurance provider to estimate the cost of liability insurance for the libraries. The level of risk the Library District will assume is a decision that the Board of Trustees will make.

ACTIONS:

- Staff will gather data on parking fees and how they are used.

- LDAC will discuss a mill levy total to recommend, considering cost estimates for grounds maintenance and parking maintenance.

Concepts for consideration in development of a common-interest community agreement for the grounds around the Main Library

A common-interest community agreement is created pursuant to the Colorado Common Interest Ownership Act (CCIOA). The common-interest community agreement will be developed between the City and the Library District, after funding is established. It will likely take a year to develop based on the breadth of issues (this is a standard time estimate). A common-interest community agreement includes: 1. Map(s) showing the geography and how things are divided (the common elements and the unique or limited common elements); and 2. Detailed Declarations addressing governance, management, maintenance responsibilities, insurance, taxation, use and/or limited use, easements and access, dispute resolution, etc. Examples of CCOIA agreement table of contents were made available for LDAC members to review. A common-interest community agreement negotiation team usually includes general and facilities staff, and special legal counsel with common-interest community agreement experience for each party to the agreement.

Discussion of possible LDAC recommendation of common-interest community agreement concepts for the Main Library should address

Draft recommendation of common-interest community concepts for discussion (developed based on LDAC discussions at the November 29th meeting):

“LDAC recommends the Intergovernmental Agreement (IGA) include that a common-interest community agreement between the City of Boulder and the Library District for the grounds surrounding the Main Library address the following concepts:

- A. The Library District will actively participate as a stakeholder in the City’s efforts to implement the Boulder’s Civic Area Master Plan for those areas most directly impacting library patrons.
- B. Future decisions by the Library District for the Main Library building will be in alignment with the Boulder Valley Comprehensive Plan and Boulder’s Civic Area Master Plan.
- C. The City and the Library District will collaborate on any expansion decisions that impact the Main Library and library patrons.
- D. Recognize and continue to support the longstanding community desire to have a main library in the downtown area, that mutually benefits the City and library patrons.
- E. The Main Library should be accessible to all (i.e. those who drive themselves, walk, bike, or take public transportation, those who are ambulatory and non-ambulatory, etc.)”

Discussion

- It is important to address a balance of power, the Library District is an equal partner.
 - Concern: The City will do what it wants if the language is not more explicit about an equal partnership.
 - Concern: The City will have both land ownership and regulatory controls and could potentially wield greater influence on areas and policies that impact the library.
 - Suggestion: The Library District’s ownership of the building needs to be recognized.
- The Library District is a government entity and should be referenced and treated like other government entities.

- It needs to be recognized that the City and the Library District are overlapping government entities and will work closely together.
- Point “A” concept is not an accurate framing of the relationship, the Library District is more than a “stakeholder” it is a partner.
 - Suggestion: Use “partner” instead of “stakeholder”.
 - Suggestion: Use proposed language posted on LDAC Teams site.
 - Suggestion: Use “engage” instead of “participate”.
- Point “B” concept
 - Suggestion: Reference the relevant sections of the Comprehensive Plan and Civic Area plan in the common-interest community agreement.
- Suggestion: Add a materiality clause—any change that will materially impact the library’s ability to provide services/operations or maintain its financial obligations has to be a joint decision.
- *Question:* How will the Library District be involved in the Civic Area plan site review approval processes?
Answer: As the building owner, the Library District would be part of a site review, related to the part it owns.
- *Question:* Two LDAC members provided a proposed common-interest community recommendation document on the LDAC Teams site, when will this be discussed?
Answer: The facilitator and staff will revise the LDAC draft recommendations using the notes from this discussion and language proposed by LDAC members. The LDAC will discuss these revision at the January 6 LDAC meeting.

ACTION: Jody/facilitator will revise the draft recommended common-interest community agreement concepts, using the proposed language from some LDAC members and today’s discussion.

Equity Considerations

Library Services – services provided and planned that address equity for library patrons

The library is a place where everyone can come and be heard, and serves all via (in brief):

- *Facilities:* The new NoBo Branch Library location was chosen for adjacency to a limited-income manufactured home community. Library facilities are now accessible by all modes of transportation – car, transit, walk, sighted/not, ambulatory/not, etc. Restrooms at the Main Library were renovated for all genders.
- *Policies:* No late fines are charged on past due library materials, and library cards are issued to patrons without proof of address.
- *Programs:* The library’s outreach goals are about reaching all people. Current programs addressing equity include: Boulder Reads Adult literacy programs, Reading Buddies and Book Rich Environments youth literacy programs, referral services to unhoused community members, Conversations in English programs, Career Online Highschool programs, etc.

Internal/Administrative Equity

- The Library follows the living wage established by City Council per the Colorado Self-Sufficiency Standard.
- The Library’s Equity, Diversity, and Inclusion (EDI) Team is working with a consultant to establish hiring, recruitment, retention guidelines to improve equity.
- The Library follows the City purchasing policy that requires certain contract service providers pay a living wage.

- Library's 2021 salary average is \$53,069, the median is \$44,270.
 - Research showed an average two-bedroom apartment rent in Boulder (not downtown) is \$1,500 a month or \$18,000 a year. This equates to 34-41% rental/housing burden for library staff annual income
- Raising the median library annual salary to \$53,000 would require an increase to the Library District budget of approximately \$400,000 annually (additional 0.08 mill).

ACTION: LDAC will consider the mill levy and how to address the additional costs of grounds maintenance, raising the median salary, and parking maintenance (not known at this time) in its mill levy recommendation.

Social Equity /Tax impacts

- *Comparison to other Library District Mill Rates:* Review of twelve similar sized library districts along the Front range, seven have a mill levy of 4.0 or higher (Arapahoe Library District has the highest at 5.875), and five have a mill levy between 3.99 and 3.0.
- *Tax impact on renters, example:* Assuming a monthly housing cost of \$1,750 for a two-bedroom (\$1,500 rent plus utilities) in a four-unit building valued at \$1.8MM, the Library District property tax would be \$468 annually for the building, or \$117 for each unit; an increase of \$9.75/month or 0.0055% increase per unit.
- *Tax impact on small businesses:* Assuming rent of a 1,315 square feet costs \$69,865 annually (\$32 plus \$21 triple net per sq. ft./month), in a 99,00 square foot commercial building valued at \$38.6MM, the Library District property tax would be \$538 annually for the 1,315 sq. ft. unit, or a 0.007% increase.
- *Comparison of mill levies for areas*
 - Unincorporated Gunbarrel: a \$674,000 home, the property tax is 90.811 mills or \$3,886.72 annually. Property taxes go to 17 different entities' funds and bonds. The Library District property tax would be \$175 for this home.
 - City of Boulder for a \$1.42MM home, the property tax is 87.045 mills or \$7,515.20 and goes to 18 different entities' funds and bonds. The Library District property tax would be \$364 for this home.

Discussion

- Property tax is a more equitable than sales tax because it is on the value of the property and not the amount a person spends. Those with higher valued properties and improvements will pay more.
- The market drives rental increase not property taxes.
- The examples show impacts are less dramatic than expected.
- *Question:* How many examples/scenarios were researched?
Answer: Staff looked at six scenarios, all showed similar impacts. The residential property analysis did not include properties in downtown Boulder. Commercial property examples did include the downtown area. It is difficult to analyze commercial properties because there is so much mixed-use downtown, but we are confident results would be similar with exact numbers.
- This is good information that the public will want to see.
- *Suggestion:* Two points in particular would be good to share during community engagement/education: 1. Sales tax is regressive and defining how this is true especially with the tax on necessities, and 2. What the decrease in sales tax would be if City Council decides to

decrease the sales tax instead of reallocating the current sales tax revenue use to fund the library.

- The City Council will discuss options to repurpose library funding (approximately \$7 to \$14MM) but reducing the sales tax has never been raised.
- Suggestion: Council should be presented with the sales tax reduction numbers for their discussion.
- It is important to involve the community in the discussion of reallocation options for current library funds or a reduction in sales tax; voters will want to weigh in on and need to know where the funds are going.
 - Engagement on this issue should start before April 2022 (when it goes to City Council to decide).
- *Question:* What happens to the City of Boulder Charter stipulation that .333 mill property tax will be for the library?
- *Answer:* It is City Council's decision to reallocate or remove the .333 mill property tax, then it would be put to a vote because it is in the City Charter. [*Charter Section 134 says, "fund shall be used for the benefit of the library".*]

Next Steps

Actions

- Staff will gather data on parking fees and how they are used.
- Jody/facilitator will revise the draft recommended common-interest community agreement concepts, using the proposed language from some LDAC members and today's discussion.
- LDAC will consider the mill levy and how to address the additional costs of grounds maintenance, raising the median salary, and parking maintenance (not known at this time) in its mill levy recommendation.

Next meetings

- December 16 (Th) – Contract for services (HR, IT, etc.); Transition financing; Review/revise a draft LDAC recommendation document based on agreements and discussions to date
- January 6 (Th) – Build agreement on a recommendation document
- January 12 (W) Final Meeting – Final agreement on LDAC recommendation

APPENDIX A: Attendees

LCAC MEMBERS

	Name		Name
X	Alicia Seidle	X	Joanna Rosenblum
X	Annette Dula	X	Joni Teter
X	Cara Schenkel		Kevin Miller
	Chip	X	Michelle Denae Garcia-Morrissey
	Deborah Read Fowler	X	Miho Shida
X	Jane Sykes Wilson	X	Peter Pollock

Boulder Public Library (BPL), City of Boulder (COB), Contractors

Organization	Staff
BPL	David Farnan, Jennifer Phares
COB	Chris, Meschuk, Janet Michels, and David Gehr (legal consultant)
Facilitator	Jody Erikson, JSE Associates

Public/Others

Name – Organization or Interest group		

APPENDIX B: Agenda

Boulder Library District Advisory Committee (LDAC) December 8, 2021, 6:00-9:00 p.m., Online Agenda

Meeting Objectives:

1. Build agreement on recommendation on concepts for Main Library Common-Interest Community Agreement
 2. Review: Boulder Valley Comprehensive Plan and Civic Area Master Plan relationship to a library district; Transition and contracting with Boulder for facilities and grounds maintenance services; Equity considerations related to library district formation and taxing
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6:00 Welcome, Agenda overview

6:05 Public Comment Session – If interested in speaking, please sign up with staff before the meeting. Each speaker will be given 2-3 minutes depending on how many people wish to speak.

6:20 LDAC Member Introductions

6:35 Follow-up Information: November 29th Questions from LDAC

- Boulder County response to boundary lines
- Special Districts use of Impact Fees

6:45 Boulder Valley Comprehensive Plan and Civic Area Master Plan relationship to a library district

- Presentation:
 - Library-related planning concepts in the Boulder Valley Comprehensive Plan & Civic Area Master Plan
 - Civic Area map & stakeholders engaged in the area
 - Vision and status of Civic Area plan implementation on relevant sections.
 - Status of staff's discussion on the Library's area of influence
 - Considerations/impacts for a library district
- Questions/Discussion

7:15 Services to Contract from the City - facilities & grounds maintenance

- Presentation
 - Proposal for the Carnegie Library, the Reynolds Library and the Main Library
 - Benchmarking/costs for same services from other library districts
- Questions/Discussion

7:45 Concepts for consideration in development of a Common-Interest Community Agreement for Main Library

- Presentation:
 - Example of the table of contents from an established common-interest community agreement
- Discussion: Does LDAC want to recommend....

“LDAC recommends the IGA include that a common-interest community agreement between the City of Boulder and the Library District for the grounds surrounding the Main Library address the following concepts:

- A. The Library District will actively participate as a stakeholder in the City’s efforts to implement the Civic Area Master Plan for those areas most directly impacting library patrons.*
- B. Future decisions by the Library District for the Main Library building will be in alignment with the Boulder Valley Comprehensive Plan and the Civic Area Master Plan.*
- C. The City and Library District will collaborate on any expansion decisions that impact the Main Library and library patrons.*
- D. Recognize and continue to support the longstanding community desire to have a main library in the downtown area, that mutually benefits the City and library patrons.*
- E. The Main Library should be accessible to all (i.e. those who drive themselves, walk, bike, or take public transportation, those who are ambulatory and non-ambulatory, etc.).”*

8:15 Equity Consideration Information

- Presentation
 - Library Services provided and planned that address equity for library patrons
 - Internal/Administrative
 - Social Equity /Tax impacts
 - Tax impact on renters, example
 - Tax impact on small businesses, example
 - Tax impact on Housing Authority Related affordable housing
 - Impacts of transferring from a sales tax to property tax funding
 - Comparison of mill levies for areas
 - Questions /input

8:50 Next Steps

- Next meetings
 - December 16 (Th) – review and build agreement a recommendation of concepts to address in a CCIOA for Main Library, other possible services to contract from Boulder, Library Board of Trustees, and transition financing, any other IGA elements LDAC want to address in their recommendation
 - January 6 (Th)
 - January 12 (W) Final Meeting
- Actions decided during the meeting

9:00 Adjourn