

[C.R.S. 24-90-108](#)

Statutes current through Chapter 1 of the 2022 Regular Session. The inclusion of the 2022 legislation is not final. It will be final later in 2022 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

Colorado Revised Statutes Annotated > Title 24 . Government - State (§§ 24-1-101 — 24-115-118) > Libraries (Art. 90) > Article 90 .Libraries (Pts. 1 — 6) > Part 1. Library Law (§§ 24-90-101 — 24-90-120)

24-90-108. Board of trustees of public libraries.

- (1) The management and control of any library established, operated, or maintained under the provisions of this part 1 shall be vested in a board of not fewer than five nor more than seven trustees. Appointees to the library board of trustees shall be chosen from the residents within the legal service area of the library.
- (2)
 - (a) In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body.
 - (b) In counties the trustees shall be appointed by the board of county commissioners.
 - (c) In a library district established by only one governmental unit, the legislative body of the governmental unit shall decide the number of its members to be appointed to the committee formed to appoint the initial board of trustees in accordance with the requirements of this paragraph (c). In a library district established by more than one governmental unit, the legislative body of each participating governmental unit shall appoint two of its members to a committee that shall appoint the initial board of trustees. Thereafter, any such legislative body or bodies may either continue such a committee or delegate to the board of trustees of the library district the authority to recommend new trustees. Trustee appointments shall be ratified by a two-thirds majority of the legislative body; except that the failure of a legislative body to act within sixty days upon a recommendation shall be considered a ratification of such appointment.
 - (d) In school districts the trustees shall be appointed by the school board.
 - (e) For joint libraries, the trustees shall be appointed by the legislative bodies of the participating governmental units unless otherwise specified in the contract.

(3)

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(a) The first appointments of such boards of trustees shall be for terms of one, two, three, four, and five years respectively if there are five trustees, one for each of such terms except the five-year term for which two shall be appointed if there are six trustees, and one for each of such terms except the four-year and five-year terms for each of which two shall be appointed if there are seven trustees.

Thereafter, a trustee shall be appointed for the length of term specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees. The number of terms a trustee may serve shall be specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees.

(b) Vacancies shall be filled for the remainder of the unexpired term as soon as possible in the manner in which trustees are regularly chosen.

(4) A trustee shall not receive a salary nor other compensation for services as a trustee, but necessary traveling and subsistence expenses actually incurred may be paid from the public library fund.

(5) A library trustee may be removed only by a majority vote of the appointing legislative body or bodies, but only upon a showing of good cause as defined in, but not limited to, the bylaws adopted by the board.

(6) The board of trustees, immediately after their appointment, shall meet and organize by the election of a president and a secretary and such other officers as deemed necessary.

History

Source: L. 79:Entire article R&RE, p. 987, § 1, effective July 1. L. 80:(1) amended, p. 619, § 6, effective July 1. L. 90:(1), (2)(c), (3)(a), and (5) amended and (2)(e) added, p. 1297, § 4, effective July 1. L. 2003:(1), (2)(c), and (3)(a) amended, p. 2449, § 9, effective August 15. L. 2009:(2)(c) amended, ([HB 09-1072](#)), [ch. 74](#), [p. 264](#), [§ 5](#), effective August 5.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[C.R.S. Title 24](#)

[C.R.S. Title 24, Art. 90](#)

State Notes

Notes

Editor's note:

This section is similar to former [§ 24-90-114](#) as it existed prior to 1979.

ANNOTATION

Court may review existence of good cause for removal of a trustee under subsection (5).

High Plains Library Dist. v. Kirkmeyer, 2015 COA 91, 370 P.3d 254.

For case under former provision relating to board of directors of city library,

see *People ex rel. Lamb v. Shaffer, 90 Colo. 432, 9 P.2d 612 (1932).*

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Colorado Revised Statutes Annotated > Title 24 . Government - State (§§ 24-1-101 — 24-115-118) > Libraries (Art. 90) > Article 90 .Libraries (Pts. 1 — 6) > Part 1. Library Law (§§ 24-90-101 — 24-90-120)

24-90-109. Powers and duties of board of trustees.

(1) The board of trustees shall:

- (a) Adopt such bylaws, rules, and regulations for its own guidance and policies for the governance of the library as it deems expedient. The bylaws shall include, but not be limited to, provisions for the definition of good cause to be applied in the removal of a trustee pursuant to [section 24-90-108 \(5\)](#); designation of those officers to be appointed or elected and the manner of such appointment or election; rules and regulations for the conducting of meetings; rules for public participation in meetings; and procedures for amending the bylaws. The bylaws of a library district shall further provide for the length and number of terms of board members. A copy of the bylaws shall be filed with the legislative body of each participating governmental unit and the state library in accordance with [section 24-90-105 \(1\)\(m\)](#).
- (b) Have custody of all property of the library, including rooms or buildings constructed, leased, or set apart therefor;
- (c) Employ a director and, upon the director's recommendation, employ such other employees as may be necessary. The duties of the director shall include, but not be limited to:
 - (I) Implementing the policies adopted by the board of trustees pursuant to paragraph (a) of subsection (1) of this section;
 - (II) Recommending individuals for employment by the board of trustees; and
 - (III) Performing all other acts necessary for the orderly and efficient management and control of the library.
- (d) Submit annually a budget as required by law and certify to the legislative body of the governmental unit or units that the library serves the amount of the mill levy necessary to maintain and operate the library during the ensuing year;

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(e)

(I) In county and municipal libraries, have exclusive control and spending authority over the disbursement of the library funds as appropriated by its legislative body, including all assets of the public library fund, as set forth in [section 24-90-112 \(2\)\(a\)](#);

(II) In library districts, adopt a budget and make appropriations for the ensuing fiscal year as set forth in part 1 of article 1 of title 29, C.R.S., and have exclusive control and spending authority over the disbursement of library funds as set forth in [section 24-90-112 \(2\)\(a\)](#);

(f) Accept such gifts of money or property for library purposes as it deems expedient;

(g) Hold and acquire land by gift, lease, or purchase for library purposes;

(h) Lease, purchase, or erect any appropriate building for library purposes and acquire such other property as may be needed therefor;

(i) Sell, assign, transfer, or convey any property of the library, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve, and lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. The board, prior to the conveyance of such property, shall make a finding that the property may not be needed within the foreseeable future for library purposes, but no such finding shall be necessary if the property is sold or conveyed to a state agency or political subdivision of this state.

(j) Borrow funds for library purposes by means of a contractual short-term loan when moneys are not currently available but will be in the future. Such loan shall not exceed the amount of immediately anticipated revenues, and such loan shall be liquidated within six months.

(k) Authorize the bonding of persons entrusted with library funds;

(l)

(I) In the case of a county or municipal library, submit financial records for audit as required by the legislative body of the appropriate governmental unit; or

(II) In the case of any library district, conduct an annual audit of the financial statements of the district.

(m) Adopt a policy for the purchase of library materials and equipment on the recommendation of the director;

(n) Hold title to property given to or for the use or benefit of the library, to be used according to the terms of the gift;

(o) (Deleted by amendment, L. 2009, [\(HB 09-1072\), ch. 74, p. 265, § 6](#), effective August 5, 2009.)

(p) Have the authority to enter into contracts;

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(p.5) Maintain a current, accurate map of the legal service area and provide for such map to be on file with the state library;

(q) Receive the true and correct copies of all school district collective bargaining agreements submitted pursuant to the “Colorado School Collective Bargaining Agreement Sunshine Act”, [section 22-32-109.4, C.R.S.](#), and create an electronic or physical repository for all of said current collective bargaining agreements at the library that is available to the public for inspection during regular business hours in a convenient and identified location.

(2) At the close of each calendar year, the board of trustees of every public library shall make a report to the legislative body of the town or city, in the case of a municipal library or library district formed by a municipality, or the board of county commissioners of each county having territory within the legal service area, in the case of a county library or library district, showing the condition of its trust during the year, the sums of money expended, and the purposes of the expenditures and such other statistics and information as the board of trustees deems to be of public interest.

(2.5) At the close of each calendar year, the board of trustees of every public library shall make a report to the state library in the form of a response to a survey to be designed and administered by the state library. The report shall contain such other statistics and information as may be required by the state library.

(3) The board of trustees of a public library or the governing board of any other publicly supported library, under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon may allow nonresidents of the governmental unit which the library serves to use such library’s materials and equipment and may make exchanges of books and other materials with any other library, either permanently or temporarily.

(4) In addition to the powers and duties of a board of trustees specified in subsection (1) of this section, the board of trustees of a school district supported public library, municipal library, county library, or a library district shall have the authority to request of the board of education in the case of a school district supported public library, the legislative body of the city or town in the case of a municipal library, or the board of county commissioners in the case of a county library or library district that an election be held to alter the maximum tax levied to support the school district supported public library, municipal library, county library, or library district pursuant to [section 24-90-112 \(1\)\(b\)\(III\)](#), in which case such board of education, legislative body, or board of county commissioners shall cause the vote to be held. For purposes of this subsection (4), “school district supported public library” means any library solely established and maintained by a school district for which such school district began levying a tax before the enactment of the “Colorado Library Law” on July 1, 1979. For all other purposes under this article, a school district supported public library shall be deemed a public library.

History

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Source: L. 79:Entire article R&RE, p. 987, § 1, effective July 1. L. 90:(1)(a), (1)(e), and (2) amended and (1)(p) and (4) added, pp. 1298, 1299, §§ 5, 6, effective July 1. L. 98:(4) amended, p. 178, § 2, effective April 6. L. 2001:(1)(q) added, p. 169, § 3, effective August 8. L. 2003:(1)(l) and (2) amended and (2.5) added, p. 2450, § 10, effective August 15. L. 2009:(1)(a), (1)(b), (1)(c), (1)(d), (1)(m), (1)(o), (1)(q), (2), and (4) amended and (1)(p.5) added, [\(HB 09-1072\), ch. 74, p. 265, § 6](#), effective August 5. L. 2010:(1)(m) amended, [\(HB 10-1422\), ch. 419, p. 2089, § 82](#), effective August 11.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[C.R.S. Title 24](#)

[C.R.S. Title 24, Art. 90](#)

State Notes

Notes

Editor's note:

This section is similar to former [§ 24-90-115](#) as it existed prior to 1979.

Research References & Practice Aids

Cross references:

For the legislative declaration contained in the 1998 act amending subsection (4), see section 1 of chapter 70, Session Laws of Colorado 1998.

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