

BOULDER PUBLIC LIBRARY DISTRICT
Organizational Meeting

Tuesday, May 16, 2023
Boulder Public Library
1001 Arapahoe Avenue,
Boulder, Colorado
6:00 P.M.

AGENDA

1. Call to Order
2. Report on Trustee Oaths of Office
3. Seating of Trustees and Introductions
4. Declaration of Quorum
5. Election of Officers (**Action Item**)
 - a. President
 - b. Vice-President
 - c. Secretary and Treasurer or Secretary/Treasurer
6. Presentation by and discussion with David Farnan, Boulder Library Executive Director
7. Organizational/Administrative Matters (**Action Items**)
 - a. Designate Newspaper for publication of District Legal Notices
 - b. Designate 24-hour physical posting location for District Meeting Notices and Agenda
 - c. Discuss website creation or other website options
 - d. Open Meeting Requirements (discussion with attorney)
 1. Designate Regular Meeting dates, times, and locations
 2. Designate Special Meeting (work session) dates, times, and locations
 - e. Consider approval of Trustee Indemnification Resolution
8. Temporary engagement of consultants/requests for proposals
 - a. Legal Counsel (**Action Item**)
 - b. Accounting Services
 - c. Other
9. Proposed 2023 Budget
 - a. Presentation of proposed 2023 budget (Attorney)
 - b. Public Hearing on proposed 2023 Budget

- c. Consider approval of Resolution to Adopt Budget and Appropriate Funds
(Action Item)
- 10. Presentation of Legal Status Report (Attorney)
- 11. Presentation of DRAFT Intergovernmental Agreement among City of Boulder, Boulder County and the District (Attorney)
 - a. Consider scheduling a work session or special meeting to address questions and concerns
 - b. Possible Executive Session. Upon motion of a Trustee and a 2/3 vote, the Board may enter closed executive session pursuant to C.R.S. 24-6-402(4)(b) & (e) for the purpose of conferring with the attorney to receive legal advice on specific legal questions and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators regarding the terms and implementation of the Intergovernmental Agreement among the City, County and District.
- 12. Trustee Matters
- 13. Adjournment

NEXT MEETING: TBD

Agenda Item 7. e.

Indemnification Resolution

Recommended Motion:

I move the Board of Trustees approve and adopt Resolution No. 2023-5-1, A Resolution Providing for the Defense and Indemnification of Trustees And Employees of the District [as presented] or [as modified].

**RESOLUTION
OF THE
BOARD OF TRUSTEES
OF
BOULDER PUBLIC LIBRARY DISTRICT**

**A RESOLUTION PROVIDING FOR THE DEFENSE AND INDEMNIFICATION
OF TRUSTEES AND EMPLOYEES OF THE DISTRICT**

WHEREAS, trustees and employees of Boulder Public Library District ("District") may be subject to claims arising from acts or omissions occurring during the performance of their governmental duties; and

WHEREAS, the District desires to encourage persons to serve on its Board of Trustees and accept employment with the District, by defending and indemnifying such persons against liability for acts or omissions occurring during the performance of their governmental duties; and

WHEREAS, it is in the best interest of the District and its residents to defend and indemnify its trustees and employees against liability for acts and omissions which occur within the scope of their duties or employment and for which such defense and indemnification is not otherwise provided by Colorado law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BOULDER PUBLIC LIBRARY DISTRICT THAT:

1. Definitions. For purposes of this resolution, the terms below are defined as follows:
 - a. Trustee: includes current and former trustees of the District, from the date of organization, and trustees who are appointed or elected to the board thereafter, who are sued for acts or omissions occurring during their term as a trustee of the District.
 - b. Employee: includes current and former employees of the District, from the date of organization, and employees employed in the future, who are sued for acts or omissions occurring during their employment with the District.
 - c. Scope of Employment: an act or omission of a trustee or employee of the District is within the "scope of employment" if it reasonably relates to the business or affairs of the District and the trustee acted in good faith and in a manner a reasonable person would have believed to be in the best interests of the District. In addition to other acts or omissions which are not within the Scope of Employment, all acts or omissions which are a violation of law are deemed not to be within the Scope of Employment.

2. Tort Actions Governed by the Colorado Governmental Immunity Act.

a. The District will pay, in accordance with §§ 24-10-110, *et seq.* C.R.S., as amended from time to time (the "Governmental Immunity Act"), the costs of defense of and settlements and judgments against a trustee or employee of the District, including reasonable attorney fees, where the action lies or could lie in tort, including any such action brought pursuant to federal law in any court of this State. As a prerequisite to such payment, the trustee or employee must furnish the District with an affidavit stating that: (1) the action against him/her is not purely personal, and (2) to his/her reasonable belief, the act or omission upon which the claim is based occurred within the Scope of Employment. The trustee or employee shall also be required to comply with all provision of the Governmental Immunity Act, including but not limited to, provision of timely notice to the District of claims in accordance with such Act. The District will not pay judgments and will be reimbursed by the trustee or employee for the reasonable costs of his/her defense, including reasonable attorney fees, if it is determined by a court of competent jurisdiction that the action did not arise out of an act or omission of the trustee or employee occurring during his/her term or employment with the District and within the Scope of Employment.

b. The District does not waive the notice requirements of its trustees and employees as set forth in § 24-10-110(2), C.R.S.

3. Other Actions Except Criminal. The District will pay the costs of defense and settlements and judgments against its trustees and employees, including reasonable attorneys' fees and costs, for all other actions, including but not limited to, actions which lie or could lie in contract, or arise under state or federal law and is not governed by § 24-10-110, C.R.S., except for criminal actions. As a prerequisite to such payment, the trustee or employee must furnish the District with an affidavit stating that: (1) the action against him/her is not purely personal, and (2) to his/her reasonable belief, the act or omission upon which the claim is based occurred within the Scope of Employment. The District will not pay judgments and shall be reimbursed by the trustee or employee for the reasonable costs of his/her defense, including reasonable attorney fees, if it is determined by a court of competent jurisdiction that the action did not arise out of an act or omission of the trustee or employee occurring during his/her term or employment with the District and within the Scope of Employment.

4. Criminal Actions. The District will pay the costs of defense, including reasonable attorneys' fees and costs, and any fines or penalties assessed, where a criminal action is brought against a Trustees or Employees for acts or omissions occurring during their term or employment with the District and within the Scope of Employment. As a prerequisite to such payment, the Trustee or Employee must furnish the District with an affidavit stating that: (1) the action against him/her is not purely personal, (2) to his/her reasonable belief, the act or omission upon which the claim is based occurred within the Scope of Employment, and (3) he/she had no reasonable cause to believe his/her conduct was unlawful, and (4) the action or inaction was in furtherance of the District's purposes or business. However, the District will not pay fines or penalties and will be reimbursed by the Trustee or Employee for the reasonable costs of his/her defense, including reasonable attorney fees, where it is determined by a court of competent jurisdiction that:

a. The claim or action did not arise out of an act or omission of the trustee or employee occurring during his/her term or employment with the District and within the Scope of Employment; or

b. The Employee or Trustee had reasonable cause to believe his/her conduct was unlawful.

5. Miscellaneous Provisions. The following provisions shall apply to any of the actions discussed in Sections 2, 3 and 4 above:

a. Consent to Compromise or Settlement. The District will not pay a judgment or settlement of claims against a Trustee or Employee where the latter has compromised or settled the claim without the District's written consent.

b. Legal Representation of the Trustee or Employee. The District's legal counsel shall serve as counsel to the Trustee or Employee, unless it appears to such counsel that the interests of the District and the Trustee or Employee may be adverse. In the latter event, the Trustee or Employee may select separate counsel to be approved in writing by the District. The Trustee or Employee shall cooperate with the District and its legal counsel in his defense.

c. Trustee's or Employee's Costs. The District shall not be responsible for costs to its Trustees or Employees associated with time spent in giving depositions, testifying or otherwise cooperating with their defense.

6. No Waiver of Sovereign Immunity. By the adoption of this Resolution, the District does not waive its sovereign immunity, common law immunity nor the provisions of the Governmental Immunity Act as to any action.

7. No Waiver of Insurance Coverage. The approval and adoption of this Resolution shall not constitute a waiver by the District of insurance coverage with respect to any liability covered by this Resolution. The Resolution shall render the District secondarily liable in the event the District's insurance does cover such liability and the conditions of this Resolution are met.

8. Liberal Construction. The purpose of this Resolution is to protect Trustees and Employees of the District against personal liability and expense for their actions taken on behalf of the District and reasonably believed to be in the best interest of the District. Therefore, it is the intent of the District that this Resolution be liberally construed in favor of protection of such Trustees and Employees.

9. Invalidation. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstance, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

10. Renewal of Indemnifications. All obligations of the District described in this Resolution shall be subject to annual appropriation and automatically renew each January 1st thereafter.

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ADOPTED AND APPROVED THIS 16TH DAY OF MAY, 2023.

BOULDER PUBLIC LIBRARY DISTRICT

By: _____
President

ATTEST:

By: _____
Secretary

[SEAL]

DRAFT

Agenda Item 8. a.

Engagement of Legal Counsel

Recommended Motion:

I move the Board of Trustees accept the proposal and sign the engagement letter for Seter & Vander Wall, PC to serve as legal counsel to the District subject to termination by the Board at any time [as presented] or [as modified].

May 12, 2023

Boulder Public Library District
Board of Trustees

Re: Proposal for General Counsel Legal Services

Dear Trustees:

Thank you for the opportunity to provide a proposal to serve as legal counsel to the Boulder Public Library District Board of Trustees. As attorneys specializing in libraries and local government representation, we are confident we can provide the best service at the lowest cost to the District.

Seter & Vander Wall, PC was established April 1, 2001 and has been under the same management for 22 years. We are in good standing with the Colorado Bar. The firm has been awarded the highest possible rating for knowledge and ethical practice by attorneys and judges in Colorado since its formation.

Many of our clients have been served continuously by attorneys in the firm since the mid-1980s. We are currently providing legal service to approximately 30 municipal libraries and library districts long in existence or now forming.

Many of our library district clients were formed by us and have continued utilizing our general counsel services.

Key Personnel

Kim J. Seter will be the responsible attorney assigned to the District. Mr. Seter is the managing partner of Seter & Vander Wall, PC and has provided legal services for the formation and ongoing operations of library districts since 1984. A copy of Mr. Seter's Curriculum Vitae is included.

Elizabeth ("Beth") Dauer serves as an additional attorney for the District. Beth has been actively engaged in the representation of library districts and related entities for more than 11 years. Beth advises on all facets of library district operations, including but not limited to development of board policies and bylaws, employment matters, statutory and constitutional compliance, real estate transactions, public financing, contracts, and elections. A copy of Beth's Curriculum Vitae is included.

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Catherine Bright and Kelly Hansen will be assigned to provide paralegal services that will assist us in maintaining low cost and efficient services. Catherine and Kelly's resumes are included together with those of other firm personnel.

In addition to the representation of library districts, this team provides legal services to municipalities, municipal and county libraries, library foundations or friends nonprofit organizations, the Colorado Association of Libraries (CAL), the Colorado Library Consortium (CLiC), and the Marmot Library Consortium . Kim and Beth are frequent presenters at the annual CAL Conference, discussing topics ranging from employment matters to intellectual freedom.

Our firm is uniquely situated among municipal law firms on the front range in that we provide pre-litigation, litigation avoidance and litigation services to our clients. This allows us to predict and mitigate events that may lead to litigation and implement measures to avoid its consequences. Nevertheless, we are highly experienced at conducting litigation when that becomes necessary.

Competitive Position

Seter & Vander Wall, PC is uniquely suited to provide the best and lowest cost legal services to the board of trustees of your public library district.

(1) We have formed and represent more library districts and related entities than any firm in the state of Colorado. We currently have over 30 library and library-related clients for which we perform varying levels of services (i.e. general counsel to "on-call" special projects only). This allows us to draw on years of experience and accumulated information to respond to your needs quickly and with minimal additional research or drafting.

(2) While Mr. Seter will remain primarily responsible to you, he will utilize the firm's vast resources of library knowledge to have projects completed by the lowest cost personnel appropriate for the work involved.

(3) We generally work in teams to ensure the highest quality of legal work. However, your invoices will only reflect a charge for one of the team members at a time. The firm conducts weekly work-in-progress meetings to ensure that all matters are addressed quickly and all firm personnel are generally aware of the work being performed for our clients.

(4) We believe it is important to attend trustee board meetings either in-person or virtually to identify legal issues in their early stages, to understand the legal services needed and to minimize the need for historical fact research.

(5) We stay abreast of changes in the law by reviewing case summaries as they are issued, by participating in the ALA, CAL, the Special District Association and other trade associations; and been instrumental in shaping the Colorado Library Law through legislation and litigation and through testimony before the State Legislature.

(6) We are always available for consultation by phone and email and provide a written monthly status reports of all legal matters and changes in the law affecting our clients and confer with and assist the Colorado State Library on a regularly scheduled basis to assist with Board trainings, educational materials, and legal and legislative actions as they arise.

References

Please feel free to contact any client listed on the Representative Client List attached. However, the most relevant references may be obtained from the following.

Mark Fink, Director
Anythink Libraries (Rangeview Library District)
303.405.3299
mfink@anythinklibraries.org

Diane Lapierre, Director or Ken Draves, Assistant Director
Poudre River Public Library District
970-221-6670
dlapierre@poudrelibraries.org or kdraves@poudrelibraries.org

Carrie Andrew, Director
Lone Cone Library District
970.327.4833
candrewdirector@gmail.com

Oliver Sanidas, Executive Director
Arapahoe Library District
303.792.8987
osanidas@ald.lib.co.us

Additional references are available upon request.

Pricing/Cost Information

Seter & Vander Wall, P.C. respects our clients' desires to carefully manage the use of attorneys. We strive to have the highest quality legal work performed efficiently and at the lowest cost. The firm employs an experienced and efficient attorney, paralegal and support staff knowledgeable in the preparation and submittal of various compliance documents and we maintain an extensive data base of research on library and municipal law topics. We endeavor to effectively use the services of these individuals to achieve cost savings for our clients.

We propose to represent the Library at our regular hourly rates. The firm's 2023 hourly billing rates for attorneys range from \$435 to \$250 per hour. Mr. Seter's rate is \$435 per hour. Ms. Dauer's rate is \$330 per hour. Paralegal rates range from \$175 per hour to \$125 per hour.

Board of Trustees
Re: Proposal for General Counsel Legal Services
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Although we sometimes attend meetings in teams of two attorneys, we only bill time for the highest billing attorney.

We do not charge for secretarial and administrative time. All "out-of-pocket" costs are clearly identified and billed without markup.

We bill for time in increments of one-tenth of an hour. Detailed invoices are mailed for payment on a monthly basis and are payable within the month in which they are mailed. We are always willing to discuss additional or different terms.

Please countersign this letter in the space provided if you agree to these terms and return a copy to our office.

Thank you for your consideration.

Sincerely,

SETER & VANDER WALL, P.C.



Kim J. Seter

I have reviewed this proposal and agree to the engagement of Seter & Vander Wall, P.C. pursuant to the terms of representation described in this letter.

Boulder Public Library District

Print Name: _____

Title: _____

Date: _____

KJS/mmb
Enclosures

FIRM RESUME

The law firm of **SETER & VANDER WALL, P.C.**, consists of six attorneys, two paralegals and experienced support staff members located in the Denver Tech Center area near I-25 and Orchard Road.

The firm's primary emphases are (1) the representation of special districts, other quasi-municipal entities, regional governmental authorities and municipalities, in all aspects of their operations and funding; (2) the development of contracts and procurement procedures for infrastructure development and construction, including use of design/build contracting, and assistance in the legal interpretation and administration thereof; (3) the assistance to governments, business entities and individual developers in utilizing special taxing districts and limited-purpose public entities to provide for the construction, management, operation and financing of essential public services, utilities and project infrastructure, including roadways, water, sewer, drainage, streets, transportation, fire protection, park and recreation, library and other services, through the creation of special districts, county and municipal general and local improvement districts, business improvement districts, and intergovernmental authorities; (4) the representation of parties who need advice and advocacy arising from or related to real estate development in all of its facets, construction of all sorts, contracting, finance, business, special taxing districts, local governments and land development; (5) the handling of general civil litigation matters, emphasizing commercial and real estate litigation and litigation of matters on behalf of and against state and local governments and agencies; and (6) the assistance to local governments as employer with the compliance in all aspects of employment-related laws, including representation against claims brought by employees, as well as performing claims prevention analysis.

Services provided by the firm in the real estate development, local government and municipal finance areas include analysis of appropriate financing vehicles, negotiations with governmental entities, organization of various governmental entities, condemnation, insurance review and claims activities, creation of financing and operating entities, coordination with investment bankers and bond attorneys, assistance with the preparation of financing disclosure documents, real estate conveyances, oversight of construction contracts and other activities related to the planning, funding and installation of project infrastructure.

The firm also provides ongoing representation to state and local governments, special taxing districts, authorities and other local entities to ensure compliance with local government law. Areas of involvement include taxes and capital project financing, elections, budget adoption, certification of levies for taxes, TABOR compliance, meeting activities, qualification of officers and directors, insurance, inclusions and exclusions of property, contracts, audits and numerous other aspects of special taxing district operations.

In the land use area, services include drafting ordinances for municipalities, ensuring compliance with and/or challenging state statutes, ordinances and other governmental regulations, obtaining various licenses and land use permits, and negotiating land use matters with governmental entities (e.g., development of shopping centers, rezoning and variances).

Services provided in the litigation area include prosecution and defense of civil actions of all kinds, arbitration proceedings, settlement negotiations, appeals, litigation counseling and litigation prevention counseling.

All attorneys in the firm are licensed to practice law in the State of Colorado.

Kim J. Seter earned his Juris Doctor from the George Washington University in 1984 and graduated magna cum laude from Western State College of Colorado with Bachelor of Arts degrees in English and Economics in 1980. Mr. Seter was the recipient of the Rockefeller Scholarship for the study of comparative political and economic systems at Georgetown University and obtained a Masters Degree in the fall of 1981. Mr. Seter has experience in tax, commercial, construction, securities and municipal litigation before administrative agencies and all federal, state and local courts. In recent years Mr. Seter's practice has concentrated on the general representation of, and litigation for, municipal entities. Mr. Seter maintains an AV Preeminent Peer Review Rating from Martindale-Hubbell. Mr. Seter now serves as general counsel to special districts and library districts.

Barbara T. Vander Wall earned her Juris Doctor degree from the University of Denver College of Law in 1991 and graduated from Washington University in St. Louis with Bachelor of Arts degrees in French and Spanish in 1986. During her studies at the University of Denver, Ms. Vander Wall received a first place award in the ASCAP 1990 Nathan Burkan Memorial Competition; participated as a moot court competitor in 1989-90 and in the ATLA moot court regional trial competition in 1992; and served as a member on the Law Review staff. In addition to her experience in the representation of various special purpose districts and intergovernmental authorities, Ms. Vander Wall has experience in employment law and real estate title law. Ms. Vander Wall now spends the majority of her practice serving as general counsel to special districts and other local governments. Ms. Vander Wall maintains an AV Preeminent Peer Review Rating from Martindale-Hubbell. Ms. Vander Wall is proficient in Spanish and French.

Colin B. Mielke is a graduate of Colorado State University, and earned his Juris Doctor from the University of Denver Sturm College of Law. After graduation, Mr. Mielke accepted a clerkship for the Honorable Judge Enquist in Colorado's First Judicial District, during which time he performed legal functions for the Court's civil, criminal and domestic dockets. Mr. Mielke practices law in the areas of special districts, land use, and municipal law. He works closely with local communities and developers in the creation of special districts and improvement districts throughout Colorado. In his role as general counsel to various districts throughout Colorado, he assists clients with numerous issues faced by Colorado's local governments, including public financing, construction contracting, elections, governmental compliance, and related litigation. Previously, Mr. Mielke practiced law as an Assistant City Attorney for the City of Lakewood, Colorado. During his tenure with the Lakewood City Attorney's Office, Mr. Mielke enforced business compliance with City licensing and taxing regulations, and prosecuted violations of the City's municipal code. Mr. Mielke's practice emphasizes special district representation and litigation defense for his special district clients.

Elizabeth ("Beth") A. Dauer earned her Juris Doctor degree from the University of Denver Sturm College of Law in 2011 and graduated Phi Beta Kappa from the Florida State University with Bachelor of Science degrees in Political Science and International Relations in 2008. During her studies at the University of Denver, Ms. Dauer served as a published editor for the *University of Denver Sports and Entertainment Law Journal*; successfully co-mediated legal disputes for government agencies and in county court as a member of the University of Denver Mediation and Arbitration Clinic; and received the Clarence L. Bartholic Highest Grade in Legal Professionalism Award. Following law school, Ms. Dauer clerked for the Hon. Michelle A. Amico, Hon. F. Stephen Collins, Hon. Theresa M. Slade, and Hon. Robert H. Russell of the Eighteenth Judicial District. Ms. Dauer provides general counsel representation, including litigation assistance, for library districts and metropolitan districts.

Russell Newton earned his Juris Doctor degree from the University of Oregon School of Law in 2011 and graduated from the University of Colorado Boulder with Bachelor of Arts degrees in Political Science and Economics in 2006. While at the University of Oregon, Mr. Newton earned a Statement of Completion in Environmental and Natural Resource Law and interned as a writer and editor with the Environmental and Natural Resource Law Department. Following law school, Mr. Newton earned a Master of Business Administration from the University of Colorado Denver Business School in 2014. Mr. Newton has experience working as a contract attorney within various practice areas, including construction defect, business transactions, and trademark law. Mr. Newton's practice provides litigation assistance for special districts and municipalities, in addition to general counsel legal services.

Marissa M. Peck earned her Juris Doctorate degree from the University of Denver, Sturm College of Law in 2022 and graduated from Tufts University with a Bachelor of Arts degree in Political Science in 2016. While at the University of Denver, Ms. Peck served as the Senior Managing Editor for the Denver Journal of International Law and Policy. Ms. Peck's practice focuses on assisting special districts with litigation, compliance, elections, capital projects, and public transportation development. She also assists in the representation of libraries and other tax-exempt organizations. Ms. Peck is fluent in French.

Catherine T. Bright earned her paralegal certificate from Arapahoe Community College in 2010, and is a graduate of Texas A&M University at Commerce with a Bachelor of Science degree. In addition to her current work in municipal law, Ms. Bright has experience in several areas, including construction law, employment law, mechanics liens and personal injury law. Ms. Bright provides a variety of services to public entities and special districts. Her paralegal skills include organizing and tracking the many varieties of constitutional compliance requirements and special district administration, and she serves as the “designated election official” for many of the firm’s district client director and TABOR elections. Ms. Bright assists attorneys with legal research, meeting preparation, elections, budget preparation, insurance review and drafting contracts.

Michele (“Mitch”) M. Barrasso is a graduate of Metropolitan State University of Denver with a Bachelor of Science degree in Adult Fitness/Exercise Science and a Minor in Nutrition. She has over twelve years of experience working with special districts and public entities. Ms. Barrasso assists with meeting preparation and statutory compliance for special district clients, legal research and special district organization and elections, as well as multiple facets of district administration, including budget preparation, publication of notices, inclusions and exclusions, deeds of trusts and releases, insurance review, director bonds and insurance claims reporting. Ms. Barrasso has experience as the “designated election official” for several of the firm’s district client director and TABOR elections, and participates in trial preparation with the litigation team.

Kelly R. Hansen graduated from the University of Mississippi in 2021 with a Bachelor of Arts degree in Political Science, an emphasis in Law and Courts and a Minor in Spanish. Ms. Hansen provides website maintenance and administration services for many of the firm’s special district clients and frequently serves as election judge for the firm’s district client director and TABOR elections. Ms. Hansen assists with meeting preparation, contract review, and statutory compliance for special district and library clients.

2023 BILLING RATES

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>
Kim J. Seter	Director	\$435 \$495 – Litigation
Barbara T. Vander Wall	Director	\$415
Colin B. Mielke	Director	\$395
Elizabeth A. Dauer	Senior Associate	\$330
Russell Newton	Associate	\$310 \$395 – Litigation
Marissa M. Peck	Associate	\$250
Catherine T. Bright	Paralegal	\$175
Michele M. Barrasso	Paralegal	\$175
Kelly R. Hansen	Legal Assistant	\$125
Kimberly L. Vernon	Legal Assistant	\$125

Costs:

Costs include photocopying expenses at \$.20 per page for black and white and \$.50 per page for color, delivery and postage charges, filing and recording fees and Westlaw research charges. Mileage reimbursement for travel is charged at the current IRS allowable rate. Materials or other fees paid on the client's behalf are billed at actual cost.

Representative Library Clients

Arapahoe Library District
Berthoud Library District
Boulder Library Champions
Boulder Public Library
CO Association of Libraries
CO Library Consortium
Del Norte Public Library
Delta County Libraries
Denver Public Library Friends Foundation
Douglas Public Library District
Douglas County Libraries Foundation
East Morgan Library District
Elbert County Library District
Estes Valley Library
Estes Valley Library Friends & Foundation
Fort Lupton Public & School Library
Garfield County Public Library District
Gilpin County Library
Gunnison County Libraries
Jefferson County Library Foundation
John C. Fremont Library District
La Veta Public Library District
Lone Cone Library District
Lone Cone Library Foundation
Marmot Library Network
Montrose Regional Library District
Northern Saguache County Library District
Ouray Library District
Poudre River Public Library District
Rampart Regional Library District
Rangeview Library District
Red Feather Mountain Library District
San Miguel County Public Library District 1
Southwest La Plata Library District
South Routt Library District

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Agenda Item 9. c.

Adoption of 2023 Budget

Recommended Motion:

I move the Board of Trustees adopt Resolution Number 2023-5-2 a Resolution Summarizing Expenditures and Revenues for each Fund and Adopting a Budget for the Boulder Public Library District, For the Calendar Year 2023.

**RESOLUTION
OF THE
BOARD OF TRUSTEES
OF
BOULDER PUBLIC LIBRARY DISTRICT**

RESOLUTION TO ADOPT 2023 BUDGET

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE BOULDER PUBLIC LIBRARY DISTRICT, BOULDER COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2023 AND ENDING ON THE LAST DAY OF DECEMBER 2023.

WHEREAS, The Boulder Public Library District (the “District”) was authorized by the voters of the District in November, 2022 and a mill levy was approved for collection in 2023; and;

WHEREAS, the Board of Trustees (the “Board”) of the District was first constituted on May 16, 2023; and,

WHEREAS, upon due and proper notice, published in accordance with law, a public hearing was held on May 16, 2023 and interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and,

WHEREAS, the Board received and considered the proposed budget and appropriations for the fiscal year 2023 at its initial meeting on May 16, 2023; and,

WHEREAS, all expenditures were offset by like increases revenues so that the budget is in balance, as required by law:

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Boulder Public Library District, Colorado that:

Section 1. The budget as submitted, amended, and summarized by fund, is approved and adopted as the budget of the Boulder Public Library District for fiscal year 2023.

Section 2. The budget hereby approved and adopted shall be signed by the President and Vice President of the Board of Trustees and made a part of the public records of the Boulder Public Library District and be filed and recorded with the Colorado Division of Local Governments and the State Auditor as required by law.

ADOPTED, this 16th day of May, 2023.

Attest: _____

_____, President
Board of Trustees

_____, Vice President
Board of Trustees

**Boulder Public Library District
2023 Budget**

Budget Message

Formation of the Boulder Public Library District was approved by the voters of the District in November 8, 2022. The ballot issue approved an increase in taxes to support the newly formed district of \$18,780,000 annually for collection beginning in 2023, and by such additional amounts raised annually thereafter by an *ad valorem* property tax mill levy imposed at a rate of 3.5 mills.

The mill rate was levied on January 1, 2023. The Boulder County Treasurer’s office has collected revenue as of the date of the organizational meeting of the District Board of Trustees in an amount that is unknown.

The District is coordinating with the City of Boulder and Boulder County to take control of the public library services currently provided by the City of Boulder. District expenditures for fiscal year 2023 are unknown. Accordingly, the District Board has budgeted and appropriated all anticipated revenue to the operating fund. Amendments will be required.

This budget has been adopted to satisfy the requirements of the Colorado Revised Statutes, Section 29-1-103 and to appropriate funds pursuant to Colorado Revised Statutes, Section 29-1-110 for expenditure in 2023.

**BOULDER PUBLIC LIBRARY DISTRICT
2023 BUDGET**

A. Proposed Expenditures:

1.	Operations and Administration:	\$18,780,000.00
2.	Capital Projects:	00.00
3.	Debt Service:	00.00

B. Anticipated Revenues: \$18,780,000.00

C. Estimated Beginning and Ending Balance: 00.00

D. There are no corresponding figures for the prior fiscal year.