

**BOULDER PUBLIC LIBRARY DISTRICT**  
 -SPECIAL MEETING-  
 Tuesday, August 1, 2023  
 Meadows Branch of the Boulder Public Library  
 4800 Baseline Road  
 Boulder, CO  
 and  
 Via Zoom  
 6:00 p.m.  
 Join Zoom Meeting  
<https://tinyurl.com/yckjjw7v>

<u>Board of Trustees</u>	<u>Term Expiration</u>
Benita Duran	2028
Jennifer Yee	2028
Sylvia Wirba	2027
Doug Hamilton	2027
Cara O'Brien	2026
Sam Fuqua	2025
Joni Teter	2024

**AGENDA**

1. Call to Order
2. Declaration of Quorum
3. Public Comment
4. Consider approval of minutes of June 6, June 13, June 20, and June 27
5. Presentation of Financial Model (David Farnan)
6. Review and Consider Adoption of Resolution No. 2023-08-01 Authorizing Affiliation with PERA for Employee Retirement Funding (David Farnan)
7. Library District Director Updates (David Farnan)
8. Subcommittee Updates
9. Trustee Matters
10. Legal Counsel Status Report (Legal Counsel)
11. Possible Executive Session:  
*Upon Motion Made and carried by a 2/3 vote the Board may enter executive session as allowed by Section 24-6-402 (4), CRS for a conference with the attorney on specific legal matters and to determine matters that are subject to negotiations concerning the Intergovernmental Agreement with the City and County as allowed by subsections (4) (b) and (e).*
12. Adjournment

**NEXT SPECIAL MEETING: Tuesday, August 8, 2023 at 6:00 p.m.**

**Boulder Public Library, Canyon Meeting Room, 1001 Arapahoe Avenue**

**AGENDA ITEM 4**  
**June 6, June 13, June 20 and June 27, 2023**  
**Meeting Minutes**

MINUTES OF THE SPECIAL MEETING OF THE BOARD  
OF TRUSTEES

OF THE

BOULDER PUBLIC LIBRARY DISTRICT

Held: Tuesday, June 6, 2023, at 5:00 p.m. at Boulder Public  
Library, 1001 Arapahoe Avenue, Boulder, Colorado.

Attendance

The special meeting of the Board of Trustees of the Boulder  
Public Library District (“BPLD”) was called and held as shown  
above in accordance with the statutes of the State of Colorado.  
The following Trustees, having confirmed their qualifications to  
serve on the Board, were in attendance:

Katharine (Joni) Teter  
Benita Duran  
Jennifer Yee (via Zoom)  
Cara O’Brien  
Sylvia Wirba (via Zoom)  
Doug Hamilton

Absent: Trustee Sam Fuqua (absence excused)

Also present were Kim J. Seter, Esq., Seter & Vander Wall,  
P.C.; David Farnan, Director of the Boulder Public Library; and  
Jennifer Phares, Boulder Public Library. Kelly Hansen, Legal  
Assistant at Seter & Vander Wall, P.C. was also present via  
Zoom. Jennifer Phares assisted with the operation of the remote  
attendance.

Call to Order

Trustee Teter called the meeting to order at 5:12 p.m. noting  
that a sufficient number of appointed trustees were present to  
create a quorum authorized to act on behalf of the District.

Public Comment

None.

Updates from Legal Counsel Mr. Kim Seter provided legal updates on several District matters.

Mr. Seter provided the Trustees a notice under the Public Deposit Protection Act (“PDPA”) formalizing the assignment of official custodian identification numbers. These ID numbers, which are assigned by the State Banking Commission (“SDR”), will allow the Trustees to open a bank account on behalf of the District, while also allowing the SDR to track the District’s investments and ensure that the District is minimizing risk and keeping taxpayer money safe.

Trustee Wirba will present a bank recommendation to the Board next week.

Mr. Seter then presented the Boulder Tax Distribution Statement, which is a monthly statement from the Treasurer’s office that offers a breakdown of the share of taxes paid and received by the District versus taxes yet to be received and still owing.

Mr. Seter announced that the District is now listed on the Division of Local Government’s website as an active Colorado local government and that the District’s audits, IGAs, and other important documents will be publicly accessible there.

Insurance Matters

Trustee Teter inquired about insurance matters. Mr. Seter indicated that there was no related action for the Board at this time. The Board tabled discussion and action on insurance matters for a later date.

Review Contract to Retain Library Director

Mr. Seter reviewed the Library Director contract with the Trustees and made note of the minor, non-substantive changes that were made earlier that afternoon. Mr. Seter also informed the Board that the City Attorney’s office had not reviewed the changes made that afternoon.

Mr. Seter then walked the Trustees through each section of the Library Director contract and responded to questions from the Board. Mr. Seter informed Trustee Hamilton that the “transition period” ends once the final IGA is signed and that all employee transfers will occur prior to the execution of the final IGA.

Mr. Seter explained to Trustee Teter that Mr. Farnan will continue to serve as Library Director for the City after the final IGA is signed until the District enters its “post-transition” period.

Trustee Duran requested that Section III.B.m’s language regarding the Library Foundation and funding be changed to read “to collaborate with the Boulder Public Library Foundation in establishing goals and priorities and actively participate in fundraising for the benefit of the library.” Mr. Seter agreed to implement these changes.

Trustee Duran next asked Mr. Farnan if “actively participate in fundraising” was in his job description with the City, to which Mr. Farnan replied that it was.

Trustee Yee asked if it is common to lay out every duty expected of the Library Director in their employment contract. Mr. Seter stated that, while popular with other libraries, doing so is not necessary and that the contract can be made to be broader if the Trustees so choose, but that laying out duties specifically allows for smoother, more efficient annual Library Director evaluations.

Lastly, Mr. Seter stated that Mr. Farnan was published as a finalist for the Library Director position and that he will be eligible to sign the Library Director contract the following week, citing the 14-day publication requirement. Mr. Seter assured Trustee Yee that he did not anticipate an objection from the City.

Review Interim IGA with City of Boulder on Trustee Roles and the Parties’ Access to City of Boulder Employees to Work on Transition Matters

Mr. Seter presented the interim IGA between the BPLD and the City of Boulder, and responded to questions from the Board. Mr. Seter directed Trustee Hamilton to section 2.5 of the IGA in response to his question regarding whether there are Library employees other than Mr. Farnan that will serve in both a City and District capacity in the interim.

Trustee Yee asked if the interim IGA should explicitly state the District’s intention to retain Library employees and not just the Director. Mr. Seter stated that it is implicit in the IGA’s terms that the District will continue to provide Library services at the same level the City has, including with the same employees. The process for employee transition will commence with the District sending an offer letter for a new position with the

District as well as a letter from the City remitting their current positions.

In response to Trustee O'Brien's request, Mr. Seter agreed to change language in section 2.4.5 from "upon authorization by the City" to "upon authorization by the City under section 2.4.3 and 2.4.4."

Following a suggestion from Trustee Teter that a specific dollar amount be inserted into Section 3.3, Mr. Seter explained that Section 3.3, regarding reimbursement of County services, was provided to him by the City's finance department. In response, Trustee Teter instead recommended that Section 3.3 state that the City requested reimbursement and that the final amounts will be determined in the IGA.

Trustee Teter proposed changing the November 30, 2023 date listed in Section 4 to October 31, 2023 to ensure the IGA goes before the current City Council.

Mr. Seter updated Trustee Yee regarding the status of the County IGA, stating that he is scheduled to talk with the County about it the following day and that the IGA will be very narrow. Trustee Teter noted that the District is willing reimburse the County for election costs as every special district pays for their own election costs.

#### Subcommittee Updates

Trustee Teter and Trustee Hamilton agreed to handle the facilities backlog once a consultant could be hired to evaluate the District's properties.

Trustee Yee suggested that an editable, live document that every Trustee has access to be created for subcommittee updates. Trustee Teter advised against doing so to avoid breaking open meetings laws.

#### - Communications Subcommittee

Trustee O'Brien updated the Board on her and Trustee Duran's meeting with Mr. Farnan the previous day, during which they discussed Communications and IGA subcommittee matters. Trustee O'Brien and Trustee Duran suggested focusing on making District transition information known to the public before pivoting to marketing and public outreach.

Trustee O'Brien stated the Communications subcommittee's intent to hire a consultant to prepare a comprehensive marketing and outreach plan for the Library District and to implement press releases throughout the summer to keep the public informed. Trustee Duran noted that the funds for this consultant are intended to fold into the budget process and that the City will help support press releases. Trustee Teter explained that while City staff is helpful in terms of putting out information, she does not foresee them being particularly helpful in engaging a communications consultant.

- Staffing Subcommittee

Trustee Yee stated that the staffing subcommittee will be meeting the following day, with updates to follow. Trustee Teter and Trustee Wirba will be meeting on Friday, June 9 to look over potential bylaws and prepare a package for the Board to review the following week.

- Budget & Finance Subcommittee

Trustee Wirba explained that she, Trustee Yee, and Mr. Farnan met last Friday to review the budget and budget process. During this meeting, Mr. Farnan informed the Trustees of budget items requiring full Board review, such as the Board reserves. He also recommended hiring a financial consultant to build predictive financial models to assist with the budgeting process.

- Facilities Subcommittee

Trustee Teter shared updates from her meeting with Trustee Hamilton and Mr. Farnan regarding Facilities. Following this meeting, the Facilities Subcommittee recommends hiring a consultant, who will serve two main functions.

First, the consultant will provide accurate estimates for the capital maintenance backlog, which is currently estimated to cost between \$3,000,000 and \$8,000,000, with ongoing maintenance included. Given the broad range in the District's current estimates, Trustee Teter stressed the importance of narrowing down that cost estimate and understanding the urgency of each maintenance backlog issue so that priority projects can be identified.

Second, the consultant will help develop a plan to address the maintenance backlog in a manner consistent with the District's resources. Mr. Farnan informed the Board that around 25% the budget currently goes towards facility maintenance, a percentage which far exceeds that of any other library system in the state.

Trustee Matters

The Trustees instructed Mr. Farnan to prepare a list of employee FAQs related to the District's transition, to be presented at their upcoming meeting with Library staff. Mr. Farnan cautioned the Trustees that many of their questions are related to their employment and benefits packages, and thus that the Trustees will likely not be able to answer many of their questions at the meeting. Trustee Teter reiterated the Board's intent to make the transition as seamless as possible.

Trustee Teter requested that, in preparation for both the June 27<sup>th</sup> meeting with the Library's Equity and Diversity team and the tentative July 18<sup>th</sup> meeting with the Library's leadership team, the Trustees complete their bios and send them for posting to the District's website if they have not done so already. Mr. Farnan emphasized that bios are the best way for the Trustees to introduce themselves to the community.

Other Business

The Trustees decided to push meeting start times back to 6:00 p.m. until further notice.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 6:39 p.m.

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Secretary for the Meeting



MINUTES OF THE SPECIAL MEETING OF THE BOARD  
OF TRUSTEES

OF THE

BOULDER PUBLIC LIBRARY DISTRICT

Held: Tuesday, June 13, 2023, at 6:00 p.m. at Boulder Public  
Library, 1001 Arapahoe Avenue, Boulder, Colorado.

Attendance

The special meeting of the Board of Trustees of the Boulder Public Library District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Trustees, having confirmed their qualifications to serve on the Board, were in attendance:

Katharine (Joni) Teter  
Benita Duran  
Cara O'Brien  
Sylvia Wirba  
Doug Hamilton  
Sam Fuqua (via Zoom)

Absent: Jennifer Yee (absence excused)

Also present were Kim J. Seter, Esq., Seter & Vander Wall, P.C.; David Farnan, Director of the Boulder Public Library; and Jennifer Phares, Boulder Public Library. Kelly Hansen, Legal Assistant at Seter & Vander Wall, P.C. was also present. Jennifer Phares assisted with the operation of the remote attendance.

Call to Order

Trustee Teter called the meeting to order at 6:04 p.m. noting that a sufficient number of appointed trustees were present to create a quorum authorized to act on behalf of the District.

Update from Legal Counsel

Mr. Seter updated the Trustees regarding ongoing legal matters, sharing with the Trustees that the Board of Boulder County Commissioners approved the interim IGA. The City will consider approving it tomorrow.

Mr. Seter updated the Board on Mr. Farnan's conversations with City officials regarding making payments on behalf of the District until the District has its own bank account. Following those discussions, the City agreed to expend up to \$75,000. This

amount is intended to cover admission to the Mountain States Employment Council and payment for various consultants (financial, information technology, and facilities).

Trustee Teter motioned to authorize a contract with the City of Boulder for up to \$75,000 for the purpose of hiring consultants and membership to the Mountain States Employment Council with the understanding that the District will reimburse the City as part of 2023 operating costs. Upon second by Trustee Duran and unanimous vote, the Board authorized the contract.

Consider Adopting Financial Policy and Process for Approval of Claims

Trustee Wirba presented the financial policy to the Board, explaining that the Governance subcommittee is primarily concerned with implementing policies regarding authorization of expenditures and signatories, but that it will be drafting additional financial policies in the future. Trustee Wirba and Trustee Teter reiterated that the financial policy was a work in progress, having already received two proposed amendments since circulating the policy.

Trustee Teter clarified policy language authorizing the Library Director to expend up to \$30,000, explaining that this amount is for each expenditure and does not reflect the total amount the Library Director is allowed to expend. Following a suggestion from Trustee Teter to add language to the financial policy permitting the Board's president and secretary/treasurer to open and close accounts and to change signatories on bank cards, Mr. Seter advised against doing so. He suggested that this language should be added to the Resolution to Authorize Bank Accounts and Signers because, since the resolution reflects official Board action, the banks will utilize it to determine who is authorized to open/close accounts and change signatories.

Trustee Hamilton motioned to approve the financial policy as amended with the addition of the "per expenditure" language. Upon second by Trustee Wirba and unanimous vote, the Board approved the financial policy.

Consider Resolutions and Approvals to Open Bank Accounts and Authorize Signers

Trustee Wirba recommended the District open a bank account with J.P. Morgan because the bank meets all legal requirements, it maintains stability as a national bank, and it has experience working with local governments. In response to Trustee Duran's question, Trustee Wirba explained that the staff, including Ms.

Phares, were in favor of J.P. Morgan, which serves as another basis for her recommendation. Trustee Teter and Trustee Wirba discussed their meeting with David May, the Head of Local Government Section at J.P. Morgan, and emphasized the Section's exceptional experience and commitment to service. Trustee Hamilton expressed dismay that a local/regional bank was not feasible, but recognized that those institutions likely do not have the infrastructure or necessary expertise to support the District.

The Board requested that language be added to Section II of the Resolution permitting the Board's president and secretary/treasurer to open and close accounts and to change signatories on bank cards.

Trustee Hamilton moved the Board of Trustees to approve Resolution 2023-6-1, authorizing the Treasurer to open bank and other depository accounts and approving signers for the accounts. Upon second by Trustee O'Brien and unanimous vote, the Board approved the Resolution, as amended.

In response to Trustee Teter's inquiry, the Board requested that Trustee Teter engage the Library Commission in auditing other libraries' policies and making recommendations to the Board.

Approve Mountain States  
Employment Council  
Membership

Mr. Farnan provided an overview of the Mountain States Employment Council ("MSEC") to the Trustees, which came recommended to him by over half a dozen other library districts in the state. MSEC is a full-service HR and legal firm. Initial membership costs are \$12,800 per year. Trustee Fuqua expressed his support for the Council, stating that a non-profit he previously worked for was a member and that MSEC is extremely helpful in resolving difficult personnel matters. Following a question from Trustee Hamilton regarding whether Board action was necessary to approve the payment of MSEC membership dues, Mr. Farnan explained that he would come back to the Board with any consultants the District hires through MSEC and share the scope of work with the Trustees. The scope will generally authorize MSEC to serve as the District's HR department until the Board decides whether or not the District will hire dedicated, in-house HR staff.

Consider Approval of Contract to Engage Director of the Public Library District

Trustee Hamilton motioned to authorize the President and Secretary of the Board of Trustees to approve the terms of the Public Library District Director Contract, and to extend an offer to Mr. David Farnan to serve as the Director of the Boulder Public Library District, with a 5-day deadline to respond. Upon second by Trustee Wirba and unanimous vote, the Board authorized the President and Secretary to sign and offer the Library Director contract to Mr. Farnan.

Consider Approval of Interim Intergovernmental Agreement with City and County

Mr. Seter highlighted Section 3.3 of the interim IGA, which requires the District to pay the County \$34,768.00 for reimbursement of election costs as required by law. As a result, the County is now a signer of the IGA.

Next, Mr. Seter discussed changes to section 3.4, which removed specific dollar amounts for the items mentioned in the section. This replacement language states that “the amount and method of payment for any reimbursements will be determined in the Final IGA.” Other than the changes mentioned by Mr. Seter, no other changes to the interim IGA were made.

The Board of County Commissioners approved the amended IGA, with the changes to Sections 3.3 and 3.4 as highlighted above. Trustee Duran motioned to approve the Interim Intergovernmental Agreement as presented and authorize the President of the Board of Trustees to sign and deliver it to the City and County for execution. Upon second by Trustee Hamilton and unanimous vote, the Board approved the Interim Intergovernmental Agreement between the Boulder Public Library District, the City of Boulder, and Boulder County.

Trustee Teter shared updates related to IGA negotiations, including the City’s insistence that language related to the hiring of the Library Director, Trustee obligations, and the completion of the Final IGA, be included in the Interim IGA, all items that are addressed by the modifications to the Interim IGA highlighted above. Trustee Teter also relayed questions from the City Staff to the Board relating to the numbers contained within the IGA.

Trustee Teter suggested involving David Gehr of the City Attorney’s office to the extent possible, especially given spotty communication from the City and following the City adding terms to the Interim IGA without alerting the District. Trustee O’Brien requested that the attorneys for the parties to the IGA meet and confer prior to making any more changes to prevent

further miscommunication.

Mr. Farnan urged the Trustees to consider whether items such as personnel policy including staff titles, buildings and grounds maintenance management/responsibility, staff salaries, and in particular, District staff's accrued leave, should be included in the Interim IGA or the Final IGA. Under the City's current policy, staff is paid out the cash value of their vacation time but not their sick time, which has no monetary value. This policy has an estimated value of around \$200,000,000.

Trustee Duran added that the Board must also consider the State's medical leave policy.

Mr. Farnan also explained that data management will factor very heavily into the cost of general operations. As a result, access to, and ownership of, Library data needs to be a discussion topic when negotiating the Final IGA.

Trustee Teter asked Mr. Seter to markup the City's draft IGA and add additional information regarding the items Mr. Farnan and Trustee Duran discussed.

#### Subcommittee Updates

- Staffing Subcommittee

Trustee Fuqua shared updates from the Staffing subcommittee meeting with Trustee Yee and Mr. Farnan.

In preparation for the June 15<sup>th</sup> meeting with Library staff, Trustee Fuqua recommended that the staff reflect on and share their worst fears and best hopes for the District transition. Nuria Rivera-Vandermyde will open the staff discussion at this meeting, emphasizing both the District's and the staff's desires for a smooth transition. Mr. Farnan urged the Trustees to read aloud questions from staff exactly as they are written, without paraphrasing or changing things around, as staff members have been working hard to come up with questions for the Trustees.

During the June 28<sup>th</sup> Board meeting, key City staff members (the head of HR, the CFO, and the City budget director) will be in attendance.

Trustee Teter suggested that the Communications subcommittee might consider publishing something commemorative/celebratory closer to the actual transition date.

Trustee Duran suggested the creation or implementation of a communications policy creating communications tiers, with tier one comprised of the Library Commission, the Library Foundation, and LDAC, so that those key stakeholders may stay up to date on all District transition matters.

Mr. Farnan hopes to redefine and distinguish Library/District Communications policy from that of the City through further community engagement and more aggressive marketing.

Trustee Matters

None.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 8:14 p.m

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Secretary for the Meeting

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES

OF THE

BOULDER PUBLIC LIBRARY DISTRICT

Held: Tuesday, June 20, 2023, at 6:00 p.m. at Boulder Public Library, 1001 Arapahoe Avenue, Boulder, Colorado.

Attendance

The regular meeting of the Board of Trustees of the Boulder Public Library District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Trustees, having confirmed their qualifications to serve on the Board, were in attendance:

Katharine (Joni) Teter  
Benita Duran  
Cara O'Brien  
Sylvia Wirba  
Doug Hamilton  
Sam Fuqua

Absent: Jennifer Yee (absence excused).

Also present were Kim J. Seter, Esq., Seter & Vander Wall, P.C.; David Farnan, Director of the Boulder Public Library; and Jennifer Phares, Boulder Public Library. Kelly Hansen, Legal Assistant at Seter & Vander Wall, P.C. was also present. Marissa Peck, Associate Attorney at Seter & Vander Wall, P.C., attended via Zoom. Jennifer Phares assisted with the operation of the remote attendance. Sharon Morris of the Colorado State Library delivered the Trustee Orientation.

Call to Order

Trustee Teter called the meeting to order at approximately 6:03 p.m. noting that a sufficient number of appointed trustees were present to create a quorum authorized to act on behalf of the District.

Public Comment

None.

Library Trustee Orientation

Ms. Sharon Morris of the Colorado State Library (“CSL”) delivered the Library Trustee Orientation. Ms. Morris reviewed the orientation materials, asking whether the chart regarding fixed vs. growth mindsets resonates with them. Trustee

Hamilton highlighted the section on mistakes, noting that the Trustees have many challenging decisions to make, meaning that the Trustees will not be able to make everyone happy. He emphasized the paramount importance of focusing on “mistake recovery” as a tool to handle these situations. Trustee O’Brien indicated her interest in the idea of “growing potential” as outlined in the chart section related to growth mindset, which prompted Ms. Morris to respond that this potential is strengthened and expanded when people work together. Trustee Wirba echoed Trustee Hamilton’s comments regarding the burden of making hard decisions, and explained that that sentiment applies to any feedback that the Board of Trustees may receive, especially given that Trustees will inevitably receive criticism and will need to be able to address it in a constructive manner. Trustee Duran further emphasized the unique position of the Board as an appointed, not elected, body and the consequent issues related to the Board’s accountability to the public. As an appointed body, the Board is somewhat insulated from the political process because its members do not face the pressures of running for re-election. As a result, there is low incentive for the Board to respond to criticism from the public. This, in turn, highlights the need for the Board, which wants to remain responsive to the public, to develop procedures by which it responds to criticism and remains accountable. Trustee Duran added that the way in which the Board faces and responds to challenges will define the District, and will enable the District to forge an identity that is uniquely Boulder.

Ms. Morris next asked the Trustees how they might help facilitate a transition among the public and District employees from a fixed mindset to a growth mindset. Trustee Hamilton suggested employing vision or imagination, Trustee Wirba emphasized the value of interconnection, and Ms. Morris proposed the use of curiosity and/or humor. Ms. Morris reminded the Board that they serve as representatives to tens of thousands of people, and urged the Trustees to approach their conversations with a growth mindset, which, she explained, will allow for better communication and will produce better outcomes for the District.

Ms. Morris reviewed the core values of librarianship and asked the Trustees to rank them from most to least important. In small groups, the Trustees, Mr. Farnan, and Mr. Seter discussed their rankings and reasons behind them. Trustee Wirba and Trustee Fuqua agreed that “Access” was most important to them,



Trustee Duran and Trustee O'Brien stated that they ranked "Democracy," "Intellectual Freedom," and "The Public Good" highly, and Trustee Hamilton and Trustee Teter agreed that "Access" and "Diversity" were most important. Ms. Morris encouraged the Trustees to always keep these values in mind, to have the courage to defend them, and to understand that others prioritize values in different ways.

Next, Ms. Morris directed the Trustees to the Library Bill of Rights. Ms. Morris explained that the January 29, 2019 amendment to the Bill of Rights addresses viewpoint and content neutrality requirements in exhibit/meeting room spaces. Ms. Morris then provided a brief overview of Colorado Library Law, focusing on the powers and duties of the Board of Trustees. Next, Ms. Morris presented CSL's "Who Does What" handout, which breaks down the roles of the Library Director and of the Trustees in various scenarios, such as "Community Engagement," "Strategic Planning," and "Professional Development."

Trustee Teter asked Ms. Morris to expand on the responsibilities related to the Trustees' relationship with the elected officials who appointed them. Ms. Morris suggested that those relationships are best fostered by open communication and trust.

In conclusion, Ms. Morris shared a list of resources for Colorado Library Trustees and pointed out her contact information should any of the Trustees have any questions for her.

Director Updates  
- Staff Survey

Mr. David Farnan discussed the staff survey that was sent out the previous Friday and stated that the response rate is good so far. Trustee Hamilton asked if Mr. Farnan would be able to compile a list of benefits offered to employees in other library districts and Mr. Farnan stated that Library leadership has been researching it and that he would be happy to share that information with the Trustees at a future meeting.

- Discussion of Financial Service Agreement with Focused Energy  
Mr. Farnan discussed the engagement of Focused Energy, who will assist the District in building financial models, which will enable the District to predict outcomes of various financial decisions. Focused Energy will also construct expense forecasts, debt forecasts, aid in preparing a budget presentation, and recommend an accounting/financial system, among other services. Mr. Farnan estimated that the consultant will cost between \$8,000 and \$14,000.
- Consider Approval of Professional Services Agreement with Cummings Management Group, Inc.  
Mr. Farnan then directed the Trustees to review the services agreement for an assessment of Library facilities. Mr. Farnan stated that they received three bids for the project. He recommended engaging Cummings Management Group, Inc. as they were very accessible, their proposal was, by far, the most comprehensive, and they are available to start work the following day.

Trustee Hamilton moved that the Board of Trustees to approve the Professional Services Agreement with Cummings Management Group, Inc. to evaluate the condition of the Library Buildings dated June 16, 2023 for a fixed fee of \$36,145.00. Following discussion, and upon second by Trustee Wirba and unanimous vote, the Board of Trustees approved the Professional Services agreement with Cummings Management Group, Inc.

Subcommittee Updates      None.

Adjournment      There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 7:56 p.m.

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Secretary for the Meeting

MINUTES OF THE SPECIAL MEETING OF THE BOARD  
OF TRUSTEES

OF THE

BOULDER PUBLIC LIBRARY DISTRICT

Held: Tuesday, June 27, 2023, at 6:00 p.m. at Boulder Public  
Library, 1001 Arapahoe Avenue, Boulder, Colorado.

Attendance

The special meeting of the Board of Trustees of the Boulder Public Library District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Trustees, having confirmed their qualifications to serve on the Board, were in attendance:

Katharine (Joni) Teter  
Benita Duran  
Jennifer Yee (via Zoom)  
Cara O'Brien  
Sylvia Wirba  
Sam Fuqua

Absent: Trustee Doug Hamilton

Also present were Kim J. Seter, Esq., Seter & Vander Wall, P.C.; David Farnan, Director of the Boulder Public Library; and Jennifer Phares, Boulder Public Library. Kelly Hansen, Legal Assistant at Seter & Vander Wall, P.C. was also present. Marissa Peck, Associate Attorney at Seter & Vander Wall, P.C. was present via Zoom. Jennifer Phares assisted with the operation of the remote attendance. Katherine Bertone, Karen Bowen, Louise Fordyce, Larisa Hnizdo, Jaime Kopke, and Britt-Marie Varisco of the Boulder Public Library delivered a presentation on the Library's Equity and Diversity team.

Call to Order

Trustee Teter called the meeting to order at 6:02 p.m. noting that a sufficient number of appointed trustees were present to create a quorum authorized to act on behalf of the District.

Public Comment

None.

City Equity Plan and BPL  
Implementation

The Library's Equity and Diversity team presented the City's equity plan and shared ideas for the District's equity plan. Jaime Kopke began, explaining that as the City is working on their racial equity plan, which so far includes multiple Library staff

members taking training courses and workshops related to racial equity and social justice in addition to evaluating and implementing racial equity initiatives, all of which is overseen by the Library's Equity, Diversity and Inclusion ("EDI") team.

Karen Bowen provided the Board with an update on the EDI team's work. Among the initiatives being implemented, is an EDI performance goal in every employee's annual goals. In addition, and in response to Mr. David Farnan's request, the EDI team prepared an outline of EDI-focused measures to be taken to support staff in recruitment and retention. The report has since had a large impact on the Library's hiring practices. Larisa Hnizdo also discussed the team's current undertakings, which include a buddy program for new employees, the creation of a Latino/Latina/Latinx cultural affinity group as well as the creation of a SharePoint for collecting information from surveys and trainings. Looking forward, the EDI team is interested in exploring accessible playground options for the North Boulder branch and potentially creating a dedicated EDI staff position.

Louise Fordyce reported on the impact of a recent staff survey, created by the EDI team, which showed that retention and opportunities for professional growth are of utmost importance to employees. In response to questions from Trustee Teter about the meaning of the word "retention" in the EDI context, Ms. Fordyce explained that "retention" means keeping staff, but not necessarily in the same position for which they were hired. Mr. Farnan emphasized the importance of providing opportunities for growth in order to retain diverse staff.

Trustee Wirba asked if staff responses to EDI efforts are mostly positive, citing pushback that other EDI programs have received. Ms. Hnizdo reported mostly positive responses. Katherine Bertone added that there was some pushback from employees against the City's mandatory bias and microaggression training, because employees felt they already knew what would be taught.

In response Trustee O'Brien's question about whether the newly formed District structure would permit the EDI team to take on different initiatives/tasks, Ms. Fordyce emphasized the importance of developing sustainable policies and procedures to ensure that the EDI team can work for years to come. Ms. Hnizdo reiterated that a dedicated EDI staff position would be extremely helpful in coordinating their work, especially given

that the team is comprised of members of all different work groups and positions.

Trustee Duran and Trustee Teter applauded the team's efforts and expressed excitement about the potential of the team to have positive impacts in achieving the District's EDI goals.

Review and Consider  
Adoption of Trustee Bylaws

Trustee Wirba provided an overview of the Trustee Bylaws, explaining that they are from Douglas County's. Trustee Wirba, in response to a question from Trustee O'Brien, explained that reference to non-existent policies and procedures in the bylaws is included because these policies and procedures will soon be developed and implemented. Trustee Fuqua moved to adopt the Boulder Public Library District Bylaws. Upon second by Trustee Duran and unanimous vote, the Board approved adoption of the bylaws.

Review and Consider  
Adoption of Trustee  
Handbook

Trustee Teter explained the purpose and importance of having a Trustee handbook, which is not required by law, and presented the Library Commission's draft handbook for the Board's review. She shared Library Commission guidance which emphasizes the importance of a handbook in establishing ground rules for Trustee-Trustee and Trustee-staff interaction, which promotes more efficient and functional library operations.

Trustee Teter next made suggestions for changes to the draft handbook. She requested that a budget primer be added to the handbook and asked the Board for guidance on the necessity of including the second bullet point under "Questions to Library Staff" regarding email correspondence between staff and Trustees. Next, Trustee Teter requested that the Board consider changing the language stating "up to three Boulder Public Library Trustees may serve as Directors of the Foundation" to "up to two" to avoid violating open meetings laws.

Trustee Teter relayed a request from Chris Barge, Executive Director of the Boulder Library Foundation, that the District onboard its new members at their annual meeting in April, so as to align its appointment process with that of the Library Foundation. In a response to a question from Trustee Duran regarding whether the Trustees needed to be involved with the Foundation Board, Trustee Teter explained that Boulder's

unique tax structure mandates close coordination with the Foundation. Boulder is unique in that the Library and the Library Foundation are two separate entities. The Foundation's particular 501(c)(3) tax-exempt designation does not stand alone, requiring integration with the Library itself. As further explained by Mr. Seter, the Internal Revenue Code (“IRC”) requires the Library Foundation to be controlled by the District. As a result of this tax structure, it is very important for the Foundation to have a representative from the Board of Trustees on the Foundation’s Board.

Trustee Wirba, having previously served on the Foundation Board, further emphasized the need for District Trustee representation.

Trustee Duran posed several questions related to the Foundations changing role in relation to the newly formed District. While the Foundation previously filled in gaps in City funding, the newly formed District will have more stabilized funding sources. Trustee Duran requested clarification regarding whether the Foundation would be expected to produce as much or more funding as it has in the past.

In response, Trustee Wirba explained that the Foundation understands that its position is changing but that its purpose remains the same: supporting the Library, namely in the form of capital fundraising. Trustee Duran remarked that the Foundation Board could serve as training ground for future Library Trustees by making more positions available to members of the public (and limiting Trustee participation) thus increasing community participation in Library matters. In response to Trustee Duran’s question regarding whether having three Foundation Board seats reserved for Trustees was necessary, Trustee Teter explained that in order to maintain its 501(c)(3) status, the Foundation needs at least two Trustees on its Board. Trustee Wirba and Trustee Teter indicated support for limiting Trustee representation on the Foundation Board to only two seats. Next, Trustee Duran asked if Mr. Farnan can serve as a Trustee on the Foundation’s Board. Trustee Teter explained that since Mr. Farnan works for the Board, he is not considered a Trustee. Mr. Farnan explained that if he were to serve on the Foundation’s Board, it would likely create a conflict of interest because he often appears before the Foundation Board to request money for the District.

Following this discussion, Trustee Wirba suggested changing the language in the handbook from “up to three Boulder Public Library Trustees may serve as Directors of the Foundation” to “two Boulder Public Library Trustees may serve as Directors of the Foundation.”

Trustee Teter also requested adding “to align with the Foundation’s annual meeting. Appointments to the Foundation Board should be made in April” to the end of “two Boulder Public Library Trustees shall serve as Directors of the Foundation.”

The Trustees also modified the language “serve on various subcommittees or as one of the Trustees’ representatives on the Boulder Foundation Board” under the “Expectations of Trustees” subheading to “serve on various subcommittees” and “serve as one of the Trustees’ representatives on the Boulder Foundation Board.”

In terms of Trustee, Library staff and Library Director communications, Trustee Teter suggested eliminating the “Questions to Library Staff” section and moving “Staff takes direction from the Library Director, and the Director should be copied on all staff requests for information” to the bottom of the “Trustee Email Communications” section.

Trustee Yee suggested inserting the Library’s mission statement into the Trustee handbook.

Trustee Wirba motioned to approve the Trustee handbook as amended. Upon second by Trustee O’Brien and unanimous vote, the Board approved the Trustee handbook as amended.

#### Trustee Matters

Trustee Teter motioned to establish special meetings on July 11, July 25, August 1, and August 8 at 6:00p.m. Upon second by Trustee Fuqua and unanimous vote, the Board approved the times and dates of these special meetings.

#### Director Updates

Mr. Farnan informed the Trustees that the facilities consultant completed their assessment and will begin preparing their report.

Mr. Farnan and Ms. Phares met the previous morning with the financial consultant to craft a scope of work, which is

forthcoming.

Mr. Farnan procured an I.T. consultant who will meet with the Board at a later meeting. The I.T. consultant will aid the Trustees in navigating the decoupling process with the City and evaluating the City's I.T. proposal, which the Trustees should receive in August.

Lastly, Mr. Farnan stated that the staff survey will close on June 30 and that a staff newsletter will begin rolling out July 7.

#### Subcommittee Updates

- Staffing Subcommittee  
Trustee Fuqua stated that the Staffing subcommittee would be meeting the following day.
- Budget & Finance Subcommittee  
Trustee Wirba clarified that the Budget & Finance subcommittee would be meeting on June 30.
- Communications Subcommittee  
Trustee Duran distributed a Communications subcommittee report to the Board highlighting various updates, including the community newsletter that reaches 43,000 individuals, a potential article on the District in fall or winter, a possible two minute feature on Channel 8 Inside Boulder News, and efforts to further community outreach via social media. Trustee Duran stated that the Communications subcommittee plans to have a draft RFP for a communications consultant by the end of July.
- Meeting with Library Commission  
Trustee Teter discussed the Trustees' meeting with the Library Commission and recommended setting it for either September 12, October 3, or October 18

#### Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 8:20 p.m.

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Secretary for the Meeting



DRAFT

**AGENDA ITEM 6**  
**Resolution 2023-08-01**

**Recommended Motion:**

*I MOVE THE BOARD OF TRUSTEES APPROVE RESOLUTION NO.2023-08-01 TO AUTHORIZE AN APPLICATION AND PARTICIPATION IN THE COLORADO PUBLIC EMPLOYEES' RETIREMENT FUND IN THE FORM PRESENTED.*

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

A RESOLUTION AUTHORIZING AN APPLICATION AND AFFILIATION WITH THE COLORADO PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION AND AGREEING TO APPROPRIATE FUNDS FOR PARTICIPATION IN THE SAME

A. The Boulder Public Library District was formed by authorization of the voters and citizens within the District boundaries in November, 2022 (the "**District**").

B. The citizens of the District also approved an *ad valorem* property tax mill levy and other sources of revenue to support the District's public library services.

C. The District will transition employees of the City of Boulder into its employment effective the first day of 2024.

D. Any political subdivision of the State of Colorado may make application to the Board of the Colorado Public Employees' Retirement Association ("**PERA**") pursuant to Title 24, Article 51, Part 3, C.R.S. (the "**Act**") to affiliate with the retirement fund.

E. The Board of Trustees of the District ("**District Board**") plans to appropriate funds for the employer's payments to the retirement fund as provided in the Act.

F. The employees of the District have expressed their desire to participate in the retirement fund as provided in the Act.

G. The District Board acknowledges that the Governmental Accounting Standards Board ("**GASB**") Statement No. 68, *Accounting and Financial Reporting for Pensions*, applies to Colorado PERA-affiliated employers and requires it to report its proportionate share of net pension liability on its financial statements.

H. The District Board acknowledges that GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits other than Pensions*, applies to Colorado PERA-affiliated employers and that the Statement requires it to report its proportionate share of net other postemployment benefits ("**OPEB**") liability on its financial statements.

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

I. The District shall apply for affiliation with PERA as provided in 24-51-301 *et seq.*, C.R.S. effective January 1, 2024; and,

II. The President and Secretary/Treasurer of the Board of Trustees are authorized to perform all acts necessary to obtain the affiliation and to comply with all requirements and rules of the Act and PERA upon affiliation; and,

III. Sufficient funds required for participation shall be appropriated in the 2024 budget for participation in PERA as required by the Act.

IV. The contributions designated as member contributions are assumed and paid for by the District in lieu of paying such amounts as salary and shall be treated as employer contributions pursuant to the provisions of 26 U.S.C. § 414 (h) (2), as amended and as required by § 24-51-401 *et seq.*, C.R.S.

V. Employees of the District shall be notified by the Library Director and Finance Director that they must enroll themselves with PERA as provided in the Act, with membership to be effective January 1, 2024 as soon as eligible thereafter.

ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

**BOULDER PUBLIC LIBRARY DISTRICT**

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary

**CERTIFICATION**

I certify that the foregoing RESOLUTION AUTHORIZING AN APPLICATION AND AFFILIATION WITH THE COLORADO PUBLIC EMPLOYEES’ RETIREMENT ASSOCIATION AND AGREEING TO APPROPRIATE FUNDS FOR PARTICIPATION IN THE SAME was approved by the governing Board of Trustees at a publicly noticed and open meeting on the date stated.

\_\_\_\_\_  
David Farnan, Library District Director

**AGENDA ITEM 10**  
**Legal Counsel Report**

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## MEMORANDUM

TO: Boulder Public Library District

FROM: Seter & Vander Wall, P.C.; Kim J. Seter, Esq.

DATE: July 28, 2023

RE: Legal Status Report for August 1, 2023

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This is our legal status report for the August 1, 2023 Board of Trustees meeting.

### PERA Resolution

**Task:** Facilitate PERA Affiliation for employee retirement funding.

**Status:** Resolution No. 2023-08-01 is in the meeting packet to satisfy Agenda Item 6. A copy is also attached.

**Action:** **Consider approval of Resolution 2023-08-01.**

### FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM OPT OUT

**Task:** Consider FAMLI participation.

**Status:** FAMLI became law in 2022. Employers are automatically enrolled. FAMLI requires deductions from employees' pay as well as a contribution from the employer. A summary of payments and coverage is in the attached DRAFT NOTICE TO EMPLOYEES that we utilized in 2022.

The Library District has the right to "opt-out" of the program but must first give notices and hold a hearing. We want to have this process completed before the end of December to avoid automatic enrollment.

**Action:** **Authorize Notice and schedule an "opt-out" hearing if you wish to consider declining participation.**

### Minutes Backlog

**Task:** Prepare meeting minutes.

{00675816 2}

- Status:** The June minutes are included in the Board Packet.
- Draft copies of July minutes will be provided for approval the second week of August.
- Action:** **Consider approval of the June minutes.**

### **District Bank Account**

- Task:** Assist in opening District bank account.
- Status:** The Terms of Service for the District's proposed account contained terms that the Library District cannot agree to under the *Colorado Constitution* and state law. DFrnan forwarded a comment letter from SVWPC to the bank which has requested a redline. That has been forwarded.
- Action:** **None Required.**

### **Negotiation of Intergovernmental Agreements**

- Task:** Draft, negotiate and finalize Intergovernmental Agreement among the City, County and Library District required by § 24-90-107(2)(e), C.R.S.
- Status:** The Interim IGA anticipates execution of the Final IGA by October 31, 2023.
- New draft IGAs and further discussion will take place in August.
- Action:** **None required.**

### **IGA Sub-Projects Underway**

1. Obtain and review title work on all properties to be conveyed in fee. (title work ordered)
2. Review library property leases regarding assignability and allowed uses etc. (obtained copies)
3. Obtain list of operations contracts and copies for review for assignability and conditions.
4. Obtain list of BPL Library personnel positions. (done)
5. Follow up on NOBO subdivision.
6. Prepare analysis regarding transition of employee sick and vacation leave.
7. Draft proposed Civic Center License Agreement.

### **Procurement/Purchasing and Services Contracts**

- Task:** Prior to obtaining a bank account, the District is expending money from the BPL Library Fund. The expenditure of these funds is subject to laws and regulations that apply to the City that may not apply to the District. In addition, there are laws that apply to the District that do not apply to the City. We need to coordinate with the City to ensure compliance.
- Status:** A meeting was held concerning coordinating processes.
- Action:** **None Required.**

### **Library Tax Receipts**

- Task:** Move tax receipts held by the county treasurer to District. This will require an agreement and some sureties pursuant to the Library Law.
- Status:** I contacted the County Finance Office but have not received a call back with the current balance of the District's tax receipts.
- Action:** **None Required.**

### **Notice of Violation of 5.5 % Limitation**

- Task:** The Colorado Division of Local Governments in the Department of Local Affairs notified the County of its belief the District has violated the limitation of 5.5% property tax revenue increases and must refund its tax receipts.
- Status:** The Division often makes these errors. I do not believe the County did anything wrong in the election that approved the tax revenue in the first instance. We are addressing this matter with the Division.
- Action:** **None required.**

### **SB 23-303 and SB 23-108 Property Tax Reduction Laws**

- Task:** Provide information and advice on the effect of these bills on library finances.
- Status:** The state legislature adopted these bills in an extended legislative session to reduce property taxes. They effect the Library District's revenues. The Bills were drafted quickly and poorly. We are trying to determine what they mean and how the county assessors will implement them.
- Action:** **None Required.**



**Property Leasing and Property Ownership Affect on District Borrowing Under TABOR**

- Task:** We will provide information on the affect of owning and leasing library buildings on the District's ability to finance future capital projects.
- Status:** The information will be added to the status report here when completed.
- Action:** **None Required.**

**Proposed Bylaw Amendment**

- Task:** Propose Bylaw Amendment language and identify the process for making changes.
- Status:** You have received an email notice required by the Bylaws of the proposed language changes. That came from President Teter. The matter will be considered August 8.
- Action:** **None Required.**

**Additional Projects Outstanding**

- a. Research City and District requirements regarding employment benefits.
- b. Resolution regarding state Family and Medical Leave Insurance Program opt-in or opt-out.
- c. Insurance matters including director errors and omissions, public officials' liability coverage, trustee bonds, and workers compensation.
- d. Colorado Open Records Act Resolution (CORA).
- e. Colorado State Archives Records Retention Schedule and Resolution.
- f. Resolution regarding disposal of data containing personally identifying information.

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

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V. Employees of the District shall be notified by the Library Director and Finance Director that they must enroll themselves with PERA as provided in the Act, with membership to be effective January 1, 2024 as soon as eligible thereafter.

ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

**BOULDER PUBLIC LIBRARY DISTRICT**

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Secretary

**CERTIFICATION**

I certify that the foregoing RESOLUTION AUTHORIZING AN APPLICATION AND AFFILIATION WITH THE COLORADO PUBLIC EMPLOYEES’ RETIREMENT ASSOCIATION AND AGREEING TO APPROPRIATE FUNDS FOR PARTICIPATION IN THE SAME was approved by the governing Board of Trustees at a publicly noticed and open meeting on the date stated.

\_\_\_\_\_  
David Farnan, Library District Director

**NOTICE TO EMPLOYEES  
OF  
BOULDER PUBLIC LIBRARY DISTRICT**

**NOTICE PURSUANT TO § 8-13.3-122, C.R.S. AND 7 CCR 1107-2.6(A)(2), NOTIFYING  
DISTRICT EMPLOYEES OF THE FAMILY AND MEDICAL LEAVE INSURANCE  
PROGRAM AND INVITING SUBMITTAL OF WRITTEN COMMENTS ON  
WHETHER TO PARTICIPATE IN THE PROGRAM**

In November 2020, Colorado voters approved Proposition 118, codified in §§ 8-13.3-501, *et seq.*, C.R.S., establishing the Family and Medical Leave Insurance Program (“FAMLI”) to provide Colorado workers paid leave for qualifying family and medical circumstances; and

FAMLI will be funded by premiums paid by Colorado employers, employees, and, independent contractors that elect to participate in the in the program. FAMLI premium collection commences January 1, 2023 (employee benefits will be made available beginning in 2024).

FAMLI premiums for the year 2023 have been set at 0.90% of each employee’s wage, and the premium in subsequent years will vary depending on program needs but will not exceed 1.2% of each employee’s wage.

An employer with ten or more employees must remit the full premium for each employee’s wage (0.90% in 2023) to the FAMLI program, and the employer may (a) pay the full premium in addition to an employee’s wage or (b) deduct half of the premium (0.45% in 2023) from an employee’s wage.

An employer with less than ten employees must remit half of the full premium for each employee’s wage (0.45% in 2023) to the FAMLI program, and the employer may (a) pay the premium in addition to an employee’s wage or (b) deduct the premium from an employee’s wage.

An employee that meets the “covered individual” definition provided in § 8-13.3-503(3), C.R.S., is entitled to FAMLI benefits commencing January 1, 2024. Covered individuals may take up to 12 weeks of paid aggregate family / medical leave (up to 16 weeks for pregnancy complications) in a 12-month period for:

- Birth, adoption, placement, care of a new child during first year after birth, adoption or foster care;
- Care for a family member with a “serious health condition” (including pregnancy);
- An employee’s own “serious health condition” (including pregnancy);
- Exigency leave (active duty military; post deployment or death); or

- Safe leave (employee or employee’s family member is the victim of domestic abuse, stalking or sexual assault / abuse).

The FAMLI paid leave benefit provides a partial income replacement, which is calculated as follows: 90% of an employee’s average weekly wage that equals or is less than half of Colorado’s average weekly wage, and if applicable, 50% of the portion of an employee’s wage that exceeds Colorado’s average weekly wage. However, the maximum weekly benefit prior to 2025 will be capped at \$1,100.

FAMLI provides that any “local government” “employer,” as defined by §§ 8-13.3-503(14), 29-1-304.5(3)(b), C.R.S. and § 8-13.3-502(8), C.R.S., may decline participation in the program upon a majority vote of its governing body, provided the governing body first holds a public hearing on the matter with prior written notice to employees summarizing the program and vote process and giving employees opportunity to submit comments on the matter.

An employee whose local government employer declines participation in the program may elect to individually participate in the program for a minimum of three years by registering with FAMLI and paying 50% of the premium (0.45% of wage in 2023).

The public hearing, declination determination, and notice of a declination to FAMLI must be completed by January 1, 2023, to avoid being subject to premium collection commencing January 1, 2023. If participation is declined by the governing body, then an employee shall receive personal notice of the declination within 30 days of the determination.

The Board of Directors of the Boulder Public Library District has determined to hold a public hearing on whether to decline participation in the FAMLI program.

All District employees are invited to submit written comments and /or speak at the public hearing on whether to participate in the FAMLI program, which will be held at a public meeting on [add date] at [add time and place]. Written comments must be received no later than [add date/time] in order to be considered.

#### Informational Links:

<https://famli.colorado.gov/> (FAMLI Program Homepage)

<https://famli.colorado.gov/individuals-and-families/individuals-and-families-faqs> (FAQ for Individuals and Families)

<https://famli.colorado.gov/individuals-and-families/premium-and-benefits-calculator> (Premium / Benefits Calculator)

<https://famli.colorado.gov/sites/famli/files/documents/Paid%20Family%20and%20Medical%20Leave%20Insurance%20Act-%20CDLE.pdf> (Paid Medical and Family Leave Act)

<https://drive.google.com/file/d/11m3t1jyZxBgu8pF5FkB4-vuNQ9rzXrf/view> (FAMLI Local Government Rules)