

Financial Report

- Total Property Tax Disbursement Revenue for January, February, and March is \$8.7M.
- The organization's assets continue to grow, with the current cash-on-hand balance (including the CD account) at a robust \$21.9M.
\$10M from JPMorgan's CD account matured on March 28th. Interest earned was \$111K. On April 2nd, another 15M was transferred to the CD account.
- Accumulated interest earned from the checking account YTD (January, February, and March) is \$62.4K.
- Total operating expenses for January and February were \$1.6M, and capital was \$284K.
- Board Governance expenses for January and February are \$34.7K.
- We are using Sage Intacct to record current expenditures and print checks. We are no longer using JPMorgan to issue vendor payments. We are creating customized reports and dashboards for the Board and Managers.
- The Café accepts cash and credit card payments. We will provide a monthly expense report from Sage Intacct for the May Board meeting.
- Esther Nakabugo is our new Accounting Specialist. We are training and establishing record-keeping processes to ensure compliance with legal and regulatory requirements.

Boulder Public Library District

Profit and Loss Detail

January - February, 2024

DATE	TRANSACTION TYPE	NUM	NAME	LOCATION	CLASS	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
Ordinary Income/Expenses									
Expenses									
61013 Other Services									
01/31/2024	Bill	I-103887	LATN, INC	05 - Main	Board Governance	for translation of the press release re: Board of Trustee Recruitment	21001 Accounts Payable	107.81	107.81
Total for 61013 Other Services								\$107.81	
64012 Legal Consultants and Fees									
01/31/2024	Bill	86680	Seter & Vander Wall, P.C.	05 - Main	Board Governance	Legal Services - JANUARY	21001 Accounts Payable	16,672.98	16,672.98
02/29/2024	Bill	86775	Seter & Vander Wall, P.C.	05 - Main	Board Governance	Legal Services - FEBRUARY	21001 Accounts Payable	17,358.06	34,031.04
Total for 64012 Legal Consultants and Fees								\$34,031.04	
65002 Board Food									
01/17/2024	Expense		Motomaki	05 - Main	Board Governance	board meeting catering	22014 Chase Credit Card:Chase Card 2844	267.60	267.60
02/14/2024	Expense		Organic Sandwich Company	05 - Main	Board Governance	board catering	22014 Chase Credit Card:Chase Card 2844	222.06	489.66
02/21/2024	Expense		Pizza Colore	05 - Main	Board Governance	board catering	22014 Chase Credit Card:Chase Card 2844	151.85	641.51
Total for 65002 Board Food								\$641.51	
Total for Expenses								\$34,780.36	
Net Income								\$ -34,780.36	

Boulder Public Library District

Profit and Loss

January - February, 2024

	TOTAL
Income	
41001 Fees	1,708.40
41002 Other Revenue	141.39
42001 Book Sale	3,060.28
42002 Donations	45.29
42003 Property Tax Revenue	6,387,518.77
Total Income	\$6,392,474.13
GROSS PROFIT	\$6,392,474.13
Expenses	
60101 Salaries	715,151.74
60103 Overtime	128.50
60104 Severance Pay	12,098.23
60201 Worker's Comp	3,822.00
60204 Medical Insurance	69,001.36
60205 Other Benefits	33,495.00
60206 Payroll-Medicare	9,888.32
60207 Payroll-PERA	65,553.39
60209 Lifestyle Spending Account	-46,718.75
60210 HSA Employer Expense	9,499.62
60211 CO Surcharge	1,018.81
60212 State Tax - Denver Tax	20,877.17
60301 Ad Services and Materials	25.00
60505 Comptr Equipment	12,279.78
60506 Computer Software	38,742.25
60602 Books Processing and Repair	13,678.21
60603 Books Shipping	200.00
60604 Magazines/Newspaper	20,136.14
60607 Books in the bag	99.92
60611 Carnegie Reference Material	165.52
60701 Information Databases	88,613.77
60702 Downloadable & eBooks	101,184.90
60801 Legal and Finance Consultants	1,402.51
60802 Other Consultants	25,417.16
60803 IT Consultants	124,299.29
60901 Courier Services	440.24
61011 Office-Computer Software	1,516.10
61012 Computer Hardware and Repair	7,946.25
61013 Other Services	5,208.77
61020 Fees and Permits	385.00
61021 Bank Fees	824.60
61030 Food - Entertainment	734.92
61031 Food - Travel	1,696.00

Boulder Public Library District

Profit and Loss

January - February, 2024

	TOTAL
61040 Office Supplies	2,714.32
61041 Archival Supplies	280.14
61042 Printing and Copy Charges and Supplies	2,156.61
61043 Postage and Mail	1,108.10
61044 Building Supplies and Materials	3,469.60
61050 Liability Insurance	58,315.91
61070 Janitorial and Custodial Svcs	462.15
61090 Phone and Internet	8,007.10
61100 Prof Dev and Memberships	1,777.38
61101 Cafe Supplies	720.45
61110 Program Services	22,811.96
61111 Program Supplies and Materials	12,215.06
61120 Security Services	51,946.80
61130 Business travel	18,542.40
61140 Gas and Electric	6,659.49
61141 Water	2,857.68
61150 Vehicle Maintenance	3,438.03
61151 Solid Waste Management Fees	2,905.95
63001 Adult Fiction Books	19,953.17
63002 Adult Non-Fiction Books	20,878.21
63003 Kids Fiction Books	9,074.64
63004 Kids Non-Fiction Books	731.57
63005 Media	3,654.78
63012 Large Print Books	1,286.98
63100 Opening Books Collection	24,298.25
64011 HR Consultants and Memberships	2,598.36
64012 Legal Consultants and Fees	34,031.04
64056 Building Lease	4,113.69
64063 Security Equipment and Repair	3,350.53
65001 Volunteer Food	371.04
65002 Board Food	641.51
65021 Appreciation gifts and gift cards	100.00
Uncategorized Expense	19.97
Total Expenses	\$1,664,304.59
NET OPERATING INCOME	\$4,728,169.54
Other Income	
70010 Interest	35,924.67
Total Other Income	\$35,924.67
NET OTHER INCOME	\$35,924.67
NET INCOME	\$4,764,094.21

MEMORANDUM

TO: Boulder Public Library District

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

DATE: April 15, 2024

RE: Legal Status Report for the April 16, 2024 Trustees' Meeting

This is our legal status report for the April 16, 2024 Board of Trustees meeting.

Executive Session Regarding Personnel Matter and Real Estate

Task: We have been asked to prepare the notice and motion for an executive session on a personnel matter and real estate discussions.

Status: Proposed Motion:

I move the Board move into executive session to discuss personnel matters as allowed by Section 24-6-402 (4) (f) and contract negotiations as allowed by Section 24-6-402 (4) (e); and negotiations concerning real estate matters as allowed by Section 24-6-402 (4) (a) with regard to the Gunbarrel branch library.

The board may enter executive session upon approval of 2/3 of the Trustees present.

Action: No additional action required.

Gunbarrel Branch Library Lease

Task: Review and revise Gunbarrel Lease.

Status: I have been making a lot of changes to the draft Gunbarrel Lease presented to the Library. I talked to the attorney who drafted it last week but he is now out of town until the 22nd. By that time, I will have completed my changes and circulated a draft for review.

{00729773}

Action: None required. The final lease will be brought to you when it is ready.

Resolution re Financial Policies

Task: Prepare a resolution to repeal the original financial policies and adopt the new policies that are under consideration.

Status: See attached draft to be used when you are ready to adopt the new policies.

Action: None required until the policy is ready for adoption.

New Executive Director Contract

Task: Prepare new executive director contract.

Status: A draft copy was attached to the last Status Report. A copy with additional comments is attached here.

Action: As determined by the Board.

Records Retention Policy-Completed

Task: Consider adoption of the Resolution Adopting The Special Districts Records Management Manual Of The Colorado State Archives and Resolution Regarding Disposal of Personally Identifying Information.

Status: Resolutions approved and signed. This matter will be removed from the next report.

Action: None required.

Transition Process for Administrative Work-Ongoing Matter

Task: Transition minutes, notices, agenda preparation, records management etc. to BPLD personnel.

Status: Archives and other matters will be transitioned as capacity warrants.

Action: None required.

Additional Projects Underway

- a. Policy and procedure regarding 1st Amendment Audit matters.
- c. Policy and procedure regarding limited public forum matters.

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

A RESOLUTION ADOPTING THE BOULDER PUBLIC LIBRARY FINANCE POLICEIS
AND REPEALING AND REPLACING ITS BOULDER PUBLIC LIBRARY DISTRICT
AUTHORIZATION OF EXPENDITURES POLICY ADOPTED 06/13/2023

- 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 Board of Trustees adopted various spending and financial policies prior to the date of this resolution including the Authorization of Expenditures Policy and policies previously promulgated by the Boulder Public Library Commission before the formation of the District Board of Trustees in order to fulfill its obligation to have exclusive control over library funds found in Section 24-90-109 (1) (c) (II), C.R.S. on an interim basis.
- D. The Board of Trustees now deems it in the best interest of the District’s citizens and the District that new and more comprehensive policies be adopted affective on the date of this Resolution and that all prior resolution and policies inconsistent with the new policies be repealed.

NOW, THEREFORE, the Board of Trustees of the District **RESOLVES**:

- I. The following Library District Finance Policies are approved affective this _____ day of _____, 2024.

- Asset Management Policy
- Audit Policy
- Annual Budget Policy
- Debt or Long-term Financial Obligation Policy
- Purchasing Policy
- Purchasing Card Policy/Procedure
- Gift Card Policy/Procedure
- Grant Policy/Procedure
- Travel and Business meal Policy
- Vendor Management Policy/Procedure

(the "**Finance Policies**"). Copies of the Finance Policies are attached.

II. All prior policies and/or procedures that were approved or adopted by the Board of Trustees concerning the topics of the Policies are hereby repealed and shall be of no further affect.

III. All other policies and procedures previously approved by the Board of Trustees remain in affect as written.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2024.

BOULDER PUBLIC LIBRARY DISTRICT

By: _____
President

ATTEST:

By: _____
Secretary

It is \$183,346.54. This does not include benefits.

BOULDER PUBLIC LIBRARY DISTRICT DIRECTOR

CONTRACT

This Boulder Public Library Director Contract (“**Contract**”) is entered into this _____ day of June, 2024 by and between the Boulder Public Library District (“**District**”) by its Board of Trustees (the “**Board**”), and David Farnan (“**Farnan**”).

AGREEMENT

ENGAGEMENT AS DIRECTOR OF THE BOULDER PUBLIC LIBRARY DISTRICT

A. Effective Date. The following terms and conditions shall be effective upon approval and execution of this Contract by both parties.

B. Employment. Pursuant to its powers under § 24-90-109 (c), C.R.S., the Board of Trustees employs, and Farnan agrees to accept employment, as Director (“**Director**”) of the Library District.

C. Term. This Contract is for a term ending December 31 of the subsequent year. Unless otherwise terminated, the Contract will automatically renew on January 1 each year for successive periods of one (1) year each, subject, however, to annual appropriation by the Board of Trustees and potential adjustment of salary and other matters to be agreed upon before December 15th of the preceding year. Farnan understands and agrees that he serves at the will and pleasure of the Board.

D. Duties. Shall lead and direct a program of library services for the residents of the Library District under the direction and review of the Board. Duties under this Contract include:

1. Leadership: To be a public presence for the Library District and a partner in community projects, inspiring community support through active involvement in community organizations and activities;
2. Planning: To lead a district-wide planning process to establish the mission, goals, and objectives of the Library District;
3. Policy Development: To assist the Board in developing policies that pertain to all aspects of Library District operations to promote exemplary service to the public;
4. Policy Implementation: To implement policies adopted by the Board with fairness and consistency;
5. Program Development: To direct the development and implementation of a variety of contemporary services that meet the diverse needs of public audiences in a friendly and helpful setting;

Doug Under the term, this should be adjusted to reflect the actual term until the end of the year and then it could automatically renew.

KJT: Or change to end of May and keep that schedule to match budget cycle. That was what the Bd agreed to earlier.

8. As far as I understand it, we only approve the hiring of the Director. If this is the case, we may look to delete this section or modify it to say he will hire consistent with staffing levels approved by the Board.

KJT: I think 8 applies to attys, consultants hired by board (7 is staffing)

6. Collection Development: To grow and make easily accessible a first-class collection of print and non-print media that encompasses the ethnic and cultural diversity of the communities served by the Library District and that represents a wide variety of viewpoints;
7. Staffing: To build an organizational culture of service and commitment through selection and development of staff;
8. Employment Recommendations: To recommend individuals for employment by the Board consistent with the policy, staffing, and development needs of the Library District;
9. Finance: To formulate and administer an annual budget, implement investment strategies, and be accountable to taxpayers through regular reports to the Board and the public;
10. Communications and Marketing: To learn the service needs of the public and to provide frequent and on-going information to the public and staff regarding Library District services and operations;
11. Facilities: To maintain attractive, safe, comfortable, and convenient buildings and vehicles to serve the public;
12. Technology: To provide up-to-date technical software, equipment, training, and support for the public and the staff;
13. Foundation and Fundraising: To collaborate with the Boulder Public Library Foundation in establishing goals and priorities and actively participate in fundraising for the benefit of the library;
14. Professional Involvement: To engage the Library District in cooperative activities with other libraries, participate in activities of the State Library, and assume leadership roles in state, regional, and national library organizations;
15. Legislative Involvement: To inform the Board of opportunities to actively engage in advocacy for libraries at all levels of government- local, county, state, and federal;
16. Board Meetings and Reports: To prepare the agenda for each Board meeting, present a monthly report of library activities to the Board, and submit an annual report to the State Library and appropriate local governments;
17. Other: To be responsible for any other reasonable acts or duties, consistent with the foregoing, as may be prescribed by the Board or are necessary for the orderly and efficient management and control of the Library District.

E. Compensation. Annual compensation for services under this Contract shall be the amount determined by the Board. The compensation shall be payable in the same manner as

the compensation of Library District employees. The Board may from time to time review the compensation to be paid under this Contract and may increase or decrease said compensation as it deems appropriate. Upon the request of the Board, Director will participate in performance and compensation reviews with the Board or any subcommittee designated for this task.

F. Vacation, Sick Leave, and Holidays. The Director shall be entitled to paid vacation leave based on his original date of hire as provided in Library District personnel policies, as amended from time to time.

G. Insurance Coverage and Retirement Benefits. Director shall be included in the life and health insurance coverage and retirement benefits available to all full-time salaried employees of the Library District.

H. Reimbursements. Director shall be reimbursed by the Library District for the following employment-related expenses upon submission of Library District reimbursement forms and related documentation:

Doug: Should we consider reimbursement for local organization membership fees? It may be advantageous for the Director to sit as a member of certain organizations, e.g. the downtown boulder business district or the historical society. I believe this is also in line with Duties, section D.1.

1. Conference attendance for professional organizations, to a maximum per year as set forth in the Library District budget.
2. Registration fees, lodging, and meals for seminar or meeting attendance to a maximum per year as set forth in the Library District budget.
3. Business meals, to a maximum per year as set forth in the Library District budget.
4. Mileage reimbursements at the rate and for the purposes allowed by the Internal Revenue Service.

I. Termination.

1. Termination Without Cause. This Contract may be terminated by either party for any or no reason upon not less than one hundred eighty (180) days written notice.
2. Termination for Cause. This Contract may be terminated by either party for cause at any time. In the event of termination for cause, which shall be determined in the Board's sole discretion, Director will be paid accumulated Paid Time Off, if any, as provided in the Personnel Manual for full-time salaried employees.

“Cause” for purposes of this Agreement may be defined as: (i) fraud, misappropriation or embezzlement of District funds or property; (ii) intentional breach of the provisions of this agreement; (iii) repeated willful failure to perform services hereunder; and/or (iv) incapacity; and, (v) articulated reasons deemed appropriate by a majority vote of the Board.

KJT:
Good idea.
Bd should discuss

J. Miscellaneous.

1. Contract Employee: The Director position is a contract position, is governed entirely by this Contract and is not subject to Library District Personnel Policies except as specifically provided herein.
2. Governing Law: This Contract shall be governed by the laws of the State of Colorado.
3. Acknowledgement of Public Record: Director acknowledges and agrees by his signature below that the amount of salary and benefits paid pursuant to this Contract are a matter of public record, which may be disclosed by the Library District and Board.
4. No Waiver of Right to Enforce: The failure of either party to enforce any of the provisions of this Contract shall not be construed as a waiver of such provisions or terms, nor shall the right of that party thereafter to enforce such terms or provisions be impaired.
5. Delegation of Duties: Director may delegate or assign the duties and obligations set forth in this Contract to the extent authorized by the Board, but no such delegation or assignment shall relieve Director of the responsibility for the delegated obligation or duty.
6. Entire Agreement: This Contract constitutes the entire agreement between the parties hereto, and there are no agreements or understandings relating to the subject matter hereof which are not fully set forth within this Contract. All prior discussions concerning the subject matter hereof are merged herein and superseded hereby. No modification, amendment, or revision of this Contract shall have any force or effect unless set forth in writing and executed by both parties hereto.
7. Notice: All notices required or permitted under this Contract shall be in writing and shall be deemed given when personally served on the Director, the Board of Trustees or the President of the Board of Trustees.

[THIS AREA INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

Boulder Public Library District

Katharine J. Teter, President

Attest:

David Farnan

DRAFT