

Colorado Library Law – The Quick Guide

Comparison of Library Districts and a Regional Library Authority

CRS 24-90-107,108,109,112,113.3, 114 CRS 24-90-110.7

Library District (LD) CRS 24-90-107,108,109, 112, 113.3, 114	Regional Library Authority (RLA) CRS 24-90-110.7	Both
<p>Definition:</p> <p>Library District is a governmental unit created by one or more cities or counties.</p> <p>Library District is a political subdivision of the state, like special districts, cities, towns, and counties.</p>	<p>Regional Library Authority is a governmental entity created by an agreement between two or more governmental units. These could be cities, counties, and/or library districts.</p> <p>Participants agree to finance, operate, and maintain publicly-supported library services for the agreed-upon regional area.</p>	
<p>Method of Establishment:</p> <p>Library Districts are formed by a resolution of ordinance from a city or a county OR by a petition.</p> <p>Specific requirements and procedures are found in CRS 24-90-107</p> <p>Any new or increased tax requires voter approval.</p>	<p>Regional Library Authority (RLA)</p> <ul style="list-style-type: none"> ▪ Can't be formed unless each governmental unit passes a resolution or ordinance AND has a contract with the other units. ▪ Resolution or ordinance must describe legal service area (LSA) of the authority, the governance, and state that the electors shall approve sales and/or use tax or any ad valorem tax before taxes can be levied. ▪ Boundary of the RLA may not be less than the entire area of any municipality and any other unit forming the RLA, except that it may be less than the entire area of a county. ▪ Any new or increased tax requires voter approval. 	<p>Both Library District and Regional Library Authority must hold at least one public hearing addressing the purposes, powers, rights, obligations, and responsibilities of each unit which is forming the district or library authority. The Legal Service Area (LSA) must be identified and specify the mill levy or other type and/or amount of funding.</p> <p>Any new or increased tax requires voter approval.</p>
<p>Contract or written agreement:</p> <p>CRS 24-90-109 (p) A contract or inter-governmental agreement (IGA) may be made after the establishment of the district and after appointment of trustees.</p> <p>Contract for library services is between each participating governmental unit and the library district board.</p>	<p>CRS 24-90-110.7 (2)</p> <ul style="list-style-type: none"> ▪ Contract must be signed before the establishment of the Regional Library Authority (RLA). ▪ Effected within 90 days. ▪ Between each participating governmental unit. ▪ Must describe boundaries of the RLA. ▪ Must address governance of RLA. 	

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<p><i>Example: between the library district and a school board OR the library district and a municipality, OR the library district and the county that will pay for extending services to non-district residents.</i></p> <p>CRS 24-90-113.3 A governmental unit (municipality, county, school district) may contract to receive library services from an existing library. Contract must specify:</p> <ul style="list-style-type: none"> ▪ geographic area covered by contract ▪ amount of money paid to library ▪ length of contract ▪ any other necessary information. 	<ul style="list-style-type: none"> ▪ Must address financial obligations for each unit in the RLA. ▪ Must designate a financial officer. ▪ Electors must approve sales or use taxes, or ad valorem taxes. ▪ May modify Legal Service Area (LSA) boundaries after establishment. ▪ How property or assets will be disbursed; divided, or distributed. ▪ Terms for contract continuation or termination agreements; ▪ Contracts can't be terminated if there are financial obligations unless escrow payment arrangements are made. ▪ Expected sources of revenue and any other requirements. 	
<p>Board of Trustees:</p> <p>CRS 24-90-108 Board size must be 5-7. Must be chosen from residents in the Legal Service Area. (LSA)</p> <ul style="list-style-type: none"> ▪ initial board is appointed by establishing governmental unit(s) ▪ adopt bylaws, rules, and regulations for guidance ▪ vacancies to be filled as soon as possible ▪ bylaws must define 'good cause' for removal of trustee ▪ officer designations and how they're elected/appointed ▪ meeting conduct rules ▪ how to amend bylaws ▪ length and term numbers of board members ▪ file bylaws with legislative body of each governmental unit. 	<p>CRS 24-90-110.7 (2)(c) Board of Directors – no size specified. Contract with establishing governmental units must specify:</p> <ul style="list-style-type: none"> ▪ number of directors ▪ how appointed ▪ terms of office ▪ compensation (if any)* ▪ how to fill vacancies ▪ officers—how selected and duties ▪ voting requirements for board action ▪ a majority is a quorum, and is required for actions. <p><i>* board members cannot be paid to serve</i></p>	
<p>Powers and Duties:</p> <p>CRS 24-90-10</p> <ul style="list-style-type: none"> ▪ Have supervision and care for library property, rooms, and buildings. ▪ Employ a librarian, and other staff as recommended by librarian. ▪ Prescribe salary and duties. ▪ Submit budget, and certify the sums necessary to operate in the coming year. 	<p>CRS 24-90-110.7(3)</p> <ul style="list-style-type: none"> ▪ Acquire, construct, finance, operate, or maintain public library services located in the boundaries of the authority. ▪ Make and enter into contracts. ▪ Employ agents and employees. ▪ Acquire, hold, lease, sell, or dispose of real or personal property, commodity, or service. 	

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<ul style="list-style-type: none"> ▪ Adopt a budget and make appropriations. ▪ Accept gifts, money, and property. ▪ Hold and acquire land by gift, lease, or purchase. ▪ Lease, purchase, or build as needed. ▪ Sell, assign, transfer, or convey library property no longer needed. ▪ Make a finding that the property is no longer necessary. If property is going to another governmental agency, a finding isn't needed. ▪ Borrow funds with a short-term loan – no longer than six months. ▪ Authorize bonding of financial persons. ▪ Conduct an annual audit. ▪ Authorize purchase of library materials end equipment. ▪ Hold title to property given to library ▪ Have authority to enter into contracts ▪ Send the Public Library Annual Report to the State Library. ▪ May allow nonresidents to use the library materials, equipment and services. ▪ Serve as a repository for school district collective bargaining agreements. 	<ul style="list-style-type: none"> ▪ Adopt, by resolution, rules respecting the exercise of its powers and the carrying out of its purposes. 	
<p>Funding</p> <p>CRS 24-90-107 (3) (a) (V) Mill levy or other type/amount of funding specified in the resolution or ordinance by the establishing bodies OR in the establishing petition.</p> <p>CRS 24-90-112 CRS 24-90-112.5 May raise mill levy or issue bonds if electors approve.</p>	<p>CRS 24-90-110.7(2)(f) and CRS 24-90-110.7(3) If the RLA levies taxes the contract must state:</p> <ul style="list-style-type: none"> ▪ that the RLA adopt a resolution about levying taxes or fees; ▪ be fair with, and not impose undue burden on anyone; ▪ the taxes will conform other CRS requirements ▪ a designated financial officer to coordinate collection ▪ this person shall identify businesses eligible to collect sales and use taxes. <p>Taxation powers:</p> <ul style="list-style-type: none"> ▪ Sales or use tax, or both ▪ Ad valorem tax* <p><i>*A percentage of value tax. Sales, income, and property taxes are three of the more popular ad valorem taxes</i></p>	<p>All funding levies must be approved by electors in the legal service area of the Library District or Regional Library Authority (RLA).</p>

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<p>State Constitution - Article X (TABOR)</p> <p>Approval of any tax levy must conform to the Taxpayer Bill of Rights (TABOR) requirements.</p>	<p><i>devised by government.</i></p> <p>State Constitution - Article X (TABOR)</p> <p>Approval of any tax levy must conform to the Taxpayer Bill of Rights (TABOR) requirements.</p>	<p>State Constitution - Article X (TABOR)</p> <p>Approval of any tax levy must conform to the Taxpayer Bill of Rights (TABOR) requirements.</p>
<p>Abolishment</p> <p>CRS 24-90-114 Library District may be abolished only by a vote of the registered electors in the district. Board of Trustees will dispose of the materials and equipment.</p>	<p>CRS 24-90-110.7 (2)(e) The contract between the governmental units shall specify the length of the contract or method of termination of the Regional Library Authority.</p>	

Note: Further specific Regional Library Authority powers, restrictions, and requirements are found in the full CRS 24-90-110.7 text: <http://www.ColoradoStateLibrary.org/LibraryLaw/download/LibraryLawRev080509.pdf>

See also the Quick Guide for the Regional Library Authority at www.ColoradoStateLibrary.org/LibraryLaw/download/QuickGuideRLA.pdf

* This is a rough, non-legal summary of the statutes. Consult with your respective city, county, or district lawyers for legal advice on, and implications of, Colorado Library Law, or call the Colorado State Library for additional information.

For further Public Library Information: www.ColoradoStateLibrary.org/LibraryDevelopment/PublicLibraries



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