

Colorado Library Law – The Quick Guide Boards and Trustees CRS 24-90-108, 109

Board of Trustees of Public Libraries CRS 24-90-108	Rough, non-legal summary of statute: Board of trustees of public libraries*
<p>(1) The management and control of any library established, operated, or maintained under the provisions of this part 1 shall be vested in a board of not fewer than five nor more than seven trustees. Appointees to the library board of trustees shall be chosen from the residents within the legal service area of the library.</p>	<ul style="list-style-type: none"> ▪ Board size must be 5-7. ▪ Must be chosen from residents in the legal service area.
<p>(2) (a) In cities and towns the trustees shall be appointed by the mayor with the consent of the legislative body. (b) In counties the trustees shall be appointed by the board of county commissioners. (c) In library districts, the legislative body of each participating governmental unit shall appoint two of its members to a committee that shall appoint the initial board of trustees. In a library district established by only one governmental unit, the legislative body of the governmental unit shall decide the number of members to be appointed to the committee formed to appoint the initial board of trustees in accordance with the requirements of this paragraph (c). Thereafter, any such legislative body may either continue such a committee or delegate to the board of trustees of the library district the authority to recommend new trustees. Trustee appointments shall be ratified by a two-thirds majority of the legislative body; except that the failure of a legislative body to act within sixty days upon a recommendation shall be considered a ratification of such appointment. (d) In school districts the trustees shall be appointed by the school board. (e) For joint libraries, the trustees shall be appointed by the legislative bodies of the participating governmental units unless otherwise specified in the contract.</p>	<ul style="list-style-type: none"> ▪ City/towns: appointed by mayor in w/ legislative body consent. ▪ Counties: appointed by county commissioners. ▪ Districts: initially, shared appointment through committee. Then, process can continue, or be delegated to the District. Must act within 60 days, or it is ratified. ▪ School district libraries: school board appoints. ▪ Joint: appointed by both legislative bodies, unless a different procedure is mutually agreed upon.
<p>(3) (a) The first appointments of such boards of trustees shall be for terms of one, two, three, four, and five years respectively if there are five trustees, one for each of such terms except the five-year term for which two shall be appointed if there are six trustees, and one for each of such terms except the four-year and five-year terms for each of which two shall be appointed if there are seven trustees. Thereafter, a trustee shall be appointed for the length of term specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees. The number of terms a trustee may serve shall be specified by the legislative body or, in the case of a library district, by the bylaws adopted by its board of trustees. (b) Vacancies shall be filled for the remainder of the unexpired term as soon as possible in the manner in which trustees are regularly chosen.</p>	<ul style="list-style-type: none"> ▪ Terms must be staggered, according to the number of trustees. ▪ By-laws of District or legislative body determine length term length. ▪ Fill vacancies soon, according to regular procedure.
<p>(4) A trustee shall not receive a salary nor other compensation for services as a trustee, but necessary traveling and subsistence</p>	<ul style="list-style-type: none"> ▪ Trustees can't be paid, but expense reimbursements are OK.

expenses actually incurred may be paid from the public library fund.	
(5) A library trustee may be removed only by a majority vote of the appointing legislative body or bodies, but only upon a showing of good cause as defined in, but not limited to, the bylaws adopted by the board.	<ul style="list-style-type: none"> ▪ Only a majority vote of the appointing body can remove a trustee – must show good cause.
(6) The board of trustees, immediately after their appointment, shall meet and organize by the election of a president and a secretary and such other officers as deemed necessary.	<ul style="list-style-type: none"> ▪ Must meet immediately to name a president, secretary; may have other needed officers.

Powers and Duties of Board of Trustees CRS 24-90-109	Rough, non-legal summary of the statute: Powers and duties of board of trustees*
<p>(1) The board of trustees shall:</p> <p>(a) Adopt such bylaws, rules, and regulations for its own guidance and for the government of the library as it deems expedient. The bylaws shall include, but not be limited to, provisions for the definition of good cause to be applied in the removal of a trustee pursuant to section 24-90-108 (5); designation of those officers to be appointed or elected and the manner of such appointment or election; rules and regulations for the conducting of meetings; rules for public participation in meetings; and procedures for amending the bylaws. The bylaws of a library district shall further provide for the length and number of terms of board members. A copy of the bylaws shall be filed with the legislative body of each participating governmental unit.</p> <p>(b) Have supervision, care, and custody of all property of the library, including rooms or buildings constructed, leased, or set apart therefor;</p> <p>(c) Employ a librarian and, upon the librarian's recommendation, employ such other employees as may be necessary, prescribe their duties, and fix their compensation;</p> <p>(d) Submit annually a budget as required by law and certify to the legislative body of the governmental unit which the library serves the sums necessary to maintain and operate the library during the ensuing year;</p> <p>(e) (I) In county and municipal libraries, have exclusive control and spending authority over the disbursement of the library funds as appropriated by its legislative body, including all assets of the public library fund, as set forth in section 24-90-112 (2) (a);</p> <p>(II) In library districts, adopt a budget and make appropriations for the ensuing fiscal year as set forth in part 1 of article 1 of title 29, C.R.S., and have exclusive control and spending authority over the disbursement of library funds as set forth in section 24-90-112 (2) (a);</p> <p>(f) Accept such gifts of money or property for library purposes as</p>	<ul style="list-style-type: none"> ▪ Adopt bylaws, rules and regulations for guidance. ▪ Bylaws must define 'Good cause' for removal of trustee. <ul style="list-style-type: none"> 1. Designation of officers and how they're elected/appointed. 2. Meeting conduct rules. 3. How to amend bylaws. 4. Length and term numbers of board members. ▪ File bylaws with legislative body of each governmental unit. ▪ 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 to the legislative body the sums necessary to operate in the coming year. ▪ County/municipal libraries: have exclusive control over spending authority over disbursement of library funds. ▪ District: adopt a budget and make appropriations (per CRS title 29, article 1, part 1). ▪ Accept gifts, money, and property.

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<p>it deems expedient;</p> <p>(g) Hold and acquire land by gift, lease, or purchase for library purposes;</p> <p>(h) Lease, purchase, or erect any appropriate building for library purposes and acquire such other property as may be needed therefor;</p> <p>(i) Sell, assign, transfer, or convey any property of the library, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve, and lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. The board, prior to the conveyance of such property, shall make a finding that the property may not be needed within the foreseeable future for library purposes, but no such finding shall be necessary if the property is sold or conveyed to a state agency or political subdivision of this state.</p> <p>(j) Borrow funds for library purposes by means of a contractual short-term loan when moneys are not currently available but will be in the future. Such loan shall not exceed the amount of immediately anticipated revenues, and such loan shall be liquidated within six months.</p> <p>(k) Authorize the bonding of persons entrusted with library funds;</p> <p>(l) (I) In the case of a county or municipal library, submit financial records for audit as required by the legislative body of the appropriate governmental unit; or (II) In the case of any library district, conduct an annual audit of the financial statements of the district.</p> <p>(m) Authorize the purchase of library materials and equipment on the recommendation of the librarian;</p> <p>(n) Hold title to property given to or for the use or benefit of the library, to be used according to the terms of the gift;</p> <p>(o) Do all other acts necessary for the orderly and efficient management and control of the library;</p> <p>(p) Have the authority to enter into contracts;</p> <p>(q) Receive the true and correct copies of all school district collective bargaining agreements submitted pursuant to the "Colorado School Collective Bargaining Agreement Sunshine Act", section 22-32-109.4, C.R.S., and create a repository for all of said current collective bargaining agreements at the library that is available to the public for inspection during regular business hours in a convenient and identified location.</p>	<ul style="list-style-type: none"> ▪ 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 money when needed on short-term loan, and liquidate within 6 months. ▪ Bond persons entrusted with funds. ▪ County/municipal: submit financial records to legislative body for audit; ▪ District: conduct annual audit of financial statements. ▪ Authorize purchase of materials and equipment recommended by the librarian. ▪ Hold title for property and gifts to the library. ▪ Do anything else needed for management and control of the library. ▪ Enter into contracts. ▪ Receive correct copies of collective bargaining agreements produced by school districts, and open them to inspection.

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<p>(2) At the close of each calendar year, the board of trustees of every public library shall make a report to the legislative body or bodies of the appropriate governmental unit or units showing the condition of its trust during the year, the sums of money expended, and the purposes of the expenditures and such other statistics and information as the board of trustees deems to be of public interest.</p>	<ul style="list-style-type: none"> ▪ Report at the end of the calendar year to the legislative body: conditions of trust, money expended and purpose, and anything else of interest.
<p>(2.5) At the close of each calendar year, the board of trustees of every public library shall make a report to the state library in the form of a response to a survey to be designed and administered by the state library. The report shall contain such other statistics and information as may be required by the state library.</p>	<ul style="list-style-type: none"> ▪ Respond to the State Library's public library survey at the end of the calendar year.
<p>(3) The board of trustees of a public library or the governing board of any other publicly-supported library, under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon may allow non-residents of the governmental unit which the library serves to use such library's materials and equipment and may make exchanges of books and other materials with any other library, either permanently or temporarily.</p>	<ul style="list-style-type: none"> ▪ May allow non-residents to use the library, following its own established rules. ▪ May exchange materials with other libraries.
<p>(4) In addition to the powers and duties of a board of trustees specified in subsection (1) of this section, the board of trustees of a school district supported public library, municipal library, county library, or a library district shall have the authority to request of the board of education in the case of a school district supported public library, the legislative body of the city or town in the case of a municipal library, or the board of county commissioners in the case of a county library or library district that an election be held to alter the maximum tax levied to support the school district supported public library, municipal library, county library, or library district pursuant to section 24-90-112 (1) (b) (III). For purposes of this subsection (4), "school district supported public library" means any library solely established and maintained by a school district for which such school district began levying a tax before the enactment of the "Colorado Library Law" on July 1, 1979. For all other purposes under this article, a school district supported public library shall be deemed a public library.</p>	<ul style="list-style-type: none"> ▪ May request from appropriate legislative body/ies that an election be held to alter the maximum tax levied to support the library.

* 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.cde.state.co.us/cdelib/LibDev/PubLib/publibrary.htm



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