

Colorado Library Law – The Quick Guide

Method of Establishment

CRS 24-090-107

Method of Establishment CRS 24-90-107	Rough, non-legal summary of statute: Method of Establishment *
<p>(1) A municipal or county library may be established for a governmental unit either by the legislative body of said governmental unit on its own initiative, by adoption of a resolution or ordinance to that effect, or upon petition of one hundred registered electors residing in the proposed library's legal service area. A joint library may be established by the legislative bodies of two or more governmental units, and a library district by the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect. A library district may also be formed by petition of one hundred registered electors residing within the proposed library district addressed to the boards of county commissioners in each county in the proposed library district.</p>	<ul style="list-style-type: none"> ▪ Municipal or county libraries may be established by resolution or ordinance or by petition of 100 registered electors. ▪ Joint libraries established by two or more governmental units. ▪ Library districts are formed by resolution or ordinance of one or more governmental units or by petition of 100 electors.
<p>(2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:</p> <p>(a) Public hearings following notice shall be held by those governmental units forming the public library. Such notice shall set forth the matters to be included in the resolution or ordinance and shall fix a date for the hearing which shall be not less than thirty nor more than sixty days after the date of first publication of such notice.</p> <p>(b) Such public hearings shall include discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.</p> <p>(c) The resolution or ordinance shall describe the proposed library's legal service area, identifying any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.</p> <p>(d) Upon the adoption of the resolution or ordinance, the legislative body or bodies shall establish the public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting the establishment or, if any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors is to provide the financial support, following elector approval of that levy.</p> <p>(e) Upon establishment of a joint library or library district, and after appointment of the library board of trustees, a written agreement between the legislative body of each participating governmental unit and the library board</p>	<p>Resolution or ordinance procedure:</p> <ul style="list-style-type: none"> ▪ Public hearings held within 30-60 days. ▪ Powers, rights, obligations, responsibilities, especially financial must be discussed. ▪ Ordinance or resolution must describe Legal Service Area (LSA), mill levy, type, and/or amount of funding. Any new or increased tax requires voter approval. ▪ Establishment and financial support begins on January 1 of the following year. Any new or increased tax requires voter approval. ▪ Joint library or library district requires a written agreement between establishing governmental

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<p>of trustees shall be effected within ninety days and shall set forth fully the rights.</p>	<p>unit(s) within 90 days.</p>
<p>(3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:</p> <p>(a) The petition shall set forth:</p> <p>(I) A request for the establishment of the library;</p> <p>(II) The name or names of the governmental unit or units establishing the library;</p> <p>(III) The name of the proposed library, and for a library district, the chosen name preceding the words "library district"</p> <p>(IV) A general description of the legal service area of the proposed public library with such certainty as to enable a property owner to determine whether or not such property owner's property is within the proposed library's legal service area; and</p> <p>(V) Specification of the mill levy to be imposed or other type and amount of funding and that the electors must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the county or municipal library or library district can be established.</p> <p>(b) Petitions shall be addressed to the legislative body of the county or municipality, or, in the case of a library district, to the boards of county commissioners of each county having territory within the legal service area of the proposed district.</p> <p>(c) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (c), at the time of filing the petition for the establishment of a library district, a bond shall be filed with the county or counties sufficient to pay all expenses connected with the organization of the library district if such organization is not affected.</p> <p>(II) Except as otherwise provided in subparagraph (III) of this paragraph (c), the board of county commissioners of each county having territory within the legal service area of the proposed library district may:</p> <p>(A) Waive the bonding requirement; and</p> <p>(B) With the consent of the board of trustees of an existing library, pay for the costs of the election for the proposed library district. If the legal service area of a proposed library district includes two or more counties, the costs of election for such library district to be paid by any county pursuant to this subparagraph (B) shall not exceed a percentage of said costs equal to the percentage that the population of the county within the boundaries of the legal service area bears to the total population within the boundaries of such service area.</p> <p>(III) (A) Subject to the provisions of sub-subparagraphs (B) and (C) of this subparagraph (III), the board of county commissioners of each county having territory within the legal service area of the proposed library district shall pay no less than fifty percent of the costs of the election for such library district if the petition submitted pursuant to subsection (1) of this section contains signatures by registered electors residing in the proposed library district in an amount equal to at least five percent of the total number of votes cast in every precinct in the proposed library district for all candidates for the office of secretary of state at the previous general election.</p>	<p>Petition procedure:</p> <ul style="list-style-type: none"> ▪ Written petition must have <ul style="list-style-type: none"> - Request for its establishment. - Name(s) of governmental units establishing the library. - Name of the proposed library. - Legal Service Area (LSA) described. - Mill levy or other type/amount of funding. Any new or increased tax requires voter approval. ▪ Address petition to municipal board or county commission within LSA of proposed library district. ▪ Bond must be filed to pay for district organization expenses. ▪ County Commission(s) may waive bond or pay for the costs of the election in proportion to percent of population within proposed district. ▪ If percentage of petition signatures is less than 5% of votes cast in general election, each county must pay no less than 50% of cost.

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<p>(B) Payment of election costs for any library district shall not be required of any county under this subparagraph (III) more than once every four years.</p> <p>(C) In the case where the legal service area of a proposed library district includes two or more counties, the costs of the election for the library district shall be paid on a prorated basis with each county within the boundaries of the proposed library's legal service area paying a percentage of said costs equal to the percentage that the population of the county within the boundaries of the library's legal service area bears to the total population of such service area.</p> <p>(c.5) Notwithstanding any other provision of this section, the costs of the election of a proposed library district may be assumed by an existing library where the assumption of the costs has been approved by the board of trustees of said library.</p> <p>(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed library's legal service area in accordance with the following provisions:</p> <p>(I) In the case of a municipal library, such election shall be held in accordance with article 10 of title 31, C.R.S., and section 20 of article X of the state constitution, and shall be held on the date of the state biennial general election, the first Tuesday in November in odd-numbered years, or the municipal regular election, whichever is earliest; except that such petition shall be filed at least ninety days before such election.</p> <p>(II) In the case of a library district or county library, such election shall be held in accordance with articles 1 to 13 of title 1, C.R.S., and section 20 of article X of the state constitution, and shall be held on the date of the state biennial general election or the first Tuesday in November in odd-numbered years, whichever is earliest; except that such petition shall be filed at least ninety days before such election.</p> <p>(III) Public hearings shall be conducted by such legislative body or bodies prior to an election and shall include a discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.</p> <p>(e) and (f) (Deleted by amendment, L. 97, p. 411, § 1, effective April 24, 1997.)</p> <p>(g) If a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body of each establishing governmental unit shall forthwith establish such library and provide for its financial support beginning on or before January 1 of the year following the election.</p>	<ul style="list-style-type: none"> ▪ Only once every four years a county must pay for election costs. ▪ If there are two or more counties in a Library District's Legal Service Area, costs are paid on a pro-rated basis by percentage of population. ▪ Election costs may be assumed by an existing library if approved. ▪ When a petition is received, county(ies) establish library district by resolution or ordinance, and submit it to vote of registered electors in Legal Service Area of the Library District. ▪ Municipal library elections must follow Taxpayer Bill of Rights [TABOR] requirements, the Colorado Municipal Election Code, and be held in state general elections or regular municipal elections. ▪ District or county library elections must follow Taxpayer Bill of Rights [TABOR] requirements and state biennial general election, odd-numbered years or whichever is earliest. ▪ File petition 90 days before the election. ▪ Public hearings must be held prior to the election and powers, rights, obligations, responsibilities, especially financial, must be discussed. ▪ Library is established on/before January 1 of following year.

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<p>(h) Upon establishment of a library district, and after appointment of the library board of trustees, a written agreement between the legislative body of each participating governmental unit and the library board of trustees shall be effected within ninety days and shall set forth fully the rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement.</p> <p>(i) If organization of a library district is effected, the district shall reimburse the legislative bodies holding the election for expenses incurred in holding the election.</p>	<ul style="list-style-type: none"> ▪ After the Board is appointed, a written agreement of the agreed-upon powers, rights, obligations, responsibilities, (especially financial) for all parties of the agreement is in effect. ▪ Library District shall reimburse the election costs.

* 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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