



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: April 5, 2022

AGENDA TITLE

Consideration of a motion to adopt Resolution 1305 forming the Boulder Public Library District;

AND; if Resolution 1305 is adopted

Consideration of a motion to establish a council committee and appoint two council members to the committee to act with appointees of the Board of County Commissioners of Boulder County for purposes of appointing an initial Library District Board of Trustees.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Chris Meschuk, Deputy City Manager
David Farnan, Library Director
David Gehr, Interim Director Planning & Development Services
Janet Michels, Senior Attorney
Jennifer Phares, Deputy Library Director

EXECUTIVE SUMMARY

The purpose of this item is for the City Council and Boulder County Board of County Commissioners to consider adoption of a resolution forming the Boulder Public Library District. The conversation about library funding and forming a library district has occurred several times over the past few decades. It was most recently resumed during the 2018 Boulder Public Library Master Plan process. From July 2018 to the present, City Council has examined several options for sustainable funding for the library and has

deliberated about continuing with municipal governance of library services or transferring library services to a library district to pursue voter approval for funding. If City Council and the Boulder County Board of County Commissioners both choose to adopt resolutions to form a library district, registered voters within the district boundary will ultimately decide if a library district is established by voting on a TABOR measure to fund the district during a future election which could be as early as November 2022.

Resolution 1305 describes the name and services of the proposed district, the proposed library's legal service area, the mill levy of up to 3.8 mills with up to \$20,000,000 in property tax dollars to be imposed, and that the district shall obtain funding by the November 2024 election or the district shall be dissolved.

If the resolution is approved by both City Council and the Board of County Commissioners, state library law defines the process for the initial appointment of the district's trustees. A committee consisting of two council members and two county commissioners shall be appointed by the respective bodies to review and appoint trustees, subject to ratification by each governing body.

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Resolution 1305 forming the Boulder Public Library District;

AND; if Resolution 1305 is adopted

Motion to establish a council committee and appoint two council members to the committee to act with appointees of the Board of County Commissioners of Boulder County for purposes of appointing an initial Library District Board of Trustees.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** - The proposed library district boundaries and property tax mill levy recommended by the Library District Advisory Committee is estimated to sustainably fund library services at the library master plan service expansion level. The cost of library services will be shared by more persons.
- **Environmental** - The environmental impact of forming a library district is negligible. Expanding library services into unincorporated Boulder County may have a slight impact by reducing community members' car trips into Boulder to get library services if the district is funded to level so it can establish new library facilities.
- **Social** - A library district board of trustees will be solely responsible to the community for overseeing how the library's budget and other resources are used

to provide library services. Stable funding will allow the library district to extend its reach further into the community to marginalized and underserved members as well as provide more convenient access to services for members who reside in unincorporated Boulder County.

OTHER IMPACTS

- **Fiscal** - Ultimately, the formation of a library district with voter-approved funding through property tax revenues will eliminate the need for the city to provide library services. It is estimated that \$9.5 to \$10.25 million could be made available to fund other city priorities or to reduce the amount of other city taxes.

BACKGROUND

Sustainable Library Funding

The conversation about library funding and forming a library district has occurred several times over the past few decades. It was most recently resumed during the 2018 Boulder Public Library Master Plan process. Library patrons residing in Boulder and in unincorporated Boulder County were invited to share their vision for the library. Community input was collected through a variety of methods¹ and informed the creation of the master plan goals². Respondents to a survey³ and participants in several engagement activities gave input showing a high level of satisfaction with library services and highlighted their priorities for “building a new library in my neighborhood” and investing in “maintaining facilities at a high level.” This input shaped how the goals were organized into three categories:

Maintain Services

Continue to make the most of existing resources with the primary goal of the department to maintain service level and quality. The objectives associated with maintaining service levels are essential operational changes that require limited funding to accomplish.

Meet Community Demand

The objectives associated with addressing community demand are service or capital improvement that should be undertaken when additional funding is available. This includes strategically enhancing existing programs, beginning new alternative programs, addressing 2007 Library Master Plan vision plan goals that were not accomplished, or making other strategic changes that would require additional operational or capital funding.

Expand Services

¹ [2018 Boulder Public Library Master Plan](#), Part 3 Goals and Commitments, page 41.

² [2018 Boulder Public Library Master Plan](#), Part 3 Goals and Commitments, pages 36-63.

³ [Community Engagement and Feedback Report](#), Joining Vision and Action!, pages 37-41.

The objectives categorized as service expansion represent new programs, services and facilities identified through community input that were not included in the previous Master Plan.

To begin to address the master plan goals, the Library Commission⁴ made two recommendations: (1) that a thorough evaluation of future library funding options be completed, and (2) that a broad-based community discussion occur around the complex questions underlying the library long term financial sustainability.

The matter of sustainable library funding was taken up by City Council [July 24, 2018](#) with council's review of the draft library master plan and direction to staff to hire a consultant to conduct a balanced, impartial analysis of all funding needs and options for funding the three master plan service level categories. Council accepted the 2018 Boulder Public Library Master Plan, [September 4, 2018](#).

The members of the firm George K. Baum & Company worked with library and city finance staff to complete a financial analysis that was presented to council [November 27, 2018](#). The funding analysis included estimates for capital costs to complete the construction of a new north Boulder branch library, to open a storefront library in Gunbarrel, and to begin to address deferred maintenance of the library's facilities.

Staff consulted with Kim Seter of Seter Vander Wall, P.C. to provide council with information on governance, process, structure, and asset allocation related to the formation of a library district during the same meeting. Council directed staff to form a project team that included a library commissioner and city council member to hire a polling firm to conduct a statistically valid telephone poll and an online survey to gauge community support for increasing library funding and forming a library district.

The Center for Research and Public Policy was hired to conduct the telephone poll and online survey, the results of which were presented to council on [May 7, 2019](#).

[February 11, 2020](#), staff presented information about the process to form a library district by adoption of a resolution by the establishing entities, or by petition of registered electors. Decisions related to creating an Intergovernmental Agreement (IGA) by the establishing entities and a library district board of trustees was presented. A public hearing was planned for March 17, 2020 but was cancelled due to the suspension of many city services due to the onset of the COVID-19 pandemic.

[February 23, 2021](#), staff presented a review of information about the process of forming a library district by adoption of a resolution by the establishing entities, or by petition of registered electors, and four library funding scenarios that included options at two funding levels:

- A library operating budget with funding up to and including the master plan Service Expansion category for:

⁴ [2018 Boulder Public Library Master Plan](#), Library Commission foreword, pages 5-8.

- 1) A library district
 - 2) Municipal dedicated tax revenues
- A library operating budget with funding for the status quo plus some unfunded needs for:
 - 3) Municipal dedicated tax revenues
 - 4) Municipal undedicated tax revenues

[May 18, 2021](#), council held a public hearing about library funding and governance, and staff presented the options of municipal funding and information about forming a library district by resolution with a timeline for a 2022 election with a TABOR measure to fund the library district. Council directed staff to proceed with the work to consider forming a library district by resolution, including a draft work plan concluding with a TABOR measure to fund the library district in 2022.

Council's direction also requested formation of a Library District Advisory Committee (LDAC) to make recommendations on the decisions included in an IGA between the City of Boulder, Boulder County, and a library district board of trustees. Staff presented the process for forming the LDAC on [August 3, 2021](#). Council endorsed the City Managers appointment of the LDAC members and provided feedback on the committee's scope of work on [October 5, 2021](#). The LDAC presented its recommendations to council for the IGA on [February 8, 2022](#).

Council discussed three key issues regarding decisions for the IGA, [March 15, 2022](#) to inform the language in the resolution to be considered April 5, 2022 and to provide a basis for negotiation of the IGA regarding (1) transfer of assets, (2) board of trustee selection, and (3) the process for dissolution of the library district. On the issue about the process and timing of the dissolution of a library district, the majority of council members present supported that voter approval of a TABOR measure to fund the library district needed to occur by the November 2024 election or the library district would dissolve.

PUBLIC FEEDBACK

February 9 through March 30, 2022, input and questions were collected from community member submissions to a [library district comment form](#), the [library commission contact form](#), and through [Inquire Boulder](#). Submitters were informed that their comments would be summarized and shared with council and they were invited to participate in the upcoming April 5, 2022, joint public hearing with Boulder County Board of County Commissioners about forming a library district.

Comments in favor had the following themes:

- A significant, highly used, city asset should be sustainably funded.
- Funding is needed to restore services.
- Funding the library should be inclusive of all users.
- A tax reduction should be provided.
- There should be a promise for a Gunbarrel branch library.

- Libraries including the Carnegie Library for Local History are like schools and government buildings. They should always be supported, funded and open to the public.

Comments opposed had the following themes:

- Cut other city expenses to fund the library.
- Use other city revenues to fund the library.
- A property tax increase would be unaffordable to many Boulder property owners.
- Distrust of the city's use of the funds that were allocated to the library if a district is formed.

ANALYSIS

Resolution to Form a Library District

Colorado state law defines the process for municipalities and/or counties to establish a library district through resolution/ordinance. Section 24-90-107 (2)(c), C.R.S. states that “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.”

The proposed Boulder Public Library District includes the following geographic area as shown in Attachment 1 of the resolution:

Beginning on the southerly side extending to the Boulder County line, continuing on the westerly side east of Gross Reservoir and extending west to Hwy 72 in areas, to the northerly side north of Overland Rd and Geer Canyon Rd, and following Niwot Rd then north to include Niwot, and to the easterly side following 95th St, and the city limit borders of Lafayette, Louisville, and Superior. This includes the City of Boulder, and unincorporated areas of Gunbarrel, Niwot, Altona, Jamestown, Gold Hill, Salina, Sugarloaf, and Eldorado Springs.

For a detailed interactive map and the ability to search a specific address go to:

<https://experience.arcgis.com/experience/8f0fafc66c7f4d0e9aba1084e37de9b7>

The resolution defines that the initial board of trustees will be seven members, appointed in accordance with the process defined in state law. The resolution also states that the city will engage with the district to establish an intergovernmental agreement as required by § 24-90-107(2)(e), C.R.S., to provide for appointment of trustees, rights, obligations and responsibilities, financial and otherwise of the City, Boulder County and the District, and for the transition of ownership, if any, of municipal library property to the District.

The resolution states that the district will dissolve if funding through voter approval is not obtained by the November 2024 election.

The resolution also states that this formation is contingent on both the City Council and the Board of County Commissioners adopting formation resolutions.

If City Council and the Boulder County Board of County Commissioners choose to adopt resolutions to form a library district, registered voters within the district boundary will ultimately decide if a library district is formalized by voting on a TABOR measure to fund the district during a future election which could be as early as November 2022. The resolution for council's consideration is **Attachment A**.

By adopting resolutions to form a library district both establishing entities, the City of Boulder and Boulder County are determining the district boundary, setting the maximum mill levy, and determining the process for dissolution of the district should the TABOR measure fail.

Committee Appointment via a Motion

If a library district is formed by resolution, April 5, 2022, council will be asked to establish a council committee and appoint through a motion, two councilmembers to serve on a committee to appoint the library district board of trustees. If the BOCC adopts a resolution to form a library district, it will appoint two commissioners to serve on the committee. These elected officials will select seven members to a library district board of trustees. Appointment of the trustees is ratified by a two-thirds majority of each legislative body.

The establishing entities and the library district board of trustees will negotiate an Intergovernmental Agreement (IGA). Among many terms, the IGA will include terms for the establishing entities preferred method of selecting new board of trustee members as terms expire. The two methods⁵ are: (1) The establishing entities continue the committee to select new trustees for board vacancies, and the appointments of the selected new trustees are ratified by a two-thirds majority of each legislative body, or (2) The establishing entities delegate the authority to select and recommend new trustees and the appointments the selected new trustees are ratified by a two-thirds majority of each legislative body.

NEXT STEPS

If City Council and the BOCC, adopt resolutions to form a library district, the next steps in the process are outlined in **Attachment B**.

Potential Outcome if a Resolution to Form a Library District is Not Adopted

If either governing body does not adopt a resolution to form a library district, the matter ends unless a petition of electors is submitted to Boulder County for voters within the district boundary to form a library district and fund it through a property tax increase. In this situation, the petition establishes the district boundary and mill levy.

⁵ Colorado Revised Statutes section 24-90-108(2)(c)

ATTACHMENTS

- A – Resolution 1305 forming the Boulder Public Library District
- B – Timeline after a Library District is formed by Resolution

RESOLUTION 1305

A RESOLUTION TO FORM A LIBRARY DISTRICT WITH BOULDER COUNTY TO BE KNOWN AS THE BOULDER PUBLIC LIBRARY DISTRICT, TO BE FUNDED WITH A MILL LEVY OF NOT TO EXCEED 3.8 MILLS, PROPERTY TAXES NOT TO EXCEED \$20,000,000 AND A REQUIREMENT THAT THE ELECTORS OF THE LIBRARY DISTRICT APPROVE ANY OF THE TAX LEVY NOT PREVIOUSLY APPROVED; AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS AND RECITES THAT:

A. An advocacy group circulated a petition to establish a library district pursuant to § 24-90-101, *et seq.*, C.R.S., with a service area that includes the City of Boulder and parts of Boulder County.

B. The Boulder Library Commission unanimously recommended the creation of a library district as the best path toward a long term financially sustainable library system.

C. The City of Boulder Charter provides for an appropriation of not less than .333 mills in property tax as dedicated funding for the Boulder Public Library. The remaining library operating budget comes from the city's General Fund, grant funds and donations.

D. On September 4, 2018, City Council accepted the 2018 Boulder Public Library Master Plan.

E. The Boulder Public Library provides service and approximately one-third of its library cards to persons outside of the Boulder city limits.

F. The proposed service area for the library district extends to areas in Boulder County that are directly served by the library.

G. The Boulder Public Library Master Plan outlines three service level categories: maintain service levels, meet community demand, and service expansion and identifies funding needs.

H. On November 27, 2018, staff presented City Council with an in-depth financial analysis of the cost of library services and funding needs of Boulder Public Library for each service level outlined in the library master plan.

I. On February 23, 2021, staff presented City Council with options for funding and governance of the library and processes for forming a library district.

J. The library’s 2019 budget provided ongoing funding for the “maintain service levels” category of the library master plan and the 2022 approved budget funds the library to achieve some items within the “meet community demand” service level category of the library master plan.

K. City Council established the Library District Advisory Committee, including residents from both the City of Boulder and unincorporated Boulder County, which consulted with city staff subject matter experts to reach the recommended service area and mill levy for the district.

L. The library district would ask voters living in the service area to fund the district at the service expansion service level category identified in the library master plan with an ad valorem property tax mill levy not to exceed 3.8 mills.

M. Section 24-90-107(1), C.R.S., provides that a library district may be formed by “the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect.”

N. Section 24-90-107(2), C.R.S., provides procedures for the establishment of the library district and the contents of the resolutions required by § 24-90-107(1), C.R.S.

O. The city published notice of the public hearing on the issue of forming a library district by resolution on March 3, 2022.

P. The establishment of the library district is contingent upon the approval of a mill levy from the electors of the district by the November 2024 election. If a mill levy to fund the district is not approved by the November 2024 election, the library district shall be dissolved. The electors of the district must approve any amount of tax levy of the district not previously established by resolution or ordinance nor previously approved by the electors before the library district can be established.

Q. After a duly noticed public hearing on April 5, 2022, taking public comment in conjunction with the Board of County Commissioners for Boulder County, council determines that the library district should be formed by Resolution and its funding put to the electors at one or more general elections by the year 2024.

**BASED ON THE FINDINGS MADE IN THIS RESOLUTION, ABOVE, BE IT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO,
THAT:**

1. Formation. Upon approval of a library district formation resolution by the Board of County Commissioners for Boulder County, the City of Boulder hereby forms a library district with boundaries described and shown on **Attachment 1**. The district shall be a political subdivision of the State of Colorado pursuant to § 24-90-103(5), C.R.S.

2. Name. The library district shall be known as the Boulder Public Library District (the “District”).

3. Purpose. The District shall be a “public library” as defined in § 24-90-103(13)(a) C.R.S. and shall have the powers and responsibilities set forth in the Colorado Library Law, §§ 24-90-101, *et seq.*, C.R.S. Its purpose is to obtain financial support from its electors and other sources to independently provide facilities, materials, media, computers, programming, public meeting spaces, community services and other facilities and services provided by library districts in the State of Colorado without continued financial support from the City of Boulder or Boulder County.

4. Financial Support. Upon adoption of this Resolution, the District shall obtain financial support from donations and other sources. The city will provide additional financial support as required by § 24-90-107(2)(d), C.R.S., and no financial support will be required of Boulder County.

5. Mill Levy. The electors of the District must approve any tax levy of the District not previously established for the Boulder Public Library nor previously approved by the electors before the library can be established. As required by § 24-90-107(2)(b) and (c), C.R.S., one or more elections on a tax levy not to exceed 3.8 mills shall be held as determined by the Library District but no later than November 2024.

6. Initial Board of Trustees. The Board of Trustees of the District shall consist of seven members appointed from the residents within the legal service area of the District in accordance with §24-90-108, C.R.S.

7. Intergovernmental Agreement. The City of Boulder, Boulder County, and the District will enter into an intergovernmental agreement within 90 days of the date of the District’s formation as required by § 24-90-107(2)(e), C.R.S., to provide for appointment of trustees, rights, obligations and responsibilities, financial and otherwise of the three bodies and for the transition of ownership, if any, of municipal library property to the District.

8. Dissolution of the District. To the extent a mill levy is not approved by December 31, 2024, the District shall be deemed dissolved without further action by the City Council or the Board of County Commissioners for Boulder County.

9. Contingency. This Resolution is contingent upon approval by the Board of County Commissioners for Boulder County of a similar resolution establishing the District.

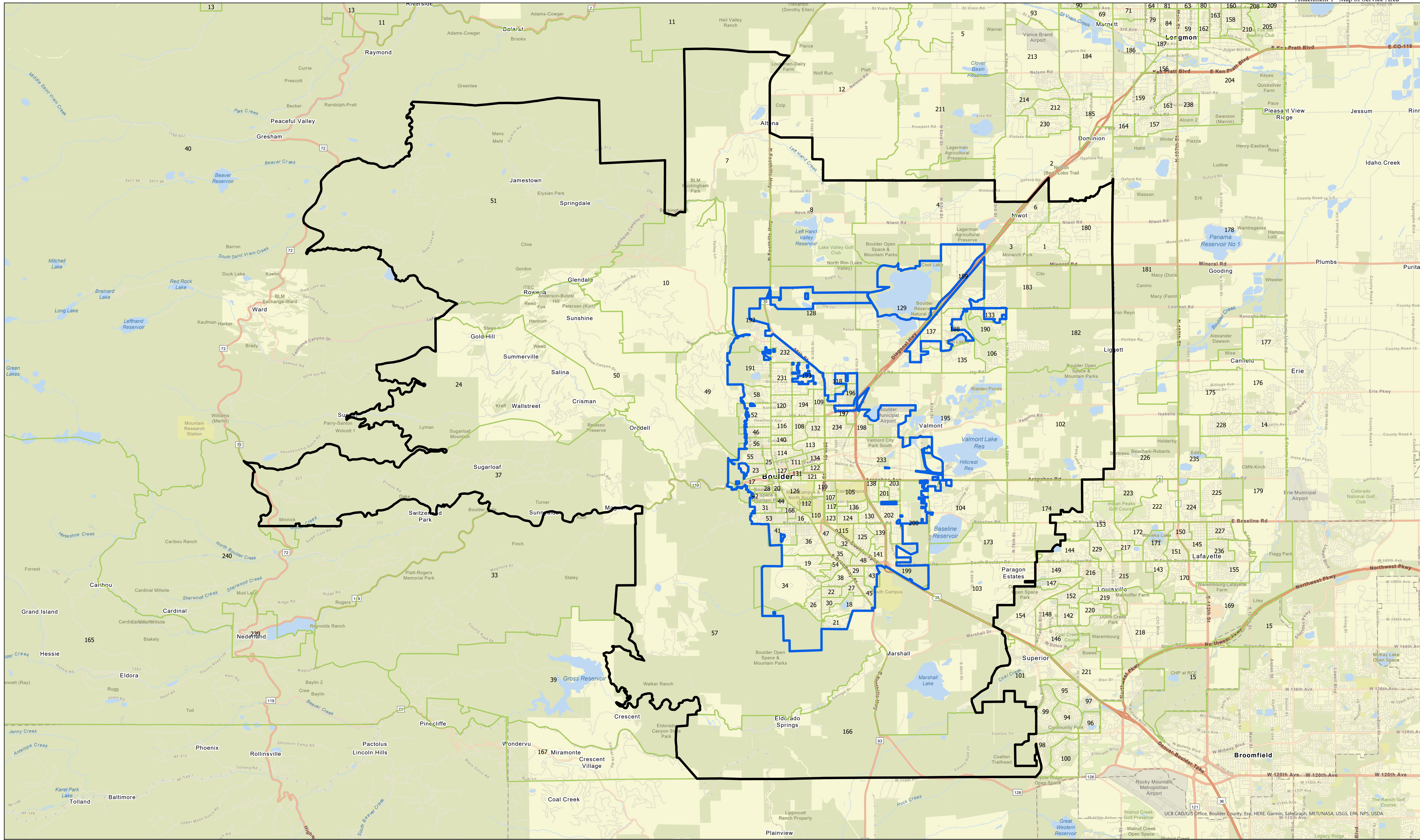
ADOPTED this 5th day of April 2022.

Aaron Brockett,
Mayor

ATTEST:

City Clerk

Attachment 1 - Map of Service Area



Proposed Library District Boundary

- Boulder City Limits
- Precincts
- Extend Area 2021

0 1 2 Miles

Attachment B– Timeline after a Library District is formed by Resolution
LIBRARY DISTRICT FORMATION BY RESOLUTION TIMELINE

DATE	ITEM	STATUTE
Tuesday, April 5, 2022	City Council and Boulder County Board of County Commissioners Joint Public Hearing -Public Hearing to discuss purpose, powers, and financing - Council consider a resolution to form a library district - Review/comment draft IGA - Select subcommittee members to appoint Library District Board of Trustees	24-90-107(2)(a)-public hearing; 24-90-107(2)(c)-resolution No changes to the service area boundary after this.
Thursday, April 7, 2022	Board of County Commissioners Meeting - Consider resolution to form a library district - Select subcommittee members to appoint Library District Board of Trustees	
IF both City Council and Board of County Commissioners adopt a resolution to form a library district, THEN timeline continues.		
Week of Monday, April 11, 2022	Council/County Commissioner Subcommittee Meet - Appoint Library District Board of Trustees.	24-90-108(2)(c)
Tuesday, May 3, 2022	City Council Meeting - Ratification of Library District Board	
Thursday, May 5, 2022	City Staff meet w/ Boulder County Board of Commissioners - Ratification of Library District Board	
Week of May 23, 2022	Library District Board of Trustees Deadline: Notice to Boulder County of the library district service area boundary map and notice to the County Assessor of the intent to begin collecting property tax in 2022.	
May through July 2022	Library District Board of Trustees Meeting Negotiate IGA with establishing entities.	
July 2022	Library District Board of Trustees - Draft TABOR ballot measure and meet election deadlines.	
August 2022	City Council Meeting Consent Agenda - Approve final IGA	24-90-107(2)(e)(IGA within ninety days of appointment of the Board of Trustees.)
August 2022	Boulder County Board of Commissioners Meeting - Approve final IGA	24-90-107(2)(e)(IGA within ninety days of appointment of the Board of Trustees.)
Oct-22	City Council Meeting Council approval of 2023 budget with library	

Attachment B– Timeline after a Library District is formed by Resolution
LIBRARY DISTRICT FORMATION BY RESOLUTION TIMELINE

Tuesday, Nov. 8, 2022	TABOR Election for library district funding	
IF voters approve library district TABOR measure, THEN timeline continues.		
Nov-22	Library District Board of Trustees Notify PERA of district formation if voters approve funding for the library district.	
2023	City funding support library district during the transition year	24-90-107(2)(d)
Monday, January 1, 2024	City library employees become district employees (timing dependent on PERA plan amendment)	