



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: July 14, 2022

AGENDA TITLE

Consideration of a motion to adopt Resolution 1311 indicating City Council's support of the city's participation in the proposed Boulder Public Library District if the district is formed and funded by the voters.

PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Chris Meschuk, Deputy City Manager
David Gehr, Advisor
David Farnan, Library Director
Janet Michels, Senior Attorney
Jennifer Phares, Deputy Library Director

EXECUTIVE SUMMARY

The purpose of this agenda item is for City Council to consider adopting a resolution whether to participate in the proposed Boulder Public Library District. The proposed Resolution 1311 (**Attachment A**) states the city shall participate in the library district if formed, meaning the city would participate in the process to transfer the library to the district if formed and funded by the voters. The other option for the council is to amend the resolution to state "shall not participate," meaning the city is opting out of the library district if formed and funded and will remain the provider of library services in the city of Boulder.

On April 5, 2022, council held a public hearing jointly with the Boulder County Board of County Commissioners (BOCC) about council's consideration to adopt a resolution to

form a library district. Council adopted Resolution 1305. On April 21, 2022, the BOCC rejected a resolution to form a library district. The BOCC's rejection of the resolution ended the process of forming a library district by resolution.

The Boulder Library Champions submitted a petition to the BOCC to create a ballot item to form and fund the Boulder Public Library District. The Boulder County Clerk and Recorder's Office certified the petition "Library District serving the City of Boulder and surrounding unincorporated Boulder County areas" on May 31, 2022. The BOCC is scheduled to set the November 2022 ballot on August 16, 2022.

C.R.S. § 24-90-106(1) requires that as a governmental unit that provides library services within the service area of the proposed library district, the Boulder City Council must act by resolution whether to participate in the proposed Boulder Public Library District.

STAFF RECOMMENDATION

Staff recommends that council adopt Resolution 1311 to participate in the Boulder Public Library District if the voters approve the formation of and funding for the district at the November 8, 2022 election. This recommendation is based on council's adoption of Resolution 1305 on April 5, 2022, supporting the formation of the Boulder Public Library District.

Suggested Motion Language:

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

Motion to adopt Resolution 1311 indicating City Council's support of the city's participation in the proposed Boulder Public Library District if the district is formed and funded by the voters.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** - The proposed library district boundaries and property tax mill levy in the petition 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 taxpayers because, in addition to the city, Boulder County properties outside of the city limits are included in the proposed district.
- **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 robust library system creates educational, cultural and recreational opportunities for all community members and visitors. 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. 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.

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.

BACKGROUND

The conversation about forming and funding 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 through April 2022, City Council 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 and pursue voter approval for funding.

State law provides for two processes to form a library district. The first is a cooperative process where the governmental entities within the proposed district's service area pass resolutions to form a district. The second process is based upon a petition of at minimum, 100 electors residing in the proposed district's service area and submitting the question to a vote of the electorate.

On April 5, 2022, council held a public hearing jointly with BOCC about its consideration to adopt a resolution to form a library district. Council adopted Resolution 1305. On April 21, 2022, the BOCC rejected a resolution to form a library district. The BOCC's rejection of the resolution ended the process of forming a library district by resolution.

The Boulder Library Champions submitted a petition to the BOCC to create a ballot item to form and fund the Boulder Public Library District. The Boulder County Clerk and Recorder's Office certified the petition "Library District serving the City of Boulder and surrounding unincorporated Boulder County areas" on May 31, 2022.

ANALYSIS

The petition "Library District serving the City of Boulder and surrounding unincorporated Boulder County areas" (**Attachment B**) was submitted to the Boulder

County Board of County Commissioners to allow the voters to determine whether to form a library district and impose an ad valorem property tax of 3.5 mills for expansion of library services, maintenance and operations of existing library facilities, and opening new branch libraries within the proposed boundaries of the service area (**Attachment C**).

The petition identified the governmental units establishing the library district as the County of Boulder, Colorado and the City of Boulder, Colorado per the city's Resolution 1305 adopted on April 5, 2022. The petition was signed by 315 registered voters and validated by the Boulder County Clerk and Recorder's Office on May 31, 2022.

As an establishing governmental entity that provides library services, C.R.S. § 24-90-106, "Participation of existing libraries in the formation of new libraries," provides that the legislative body of any governmental unit that maintains a public library within the territory to be served by a library district shall decide, by resolution or ordinance, whether or not to participate in the library district.

If participation in the library district is to be funded by any amount of tax levy not previously established by resolution nor previously approved by the electors, the resolution shall state that the electors of the library district must approve that levy before the city will participate in the library district. Written notice of a decision not to participate shall be filed with the board of county commissioners within the library's legal service area. The notice shall be filed at least 30 days prior to action being taken on the resolution to conduct an election to create the library district.

In this process of formation by petition, the BOCC will take action to conduct an election to create the library district on August 16, 2022 when it approves the ballot question and sets the ballot title for the proposed library district. Resolution 1311 found in **Attachment A** will constitute the city's written notice that it has decided to participate in a library district if the voters approve the formation of a library district and the tax measure to fund the district. Should council determine to not participate in the library district, council may amend the resolution to state the city "shall not participate", meaning the city is opting out of the library district if formed and funded and the city will remain the provider of library services in the city of Boulder. Given that the commissioners intend to act on August 16, 2022 on the ballot title, council needs to adopt the Resolution 1311 and provide notice to the BOCC on July 14, 2022.

NEXT STEPS

The next steps in the library district formation process are as follows:

- | | |
|-------------------------|---|
| August 16, 2022 | Boulder County Board of County Commissioner to approve the ballot question and set the November 2022 ballot. |
| November 8, 2022 | Voters within the proposed Boulder Public Library District boundary consider formation and funding of a library district. |

ATTACHMENTS

A – Proposed Resolution 1311

B – Petition: Library District serving the City of Boulder and surrounding unincorporated
Boulder County areas

C – Map of Proposed Library District Boundary

RESOLUTION 1311

A RESOLUTION TO STATE THE CITY COUNCIL’S SUPPORT FOR THE CITY’S PARTICIPATION THE PROPOSED BOULDER PUBLIC LIBRARY DISTRICT, AND SETTING FORTH RELATED DETAILS.

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

A. A group of voters submitted a petition to the Board of County Commissioners of Boulder County (BOCC) to create a ballot item to form and fund the Boulder Public Library District after Boulder County voted against a resolution to form a library district in cooperation with the City of Boulder.

B. The petition identifies City of Boulder, along with Boulder County, as the governmental units establishing the proposed library district, citing Resolution 1305, adopted by City Council on April 5, 2022, to form a library district cooperatively with Boulder County.

C. The Boulder County Clerk and Recorder’s Office certified the petition “Library District serving the City of Boulder and surrounding unincorporated Boulder County areas” on May 31, 2022.

D. The BOCC is scheduled to set the November 2022 ballot title on August 16, 2022.

E. Colorado Library Law, C.R.S. § 24-90-106(1) requires that, as a governmental unit that provides library services within the service area of the proposed library district, the Boulder City Council must act by resolution whether to participate in the proposed Boulder Public Library District.

F. Pursuant to Colorado Library Law, C.R.S. § 24-90-106(1) this Resolution will constitute the city's written notice whether it has decided to participate in a library district if the voters approve the formation of a library district and the tax measure to fund the district.

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

1. The City of Boulder shall participate in the proposed Boulder Public Library District if the electors approve the formation of a library district.
2. If participation in the library district is to be funded by any amount of tax levy not previously established by resolution nor previously approved by the electors of the proposed district, the electors of the library district must approve that levy before the city will participate in the library district.

ADOPTED this 14th day of July 2022.

Aaron Brocket,
Mayor

Attest:

City Clerk

PETITION
FOR THE
ESTABLISHMENT OF
THE BOULDER PUBLIC LIBRARY DISTRICT

WARNING

IT IS AGAINST THE LAW:

For anyone to sign any petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO, RESIDE IN THE AREA SHOWN ON EXHIBIT 1, AND BE REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary:

A petition to allow the voters to determine whether to organize a public library district and impose an *Ad Valorem* property tax of 3.5 mills for expansion of library services, maintenance and operations of existing library facilities, and opening new branch libraries within the areas shown on Exhibit 1.

PETITION

**To: Board of County Commissioners
Boulder County Colorado:**

We the undersigned, respectfully request that you establish a library district pursuant to the provisions of §§24-90-107 *et seq.*, C.R.S. In support of this petition we state:

- I. This petition has been signed by more than 100 eligible electors residing within the proposed district's boundaries.

- II. The governmental units establishing the library district are the County of Boulder, Colorado and the City of Boulder, Colorado per its resolution number 1305.
- III. The library district shall be known as the Boulder Public Library District.
- IV. The proposed Boulder Public Library District shall consist of:
 - a. All property currently within the boundaries of parts of west Boulder County including Eldorado Springs, Sugarloaf, and Gold Hill and all property within the boundaries of the area bounded on the north by Altona and Oxford Rd., south on 63rd, east on Monarch Rd, south on 79th St., east on Highway 52 to 95th St.; on the east by 95th St. from Highway 52 south to South Boulder Rd. and McCaslin Blvd.; on the south by the boundary of Boulder County as depicted on the map attached in **EXHIBIT 1**.
- V. The Boulder Public Library District shall be supported by a voter approved *ad valorem* levy of 3.5 mills on all property within its boundaries.
- VI. It will be necessary for the electors to approve this mill levy because it was not established by resolution or ordinance and has not been previously approved by the electors.

In addition, we request that you:

- a. Waive the bonding requirement for a petition as provided in §24-90-107(3)(c)(II)(A), C.R.S.; and,
- b. Pay the election costs for the questions to form the District in the event the ballot proposal is defeated; and,
- c. Certify a question or questions for the ballot at the November 2022 election to form and fund the District with a property tax mill levy of 3.5 mills in any form necessary or advisable, but substantially as follows:
 - i. SHALL THE BOULDER LIBRARY DISTRICT BE FORMED?
 - and
 - ii. SHALL THE BOULDER PUBLIC LIBRARY DISTRICT TAXES BE INCREASED \$18,780,000 ANNUALLY FOR COLLECTION BEGINNING IN 2023, AND BY SUCH ADDITIONAL AMOUNTS RAISED ANNUALLY THEREAFTER BY AN AD VALOREM PROPERTY TAX MILL LEVY IMPOSED AT A RATE OF 3.5 MILLS (WHICH IN 2022 IS APPROXIMATELY \$9.62 PER MONTH ON A HOME WITH A TAXABLE VALUE OF \$500,000) TO PROVIDE FACILITIES AND SERVICES WHICH MAY INCLUDE:

RESTORED AND IMPROVED LITERACY PROGRAMS,
INCLUDING PARTNERSHIPS WITH SCHOOLS TO REACH
UNDERSERVED AND STUDENTS WHO FELL BEHIND DURING
THE PANDEMIC;

ADDITIONAL FREE AND SAFE PUBLIC SPACES FOR
COMMUNITY MEETINGS, WORKSHOPS AND PROGRAMS;

UPDATED AND IMPROVED COLLECTIONS OF BOOKS
AND MATERIALS, INCLUDING BILINGUAL MATERIALS AND
DOWNLOADING OF E-BOOKS, MOVIES, AND MUSIC;

EXTENDED HOURS AT ALL EXISTING LIBRARIES AND A NEW
BRANCH LIBRARY IN GUNBARREL;

EXPANDED ACCESS TO STEAM PROGRAMS, MAKERSPACES,
AND FREE INTERNET FOR YOUNG PEOPLE, UNDERSERVED
COMMUNITIES AND SENIORS;

IMPROVED MAINTENANCE, CLEANLINESS, SAFETY, AND
SECURITY AT ALL LIBRARY FACILITIES;

AND SHALL THE DISTRICT BE ENTITLED TO COLLECT, RETAIN AND SPEND
THOSE REVENUES IN ADDITION TO ANY OTHER TAXES, FEES OR OTHER
REVENUES OF THE DISTRICT, NOTWITHSTANDING ANY LIMITATION OR
RESTRICTION OF ARTICLE X, SECTION 20 OF THE COLORADO
CONSTITUTION, OR WITHOUT REGARD TO THE 5.5% PROPERTY TAX
REVENUE LIMITATION OF SECTION 29-1-301, C.R.S. OR ANY OTHER LAW, IF
THE DISTRICT IS FORMED?

By our signatures below, we designate the following individuals to represent us as petitioners.

Name: Joni Teter
Address: 200 Pawnee Dr.
Boulder, CO 80303
E-mail: jteterbpl@gmail.com
Phone: (303) 499-8970

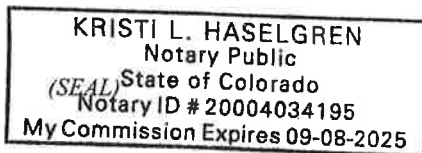
Name: Doug Hamilton
Address: 5781 Orchard Creek Ln
Boulder, CO 80301
E-mail: hamilton7579@gmail.com
Phone: (720) 708-2830

Map of the City of Boulder showing the Boulder Library District boundaries. The map includes numerous numbered parcels and a legend indicating the district boundary.

Affidavit of Circulator

I, Nicole Sager, swear that I reside at: 345 S. 39th St
Circulator - PRINTED NAME Street name and number of RESIDENCE
Boulder Boulder CO 80305
City/Town County State Zip Code

and do further swear that I have read and understand the laws governing the circulation of petitions; that I was at least 18 years of age, a citizen of the United States, and a resident of Colorado at the time this section of the petition was circulated and signed by the listed electors; that I circulated this section of the petition; that each signature thereon was affixed in my presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector of the State of Colorado; and that I have not paid or will not in the future pay and that I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition.



Nicole Sager May 23, 2022
Signature of Circulator Date of Signing

STATE OF COLORADO, COUNTY OF Boulder

Subscribed and sworn to before me this 23rd day of May, 2022

Signature (and Title) of Official Administering Oath

My Commission Expires: September 8, 2025

