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**2009 CHANGES TO THE LIBRARY LAW**

**Presenters:**

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**Eloise May** is Executive Director of the Arapahoe Library District. She has been with ALD for 37 years, 24 of them as its director. She was past president of the Colorado Library Association during its year of transition to the Colorado Association of Libraries. Through her many years on CAL's Legislative Committee, she has been instrumental in crafting and advocating numerous revisions to the Library Law. She enjoys sharing her expertise on library districts through national, state and local workshops. Her BA is from Wheaton College in Illinois and her MA in Library Science is from the University of Denver.

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**Jacqueline C. Murphy** is originally from Oak Park, Illinois and graduated from the University of Denver College of Law in 1997. Ms. Murphy often provides pro bono legal services to libraries, including working with the Colorado Association of Libraries and drafting state legislation pertaining to library districts. She has assisted cities and counties to transition library systems into library districts to enhance service capability. Her practice covers all aspects of representation of local government entities such as library districts and special districts, including district formation, capital project financing and construction, personnel matters and general statutory compliance. Seter & Vander Wall currently represents several library districts, including two districts in formation. Through her involvement with the Denver Bar Association, Ms. Murphy also serves as a Guest Teacher for the Denver Public Schools.

**Colorado Library Law  
Summary of 2009 Statute Revisions**

HB09-1072 was signed into law and became effective in August, 2009. It clarifies wording from earlier versions of the library law, and adds several new provisions. The Library Law applies to all libraries in Colorado except in cases where home cities and counties have used their ability to write charters that make different provisions for library governance. (Most home rule charters, for instance, call for a more “advisory” set of responsibilities for library boards.)

**CHANGES AND ADDITIONS**

**24-90-103(4.5)**

Clarifies that the legal service area population estimates are obtained or derived from the Colorado state data center, and collected and reported according to guidelines developed by the state library.

**24-90-103(5)**

Clarifies that the term “legislative body” includes a board of county commissioners, a city council, a town board of trustees or a library board of trustees, depending on the context.

**24-90-103(6)**

Clarifies that a library district is “its own taxing authority” and deletes the word “maintained” from the definition of a library district to make it clear that governmental units establish, but do not maintain a library district.

**24-90-103(15)**

Clarifies that the terms “registered elector” and “elector” mean the same thing.

**24-90-105(1)(m) & 24-90-109(1)(a)**

A copy of the bylaws must be filed with the State Library.

**24-90-105(1)(m) & 24-90-109(1)(p.5)**

A library district is required to keep a map of its boundaries on file with the State Library and the State Library is required to serve as the repository.

**24-90-107(2)(a)**

Clarifies that one public hearing shall be held by any governmental unit forming the public library. (Previous versions called for public hearings without saying how many.)

**24-90-107(2)(e) & 24-90-107(3)(h)**

The first section describes formation of a library district by resolution or ordinance, and the second section describes formation by petition. Both sections define the provisions to be

included in the agreement that is created as part of the formation of a library district and add these specific provisions: matters related to the transition to a library district, such as

- ownership of library real and personal property;
- personnel and provision of administrative services during the period of transition to a library district;
- the method of trustee selection; and
- such other necessary terms and conditions, as determined by the parties.

These sections also allow the 90 day time frame for completing these agreements to be extended by mutual agreement.

**24-90-108(2)(c)**

Clarifies the initial method of appointment of the board of trustees of a library district by one governmental unit or more than one governmental unit through an appointing committee; clarifies that the appointing committee is comprised of members of the establishing legislative body.

**24-90-109(1)**

Clarifies the policy governance role of the board of trustees and administrative role of the library director, and that the board adopts bylaws for its own guidance and policies for the governance of the library.

The board is charged with employing a director (referred to as 'librarian' in previous versions). The director's duties are clarified to include:

- Implementing the policies adopted by the board of trustees;
- Recommending employees for hiring by the board of trustees;
- Performing all other acts necessary for the orderly and efficient management and control of the library.

This section also eliminates from the list of board responsibilities language that belongs to the administrative responsibility of the library director, such as "supervision and care," "prescribe [employee] duties and fix their compensation," "authorize," and "orderly and efficient management and control."

**24-90-109(1)**

Adds to a previously existing duty of the Board to create a repository for school collective bargaining agreements the ability to provide electronic copies as well as print.

**24-90-109(1)(d)**

Clarifies that the board has the authority and responsibility to certify the mill levy amount (not just its sums) to the governmental unit or units it serves, and to submit a budget as required by law.

**24-90-109(2)**

Clarifies, for each type of public library, which legislative body or bodies are to receive the library's annual report.

**24-90-109(4) & 24-90-112(1)(b)(III)**

These two sections both authorize the board of trustees to request an election be held to alter the maximum tax levied for the library, and then require the respective legislative body to cause the vote to be held. (In previous versions, the authority to request was in one section, and the requirement for the legislative body to cause a vote to be held was in another.)

**24-90-112(2)(a)**

Removes an outdated reference to issuing "warrants" (instead of checks) for payment of expenditures from the public library fund.

**24-90-112(2)(c)**

Changes the word "bond" to "insurance" when the treasurer of the board of trustees requests custody of library funds because the meaning of the word "insurance" is more commonly understood.

### **Guidance from the State Library on Bylaws and Map Procedures**

The 2009 changes to the library law call for libraries to provide the State Library with:

- Copies of bylaws.
- A map indicating the boundaries of a library district's legal service area.

The call for bylaws can be met by mailing one copy of the library bylaws or by emailing a link to the bylaws if available on your website before **January 1 of each year** to Melissa Carlson at the Colorado State Library: [carlson\\_m@cde.state.co.us](mailto:carlson_m@cde.state.co.us)

The State Library is working on the second by developing boundary maps that may be compared to any currently held by the district and, if accurate, be used to satisfy the requirement. These will be provided to the libraries when completed, along with further information about addressing this obligation.

*Questions regarding these materials?*

*Feel free to contact Eloise May or Jacqueline Murphy*

**TO SEE THE COMPLETE REDLINED VERSION OF THE LIBRARY LAW**  
**[www.cde.state.co.us](http://www.cde.state.co.us) -> Colorado State Library -> For Librarians -> Public Libraries ->**  
**Legal Issues -> Colorado Library Law -> 2009 Library Law redline draft**