

B E F O R E,

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DELTA, COLORADO

R E S O L U T I O N #80-037

Establishing The Delta County Public Library

WHEREAS, the Board of County Commissioners of the County of Delta, Colorado, in March of 1970, by Resolution did establish "The Delta County Public Library" to be operated and maintained by funds derived from the 65 percent county allocation of the one percent Delta County sales tax revenues as approved by the voters on November 10, 1969.

WHEREAS, Delta County is experiencing a substantial influx in population and concomitant increase in demands for all types of services and facilities.

WHEREAS, the sales tax revenues above referenced as allocated to the Delta County Public Library are insufficient to maintain and staff, at current levels, adequate library facilities let alone provide for increases in demand and circulation due to increased population and energy impact.

WHEREAS, Article 90 of Title 24 CRS 1973, as amended by Session Laws of 1979, Senate Bill 303, commonly referred to as "The Colorado Library Law," provides for the establishment of county libraries and funding of the same by imposition of a mill levy.

WHEREAS, the sales tax resolution passed by the Delta County Commissioners and as approved by a vote of the people on November 10, 1969, provided that the allocation of revenues in Provision 7 thereof shall not be amended except by resolution approved by the vote of the people.

WHEREAS, sales tax revenues will continue to be allocated to a county library; thus the intent and avowed purpose and direction of the voters is fully complied with and accomplished.

WHEREAS, Article 90 of Title 24, CRS 1973, as amended, provides for imposition of a levy of not more than 1½ mills for establishment and maintenance of a county library.

WHEREAS, revenues from the imposition of such mill levy as the Delta County Commissioners see fit to impose will be in addition to existing sales tax revenue funding.

WHEREAS, the new Delta County Public Library shall succeed to and assume all duties, liabilities, right, title and interest of the old Delta County Public Library.

AND WHEREAS, when each individual municipality of Delta, Cedaredge, Paonia and Hotchkiss resolved to participate in the original Delta County Public Library, each retained title to its own property and continued its own Board of Trustees and no good reason exists why said arrangement may not continue and it is anticipated that it will, except that said local municipal library branch shall have the authority only insofar as it relates to property, the title for which was retained by the respective municipality at the date of its resolution to participate in Spring and Summer of 1970, and insofar as it relates to expenditures of municipal revenues for library purposes. The local municipal library board shall be advisory only to the Board of Trustees of the Delta County Public Library insofar as operation and management and all affairs of the Delta County Public Library are concerned. The local municipal library boards shall strive to cooperate with the Board of Trustees of the Delta County Public Library at all times in a spirit of harmony to accomplish the underlying interest and purposes of this resolution. The Board of Trustees of the Delta County Public Library is subject to the Colorado Library Law, and shall have the final authority concerning its property, affairs, operation and management.

AND WHEREAS, the local participating municipalities are not required to retain title to any municipal library property and it is desirable, the municipality being so inclined, for said municipality to turn over its library in accordance with CRS 24-90-107(2) and said municipalities are encouraged to do so.

AND WHEREAS, the local participating municipalities are under no requirement to continue their local library boards and it would be desirable that said local boards be disbanded and complete authority authorized in one central Delta County Public Library Board of Trustees, and the participating municipalities are encouraged to do so.

NOW, THEREFORE, be it resolved, that in consideration of the premises aforesaid, there is hereby established a Delta County Public Library pursuant to CRS 1973, Title 24, Article 90, as amended, known as the Colorado Library Law, and in the manner and form as follows:

1. Said library shall be known as "The Delta County Public Library."

2. The existing Delta County Public Library is hereby dissolved and all properties, functions, operations, duties, responsibilities, and liabilities are hereby transferred to its duly established legal successor, The Delta County Public Library.

3. The effective date of the establishment of The Delta County Public Library shall be upon the date of this resolution and shall continue until dissolved according to applicable Colorado law, in such cases made and provided.

4. The municipalities of Delta, Cedaredge, Paonia and Hotchkiss shall be and hereby are authorized to participate in this library, and are encouraged to do so.

5. The municipalities of Delta, Cedaredge, Paonia and Hotchkiss may retain title to their own properties and may continue to have their own Boards of Library Trustees; however, they are encouraged to, in accordance with 24-90-107(2), CRS 1973, as amended, transfer title to The Delta County Public Library and disband their local library board of trustees.

6. In the event any one or more of the municipalities of Delta, Cedaredge, Paonia, or Hotchkiss should continue with their local library board of trustees, said local boards shall be merely advisory to the Board of Trustees of The Delta County Public Library, shall cooperate with the Board of Trustees, and work with it in a spirit of harmony to accomplish the intents and purposes of this resolution. Said local board shall only have authority insofar as it relates to property title for which its municipality retained and to the expenditures of municipal revenues for library allocated for purposes of said municipality.

7. The management and control of The Delta County Public Library hereby established shall be vested in a Board of five Trustees to be appointed in manner and form as follows, to wit:

a. The Delta County Board of Commissioners shall appoint five trustees, with two of said trustees to be selected from the City of Delta and one each from the Towns of Hotchkiss, Cedaredge and Paonia. The initial appointments shall be for terms of one, two, three, four and five years respectively. Thereafter a Trustee shall be appointed annually to serve for five years and said appointments shall be otherwise in accordance with CRS 1973, 24-90-108 as now in effect or hereafter amended. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the Board are regularly chosen.

b. The Trustees shall not receive a salary or other compensation for services as Trustees, but necessary travelling and subsistence expenses actually incurred may be paid from the public library fund. A library trustee may be removed only by a majority vote of the appointing legislative body, but only upon a showing of good cause.

c. 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. The said Board of Trustees shall also have all other powers granted under 1973 CRS 24-90-109 as now in effect or hereafter amended as well as any other power granted in Article 90 of Title 24, CRS 1973, as amended, and subject to all duties and responsibilities and provision thereof.

8. The Board of Trustees shall submit a budget to the Delta County Board of County Commissioners for the 1981 calendar year for its approval. Upon approval of the budget, said funds shall be appropriated for the operation and maintenance for The Delta County Public Library, which shall include the participating libraries of the aforesaid municipalities.

9. The Board of Trustees of the Delta County Public Library shall, as soon as is reasonably convenient after its organization, prepare and adopt a set of by-laws, rules and regulations for their own guidance and for the government of the County Library.

10. The funds appropriated by the Board of Commissioners of the County of Delta for the operation and maintenance of the said County Library and participating municipal libraries shall be credited to a special fund in the office of the County Treasurer in Delta County to be known as the

"PUBLIC LIBRARY FUND." The funds shall be used only for library purposes and shall be expended only upon warrants signed by the president and secretary of the Board of Trustees of the County Public Library District.

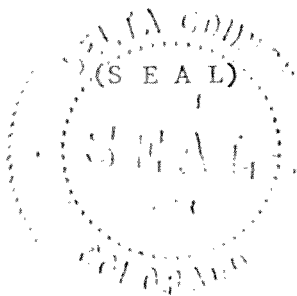
11. At the close of each calendar year, the Board of Trustees of the Delta County Public Library shall make a report to the Board of County Commissioners of Delta County, showing the condition of their trust during the year, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number retired, the number loaned out and such other statistics and information and such other suggestions as they deem of public interest. A copy of this report shall be filed with the State Librarian.

12. A tax of 1.0 mills is hereby levied upon all taxable, real and personal property within Delta County for the establishment and maintenance of the library.

13. The title to books, publications and equipment acquired pursuant to this Resolution and its accompanying mill levy, whether provided to participating municipal libraries or not, shall be in the Board of Trustees of the Delta County Library, and all such property shall be marked and designated as the Delta County Library property at the time it is delivered or acquired by the participating municipal libraries.

IT IS HEREBY DECLARED by the Board of County Commissioners of the County of Delta, Colorado that this Resolution is necessary for the immediate preservation of the public peace, health safety and welfare, and that it shall become effective immediately upon its adoption.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DELTA, COLORADO, THIS 26 day of November, 1980.



Bernard Sheldon  
Chairman

L. J. Mangum  
Commissioner

John W. Hecobina  
Commissioner

Roy L. Laries  
Clerk of the Board of County  
Commissioners