

Final
July 11, 1995

COOPERATIVE AGREEMENT
DELTA COUNTY LIBRARY DISTRICT

THIS AGREEMENT is entered into by the Board of County Commissioners of Delta County (County) and the Board of Trustees of the Delta County Library District (Library) pursuant to CRS 24-90-170(2)(e).

RECITALS

A. By Resolution 80-037, the County formed the Delta County Public Library, to be governed by a board of trustees appointed by the County and financed in part by a one mill (later 1.5 mills) levy designated for the Library.

B. On December 20, 1993, by Resolution 93-R-040, the County converted the Delta County Public Library to the Delta County Library District, governed by a Board of Trustees composed of seven trustees appointed by the County, which District continues to be funded by a levy of 1.5 mills, plus other funding from the County and other entities. The purpose of this conversion was to recognize the Library as a separate district in and of itself, to cooperate in the governance of same, and to insure the continuation of funding for the Library District.

C. By Joint Resolution signed by the County on June 27, 1994, the Library District was expanded to include a portion of Montrose County near Crawford, Colorado, known as the Maher area.

D. Through oversight, the written agreement provided for in paragraph 10 of the foregoing Resolution (93-R-040) was not accomplished within the ninety days required; therefore, pursuant to CRS 24-90-107(2)(e), the County and the Library now enter into the following written agreement to establish the rights, obligations and responsibilities of the respective parties.

E. Both Library and County recognize that with certain exceptions as provided for in state law or the bylaws the Library District is self-governing, but that cooperation between the Library and the County is essential for the successful management and operation of the Library for the benefit of the entire District.

NOW THEREFORE, in consideration of the mutual covenants, promises and conditions contained herein, the parties agree as follows:

1. The Delta County Library District shall enjoy, comply with and be subject to the following rights, obligations and responsibilities:

- (a) To fulfill its Mission Statement as adopted by the Library District and approved by the County;
- (b) To adopt and keep current its bylaws, as adopted by the Library District

and approved by the County;

(c) To recommend new trustees to be appointed by the County to the Library District Board, in accordance with the terms and rotations established, no later than December 31 of each calendar year, in order that the County may appoint board members to serve for the subsequent calendar year;

(d) To comply with the laws and regulations of the state of Colorado applicable to public entities, including but not limited to the Open Meetings Law and Public Records Law, the Budget Law, and the laws relating to conflicts of interest, as well as the Colorado Library Law, found at CRS 24-90-101 et. seq., as amended;

(e) To insure that local libraries are appropriately housed, funded, and insured (as to both buildings and contents).

(f) To maintain open communications with local library advisory boards, the County and the public;

(g) To prepare a long range plan of capital development (suggested five years minimum) taking into consideration the needs of the local communities as well as the county as a whole, and considering further not only the availability of written resources, but the development of community service programs (i.e. literacy) and technology. This plan will be presented to the County no later than January 31, 1996.

(h) In accordance with Resolution 80-037 of November 26, 1980, to have and maintain title to books, publications and equipment (including recordings and computer software) acquired pursuant to that Resolution with District funds. This provision does not preclude local municipal libraries from acquiring its own equipment, hardware, software, furniture, etc., with funds other than those controlled by the Library District.

(i) On an annual basis to conduct meetings with local library boards, representatives of the local communities and the general public in order to determine a proposed budget and the appropriate allocation of available resources.

(j) To participate in the following budget process:

(1) Require local libraries to submit proposed budgets and budget plans to the Library District board on or before August 15;

(2) Develop a proposed budget, including a plan for allocation of resources;

(3) Submit the proposed budget to the County Board on or before September 15;

(4) Either as a board or by representative, be available to and meet with the County budget officer(s) and Board of County Commissioners to review the budget and any requests for funds over and above the 1.5 mills.

(k) To appoint a treasurer/bookkeeper to maintain the financial records of the District and, in addition, to insure that the financial records of the Library are audited on an annual basis in accordance with State law.

(l) At the close of each year, to make a report to the County showing the condition of its funds during the year, the sums of money expended and the purposes of the expenditures. The report shall include such other statistics and information as the Library deems are of public interest and as may be requested by the State Library, and file a copy of this report with the State Librarian.

(m) The Library may further request of the County that an election be held to alter the maximum tax levied to support the Library District pursuant to CRS 24-90-12(1)(b)(III).

4. The Board of County Commissioners of Delta County shall enjoy, comply with and be subject to the following rights, obligations and responsibilities:

(a) Appoint members of the Board of Trustees in accordance with paragraph 5(b) of Resolution 93-R-040 and Article 2, Section 2 of the Library bylaws.

(b) Remove trustees from the Library Board, upon a showing of good cause, in accordance with Article 2, Section 3 of the Library bylaws;

(c) Following review of the Library's Plan, Budget, and Request for Funds, provide such additional funding (capital and/or general funding) over and above the 1.5 mills levied as the County in its discretion deems appropriate.

(d) Allow the Library to govern itself and, in accordance with CRS 24-90-109(e)(II) have exclusive control and spending authority over disbursement of library funds, but be available to provide such guidance and direction as Library may request and the County deems necessary.

(e) Provide such administrative accounting and legal assistance to the Library as County deems appropriate and to the extent that the provision of such assistance does not reduce the availability of such resources to the County itself.

(f) Designate the funds appropriated to the Library to be credited to a special fund in the office of the County Treasurer in Delta County known as the "Public Library Fund" said funds to be used only for library purposes and to be expended only upon warrants signed by the President and Secretary of the Board of Trustees of the Library, or designees.

(g) Encourage cooperation and open communication among the Library, the local municipal libraries, the municipalities, the County and the public in order to support the Mission Statement of the Library and to meet the needs of the Library District as a whole.

(h) Fulfill its responsibilities under the Colorado Library Law, CRS 24-90-101 et seq., as well as other applicable laws and regulations.

3. In addition to meeting during the budget process, the Library and the County agree to conduct a joint meeting at least annually, and more often as needed, to share mutual concerns, to review compliance with the Mission Statement, to attempt to resolve and/or mediate conflicts and controversies, and to review the Library "Master Plan." Such meetings shall be scheduled by the County Administrator within 90 days after the reorganization of the County Board and the appointment of the new trustee(s) to the Library Board.

THE BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY

By: Donna R. Ferganchick
Donna R. Ferganchick, Chairman

Jim D. Ventrello
Jim D. Ventrello, Vice-Chairman

Ted H. Hayden
Ted H. Hayden, Member

ATTEST:

Lela J. McCracken
Lela J. McCracken,
Delta County Clerk and Recorder

DELTA COUNTY LIBRARY DISTRICT

ATTEST:

By _____