

**BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY  
RESOLUTION NO. 2007-57**

**A RESOLUTION ESTABLISHING A LIBRARY DISTRICT AND MERGING THE  
GUNNISON COUNTY PUBLIC LIBRARY INTO THE LIBRARY DISTRICT PURSUANT  
TO THE COLORADO LIBRARY LAW**

WHEREAS, public libraries have historically been an integral part of the informational, educational, and cultural core of Gunnison County, Colorado; and

WHEREAS, pursuant to the Colorado Library Law, § 24-90-101, et seq., C.R.S., as amended, the Board of County Commissioners of Gunnison County historically has been and will continue to be committed to making available in Gunnison County publicly-supported, free library services providing information accessible to users regardless of age, physical or mental health, or economic status; and

WHEREAS, pursuant to the Library Law, the Gunnison County Public Library ("County Library") was formed by resolution of the Board of County Commissioners ("BOCC") dated July 12, 1965; and

WHEREAS, based on the recommendation of the County Library Board of Trustees, the BOCC has determined that formation of a library district is appropriate to ensure the viability, sustainability, and sound fiscal future of publicly-supported, free library services in Gunnison County; and

WHEREAS, pursuant to the Library Law, the formation of a library district will offer greater opportunities for flexibility in financing and independence of focus than have been available to the County Library; and

WHEREAS, pursuant to §§ 24-90-106 and 107(1), C.R.S., as amended, the BOCC is expressly authorized to establish a library district upon providing adequate notice and a public hearing; and

WHEREAS, pursuant to §§ 24-90-103(12) and 107(2)(b), C.R.S., as amended, notice has been given of the public hearing held this date concerning establishing a library district, as evidenced by the affidavits of publication that are attached hereto and incorporated herein by this reference collectively as Exhibit "A".



NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that a library district, as defined and provided for under the Library Law, shall be established as of January 1, 2008 and shall be known as the "Gunnison County Library District (GCLD)".

BE IT FURTHER RESOLVED that, pursuant to § 24-90-103(6), C.R.S., as amended, the GCLD shall be established by Gunnison County but may be maintained by one or more governmental units or parts thereof.

BE IT FURTHER RESOLVED that, concomitant with the establishment of the GCLD, the County Library shall be fully merged into and become a part of the district, as more specifically enumerated herein, so that the County Library shall no longer exist as a separate or distinct entity.

BE IT FURTHER RESOLVED that the GCLD shall be a "public library," as defined under § 24-90-103(13)(a), C.R.S., as amended, and shall be operated and maintained for the free use of the public residing within its legal service area, shall be operated and maintained in whole or in part with money derived from local taxation, and shall be open to the public a minimum number of hours per week in accordance with rules established by the state library.

BE IT FURTHER RESOLVED that, pursuant to § 24-90-103(5), C.R.S., as amended, the GCLD shall be a political subdivision of the state.

BE IT FURTHER RESOLVED that, upon the establishment of the GCLD, the legal service area of the Library District shall include all of the territory of Gunnison County, Colorado as such legal service area is defined under § 24-90-103(4.5), C.R.S., as amended; and,

BE IT FURTHER RESOLVED that, as of January 1, 2008, the then current percent of the then existing mill levy imposed on real and personal property in the legal service area which is allocated at that time by the Board of County Commissioners of Gunnison County, Colorado to the County Library for the establishment, operation, and maintenance of public library services, pursuant to § 24-90-112, C.R.S., as amended, shall continue to be allocated by Gunnison County on behalf of the Library District unless and until the Library District obtains an independent mill levy; and,

BE IT FURTHER RESOLVED that, pursuant to the Taxpayer's Bill of Rights ("TABOR"), Colo. Const. art. X, § 20 and §§ 24-90-107(2)(c) and 24-90-112(3), C.R.S., as amended, any adoption of a new mill levy for the Library District shall be subject to



voter approval by the electors residing within the legal service area of the Library District. Adoption of such a new mill levy shall automatically eliminate any allocation of the Gunnison County mill levy for library purposes.

BE IT FURTHER RESOLVED that the transfer to the GCLD of any assets and liabilities held or incurred by Gunnison County on behalf of the COUNTY LIBRARY, including its employees and any real and personal property, shall be in accordance with the terms of an intergovernmental agreement (IGA) that shall fully set forth the rights, obligations, and responsibilities of all parties, pursuant to § 24-90-107(2)(e), C.R.S., as amended, and shall be entered into within ninety (90) days after the appointment of the GCLD Board of Trustees.

BE IT FURTHER RESOLVED that, upon the establishment of the GCLD, the Public Library Fund established for the COUNTY LIBRARY, pursuant to § 24-90-112, C.R.S., as amended, shall become the Public Library Fund of the GCLD, and all moneys held therein shall be transferred to the GCLD in accordance with the IGA.

BE IT FURTHER RESOLVED that, pursuant to § 24-90-108(1), C.R.S., as amended, the management and control of the GCLD shall be vested in a board of trustees that shall be comprised of seven (7) members, all of whom shall reside with the GCLD legal service area; the initial board of trustees shall be:

- a. Marsha Rose
- b. Carol Kennedy
- c. Larry Meredith
- d. Bruce Bartleson
- e. Marjorie O'Reilly
- f. Jim Barron
- g. Julie Clute-Chaney

BE IT FURTHER RESOLVED that the GCLD BOT are appointed to terms of office, and may be removed from office, by the BOCC in accordance with § 24-90-108, C.R.S., as amended, as shall be more specifically enumerated in the IGA.

BE IT FURTHER RESOLVED that Gunnison County and the Library District are mandated to enter into an intergovernmental agreement within ninety (90) days of the adoption of this Resolution that shall set forth fully the rights, obligations and responsibilities, financial and otherwise, of Gunnison County and the Library District; and



BE IT FINALLY RESOLVED that it is anticipated that the GCLD will operate with the oversight and supportive services of Gunnison County through calendar year 2007, as shall be more specifically enumerated in the IGA, and will not become independently operational until at least January 1, 2008.

INTRODUCED by Commissioner Swenson, seconded by Commissioner Channell, and adopted this 18<sup>th</sup> day of December, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

By [Signature]  
Harv Channell, Chairperson

By [Signature]  
Paula Swenson, Vice Chairperson

By (Absent - No Vote)  
Jim Starr, Commissioner

ATTEST:

[Signature]  
Deputy County Clerk

