

RESOLUTION NO. 2019-41

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO ESTABLISHING THE SOUTHWEST LA PLATA LIBRARY DISTRICT AND ITS BOARD OF TRUSTEES AND AMENDING THE LA PLATA COUNTY CODE TO ACHIEVE THE SAME

WHEREAS, a citizen's group submitted a petition to the Board of County Commissioners of La Plata County, Colorado ("Board") on July 23, 2019 requesting the formation of a library district in the southwest part of the County to be known as the Southwest La Plata Library District ("District") and requesting a mill levy for funding the establishment, operation and maintenance of the same, pursuant to C.R.S. § 24-90-107; and

WHEREAS, the La Plata County Clerk and Recorder determined that 345 valid signatures were submitted as part of the petition, which is greater than the 100 signatures needed by statute to petition the Board; and

WHEREAS, on September 5, 2019, pursuant to the Colorado Library Law, C.R.S. § 24-90-101 *et seq.*, the Board passed Resolution No. 2019-25, submitting a question to the vote of the registered electors residing within the District's proposed legal service area on whether the proposed District should be formed and whether a mill levy should be imposed; and

WHEREAS, at the November 5, 2019, coordinated election, a majority of the registered electors of the proposed District voting on the question voted in favor of forming the District and imposing a mill levy for its establishment, operation and maintenance, with collection beginning in 2021; and

WHEREAS, pursuant to C.R.S. § 24-90-107(3)(g), based on the certified results of the coordinated election, the Board is required to establish the District; and

WHEREAS, pursuant to C.R.S. § 24-90-108(1) and (2)(c), the management and control of the District shall be vested in a board of trustees appointed by the Board; and

WHEREAS, based on testimony and evidence from the public, the Board has determined that the District's board of trustees shall be comprised of seven (7) members, in accordance with C.R.S. § 24-90-108; and

WHEREAS, the Board desires to establish the District, amend the La Plata County Code to establish the Southwest La Plata Library District Board of Trustees and set forth the qualifications and procedures for appointment of trustees to the board of trustees of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY COLORADO, as follows:

1. The District, as approved by a majority of the electors voting on the question presented at the November 5, 2019, coordinated election and as defined and provided for under the Colorado Library Law, is hereby established. The library district shall be known as the Southwest La Plata Library District ("District").

2. The legal service area of the District, as such legal service area is defined under C.R.S. § 24-90-103(4.5), consists of all of La Plata County Voting Precinct 11; all of La Plata County Voting Precinct 29 within the Southern Ute Indian Reservation except the subdivision known as "Trappers Crossing at Durango"; all of La Plata County Voting Precinct 21; portions of voting precincts 32, 29, and 22 that are included in the Sunnyside Elementary School attendance area, but outside of the Durango City Limits; and additional area within voting precinct 32 south of County Road 220, west of Highway 172 and west of County Road 307. All voting precincts, subdivisions, and school attendance areas referenced refer to existing boundaries as of August 1, 2019, as per the La Plata County GIS Office.
3. The District shall be a political subdivision of the State of Colorado and is established as its own taxing authority, pursuant to C.R.S. § 24-90-103(6).
4. The District shall be a "public library" as defined under C.R.S. § 24-90-103(13)(a) and shall be operated and maintained for the free use of the public residing within its legal service area, shall be operated 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 the rules established by the Colorado State Library.
5. Until collections of the approved mill levy begin in 2021, financial support for the District shall come solely from donations, grant funding and/or other third-party sources.
6. There is hereby established the Southwest La Plata Library District Board of Trustees to be comprised of seven (7) members appointed by the Board of County Commissioners of La Plata County, Colorado. Members of the board of trustees shall serve until their successors are appointed.
7. Trustees shall be chosen from the residents within the District's legal service area, in accordance with C.R.S. § 24-90-108.
8. Pursuant to C.R.S. § 24-90-108(3)(a), the initial terms for the seven-member board of trustees shall be staggered in the following manner:

One-year term – One trustee	Four-year terms – Two trustees
Two-year term – One trustee	Five-year term – Two trustees
Three-year term – One trustee	
9. After the Board's appointment of the initial trustees for the District, bylaws adopted by the District shall govern the length and number of terms of the members of the board of trustees, per C.R.S. § 24-90-108(3)(a).
10. Vacancies shall be filled by special appointment made by the Board of County Commissioners. Such appointments shall be made to fill the unexpired term of the vacant trustee's seat.

11. The Board authorizes the District's board of trustees to recommend new trustees for consideration for appointment.
12. The board of trustees, immediately after their appointment by the Board, shall meet and elect a president and secretary and such others as deemed necessary.
13. Meetings of the District's board of trustee shall be open to the public and conducted in accordance with the Colorado Open Meetings Law C.R.S. § 24-6-402.
14. The members of the District's board of trustees shall serve without compensation.
15. Article III of Chapter 2 of the La Plata County Code is hereby amended, as set forth in Exhibit A, which is incorporated by reference, to include a new Division 37 – Southwest La Plata Library District.
16. This Resolution shall be effective immediately upon adoption and shall supersede any and all prior resolutions or motions inconsistent with this Resolution.
17. The County Attorney's Office is authorized to make additional form and style-type revisions to Division 37 of the Code, including but not limited to spelling, numbering, statutory references and other conforming-type revisions, but not revisions that are substantive in nature.

DONE AND ADOPTED in Durango, La Plata County, Colorado, this 10th day of December, 2019.

BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO



Julie Westendorff
Julie Westendorff, Chair

Clyde Church
Clyde Church, Vice-Chair

Gwen Lachelt
Gwen Lachelt, Commissioner

EXHIBIT A

CHAPTER 2 ADMINISTRATION

ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 37. SOUTHWEST LA PLATA LIBRARY DISTRICT

Sec. 2-692. Creation; Terms; Vacancies and Qualifications

I. Creation. There is hereby established the Southwest La Plata Library District Board of Trustees. The Board of Trustees shall be comprised of seven (7) members appointed by the Board of County Commissioners of La Plata County, Colorado.

II. Term and Vacancies.

A. Pursuant to C.R.S. § 24-90-108(3)(a), the initial terms for the seven-member board of trustees shall be staggered in the following manner:

One-year term – One trustee
Two-year term – One trustee
Three-year term – One trustee

Four-year terms – Two trustees
Five-year term – Two trustees

B. After appointment of the initial trustees for the library district, bylaws adopted by the district shall govern the length and number of terms of the members of the board of trustees, pursuant to C.R.S. § 24-90-108(3)(a), as amended.

C. Unless removed for good cause, members of the board of trustees shall serve until their successors are appointed or

D. Members of the board of trustees may be removed by the Board of County Commissioners, based upon a showing of good cause as defined in, but not limited to, the bylaws of the library district.

E. Vacancies shall be filled by special appointment made by the Board of County Commissioners. Such appointments shall be made to fill the unexpired term of the vacant trustee's seat.

F. The Board authorizes the District's board of trustees to recommend new trustees for consideration for appointment.

G. The members of the District's board of trustees shall serve without compensation.

III. Qualifications

A. Trustees shall be chosen from the residents within the library district's legal service area.