

RESOLUTION 2024-100
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A SECOND AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE
POUDRE RIVER PUBLIC LIBRARY DISTRICT, THE CITY OF
FORT COLLINS, AND LARIMER COUNTY

A. Pursuant to Section 24-90-107(3)(h) of the Colorado Revised Statutes, the Poudre River Public Library District (“District”), the City and Larimer County (“County”) entered into an Intergovernmental Agreement dated December 18, 2007, which sets forth the rights, obligations, and responsibilities, financial and otherwise, of the City, the County and the District (the “IGA”).

B. The parties amended the IGA through a First Amendment to Intergovernmental Agreement dated June 4, 2012, to expand the list of services provided by the City as stated in Exhibit B to the IGA and simplify the process for changing Exhibit B in the future, as well as to provide that the District will reimburse the City for any City-approved refunds of the City Impact Fee.

C. The IGA requires that the City and County appoint trustees to the District’s Board of Trustees through a committee made up of two members of each legislative body, with both legislative bodies ratifying such appointments. This is one process allowed by Colorado law; the other option is that the legislative bodies that form a library district can delegate to the district’s board of trustees the authority to appoint new trustees, with ratification by the legislative bodies still required.

D. The District and the County have expressed interest in changing the way trustees are appointed because the current process is time-consuming and administratively burdensome for the County and the City.

E. City staff recommends that the City Council authorize a Second Amendment to the IGA to allow the District Board of Trustees to appoint new trustees, subject to approval by the City Council and County Commissioners. A draft of the proposed Second Amendment is attached and incorporated herein as Exhibit “A”.

F. The District Board of Trustees was scheduled to consider the Second Amendment at its meeting on August 12, 2024, and the County Commissioners are scheduled to consider it at their regular meeting on August 20, 2024.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The Mayor is hereby authorized to execute the Second Amendment to Intergovernmental Agreement in substantially the form attached hereto as Exhibit “A”,

with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City.

Section 2. The City's execution of the Second Amendment is contingent upon the Library District Board of Trustees and the Larimer County Commissioners taking appropriate action to approve the execution of the Second Amendment by their respective entities.

Passed and adopted on August 20, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: August 20, 2024
Approving Attorney: Ingrid Decker