

SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

THIS SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“Amendment”) is made and entered into by and between THE Poudre River Public Library District, formerly known as the Fort Collins Regional Library District (“District”), the CITY OF FORT COLLINS, COLORADO (“City”), and LARIMER COUNTY, COLORADO (“County”) and is effective on the date last signed below.

RECITALS

1. Pursuant to § 24-90-107(3)(h), C.R.S., the District, City and 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”).

2. The parties amended the IGA through a First Amendment to Intergovernmental Agreement dated June 4, 2012 (the “First Amendment”), to expand the list of services 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.

3. The parties now wish to further amend the IGA to modify the process for appointing trustees to the District’s Board of Trustees.

NOW, THEREFORE, the parties hereto agree as follows:

1. That Article I of the IGA is amended by the addition of a new Section 1.7, as follows:

Section 1.7 Appointment of Trustees The City and County hereby delegate to the Board of Trustees of the District the authority to recommend new trustees for ratification by a two-thirds majority of the legislative bodies of both the City and County as provided in §24-90-108, C.R.S., as amended.

2. That Section 2.4 of the IGA is hereby amended to read as follows:

Section 2.4 Appointment of Trustees. The City, in cooperation with the County, shall be responsible for ratifying the appointment of trustees recommended by the District to the Board of Trustees pursuant to §24-90-108, C.R.S., as amended. Upon receipt of a recommendation for appointment by the Board of Trustees of the District, the City Council shall vote on the appointment at a regularly scheduled meeting, either approving the appointment or rejecting the appointment. If the appointment is approved by both the City and County, the individual shall be deemed appointed to the Board of Trustees for the District. If the appointment is rejected by either the City or County, the Board of Trustees for the District shall provide a recommendation for a new individual to fill the vacancy. If more than one

EXHIBIT A TO RESOLUTION 2024-100

vacancy is open, the Board of Trustees for the District shall provide a recommendation for each vacancy and the City Council shall approve or reject each recommendation separately.

3. That Section 7.1 of the IGA is hereby amended to read as follows:

Section 7.1 Appointment of Trustees. The County, in cooperation with the City, shall be responsible for ratifying the appointment of trustees recommended by the District to the Board of Trustees pursuant to §24-90-108, C.R.S., as amended, and for any additional responsibilities mandated under the Colorado Library Law, as amended. Upon receipt of a recommendation for appointment by the Board of Trustees of the District, the County shall vote on the appointment at a regularly scheduled meeting, either approving the appointment or rejecting the appointment. If the appointment is approved by both the City and County, the individual shall be deemed appointed to the Board of Trustees for the District. If the appointment is rejected by either the City or County, the Board of Trustees for the District shall provide a recommendation for a new individual to fill the vacancy. If more than one vacancy is open, the Board of Trustees for the District shall provide a recommendation for each vacancy and the County shall approve or reject each recommendation separately.

4. All terms and conditions of the IGA remain in full force and effect except as modified by this Amendment and the First Amendment.

**BOARD OF COUNTY COMMISSIONERS
LARIMER COUNTY, COLORADO**

Chairman

Date

ATTEST:

Approved as to form:

Larimer County Attorney

EXHIBIT A TO RESOLUTION 2024-100

**POUDRE RIVER PUBLIC LIBRARY DISTRICT
BOARD OF TRUSTEES**

President

Date

ATTEST:

Approved as to Form:

Secretary

Setzer & Vander Wall, P.C.

CITY OF FORT COLLINS, COLORADO

Mayor

Date

ATTEST:

Approved as to Form:

Name: _____

Sr. Assistant City Attorney

Title: _____