

# Library

## PUEBLO CITY-COUNTY

### news & events

March 2017

PRINTED THANKS TO THE GENEROUS SUPPORT OF FRIENDS OF THE LIBRARY

**Locations Key:**

AV Avondale Satellite

BK Barkman

BS Beulah Satellite

GI Giodone

LU Lucero

LB Lamb

LY Library @ the Y

GV Greenhorn Valley

PW Pueblo West

RA Rawlings

## March is Women's history month

**EXHIBITS****Red Cross Nurses display**

Wednesday, Mar. 1-31

All library locations

Images of Red Cross nurses during WWI. These women contributed their services to our community, country and also served abroad.

**Colorado Women's Hall of Fame**

Wednesday, Mar. 1-17, PW

Portrait exhibition from the Colorado Women's Hall of Fame. The exhibit celebrates and informs about the enduring contributions of extraordinary Colorado women. Exhibit courtesy of CSU-Pueblo's Women's Studies program.

**MOVIES****Strong Sisters: Elected Women in Colorado**Monday, Mar. 13, 6:30-8 p.m., RA, InfoZone-4<sup>th</sup> floor

A compilation of oral histories from past and current female elected officials is the foundation for this documentary. It examines questions such as why does Colorado have a proud history of electing women to public office?, and inspires today's women to build on our remarkable history. A panel of local elected officials will be available for discussion after the film.

**PROGRAMS****Colorado Women's Hall of Fame Presentation**

Wednesday, Mar. 1, 2-3 p.m., PW

Betty Heid, chair of the Colorado Women's Hall of Fame, will open the exhibition at a small launch held at Pueblo West Library.



She will speak about the Women's Hall of Fame. Other brief comments will be made by other representatives, including Marina Cunin Borer, chair of CSU-Pueblo's Women's Studies program and Frank Vidana from the Pueblo West Library.

**Outstanding Women Awards Luncheon**Friday, Mar. 10, Noon, RA, 2<sup>nd</sup> floor

These awards have honored women who have made important contributions to our community and have celebrated the important role that women have played in Pueblo's history. These awards provide an opportunity for any individual or organization to honor a special woman who has made an impact. Sections of materials on the 2nd floor will be blocked off for the program.

**Pants=Power**

Thursday, Mar. 16

7 p.m., RA, Ryals Room-4<sup>th</sup> floor

Trace women's efforts to "steal" both the wearing of pants and the power they represent, from men. Beginning with the origin of trousers, learn about selected periods in American history and how women challenged the system to expand their independence in life and in clothing. A presentation by Eileen Tannich Gose and Kathy Wiederstein DeHerrera, co-authors of *Reflecting Freedom: How Fashion Mirrored the Struggle for Women's Rights*.

**Chautauqua: A Visit with Marie Curie**

Thursday, Mar. 30

7 p.m., RA, Ryals Room-4<sup>th</sup> floor

Time travel back to 1915 to witness the struggles and triumphs of the scientist who discovered a new element that really does glow in the dark. Marie Curie is best known for the discovery of radium and radioactivity and the first treatments for cancer, but few understand the obstacles she faced just to get into the laboratory. Hear her compelling journey. Portrayed by Colorado Humanities scholar Susan Marie Frontczak.

**Hours:**

Monday - Thursday

9 a.m. to 9 p.m.

10 a.m. to 7 p.m. (Greenhorn, Giodone and Lucero only)

Friday &amp; Saturday

9 a.m. - 6 p.m.

10 a.m. - 6 p.m. (Greenhorn, Giodone and Lucero only)

Sunday (Rawlings only)

11 - 5 p.m.

Phone: 562-5600

**Locations:**

Barkman Library

1300 Jerry Murphy Rd.

Greenhorn Valley Library

4801 Cibola Dr.

Colorado City, Colo.

Giodone Library

24655 U.S. Hwy 50 E.

Lamb Library

2525 S. Pueblo Blvd.

Library @ the Y

3200 Spaulding

Lucero Library

1315 E. 7<sup>th</sup> St.

Pueblo West Library

298 S. Joe Martinez Blvd.

Rawlings Library

100 E. Abriendo Ave.

**Satellite library locations:**

Avondale Elementary

213 Hwy. 50 E.

Beulah School

8734 Schoolhouse Ln.

**Board of Trustees:**

Donna Pickman, President

Fredrick Quintana, VP

Marlene Bregar

Lyndell Gairaud

Phil Mancha

Doreen Martinez

Jim Stuart

**Foundation Board:**

Julie Rodriguez, President

Jim Stuart, VP

Carol King, Secretary

P. Michael Voute, Treasurer

**Friends of the Library****Officers:**

Dustin Hodge, President

Monica Ayala, Secretary

Leslie Carroll, Treasurer

[www.pueblolibrary.org](http://www.pueblolibrary.org)



**Colorado Association of Libraries, Legislative Committee Minutes**  
**Friday, March 3, 2017 at 10:00 am**  
**Commissioner's Room, Denver Public Library**

**Call to Order**  
**ATTENDING:**

**ACCEPTANCE OF MINUTES:**  
**Report from, CAL Board Meeting:**

**Calendar of Activity updates for 2017**

Time allocated: 10 min

| <b>Event Date</b>                  | <b>Event Name</b>                    | <b>Details</b>   |
|------------------------------------|--------------------------------------|--|
| March 14, 2017<br>from 8 am to 1pm | Colorado State Lobby Day             | Requires TF to coordinate with Lobbyists   |
| May                                | National Library Legislative Day     | John Wilkinson will coordinate   |
| June                               | Identify Legislative Award Recipient | Deadline to submit name to Awards Committee  |
| November                           | Budget Setting for Legislative Com.  | Usually a zero budget for regular work <ul style="list-style-type: none"> <li>• 2016-17 request to increase payment to CAL Lobbyists</li> <li>• Request to reinstate grant for NLLD attendees</li> </ul> |
|                                    |                                      |  |

**REPORTS:**

**LOBBYIST'S REPORT** [Jerry Braden, Amber Valdez, Ruben Valdez]

Time allocated: 30 minutes

**COLORADO FUTURES REPORT** [Jacqueline Murphy]

Time allocated: 10 minutes

**NATIONAL LEGISLATION**

Time allocated: 5 minutes

**PAC Fundraising Report**

**Assignments follow-up and next steps**

Time allocated: 10 minutes

| <b>Who</b>                        | <b>Action</b>   |
|-----------------------------------|---|
| Jerry Braden & Ruben Valdez       | Forward list of other Town Hall Meetings throughout the state     |
| All Committee Members & Lobbyists | Identify issues that need monitoring and/or action                |
| Task Force Needed                 | Develop Fundraising Plan for Legislative Committee                |
| Collaboration with PAC Needed     | Develop Fundraising Plan for PAC                                  |
| Eugene Hainer                     | Coordinate a meeting with the current Commissioner in March/April |
|                                   |   |
|                                   |   |

**ADDITIONAL ITEMS**

**NEXT MEETING March 3, 2017**

For Remote Access use the following link:

Join from PC, Mac, Linux, iOS or Android: <https://zoom.us/j/986432704>

**Colorado Association of Libraries, Legislative Committee Minutes**  
**Friday, February 3, 2017 at 10:00 am**  
**Commissioner's Room, Denver Public Library**

**Call to Order**

**ATTENDING:** Jerry Braden, Deborah Deal, Robin Flipizak, Jim Duncan, Eugene Hainer, Jody Howard, Diane Lapierre, Amy Phillips, Brittany Raines, Elena Rosenfeld, David Sanger, John Wilkinson, Amber Valdez, Ruben Valdez,  
**Guests:** Jefferson County Public Library Trustees: Deborah Deal, Julia Hill-Nichols, Kim Johnson

**ACCEPTANCE OF MINUTES:** January Minutes – Approved as written.

**Report from CAL Board Meeting:** No Report

**Calendar of Activity updates for 2017**

| Event Date                         | Event Name                                | Details  |
|------------------------------------|---|--|
| March 14, 2017<br>from 8 am to 1pm | Colorado State Lobby Day                  | <p>Amy Shipley is leading the event this year.</p> <ul style="list-style-type: none"> <li>• Amy Phillips and Brittany Raines are helping coordinate.</li> <li>• <b>Event Location:</b> outside of the Old Supreme Court Chambers on the 2<sup>nd</sup> floor of State Capitol.</li> <li>• Request for volunteers is slightly behind schedule; however, we have the CALLI Cohort participating.</li> <li>• The 2017 Core message will drive conversations which will focus on how grant monies are helping communities.</li> <li>• David Bonderchuck confirmed that Scratch Catering will participate in the event.</li> </ul>  |
| May 1-2, 2017                      | National Library Legislative Day          | <p>John Wilkinson is serving as our State Coordinator.</p> <ul style="list-style-type: none"> <li>• The rest of the team includes: Deborah Deal, Julia Hill-Nichols, Eugene Hainer, Michelle Jeske, Kim Johnson, Diane Lapierre, Sasha Miller</li> <li>• Representatives for CD 2 and 4 are needed.</li> <li>• CAL Board approved \$300 stipend for up-to three people who need it; but only 1 person per Congressional District.</li> <li>• Orientation meetings are being held with state representatives so all are prepared before going to D.C.</li> <li>• Top issues (currently) include revisions to copyright; loss of federal funding to programs such as ESSA, LSTA, NEA, and NSF; and requests that the FCC change rules on Net Neutrality and eRate</li> </ul> |
| June                               | Identify Legislative Award Recipient      | Deadline to submit name to Awards Committee  |
| November                           | Budget Setting for Legislative Committee. | <p>Usually a zero budget for regular work</p> <ul style="list-style-type: none"> <li>• 2016-17 request to increase payment to CAL Lobbyists</li> <li>• Request grant funds for NLLD attendees</li> </ul>   |

**REPORTS:**

**LOBBYIST'S REPORT** [Jerry Braden, Amber Valdez, Ruben Valdez]

**Legislative Items/Town Halls**

- Community engagement is currently very strong. Town Hall events have been full. Those using virtual meetings, such as Perlmutter had are finding that the volume of callers is breaking the system. For his phone meeting, there were 6,000 people trying to call.
  - Diana Degette is hosting one and is finding that she may need to move it to a larger space;
  - Cory Gardner is receiving more than usual calls. He is claiming many of the people calling are paid rather than true constituents.
- Transportation continues to be an area of focus. Speaker of the House, Crisanta Duran and President of the Senate, Kevin Grantham have been working on this together to develop a proposal. The Republican position is to increase



revenues while paying less taxes. Polling says that people are willing to pay (but polling vs reality are often different) – so not sure if anything will happen.

- There are 40 Regional Jobs to represent President Trump in Colorado. It's expected that a number of people within the Colorado legislature may move to those positions, leaving vacancies to be filled for the rest of this legislative term.
- The City and County of San Francisco filed a "Sanctuary City" lawsuit through the Ninth Circuit Court against President Trump's executive order against sanctuary jurisdictions. Their intent is to clarify that San Francisco fully complies with section 1373 of the United States Code.
- Expect the 2018 gubernatorial election to be a wild ride. At this time, those running – or are considering running – for Governor include:

| Democrats                            | Republicans  |
|--------------------------------------|--|
| Noel Ginsburg, Denver Business CEO   | George Brauchler, DA for Arapahoe, Elbert, & Lincoln counties* |
| Mike Johnston, State Sen.            | Mike Coffman, US Rep.  |
| Cary Kennedy, former State Treasurer | Steve House, State GOP Chair                                   |
| Steve Lebsock, State Rep.            | Tim Neville, State Sen.  |
| Donna Lynne, Lt. Gov                 | Ray Scott, State Sen.  |
| Michael Merrifield, State Sen.       | Walker Stapleton, State Treasurer                              |
| Ed Perlmutter, US Rep.               | Kent Thiry, Kidney-Dialysis Co CEO                             |
| Jared Polis, US Rep.                 |  |
| Joe Salazar, State Rep.              |  |
| Ken Salazar, former Sen.             |  |

\*Note: George Brauchler is financially supported by the Koch brothers.

### State Budget

This year, the Gallagher Amendment will impact State Budget Concerns, especially interaction of TABOR, Amendment 23, and Gallagher – this may impact Districts at the cost of a 10% drop in revenues. As Gallagher drops the residential property taxes, then see a loss.

Marijuana taxes are outside of Tabor limitations. But the percentages of fund distribution can be changed by law.

<https://drive.google.com/open?id=0B624KfwdKC9LbURkcV9WbkRIQms>

- Everyone is awaiting the March Revenue Forecast to assess what needs to happen. The Joint Budget Committee is working in a situation filled with unknowns. At this point, they will be looking to cut \$100 million from the 2018 budget. More cuts are likely. Funding streams such as Hospital Provider Fees and the newly implemented Internet Sales Tax will likely be refunded due to TABOR limitations.
- Proposed changes to taxes/revenue streams:
  - The Koch brothers are financially backing support to keep Hospital Provider Fees within TABOR and other anti-tax related efforts;
  - Bills supporting business property tax revisions are unlikely to pass;
  - There is a proposal to cut gasoline taxes and add to the cost of purchasing a vehicle. However, this might face opposition from city governments as they rely heavily on sales tax and state-added taxes will likely cause problems.
- The Federal Government seems to be moving forward in making Medicaid a Block Grant. If this happens, it will likely result in a drop in Federal funds for at-risk populations. Currently, funding for Medicaid is about 50/50 from the State and Federal governments. Some Governors (from both political parties) have pushed back on this plan.
- Senator Larry Crowder and Representative Dan Thurlow are working to change the State's spending cap formula so that it is tied to personal income rather than consumer inflation plus population change.
- State Grants to Libraries – sense of whether it's at risk? Don't know due to the chaos...just staying quiet until it's time to make noise.

### Bill Tracking

- More bills are expected to be posted this evening. Much of the legislation being put forward may be setting the stage for those running for Governor. So, the focus is on sponsoring bills that meet constituent interests.
- Expect bills moved to State Affairs to die in committee.

| Bill Number & Title  | Sponsors  | Details  | Continue Tracking?                          |
|--|---|--|---|
| <b>SB17-008 – Legalize Gravity Knives and Switchblades</b>   | Sen. O. Hill<br>Rep. S. Lebsock                     | Removes these knives from list of illegal weapons.<br>Passed 3 <sup>rd</sup> reading | Yes – may impact library safety concerns.   |
| <b>SB17-041 – Higher Education Employment Contract Terms</b> | Sen. K. Priola<br>Rep. Y. Willett<br>Rep. E. Hooton | Contract positions in Higher Ed funded by revenues through auxiliary activities.     | No – does not impact Academic Library staff |



|  |   |  |  |
|--|---|--|--|
| <b>SB17-062 – Student Free Speech Public Higher Ed Campuses</b>        | Sen. T. Neville<br>Rep. S. Humphrey                             | Declares all spaces in public higher ed as open forums for free speech.  | Yes – may impact academic libraries.                                 |
| <b>SB17-116 – Concealed Handgun Carry Without a Permit</b>             | Sen. T. Neville<br>Rep. K. Van Winkle                           |  | Yes – may impact library safety concerns.                            |
| <b>SB17-150 – Restrict Employment of Relatives by Public Officials</b> | Sen. A. Kerr  | Prohibits public official from any involvement with the hiring, promotion, or advancement of a relative who may/is working within the same state agency. | Yes – until more is known.   |
| <b>HB17-1106 – Extend Early Childhood Leadership Commission</b>        | Rep. B. Pettersen<br>Rep. J. Wilson<br>Sen. B. Martinez Humenik | Expands membership of commission – Possible to add library representative?   | No – section of interest was removed in amended version.             |
| <b>HB17-1161 – Tax Increment Financing Transparency</b>                | Sen S. Beckman  | Requires public distribution of report TIF fund use.   | Yes – direct impact to Library Districts and awareness for libraries |

### Library News

- Denver Public Library – is now listed as a project under the upcoming City 2017 GO (General Obligation) Bond. In Spring, the Mayor will start community conversations about all of the proposed projects.
- Jefferson County Public Library – the mill levy, which included deBrucing, was approved by voters. Actions being taken include, restoring library hours and renovating the Columbine Library. There is also an opportunity to work with the City of Edgewater where a vote for new civic center was passed. The building is designed to include 10,000 sq ft for the library. The trustees are committed to making best use of these funds and working with the County Commissioners.
- High Plains Library District – the lawsuit is coming to a close. Last minute negotiations are taking place this week to see if there can be a settlement outside of court.

### NATIONAL LEGISLATION

- The new leadership is going to challenge many of the programs that support library work. LSTA conversations are starting-up. Most of the items that need to be considered are listed in the **Calendar of Activities** in reference to National Library Legislative Day (NLLD).

### PAC Fundraising Report

- Paid \$200 to Crisanta Duran's campaign.
- Diane Lapierre will be willing to help with a fund-raising effort after finishing with this year's Lobby Day.

### Assignments follow-up and next steps

| Who                               | Action  |
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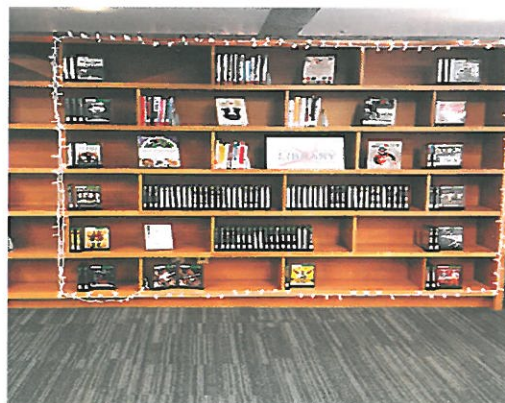
**NEXT MEETING: March 3, 2017**



# LIBRARY @ THE U LIBRARY @ PCC

Board of Trustees Work Session – March 14, 2017

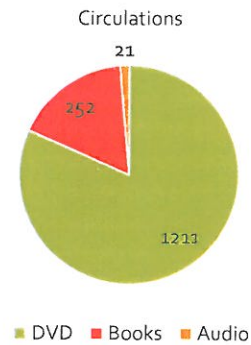
## Library @ the U





## What's Checking Out

- Through Oct 20<sup>th</sup> – Feb 28<sup>th</sup>, 1484 total checkouts
- February was the highest month so far!!!



## Who's Checking Out

- 60-70% of checkouts appear to be to students
- Majority already have cards
- Staff are taking advantage of the holds pickup

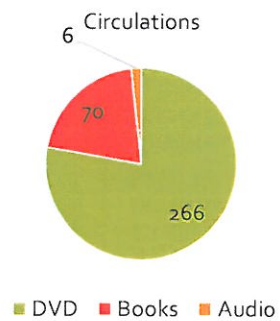


## Library @ PCC



## What's Checking Out

- Through January 25<sup>th</sup>- February 28<sup>th</sup>, 342 total checkouts





## Benefits

### PCCLD

- Expanded customer base
- Circulations are counting in our key result data
- Hoopla, Cloud, and other online services are counting
- Potential future shared resources such as databases and Prospector
- Materials are being funneled back to PCCLD
- Fulfilling our strategic plan goal of creating community partnerships

### CSU-P & PCC

- Access to an entertainment collection that isn't in their materials budget
- Access to PCCLD online resources
- Increased circulations
- Convenience for their campus community

## Cost to PCCLD

- Cost of collections which includes
  1. Lease book credits for fiction titles \$0
  2. 4-6 copies of high demand dvds \$7875
  3. Minimal purchase of nonfiction titles \$1000
  4. Staff time for TS courier to PCC (CSU-P pays for their courier) \$832

## Future Plans

- Add more books to the collection
- Consider other formats such as videogames, blurays, and audiobooks
- Create a library card launch event every semester



# Security Update

## Goals of Security in the Library?

- Safe and secure environment for library staff and visitors
- Provide a comfortable and welcoming environment for all customers
- Maintain a healthy and clean environment
- Protection of library materials/property

## How is this accomplished?

- Staff awareness and responsiveness, alert law enforcement when necessary
- Rules of Conduct – emphasis on behavior
- Contract with security personnel
- Excellent customer service and RFID!

## What happened in 2016?

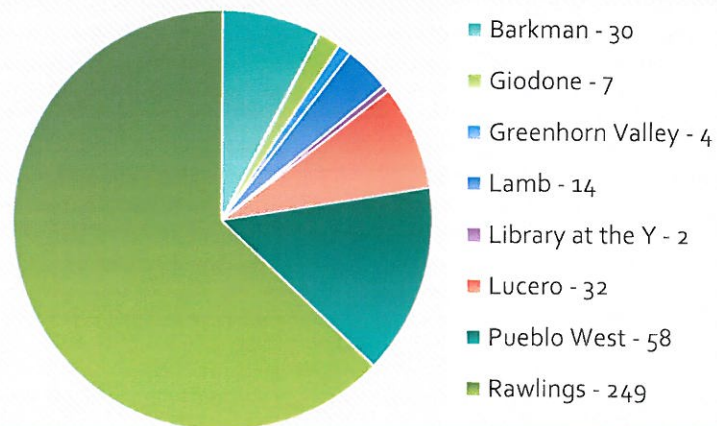
- Reviewed and re-trained on the Rawlings Fire Evacuation plan, developed communications plan
- PIC (Person in Charge) phone
- Addition to the Library Rules of Conduct: Dispensing Noxious Chemicals
- Updated the scope of TNT – contracted security
- Enhanced night patrol
- Emphasis on security training at staff development day
- Hot Topics – increase staff confidence with handling situations
- Increased use of incident reports
- Recovered 2 stolen laptops

## Statistics

### Topics include:

Disruptive behavior  
 Refusal to leave when asked  
 Overnight alarms  
 Under the Influence  
 Theft from library or customer  
 Animals  
 Trespassing  
 Vandalism/graffiti  
 Injury on premises

Incident Reports 2016



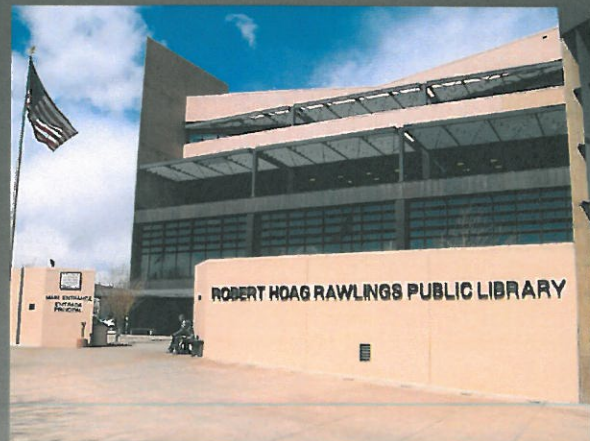


# Policies and Procedures

- Policies
  - Rules of Conduct
  - Video Surveillance Policies
- Procedures
  - 5 Step Method to Influencing Customer Behaviors
  - Escalations to Supervisor, Manager, PIC
  - Suspensions and Reinstatements

# Boundaries

- Within library:  
inside, entrances, courtyard, porches
  - Rules of Conduct
  - Laws Emergencies
  - Emergencies
- Outside of library:  
sidewalks, parking lots, grassy areas
  - Laws *loitering, intoxication, etc*
  - Emergencies *unable to wake, etc*



## What's going well?

- Staff confidence in handling security situations
- Proactive staff – intervening before behaviors get out of hand
- Relationships with Law Enforcement
- Tools (Incident Reports, Suspension List, Security Cameras)

| Challenges  | Opportunities  |
|---|--|
| One security incident can change your plans for the whole day!                                  | Security is a TOP priority – flexibility is key  |
| Bored library visitors...   | The library should continue to provide and enhance engagement opportunities for visitors of all ages |
| Community issues come into public libraries<br>Homelessness<br>Substance abuse<br>Gang Activity | These issues are not new to public libraries. How can PCCLD partner with the community to improve?   |
| Perception: The library doesn't feel like a safe place to be                                    | Perspective: PCCLD had over 1.4 million visits in 2016 and 396 incidents.                            |



## 2017 Plans

- Review/recommendation of policies
- Contracted security service RFP
- Theft study at Rawlings
- Branch fire/communication procedure development and training
- Bi-Monthly hot topics
- Organization of incident report records
- Continue to build confidence and empowerment of staff to address security concerns
- Continue to see challenges as opportunities and act on them!



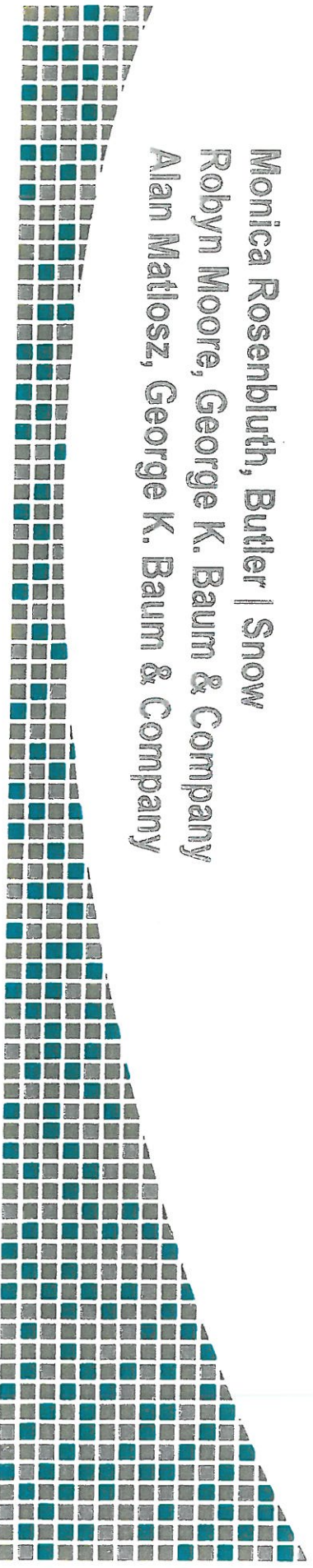
George K. Baum & Company  
INVESTMENT BANKERS SINCE 1928

BUTLER | SNOW

# Nuts & Bolts (and Bricks!)

Library Elections Primer for Operating and Building  
Projects  
April 27, 2016 Webinar

Monica Rosenbluth, Butler | Snow  
Robyn Moore, George K. Baum & Company  
Alan Matosz, George K. Baum & Company





# SO YOU WANT TO BUILD A LIBRARY...

- Or buy books, improve your facilities or pay the people who work there!
- Asking your constituents for money is hard work
- Overcoming public perceptions of libraries
- Libraries have never been busier
- Increased demand for services and diversified programming

# ...AND YOU NEED SOME MONEY TO DO IT!

- How much can you afford?
- Ideally, net revenues (revenues minus operating expenses) should be 150-200% over your expenses on an annual basis
- General rule of thumb – if the tax impact will exceed \$2/month per \$100K of actual value of someone's home (so, \$24/year on \$100K of actual value), it will be a tough sell (but not impossible)



## TO GET MORE MONEY, YOU NEED TO HAVE AN ELECTION

- TABOR (a/k/a Taxpayers Bill of Rights) is a constitutional amendment that requires voter approval for any tax increase or the incurrence of any debt
- Dates for TABOR elections
  - Municipal libraries: any November or the date of the municipality's local election
  - County libraries: any November
  - Library Districts: any November
    - Library Capital Facilities Districts: any November
  - Regional Library Authorities: any November
  - School Libraries: any November

# WHAT KIND OF ELECTION DO YOU NEED TO HAVE?

- Generally speaking, any election to impose (or raise) taxes or incur debt must be done by mail ballot
- Determine whether you're going to conduct an independent mail ballot election, or coordinate with the county
  - Things to consider when making this determination
- Type of library determines which election code you follow
  - Municipal libraries: Colorado Municipal Election Code - Title 31, Article 10 of the Colorado Revised Statutes (CRS) (unless the municipality has opted into the Colorado Election Code)
- Everyone else: Colorado Election Code – Title 1, Articles 1-13.5, CRS



# IMPORTANT ELECTION DATES

- Election resolution could be adopted in June or July
- July 29 is the deadline to notify the County Clerk in writing that the library will participate in a coordinated November 8, 2016 election
- September 9 is the deadline to notify the County Clerk of the ballot content and the order of the ballot (regardless of whether it's a coordinated or an independent mail ballot election) – your election resolution (including the ballot language) must be adopted by now!
- Other important deadlines apply – both TABOR deadlines and deadlines in the applicable election code

# PLANNING FOR THE FUTURE

- What do you need?
- Urgency
- Long-term planning
- Delaying the inevitable  
(more costly to wait)





# WILL THE COMMUNITY SUPPORT YOUR PROJECT?

- Board/Council support
- Doing your homework
- Polling
- Community outreach
- Communicating the needs



# HOW WILL YOU PAY FOR YOUR PROJECT?

- Existing net revenue (cash)
- Property tax vote
- Sales tax vote (not an available option for everyone)
- Bond
- Certificate of Participation (COP)



# HOW MUCH CAN YOU AFFORD?

- Look at current revenue/expenses.
- Be conservative about future revenue/expense projections.
- Don't forget to include future debt repayment (and assume a higher interest rate than today, especially if you need an election).
- Factor in a long-term capital plan for operation/maintenance.
- We can help you develop a project affordability/debt capacity analysis.

# FAIR CAMPAIGN PRACTICES ACT

- Now that the election ordinance or resolution has been adopted, the provisions of the FCPA kick in
- The FCPA is a state law that restricts the use of PUBLIC money in most campaigns
  - Restricts a public entity's ability to spend public money
  - Restricts the ability of elected officials and employees of the public entity to spend public money
- Found at 1-45-117, C.R.S. and in Article XXVIII of the Colorado Constitution ("Amendment 28")



# FCPA – RESTRICTIONS ON PUBLIC ENTITIES

- A library may not expend public moneys from any source, or make contributions, to urge electors to vote in favor of or against certain ballot issues or measures
- A library can expend public moneys to distribute a factual summary, but the summary must include arguments both for and against the proposal. The summary must not contain a conclusion in favor of or against the proposal (ie, must not urge a vote one way or another)
- A library can adopt a resolution supporting or opposing issues of official concern
  - News of resolution can be disseminated through regular, established means (other than paid advertising)

# FCPA – To URGE OR NOT To URGE

- FCPA prohibits a library from expending public funds to urge voters to vote *for or against*
  - Some early decisions suggested it may be possible to expend public funds in non-advocacy manner
  - “Urge” now defined by Court of Appeals:
    - Present, advocate or demand earnestly or pressingly
    - Taking a position favorable or opposed to
  - Conveying the message that the measure should be approved



# FCPA – PERMITTED ACTIVITIES OF ELECTED OFFICIALS AND EMPLOYEES

- Permitted activities by library employees and board members:
  - Library employees and board members can respond to unsolicited questions about issues of official concern
  - Library employees with policy-making responsibilities and board members can spend no more than \$50 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing opinion on issues of official concern
  - Board members may express a personal opinion on any issue
  - Library employees and board members may expend personal funds, make contributions, or use personal time to urge electors to vote one way or another on an issue of official concern

# FCPA – ENFORCEMENT

- Enforcement Provisions
  - 180 days from date of violation to file written complaint with Secretary of State
  - Secretary of State refers complaint to Administrative Law Judge
    - <http://www.sos.state.co.us/pubs/elections/CampaignFinance/complaints.html>
  - Civil penalty of at least double and up to five times the amount contributed
    - In a recent case, an ALJ fined a county commissioner personally for a violation of the FCPA
- Any appropriate order, sanction or relief



# FCPA – HOW TO ANALYZE A SITUATION

- Essential elements of a case involving ballot measures:
  - Is it a political subdivision?
  - Was it a covered election?
  - Did the FCPA provisions apply yet?
  - Was there an expenditure of public money?
  - Were voters urged to support or oppose a measure?

# FCPA DO'S AND DON'TS

- Don't call a bond election, and then use public money to pay for fliers supporting the bond issue
- Don't post information on the library website advocating for the passage of a bond issue
  - It's okay for a library district board member to publish a newsletter discussing a local ballot issue if she does so with her personal funds
  - Make sure your factual summary is balanced and even-handed and that you have about the same amount of both pro and con material; a factual summary may not express any opinion
  - If you're an elected official, don't spend any amount of public money (even \$2.35!) on a letter supporting a candidate
  - Don't try to aggregate your \$50 exception; you can't pool your own exception with 4 other board members to spend \$250 of public moneys on a ballot issue or measure
  - DO call your attorney if you have questions!



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