

RESOLUTION 53- 2021

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY REGARDING DISSOLUTION AND TERMINATION OF THE NORTHEAST COLORADO REGIONAL LIBRARY
(known as the Regional Bookmobile)**

WHEREAS, an agreement was made in 1961 between the counties of Kit Carson, Logan, Morgan, Washington, and Yuma, to create the Northeast Colorado Regional Library;

WHEREAS, over time, counties have joined and withdrawn from the Northeast Colorado Regional Library, and at present, the participating counties are Yuma, Washington and Logan;

WHEREAS, the regional library has come to be known as the Regional Bookmobile "Bookmobile;"

WHEREAS, the Bookmobile was originally created under Title 84 of the 1953 Colorado Revised Statutes;

WHEREAS, the agreement that created the Bookmobile provided that the Bookmobile would be governed by and could be dissolved under Title 84 of the 1953 Colorado Revised Statutes;

WHEREAS, the Title 84 of the 1953 Colorado Revised Statutes has been repealed;

WHEREAS, the parties subsequently entered into "The Northeast Colorado Regional Library Agreement" in 1983;

WHEREAS, that agreement provided for governance and dissolution under Article 90 of the 1979 Colorado Revised Statutes;

WHEREAS, it is believed that the reference to "Article 90" in the 1983 agreement is to Title 24, Article 90 of the 1979 Colorado Revised Statutes, which is known as the Colorado Library Law;

WHEREAS, the Title 24, Article 90 of the 1979 Colorado Revised Statutes has been repealed;

WHEREAS, while no specific records have been located, at some point the Bookmobile entity was designated as a separate intergovernmental entity, presumably under Colorado Revised Statutes § 29-2-104, and identified as such with the Colorado Department of Local Affairs, Division of Local Government;

WHEREAS, the Bookmobile is identified in the records of the Division of Local Government as Northeast Colorado Bookmobile Services;

WHEREAS, at present, Title 24, Article 90 of the Colorado Revised Statutes addresses and governs, among other things, the dissolution of "joint" libraries under § 24-90-114;

WHEREAS, the Bookmobile falls under the definition of “joint library” in C.R.S. § 24-90-103(4), which provides in part that joint libraries are libraries that are “established and jointly funded through an agreement by two or more governmental units...”;

WHEREAS, that statute provides for dissolution of a joint library by resolution or ordinance of two or more governmental units in which the library is located acting through their governing bodies, after a public hearing;

WHEREAS, the current members of the Bookmobile believe that given changed conditions, the Bookmobile is no longer utilized in a manner that justifies its costs, and that organization should be dissolved;

WHEREAS, the County posted notice of the public hearing on the dissolution at least 24 hours in advance of the public hearing; and

WHEREAS, the Washington County Board of County Commissioners finds it to be proper to dissolve the current regional library entity known as the Bookmobile, following procedures described in C.R.S. § 24-90-114.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Bookmobile is no longer necessary for the purposes for which it was originally created and should be dissolved.
2. The Board of Trustees of the Bookmobile shall take all appropriate steps for the payment of any outstanding debts and the distribution of any remaining assets to its member counties in a manner mutually agreed to by each County.
3. All indebtedness, including obligations arising from lease-purchase agreements, if any, of the Bookmobile shall be fully protected until retired, all trusts of the library, if any, will be continued as specified under current terms, and all property of the Bookmobile shall be divided as provided in any manner that is mutually agreed to by the Boards of County Commissioners of Logan, Washington, and Yuma Counties.
4. Such payment of outstanding debts and distribution of remaining assets shall be completed on or before December 31, 2021.
5. On or after December 31, 2021, the Washington Board of County Commissioners shall notify the Department of Local Affairs, Division of Local Government of the dissolution and termination of the Bookmobile (Northeast Colorado Bookmobile Services) as an intergovernmental entity, provide copies of each county’s resolution authorizing and directing such action and notification indicating that all Bookmobile debts have been paid and assets distributed.

DATED this 16th day of February, 2021.

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, COLORADO**



Lea Ann Laybourn, Chairman



Kent Vance, Commissioner



Tony Wells, Commissioner

ATTEST:



Annie Kuntz, Clerk to the Board

