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**ELBERT COUNTY  
GOVERNMENT**

# Press Release

## **Library Board Withdraws Lawsuit**

Trustees Claim Victory but Taxpayers Lose

**Kiowa, CO, June 21, 2018:** The Board of County Commissioners and Elbert County Library Trustees have come to a formal agreement that ends a six-month lawsuit regarding selection and appointment of Trustees. State law provides that the Library Board nominates trustees and the Commissioners either appoint or reject nominees. In January, the Library Board abruptly sued the county regarding language in a policy adopted after 10 months of public discussion by the Commissioners that outlined procedures and considerations for appointments to all boards, commissions, and committees over which they have oversight. With an agreement reached, the Trustees have withdrawn their suit.

The lawsuit, which cost the County government over \$13,000 in taxpayer dollars (plus an unknown amount of taxpayer money devoted by the Library Trustees to their effort), initially asked the courts to determine that the Commissioners had overstepped their authority, place an injunction on the application of the policy to the Library, and remove the Library from the policy itself. The initial request for court determination was dismissed, the injunction was unnecessary as the Trustees have not submitted any requests since the current BOCC was seated, and the agreement reached supersedes both the initial policy and the Library bylaws.

County Commissioner, Grant Thayer, a former Library Board Trustee, stated his frustration over the current Trustees' being "comfortable with pursuing an expensive adversarial relationship with Elbert County Government." The resolution of the Library Board lawsuit resulted in no material impact regarding the ratification policy promulgated by Elbert County Commissioners. "The Library Board's concerns should have been resolved over a cup of coffee," he said.

The agreement reached essentially restates the authorities articulated in the appointment policy approved in December 2017. The policy was intended to provide transparency in the Commissioners' appointments process. It provides general criteria that Commissioners consider when making appointments, establishes geographical diversity as a strong consideration, provides for a mix of both continuity and fresh faces on boards in order to better reflect the population of the county, and increases the opportunities to serve.

In regard to the agreement, Commissioner Richardson states, "It is unfortunate the Trustees chose to spend tax dollars on a pointless turf battle instead of simply sitting down to talk. Though the agreement reached essentially parallels the language in the approved appointments policy, it does provide some stronger protections for the taxpayers. This is important because the Library Board receives and spends nearly \$1 million in taxes annually but is not elected. This lack of direct citizen oversight makes our role in appointments very critical."

"Now that this is over", says Commissioner Willcox, "I hope that we will finally see some nominations from this board. Currently, three of their five Trustees are serving in expired terms. One of these expired over a year-and-a-half ago. It is situations like this that led to establishing the appointments policy in the first place."

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The current library bylaws, which the agreement supersedes, allows trustees to serve for up to 12 years and to continue to serve until they are replaced when their term expires. Since the Library made no nominations for the expired terms, no new appointments could be made.

The Commissioners are pleased that the Library Board chose to withdraw its lawsuit. It is clear that Colorado Statute places them in a position of oversight for the Library Trustees, both in terms of the Library District's million dollar budget as well as providing the authority to accept or reject any nominees that the Trustees propose. The settlement agreement, which the Trustees signed prior to withdrawing their lawsuit, makes these points clear.

With this agreement in place, the Commissioners look forward to building an effective working relationship with the Library Board of Trustees that focuses on benefiting Elbert County citizens.

Link to the Commissioners appointments policy: <https://bit.ly/2JZBIf3>

Link to the agreement regarding Trustee appointments: <http://ow.ly/BFJ630kBBU5>

Elbert County is located approximately 30 miles southeast of Denver and is home to over 26,000 residents. We are a unique mix of suburban bedroom communities and rural agricultural areas. The county provides essential statutory services and supportive infrastructure to our citizens in a professional, respectful, and cost-effective manner while creating a working environment that supports their endeavors, western lifestyle and rights as individuals. We strive to be viewed by our citizens and employees as the best place to live, work, and conduct business in Colorado; led in a responsive, effective, transparent, and professional manner.

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