AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft Minutes; 11/19/2013

Action Requested: Motion

Parties to the Agreement: N/A

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
Draft Minutes; 11/19/2013

Fiscal Impact:

Submitted by: B. Lucero **Submitter's Email Address:** Blucero@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\MBIRNIE Discharge Date: 1/3/2014

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: consent

Agenda Date: 1/7/2014 Follow Up Agenda Date: n/a

Revised April 2013

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 19, 2013

The November 19, 2013 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Commissioner
Jonathan Houck, Commissioner
County Manager Matthew Birnie
Bobbie Lucero, Deputy Clerk to the Board
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:

CALL TO ORDER: Chairperson Swenson called the Gunnison County Board of County Commissioner's meeting to order at 9:00 am.

AGENDA REVIEW: There were no changes to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the 10/22/2013 meeting minutes. Motion carried unanimously.

CONSENT AGENDA: **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Consent Agenda. Motion carried unanimously.

1. Corporate Membership Agreement; Peak Fitness; 1/1/14 thru 12/31/14
2. Acknowledgment of County Manager Signature; Agreement; Resource Engineering Group, Inc.; Commissioning Services for the Gunnison County Courthouse Project; 11/1/13 thru 6/30/15; $60,120
3. Corporate Membership Agreement; Colorado Fitness; 1/1/14 thru 12/31/14
4. Addendum to the Landscaping Improvements Agreement for Lot 4, Riverland Industrial Park; John Nichols
5. Agreement; Alpha Mechanical Solutions, LLC; Installation of Boiler at the Housing Office Building, located at 202 E. Georgia Avenue, Gunnison, CO; 11/19/13 thru 12/31/13; $10,715.39
6. Lease Agreement; Office for Resource Efficiency; Office Space at 202 E. Georgia, Gunnison, CO 81230; 1/1/13 thru 12/31/13; $6,877.45
7. Lease Agreement; Office for Resource Efficiency; Office Space at 202 E. Georgia, Gunnison, CO 81230; 1/1/14 thru 12/31/14; $6,877.45
8. Consultant Agreement; Shaner Life Safety; Fire Safety Assessment of Risks Associated with Riverland Industrial Park and the Requirement of the 2003 International Fire Code; 11/19/13 thru 12/31/13; $6,500

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. Annual Boards and Commissions Advertisement Schedule. The Board agreed to make the annual Boards and Commissions appointments on 2/11/2014 during a special meeting.

COUNTY MANAGER'S REPORT: County Manager was present for the discussion.

1. Trinidad DOLA Grant Hearings. County Manager Birnie informed the Board that the meeting went well. He will not find out about the funding until the 1st or 2nd week of December. He reported that he requested $1M from DOLA for the Courthouse Renovation Project. DOLA has indicated that no applicants will receive full funding. County Manager Birnie reported that Gunnison County is only asking for 6% of the Courthouse Project costs, whereas other projects are asking for 50%.
2. Rating Report from S&P. County Manager Birnie informed the Board that Gunnison County received an AA rating overall, and an AA- for the debt. The implied AA is for the overall County rating, yet it is reaffirmed at AA-. Since the rating was reaffirmed, Gunnison County will not have to put aside a debt service reserve fund.
3. Courthouse Project Update. County Manager Birnie reported to the Board that the Courthouse Renovation Project is within the budget.
4. Sonoran Institute Team. County Manager Birnie informed the Board about the Sonoran Institute team working on an application for the Community Builders Leadership institute. The Board agreed that they are in support of the application to the Community Builders Leadership Institute, which will focus on community planning and economic development.

DEPUTY COUNTY MANAGER'S REPORTS AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for the discussion.

1. Kebler Pass. Deputy County Manager Crosby reported to the Board that the Nordic Center has set down track in the Town of Crested Butte, so that Kebler could get snow pack for the snow recreationalists. She reported to the Board there are traffic issues at that the large trail head at Irwin. She reported that she would not recommend plowing Kebler, so that there was Nordic Ski access due to parking issues, which caused safety concerns.

2. Gunnison Valley Animal Welfare League (GVAWL). Deputy County Manager Crosby informed the Board that the ground breaking for GVAWL is at noon today. She informed that they left everything intact on the website.
3. Gunnison County Landfill Hours. Deputy County Manager Crosby requested that the Landfill hours change on Saturdays to 10 am - 2 pm. The Board agreed that this will be okay and it will be effective December 1st.
4. Trails Commission. Deputy County Manager Crosby informed the Board that in the past when there was a need for a sign she would approach the Board for approval. She inquired if the Board is really interested in approving the signs or if her office can just approve without coming to the Board for approval. There was discussion that this is operational and can be decided at the departmental level.
5. Trails Commission Anthracite Bridge Contract. Deputy County Manager Crosby informed the Board that the DUNS number for this contract is in Gunnison County's name. She reported that she needs to ask the Board to sign this contract again. The only thing that is changing in this contract is the error that the contract was made in Gunnison County's name and not the Trails Commission, it was already approved on the 10/1/13 agenda. She provided three original copies with the correction, and Chairperson Swenson signed them.
6. Pro Challenge Bicycle Race. Deputy County Manager Crosby informed the Board that there is a lot of interest to have the bike route go over Kebler Pass and Cottonwood Pass. She reported that there is gravel down on Kebler Pass that held very well since last summer. She is waiting for acceptance from Pro Challenge that they are comfortable the roads will not be in prime condition. The Board confirmed that they are okay with the Public Works department focusing on maintenance on the bike race route, which will result in the low volume roads getting less maintenance, due to preparing for the bike race.
7. Holiday Party. Finance Director Linda Nienhueser was present for the discussion. Deputy County Manager Crosby informed the Board of the survey results after the last Holiday Party. She reported that everyone liked the professional entertainment idea, and a lot of people do not like potlucks. There was discussion that a lot of the survey responses were that the employees would like it to go back to being just an employee Holiday Party. The Board discussed holding a different reception for the Boards and Commissions. The Board discussed that there is $2,000 remaining in the Economic Development Fund. There was discussion that there needs to be a budget for the Boards and Commissions party as well. **Moved** by Chairperson Swenson and seconded by Commissioner Chamberland to approve spending up to $2,000 from the Economic Development Fund from 2013 for the Holiday Party. Motion carried unanimously.

VOUCHERS AND TRANSFERS. Finance Director Linda Nienhueser was present for the discussion. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the vouchers for 11/19/2013 in the amount of $1,004,785.15. Motion carried unanimously. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approve the Cash Transfers for October 2013 in the amount of $2,421,889.99. Motion carried unanimously. The Board discussed that sales tax is holding very well. County Manager Matthew Birnie acknowledged and thanked Finance Director Nienhueser for all of her work on the S&P rating.

BREAK: The meeting recessed at 9:53 am to 9:58 am.

TREASURER'S REPORTS: Gunnison County Treasurer Melody Marks and Finance Director Nienhueser were present for the discussion. **Moved** by Commissioner Houck and seconded by Commissioner Chamberland to approve the Treasurer Report for October 2013. Motion carried.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AN OFFICIAL STATEMENT, AND CERTAIN RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO. Finance Director Linda Nienhueser and UMB representatives Grant Noltan and Troy Bernberg were present for the discussion.

UMB representative Bernberg informed the Board that UMB does a good job at selling bonds to banks. There was discussion that Gunnison County has an S&P AA- approved rating for the debt issue. He reported that the work that Finance Director Nienhueser did was outstanding because they asked for a lot of information. He opined that this is a great rating and that there are only five counties in Colorado that have this rating. There was discussion that this resolution is the authorization to issue the COPs, and that the bonds will link back to this resolution. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to approved Resolution #2013-25, a Resolution of the Board of County Commissioners of Gunnison County, Colorado Authorizing the Execution and Delivery of a Ground and Improvement Lease Agreement, a Lease Purchase Agreement, a Continuing Disclosure Certificate, an Official Statement, and Certain Related Documents by the County; Approving the Forms of Related Documents; and Providing for Other Matters Relating Thereto. Motion carried unanimously. UMB representative Bernberg informed the Board that the official disclosure statement will be completed today.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS; WRETAC BOARD. Moved by Commissioner Chamberland and seconded by Commission Houck to appoint Michael Scott to the four-year term on the WRETAC Board. Motion carried unanimously. **Moved** by Commissioner Chamberland and seconded by Commissioner Houck to appoint Erik Forsythe to the two-year term on the WRETAC board. Motion carried unanimously. There was discussion that all future appointments, after the initial first appointments, will be for four-year terms.

BREAK: The Board took a break from 10:11 until 10:29 am and then took a break from 10:29 to 10:34 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes).

COMMISSIONER ITEMS:

Commissioner Houck:

1. Community Foundation. Commissioner Houck reported to the Board that the Community foundation finished up their strategic plan.
2. Western State Colorado University (WSCU) Advisory Meeting. Commissioner Houck informed that he attended this meeting. He commented that he thinks the Gunnison County team has a good chance of being awarded a spot at the Sonoran Institute's Community Builders program. Commissioner Houck informed that the team is fully funded by the Sonoran Institute. There was discussion that the Town of Crested Butte and City of Gunnison will participate in the Sonoran Institute team.

Commissioner Chamberland:

1. Club 20. Commission Chamberland informed the Board that Club 20 is attempting to put together legislation on broadband.
2. Upper Gunnison River Water Board Meeting. Commissioner Chamberland reported that he attended this meeting about the yellow billed cuckoo. He reported that there are a few affected areas in the North Fork, with possible affected areas by Blue Mesa Lake. He reported that there will be a letter to the editor from concerned citizens. There was discussion that the US fish and Wildlife Service has decided not to list the prairie dog.

Chairperson Swenson:

1. Western State Colorado University President Search. Chairperson Swenson reported that they have narrowed the applicants down to eight and they are attempting to further narrow the applicants down to three.
2. Ranching Signage Issues Meeting. Chairperson Swenson reported that this meeting is scheduled for 11/25/13.
3. Local Marketing District (LMD) and Rural Transportation Authority (RTA). Chairperson Swenson reported that there will be a discussion at the next meeting regarding the RTA and LMD Summer Air Program. The board discussed winter flights and booking.

Unscheduled Citizens: There were no Unscheduled Citizens present for discussion.

ADJOURN: Moved by Commissioner Chamberland and seconded by Commissioner Houck to adjourn the November 19, 2013 meeting. Motion carried unanimously. The meeting adjourned at 10:48 am.

_____
Paula Swenson, Chairperson

_____
Phil Chamberland, Vice-Chairperson

_____
Jonathan Houck, Commissioner

Minutes Prepared By:

_____
Bobbie Lucero, Deputy County Clerk

Attest:

_____
Stella Dominguez, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2013-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AN OFFICIAL STATEMENT, AND CERTAIN RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has the power, pursuant to Sections 30-11-101(b) and (c) and 30-11-104.1, of the Colorado Revised Statutes, as amended, to lease, as lessor or as lessee, real and personal property, together with any facilities thereon, and to enter into lease-purchase agreements for the purpose of financing County buildings or equipment used or to be used for governmental purposes; and

WHEREAS, the County owns, in fee title, certain real property (the "Site"), as further described in the Ground Lease (hereinafter defined); and

WHEREAS, the Board of County Commissioners of the County (the "Board") has determined, and now hereby determines, that it is in the best interest of the County and its inhabitants that the County, as lessor, lease the Site and certain improvements to be constructed and installed thereon (collectively, the "Leased Property") to Zions First National Bank (the "Trustee"), solely in its capacity as trustee under the Indenture described herein, as lessee, pursuant to a Ground and Improvement Lease Agreement (the "Ground Lease"), and lease back the Trustee's leasehold interest in the Leased Property pursuant to the terms of a Lease Purchase Agreement (the "Lease") between the Trustee, as lessor, and the County, as lessee; and

WHEREAS, pursuant to the Lease, and subject to the right of the County to terminate the Lease and other limitations as therein provided, the County will pay certain Base Rentals and Additional Rentals (as such terms are defined in the Lease) in consideration for the right of the County to use the Leased Property; and

WHEREAS, the County's obligation under the Lease to pay Base Rentals and Additional Rentals shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or a multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or any multiple fiscal year financial obligation, nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, the Trustee will enter into an Indenture of Trust (the "Indenture"), pursuant to which the Trustee will execute and deliver one or more series of certificates of participation, dated as of their date of delivery, in an aggregate principal amount not to exceed
$10,000,000 (the "Certificates"); and

WHEREAS, the net proceeds of the Certificates will be used to design, construction, installation, improvement and equipping, as applicable, of a County Courthouse and Administrative Office facility, (the "Project"), and the Project will constitute a portion of the Leased Property; and

WHEREAS, the Certificates represent undivided interests in the right to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the County to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect; and

WHEREAS, there has been presented to the Board and are on file at the County offices the proposed form of the following: (a) the Ground Lease; (b) the Lease; (c) the Continuing Disclosure Certificate (the "Disclosure Certificate") with respect to the Certificates; and (d) the Preliminary Official Statement (the "Preliminary Official Statement") with respect to the Certificates; and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease; and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2 of the Colorado Revised Statutes, as amended (the "Supplemental Act"), provides that a public entity, including the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board or the officers or agents of the Board or the County relating to the Ground Lease, the Lease, or the construction or installation of the Project is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the County Manager as a "nearly final Official Statement" for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The Board hereby finds and determines, pursuant to the Constitution and laws of the State of Colorado, that the construction and installation of the Project and the financing of the costs thereof pursuant to the terms set forth in the Ground Lease and the Lease is necessary, convenient, and in furtherance of the County's purposes and is in the best interests of the inhabitants of the County and the Board hereby authorizes and approves the same.

Section 3. Supplemental Act; Parameters. The Board hereby elects to apply all of the Supplemental Act to the Ground Lease and the Lease and in connection therewith delegates to each of the Chair of the Board (the "Chair") and the County Manager the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Colorado Revised Statutes, as amended, in relation to the Ground Lease and the Lease, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including, without limitation, the term of the Ground Lease, the rental amount to be paid by the County pursuant to the Lease, and the term of the Lease, subject to the following parameters and restrictions:

(a) the term of the Ground Lease shall not extend beyond December 31, 2058;

(b) the aggregate principal amount of the Base Rentals payable by the County pursuant to the Lease shall not exceed $10,000,000;

(c) the maximum amount of Base Rentals payable by the County in any fiscal year shall not exceed $800,000, and the maximum total amount of Base Rentals payable by the County shall not exceed $18,000,000;

(d) the Lease Term shall not extend beyond December 31, 2038; and

(e) the maximum net effective interest rate on the interest component of the Base Rentals relating to the Certificates shall not exceed 6.50%.

Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to each of the Chair and the County Manager the authority to sign a contract for the purchase of the Certificates or to accept a binding bid for the Certificates and to execute any agreement or agreements in connection therewith. In addition, each of the Chair or the County Manager is hereby authorized to determine if obtaining an insurance policy for all or any portion of the Certificates is in the best interests of the County, and if so, to select an insurer to issue an insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment. Each of the Chair or the County Manager is hereby authorized to determine if obtaining a reserve fund insurance policy for the Certificates is in the best interests of the County, and if so, to select a surety provider to issue a reserve fund insurance policy and execute any related documents or agreements required by such commitment.

Section 5. Approval of Documents. The Ground Lease, the Lease and the Disclosure Certificate, in substantially the forms presented to the Board and on file with the County, are in all respects approved, authorized and confirmed, and the Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the Ground Lease, the Lease and the Disclosure Certificate in substantially the forms and with substantially the same contents as presented to the

Board, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this resolution.

Section 6. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to the Board and on file with the County, is in all respects approved and authorized. The Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement on file with the County, with such changes as may be approved by the County Manager. The distribution of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the Certificates is hereby ratified, approved and authorized.

Section 7. Authorization to Execute Collateral Documents. The County Clerk and Recorder (the "Clerk") or Deputy County Clerk and Recorder (the "Deputy Clerk) is each hereby authorized and directed to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution and to place the seal of the County on any document authorized and approved by this resolution. The Chair and the Clerk or Deputy Clerk and other appropriate officials or employees of the County are hereby authorized to execute and deliver, for and on behalf of the County, any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the aforementioned officers or members of the Board shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof and thereof.

Section 8. No General Obligation Debt. No provision of this resolution, the Ground Lease, the Lease, the Indenture, the Certificates, the Preliminary Official Statement, or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the then current fiscal year. The County shall have no obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the County in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the County in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect County debt or other financial obligation whatsoever. No provision of the Ground Lease, the Lease or the Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the County within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the Certificates shall directly or indirectly obligate the County to make any payments beyond those budgeted and appropriated for the County's then current fiscal year.

Section 9. Reasonableness of Rentals. The Board hereby determines and declares that the Base Rentals do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the Trustee's leasehold interest in the Leased Property pursuant to the Lease. The Board hereby determines and declares that the period during which the County has an option to purchase the Trustee's leasehold interest in the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Board hereby determines that the amount of rental payments to be received by the County from the Trustee pursuant to the Ground Lease, together with the leasing of the Leased Property back to the County pursuant to the Lease, is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground Lease.

Section 10. No Recourse against Officers and Agents. Pursuant to Section 11- 57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the County acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal, interest or prior redemption premiums on the Certificates. Such recourse shall not be available either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Certificates and as a part of the consideration for their sale or purchase, any person purchasing or selling such Certificate specifically waives any such recourse.

Section 11. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent

only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution of the County, or part thereof, heretofore repealed.

Section 12. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the County during the Lease Term and provisions for the conveyance of the Leased Property to the County under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 13. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this November 19, 2013.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – yes; Houck – yes; Swenson – yes.