

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

RESOLUTION NO. 2011- [34]

A RESOLUTION AMENDING RESOLUTION NO. 2011-32  
AUTHORIZING THE ISSUANCE OF A BOND  
ANTICIPATION NOTE (ANTELOPE HILLS WATER  
DIVISION PROJECT), SERIES 2011.

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

WHEREAS, the County does now own, operate and maintain a water system (the "Water System") and a sewer system (the "Sewer System") for the County and its inhabitants (the "System"), a portion of which is known as the Antelope Hills Water Division (the "Antelope Hills Water Division"); and

WHEREAS, the Board of County Commissioners (the "Board") previously approved Resolution No. 2011-32 (the "Note Resolution") authorizing the issuance of a Bond Anticipation Note to Wells Fargo Bank, National Association (the "Note"), to finance the acquisition, construction, reconstruction, improvement, betterment or extension of its water system in the Antelope Hills Water Division; and

WHEREAS, the Note is payable from Net Revenue of the County; and

WHEREAS, the Board previously executed and delivered a loan agreement with the State of Colorado, Department of Local Affairs ("DOLA Loan"), pursuant to which DOLA loaned the County funds for the installation of a new water treatment system for the community of Somerset (the "Somerset Water District"); and

WHEREAS, the Somerset Water District is an operating unit of the County's Water System and the DOLA loan is payable from the revenues of Somerset Water District; and

WHEREAS, because the DOLA Loan has a prior pledge of a portion of the Net Revenues as defined in the Note Resolution, it is necessary to amend the Note Resolution to reflect that the pledge of the Net Revenues under the Note Resolution is subordinate to the pledge of revenues to the DOLA Loan.

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

**Section 1. Amendment.** Section 30 to the Note Resolution is hereby added to read as follows:

Section 30: Lien Priority. Notwithstanding anything in this Resolution to the contrary, any amounts due and owing under this Resolution shall be subordinate to the County's obligations under the DOLA Loan.

**Section 2. Definitions:** Section 2 – Definitions, shall be amended to include the following definition:

DOLA Loan: means the loan agreement between State of Colorado for the use and benefit of the Department of Local Affairs and the County, pursuant to which certain funds were loaned to the County for water improvements in the Somerset Water District.

**Section 3. Form of Note.** The Form of Note contained in the Note Resolution shall be revised as indicated below:

(Form of Note)

NO. N-1

\$1,288,000

STATE OF COLORADO UNITED STATES OF AMERICA COUNTY OF GUNNISON

BOND ANTICIPATION NOTE  
(ANTELOPE HILLS WATER PROJECT)  
SERIES 2011

DATED AS OF: \_\_\_\_\_, 2011 MATURITY DATE: \_\_\_\_\_, 2011

INTEREST RATE (Per Annum): [ ]%

PRINCIPAL AMOUNT:

REGISTERED OWNER: WELLS FARGO BANK, NATIONAL ASSOCIATION

Solely from the special funds provided therefore, Gunnison County, Colorado (herein "County"), for value received, promises to pay to the Registered Owner hereof, as specified above, the Principal Amount specified above, with interest at the Interest Rate specified above.

Interest shall accrue on the unpaid balance of the total principal amount hereof from the dates advances on the total principal amount are made Wells Fargo Bank, National Association, as recorded in the schedule appended hereto. Principal and interest shall be paid at the times and in the manner set forth in the resolution authorizing this note adopted by the Board of County Commissioners of the County on August 23, 2011 (the "Note Resolution").

Payment of this note and interest thereon shall be made solely from, and as security for such payment there is pledged the RUS Proceeds and Net Revenue as described in the Note Resolution. For a description of said pledge and the nature and extent of the security afforded thereby, reference is made to the Note Resolution. This note is secured by and constitutes an irrevocable and first-lien upon the RUS Proceeds and Net Revenue subordinate only to the DOLA Loan.

This note is issued under and pursuant to the Constitution and laws of the State of Colorado, including particularly the Bond Anticipation Note Act, Part 1 of Article 14, Title 29, Colorado Revised Statutes, as amended (the "Bond Anticipation Note Act"), and Part 2 of Article 57 of Title 11, C.R.S., (the "Supplemental Public Securities Act," and Part 4 of Article 20, Title 30 (the "Act"). This recital conclusively imparts full compliance with all the provisions of thereof, and this note shall be incontestable for any cause whatsoever after its delivery for value.

This note, including interest hereon, does not constitute a general obligation debt of the County within the meaning of any constitutional or statutory limitations or provisions, but

is payable solely out of RUS Proceeds pledged to the payment hereof. The registered owner may not look to any general or other fund for payment.

This note is transferable only upon books kept by the County Treasurer, as registrar, by the registered owner hereof in person or by his duly authorized attorney, as provided in, and subject to, the conditions set forth in the Note Resolution.

It is further certified, recited and warranted that all the requirements of law have been fully complied with by the proper County officers in the issuance of this note.

IN WITNESS WHEREOF, Gunnison County, Colorado, has caused this note to be signed and executed in the name and on behalf of the County by the manual or facsimile signature of the Chairperson, has caused the manual or facsimile seal of the County to be affixed hereon and to be attested by the manual or facsimile signature of the County Clerk and Recorder, all as of \_\_\_\_\_, 2011 (i.e., the date of the original delivery hereof).

(Manual or Facsimile Signature)  
Chairperson

(SEAL)

Attest:

(Manual or Facsimile Signature)  
County Clerk and Recorder

(End form of Note)

**Section 4. Severability.** If any section, paragraph, clause, or provision of this resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

**Section 5. Repealer Clause.** All bylaws, orders, and resolutions, or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

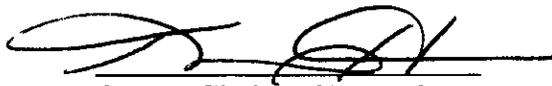
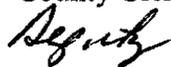
PASSED, ADOPTED AND APPROVED this 6th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY, COLORADO



Attest:

  
Chairperson, Board of  
County Commissioners

  
County Clerk and Recorder  


STATE OF COLORADO )  
 ) SS.  
 COUNTY OF GUNNISON )

I, the duly elected, qualified and acting County Clerk and Recorder of Gunnison County, Colorado (the "County") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of a resolution (the "Resolution") adopted by the Board of County Commissioners (the "Board") of the County at a regular meeting of the Board held at the County Commissioners Meeting Room in the Gunnison County Courthouse 200 E. Virginia Avenue, Gunnison, Colorado, on September 6, 2011.

2. The Resolution has been signed by the Chairperson of the Board, sealed with the seal of the County, attested by me as County Clerk and Recorder, and duly recorded in the books of the County; and that the same remains of record in the book of records of the County.

3. The passage of the Resolution was duly moved and seconded and the Resolution was passed by an affirmative vote of a majority of the members of the Board as follows:

<u>Commissioner</u>	<u>Voting "Yes"</u>	<u>Voting "No"</u>	<u>Absent</u>	<u>Abstaining</u>
Hap Channell	X			
Paula Swenson	X			
Phil Chamberland	X			

4. That notice of the meeting, in the form attached hereto as Exhibit A, was posted at one public place within the boundaries of the County (the County Courthouse) no less than twenty-four hours prior to the meeting as required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this 6th day of September, 2011.



*Stella Dominguez*  
 County Clerk and Recorder

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA - Revision #1**

**DATE:** Tuesday, September 6, 2011  
**PLACE:** Commissioners Meeting Room at Courthouse

**WORK SESSION:**

8:30 am • Gunnison County Boards and Commissions Interviews; Gunnison Valley Hospital Board of Trustees

**COUNTY BOARD OF EQUALIZATION:**

8:50 am • Minutes Approval

**REGULAR MEETING:**

8:55 am • Call to Order; Agenda Review; Minutes Approval

- 9:00 • **Consent Agenda:** These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
1. Acknowledgment of County Manager Signature; 2011 Amendment to Memorandum of Understanding / Interagency Operating Agreement; Gunnison Watershed School District/Hinsdale County AU, Gunnison County and Community Options, Inc.
  2. Acknowledgment of County Manager Signature; Victim Assistance and Law Enforcement Fund Full Year Grant Application; \$16,000
  3. Acknowledgment of County Manager Signature; Supplement to Agreement for Performance of Materials Testing and Inspection Services; Authorization for Compensation Adjustment for Materials Testing and Inspection Services via Increase in Prior Top-Set Limit to Compensation of the Contract; Buckhorn Geotech; \$7,748 Increase
  4. Third Amendment to Fixed Base Operator Lease; Gunnison Valley Aviation, LLC
  5. Six Points Evaluation and Training, Inc. Contractual Agreement for Nurse Consultant Services
  6. Ratification of Assistant County Manager Signature; Modification #3 to US Forest Service Participating Agreement #08-PA-11020407-029; Weed District Funding; \$4,000
  7. Agreement; Powers Products Co.; Services to Furnish and Install Panel Partitions in the Offices at the Family Services Center / O'Leary Building; \$9,656
  8. Lease Agreement; State of Colorado Acting by and through the Department of Public Safety for the Use and Benefit of the Colorado State Patrol; Office Space Located in the County Courthouse Building at 200 E. Virginia, Gunnison, CO 81230; 8/16/11 thru 6/30/16
  9. Acknowledgment of County Manager Signature; Purchase of Service Contract, Regional Mental Health Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services, a.k.a. Midwestern Colorado Counties and Midwestern Colorado Mental Health Center; 6/1/11 thru 5/31/12
  10. Microsoft Volume Licensing Agreement; Microsoft Office Suite and Software Assurance
  11. Acknowledgment of County Manager Signature; Purchase of Service Contract, Regional Substance Abuse Services; Ouray, San Miguel, Gunnison, Hinsdale, Delta and Montrose County Departments of Social Services, a.k.a. Midwestern Colorado Counties and Midwestern Colorado Mental Health Center; 6/1/11 thru 5/31/12
  12. Federal Forest Payment & Secure Rural Schools and Community Self Determination Act Election Form; 2011 Federal Fiscal Year (10/1/11 thru 9/30/12)
  13. Emergency Food and Shelter National Board Program, Certification Regarding Lobbying and Local Recipient Organization Certification; \$6,258
  14. Acknowledgment of County Manager Signature; Health Care Program for Children with Special Needs Care Coordination and Local Systems Development Scope of Work; \$4,380; 10/1/11 thru 9/30/12
  15. Colorado Department of Public Health and Environment, PSD-WIC, FLA; Contract Routing Number 12-35162; Amendment for Task Orders #5; \$70,426; 10/1/11 thru 9/30/12
  16. Temple Hoyne Buell Foundation Grant Award Letter; Grant #5899; Early Childhood Council Program Support; \$10,000; 9/1/11 thru 8/31/12
  17. Temple Hoyne Buell Foundation Grant Award Letter; Grant #5889; Nurturing Parenting Program; \$80,000; 9/1/11 thru 8/31/12
  18. Acknowledgment of County Manager Signature; Agreement; Frank Bregar; Professional Services Regarding County Board of Equalization Hearing Officer; 7/14/11 thru 8/10/11
  19. Acknowledgment of County Manager Signature; Contract Change Order #13; \$43,872
  20. Out-of-State Travel; Gunnison-Crested Butte Regional Airport Staff; National Business Aviation Association Conference; Las Vegas, NV; 10/9/11 thru 10/13/11; \$2,551.52

S. Dominguez Gunnison County, CO 608086  
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*NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and Assistant County Manager's reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and ACTION MAY BE TAKEN ON ANY ITEM. Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Administration office at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting. Meeting agendas and approved meeting minutes are posted at [http://www.gunnisoncounty.org/commissioners\\_meetings.html](http://www.gunnisoncounty.org/commissioners_meetings.html).*

**GUNNISON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AGENDA – Revision #1**

**DATE:** Tuesday, September 6, 2011  
**PLACE:** Commissioners Meeting Room at Courthouse

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- 21. ADS-B WAM Radio Site Facility & Tower Sublease Agreement; ITT Information Services; Aircraft Tracking Equipment Installation
  - 22. Acknowledgment of County Manager Signature; Contract Change Order #2; Pro Space Interiors; \$8,433.54
- 9:10 • Scheduling  
     1. 2012 County Budget Work Sessions
- 9:20 • Resolution; Designating the Robert A. Watters American Legion Post #54 – Legion Hut to be a Gunnison County Historic Landmark
- 9:40 • County Manager's Reports
- 9:55 • Assistant County Manager's Reports and Project Updates  
     1. **ADDED:** Resolution; Amending Resolution No. 2011-32 Authorizing the Issuance of a Bond Anticipation Note (Antelope Hills Water Division Project), Series 2011  
     2. Proposed Loan from the United States Department of Agriculture to Gunnison County, Colorado and Revenue Anticipation Note with Wells Fargo Bank, N.A.; Sherman & Howard, LLC; Antelope Hills Water Extension Project Bond Counsel Services; \$25,500
- 10:10 • Marble Metro District Funds; Request for Use
- 10:40 • BREAK
- 10:55 • Request for Letter of Support; Bear Ranch Land Exchange
- 11:30 • **Unscheduled Citizens:** Limit to 5 minutes per item. No formal action can be taken at this meeting.  
 • **Commissioner Items:** Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
- 12:00 pm • LUNCH BREAK
- 1:00 • Public Hearing; Liquor License; El Pueblo Bonito, LLC, DBA El Pueblo Bonito Restaurant
- 1:05 • Gunnison County Boards and Commissions Appointments; Gunnison Valley Hospital Board of Trustees
- 1:10 • Lot Cluster; Alice Kaniff; Lots 40, 119, 120 and 121; Crystal River Subdivision
- 1:15 • Amendment to Lease Agreement; Gunnison County, City of Gunnison, Gunnison County Fire Protection District; Allowance for Two Storage Units; 9/15/11 thru 3/3/14
- 1:20 • Gunnison County Department of Health and Human Services Community Services Block Grant Policy
- 1:35 • Resolution Request; Support of the Gunnison County Library District's November 1, 2011 Election Ballot Measures
- ADJOURN
- WORK SESSION (continued):**
- 2:05 pm • Visitors; Habitat for Humanity Board Members; Program Update
- 2:25 • Visitor; Office for Resource Efficiency Executive Director Andris Zobs; Program Update
- ADJOURN

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