



**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2012- 27**

**A RESOLUTION PLACING REAUTHORIZATION OF THE GUNNISON VALLEY  
LAND PRESERVATION FUND ON THE BALLOT**

WHEREAS, the County of Gunnison (the "County") in the State of Colorado, is a county duly organized and existing pursuant to the Constitution (the "Constitution") and the laws of the state of Colorado; and

WHEREAS, the members of the Board of County Commissioners (the "Board") have been duly elected, chosen and qualified; and

WHEREAS, pursuant to Resolution No. 1, series 1978 (the "1978 Resolution") which was approved by the voters of the County on February 14, 1978, the County imposed a Countywide sales tax of 1% (the "Sales Tax"); and

WHEREAS, pursuant to the 1978 Resolution, one-half of the revenues collected from the Sales Tax within a municipality are returned to the municipality; and

WHEREAS, the interest of the County and the public persuaded the Board that it was in the public interest to seek authorization of the Gunnison Valley Land Preservation Fund (the "Fund") which is used for open space, agricultural preservation, wildlife habitats, wetlands preservation, access to public lands, trails, and watershed protection in the County, and in connection with these purposes to match public and private grants or to acquire interests or easements in land and water rights (the "Project"); and

WHEREAS, the Gunnison Valley Land Preservation Fund ("Fund") was established by passage of County Issue 1A on November 4, 1997; and

WHEREAS, based on the specific language in the November 4, 1997 County Issue 1A, the Fund sunsets on December 31, 2013; and

WHEREAS, the Fund has contributed to 48 projects protecting 16,426 acres or about 4% of the private land in Gunnison County. Six of the projects include public access trails and another three are solely trail projects; and

WHEREAS, the Fund has proven extremely valuable for land trusts and other entities to have a secured local match in-hand when applying for Great Outdoors Colorado and other funding sources; and

WHEREAS, the Fund has leveraged about \$12 for every \$1 given by the Fund, not including landowner donation value; and

WHEREAS, land conservation is important for our tourism and second-home based economy, as well as playing a major role in providing wildlife habitat, aquifer recharge, agricultural products, and minimizing traffic congestion; and



WHEREAS, the County's biannual community survey continues to show strong support for preservation of natural areas; and

WHEREAS, administration of the Fund has proven to be an effective and equitable means of distributing monies to projects; and

WHEREAS, Article X, Section 20 of the Constitution ("Amendment 1") limits the ability of the County to make a change of tax policy without a vote; and

WHEREAS, the Board is of the opinion that the County should submit to its voters a question concerning the reauthorization of the distribution of the Sales Tax Revenues for the Project; and

WHEREAS, Amendment 1 requires the County to submit ballot questions (as defined in Amendment 1) to the County's electors on limited election days before action can be taken on such ballot questions; and

WHEREAS, November 6, 2012, is one of the election dates at which ballot issues may be submitted to the eligible electors of the County pursuant to Amendment; and

WHEREAS, the County Clerk is conducting an election on November 6, 2012, pursuant to C.R.S. Section 1-7-116; and

WHEREAS, the County desires to continue financing the acquisition of land or interests in land by the distribution of the Sales Tax to provide for the first \$150,000 of the Municipal Entitlement defined as the entitlement of each City of Gunnison, Town of Crested and Town of Mt. Crested Butte (\$50,000 per municipality) to be distributed to the County and to use such amount together with the first \$80,000 of the County share of the Sales Tax for such Project; provided that such amounts shall be adjusted annually according to any percentage increase or decrease in the total revenue derived from the County's sales tax based on the year the fund was established (1998), but shall never be less than the amounts specified in this paragraph.

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

Section 1. That Gunnison County supports reauthorization of the Gunnison Valley Land Preservation Fund via passage of the ballot language attached in **Exhibit A**.

Section 2. All action heretofore taken (not inconsistent with the provisions of this resolution) by the County, directed towards election and the objects and purposes herein stated is, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S.

Section 3. Pursuant to the applicable laws of the State of Colorado, the Board hereby requests that at the regular election to be held on November 6, 2012 (the "election"),



there shall be submitted to the eligible electors of the County the question specified in **Exhibit A** attached hereto and incorporated herein by reference.

Section 4. Paragraph (A) of Section 9 of the 1978 Resolution shall be amended to read as follows, from January 1, 2014 to December 31, 2033, if the eligible electors of the County approve the question set forth in Section 3 hereof:

(A) Distribution of the sales tax collected by the Director of Revenue pursuant to this resolution shall be based upon the location of the vendor. If the vendor collecting the tax is located within any of the incorporated municipalities within the County, one-half of the funds so collected shall be distributed to such municipality in which the vendor is located; provided that \$150,000 in aggregate collected in the municipalities of City of Gunnison, Town of Crested Butte or Town of Mt. Crested Butte in each year (\$50,000 per municipality) and \$80,000 collected in unincorporated Gunnison County in each year provided that such amounts shall be adjusted annually according to any percentage increase or decrease in the total revenue derived from the County's sales tax, but shall never be less than the amounts specified in this paragraph (collectively, the "Land Preservation Revenues") shall be deposited in the Gunnison Valley Land Preservation Fund of the County, which is hereby created as an account of the Capital Improvement Fund. All other sales tax collected hereunder shall be deposited in the County Capital Improvement Fund.

On January 1, 2034, this section shall read as it did on December 31, 1997, unless the voters approve an amendment or extension of this method of distribution.

Section 5. Section 11 of the 1978 Resolution shall be amended to read as follows, from January 1, 2014 to December 31, 2033, if the eligible electors of the County approve the question set forth in **Exhibit A** hereof:

Section 11. The funds distributed to the municipalities according to the terms hereof may be used by the governing bodies of such municipalities for such use and purpose as they deem proper and necessary. The funds distributed to the County hereunder shall be deposited in the County Capital Improvement Fund and used solely for capital outlay and capital expenditures including but not limited to expenditures for the purchase and improvement of lands and interest in lands, the construction, renovation, or improvement of County buildings, the construction, alteration, relocation, and improvement of roads, bridges, and means of public transportation; and the purchase of facilities or equipment necessary for the operation of the



government of the county and the services provided by the County government to the citizens and residents of the County; provided that the Land Preservation Revenues shall be deposited in the Land Preservation Fund and used solely for open space, agricultural preservation, wildlife habitat, wetlands preservation, access to public lands, trails, and watershed protection in the County, including matching public and private grants or to acquire interests or easements in land and water rights. The Land Preservation Fund shall be administered for the public benefit by an eight member board of citizens appointed two by the County and two each by the respective municipalities.

On January 1, 2034, this section shall read as it did on December 31, 1997, unless the voters approve an amendment or extension of this method of distribution.

Section 6. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, but not limited to, entering into an intergovernmental agreement with the County Clerk and giving notices of election required by the Uniform Election Code of 1992 and Amendment 1.

Section 7. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

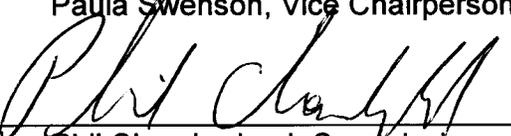
Section 8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

ADOPTED AND APPROVED this 4th day of September, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO

By   
Hap Channell, Chairperson

By   
Paula Swenson, Vice Chairperson

  
Phil Chamberland, Commissioner

ATTEST:

  
Deputy County Clerk





STATE OF COLORADO )  
 )ss.  
COUNTY OF GUNNISON )

I, Stella Dominguez, the County Clerk of the County of Gunnison, do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of County Commissioners (the "Board") at a regular meeting held on September 4, 2012.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 4, 2012, by an affirmative vote of a majority of the members of the Board as follows:

Those Voting Aye:	<u>Hap Channell</u>
	<u>Phil Chamberland</u>
	<u>Paula Swenson</u>
Those Voting Nay:	<u>-</u>
Those Absent:	<u>-</u>
Those Abstaining:	<u>-</u>

3. The members of the Board were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved, and authenticated by the signature of each of the Commissioners of the Board of County Commissioners of Gunnison County, attested by the County Clerk, and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Notice of the meeting of September 4, 2012 in the form attached hereto as **Exhibit B** was posted at the official posting locations designated by the Board not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said County affixed this 4 day of September, 2012.



(Seal)  
Stella Dominguez  
County Clerk



## **EXHIBIT A RENEWAL OF THE GUNNISON VALLEY LAND PRESERVATION FUND**

**WITHOUT IMPOSING ANY NEW TAX, OR INCREASING ANY CURRENT TAX RATE, SHALL A PORTION OF THE REVENUE FROM THE CURRENT ONE PERCENT COUNTY SALES TAX CONTINUE TO BE DEPOSITED INTO THE GUNNISON VALLEY LAND PRESERVATION FUND OF THE COUNTY AND CONTINUE TO BE ADMINISTERED AND FUNDED AS FOLLOWS:**

- (A) THE FUND SHALL BE USED FOR OPEN SPACE, AGRICULTURAL PRESERVATION, WILDLIFE HABITAT, WETLAND PRESERVATION, ACCESS TO PUBLIC LANDS, TRAILS, AND WATERSHED PROTECTION IN THE COUNTY, AND IN CONNECTION WITH ANY OF THE FOREGOING TO USE THE FUND TO MATCH PUBLIC AND PRIVATE GRANTS OR TO ACQUIRE INTERESTS OR EASEMENTS IN LAND AND WATER RIGHTS;**
- (B) THE PORTION OF THE COUNTY SALES TAX TO BE DEPOSITED INTO THE FUND ANNUALLY SHALL BE \$80,000 OF THE REVENUES COLLECTED AND RETAINED BY THE COUNTY AND \$50,000 OF THE REVENUES WHICH EACH OF THE CITY OF GUNNISON, THE TOWN OF CRESTED BUTTE AND THE TOWN OF MT. CRESTED BUTTE WOULD OTHERWISE RECEIVE FOR A TOTAL OF \$230,000, THESE FUNDS TO BE COLLECTED IN AN EQUAL AMOUNT MONTHLY, OR AS OTHERWISE AGREED BY THE COUNTY; PROVIDED THAT SUCH AMOUNTS SHALL BE ADJUSTED ANNUALLY ACCORDING TO ANY PERCENTAGE INCREASE OR DECREASE IN THE TOTAL REVENUE DERIVED FROM THE COUNTY'S SALES TAX BASED ON THE YEAR THE FUND WAS ESTABLISHED (1998), BUT SHALL NEVER BE LESS THAN THE AMOUNTS SPECIFIED IN THIS PARAGRAPH:**
- (C) SUCH FUND TO BE ADMINISTERED FOR THE PUBLIC BENEFIT BY AN EIGHT MEMBER BOARD OF CITIZENS APPOINTED TWO EACH BY THE COUNTY AND TWO EACH BY THE RESPECTIVE MUNICIPALITIES;**
- (D) THIS CONTINUED DISTRIBUTION OF TAX REVENUES TO THE FUND SHALL TAKE EFFECT JANUARY 1, 2014 AND SHALL TERMINATE DECEMBER 31, 2033, UNLESS EXTENDED BY A VOTE OF THE PEOPLE.**

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA**

**EXHIBIT B**

**DATE:** Tuesday, September 4, 2012  
**PLACE:** Commissioners Meeting Room at Courthouse

Page 1 of 2

**GUNNISON COUNTY HOUSING AUTHORITY:**

8:30 am • Employment Contract; Gunnison County Housing Authority Executive Director

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS:**

8:40 am • Call to Order; Agenda Review

8:45 • **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. Provider Agreement; Mark Wright d/b/a Horizon Vegetation Management; Professional Services Regarding Application of Herbicide to Control Noxious Weeds Mandated for Control within the Gunnison River Watershed; 9/4/12 thru 10/30/12
2. Provider Agreement; Jim Lewis d/b/a Eco-Right Solutions; Professional Services Regarding Application of Herbicide to Control Noxious Weeds Mandated for Control within Gunnison County; 9/4/12 thru 10/30/12
3. Ratification of Additions to Intergovernmental Agreement between the Board of County Commissioners and the Gunnison County Clerk for Conduct of the 2012 General Coordinated Election, Including Placing on the Ballot the Reauthorization of the Gunnison Valley Land Preservation Fund
4. State of Colorado, Colorado Department of Public Health and Environment, Approved Task Order Contract – Waiver #154; Routing No. 13 FLA 47905; Administer the Women, Infants and Children (WIC) Program; 10/1/12 thru 9/30/13; \$63,101
5. State of Colorado, Department of Public Safety, Division of Homeland Security and Emergency Management (DHSEM), Emergency Management Performance Grant (EMPG), Local Emergency Management Support (LEMS) Grant Agreement with Gunnison County; 12EM-13-27; 10/1/11 thru 6/30/13; \$61,620
6. Appointment of Charlie Sharp, USFWS Wildlife Biologist, to the Gunnison Basin Sage-grouse Strategic Committee as the Alternate Member for the U.S. Fish and Wildlife Service; Term Expires 1/31/14
7. Professional Services Agreement; Walsh Environmental Scientists and Engineers, LLC; Indoor Air Quality (IAQ) Assessment of the Gunnison County Courthouse; 9/4/12 thru 10/31/12; \$4,951
8. Draft Regular Meeting Minutes; 6/19/12
9. Draft Special Meeting Minutes; 6/26/12
10. Draft Regular Meeting Minutes; 7/3/12
11. Draft Special Meeting Minutes; 7/10/12
12. Draft Regular Meeting Minutes; 8/7/12
13. Memorandum of Understanding Regarding Provision of Legal Services between the Board of County Commissioners of Gunnison County, Colorado and the Gunnison-Hinsdale Board of Human Services; 7/1/12 thru 6/30/13; \$98,000
14. Temple Hoyne Buell Foundation Grant Award; Nurturing Parenting Program; 9/1/12 thru 8/31/13; \$8,000
15. Department of Public Health and Environment Approved Task Order Contract – Waiver #154; Routing No. 13 FLA 48431; Women and Infant Children Breast Feeding Peer Counseling; 10/1/12 thru 9/30/13; \$8,000
16. Temple Hoyne Buell Foundation Grant Award; Early Childhood Council; 9/1/12 thru 8/31/13; \$10,000

8:50 • **Scheduling:**  
1. Set Public Hearing Date and Time; Adoption of Amended Gunnison County Land Use Resolution; Ministerial Corrections and Previously Approved Amendments

9:00 • County Manager's Report

615190  
Page 7 of 8  
R 0.00 D 0.00

S Dominguez Gunnison County, CO  
9/4/2012 2:10:53 PM  
447



*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, Assistant County Manager, and County Attorney'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. MINUTES of meetings are posted at: [www.gunnisoncounty.org](http://www.gunnisoncounty.org) approximately 2 weeks after the meeting.*

**GUNNISON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AGENDA**

**DATE:** Tuesday, September 4, 2012  
**PLACE:** Commissioners Meeting Room at Courthouse

Page 2 of 2

- 9:15
- Assistant County Manager's Reports and Project Updates:
    1. Request for Road Closures for the Alpine Odyssey Race September 15, 2012
    2. Extension of Marble HUB Lease
- 9:30
- Boundary Line Adjustment; Lots 56 and 58, Dos Rios Unit 3; Steve and Julie Landry
- 9:35
- Resolution; Placing Reauthorization of the Gunnison Valley Land Preservation Fund on the Ballot
- 10:00
- Correspondence:
    1. Consideration of a Letter of Support for Senator Michael Bennet's Draft Thompson Divide Legislation
    2. Request for Funding; Mill Site Committee
- 10:30
- Statement of Opposition by the Board of County Commissioners of the County of Gunnison, Colorado for Application for Underground Water Rights and Request for Approval of Plan for Augmentation; District Court, Water Division 4, Case 12CW67; Possible Executive Session
- 10:40
- **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.
  - **ADJOURN**

S Dominguez Gunnison County, CO  
9/4/2012 2:10:53 PM  
447

615190  
Page 8 of 8  
R 0.00 D 0.00



*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, Assistant County Manager, and County Attorney'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. MINUTES of meetings are posted at: [www.gunnisoncounty.org](http://www.gunnisoncounty.org) approximately 2 weeks after the meeting.*