# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Resolution; Consenting to the Calling of an Electi

**Action Requested:**

**Parties to the Agreement:**

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

**Summary:**

Please see the attached submitted by the GVRHA. A specific agenda date for this to get in front of the BoCC has not been set yet.

**Fiscal Impact:**

**Submitted by:** Josh Ost **Submitter's Email Address:** jost@gunnisoncounty.org

**Finance Review:** (●) Required ( ) Not Required

Comments:
If this measure passed, would there be any change to the 1st amendment to the intergovernmental agreement entered as of August 15, 2017 pledging contributions from Gunnison County to GVRHA in the amount of $93,500 for the years 2018 - 2022, and various amounts from the muncipalities in the County in the total aggregate amount of $235,000 each year?

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 5/23/2018

**County Attorney Review:** (●) Required ( ) Not Required

Comments:
ok db 6/14/18

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 5/29/2018 Certificate of Insurance Required Yes ( ) No (●)

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/29/2018

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: 30

Agenda Date: 7/3/2018

*Revised April 2015*

**BOARD OF COUNTY COMMISSIONERS**
**OF THE COUNTY OF GUNNISON, COLORADO**

**RESOLUTION NO: 2018 - ___**

**A RESOLUTION CONSENTING TO THE CALLING OF AN ELECTION BY THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY ON NOVEMBER 6, 2018.**

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

**WHEREAS**, the Board of County Commissioners of the County (the "Board of County Commissioners") is the governing body of the County; and

**WHEREAS**, the City of Gunnison, Colorado ("Gunnison") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

**WHEREAS**, the Town of Crested Butte, Colorado ("Crested Butte") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

**WHEREAS**, the Town of Mt. Crested Butte, Colorado ("Mt. Crested Butte" and, together with the County, Gunnison, and Crested Butte, the "Contracting Members") is a municipal corporation duly organized and existing under the Town's Charter adopted pursuant to Article XX of the Constitution of the State; and

**WHEREAS**, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the "Act"), the Contracting Members, created the Gunnison Valley Regional Housing Authority (the "Authority"), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority, as amended (the "Contract"); and

**WHEREAS**, the governing bodies of each of the Contracting Members (the "Governing Bodies") have heretofore approved the Contract for the Authority; and

**WHEREAS**, the Board of Directors of the Authority has determined that public interest and necessity require an increase in ad valorem property taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the "Projects");

**WHEREAS**, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any tax increase; and

**WHEREAS**, pursuant to Sections 29-1-204.5 (7.5), C.R.S., no tax increase shall take effect unless first approved by the registered electors of the Authority; and

**WHEREAS**, Section 29-1-204.5(2)(f.2), C.R.S. provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority; and

**WHEREAS**, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

**WHEREAS**, November 6, 2018 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

**WHEREAS**, pursuant to Section 4.2 of the Contract, the Authority shall not establish or increase any tax unless first submitted to a vote of the registered electors of the Authority and obtain prior written consent of the Contracting Members; and

**WHEREAS**, the Board has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 6, 2018 election; and

**WHEREAS**, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority.

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

**Section 1.** All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Board of County Commissioners and the officers of the County, directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

**Section 2.** The Board of County Commissioners hereby consents to the participation of the Authority in an election to be held on November 6, 2018, in the manner prescribed by resolution of the Authority attached hereto as **Exhibit A**.

**Section 3.** If any section, subsection, 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, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

**Section 4.** All orders, resolutions, bylaws, ordinances or regulations of the County, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

**Introduced and passed** by a vote of ____ for and ____ against, of the Board of County Commissioners of Gunnison County, Colorado, this ____ day of August, 2018.

GUNNISON COUNTY,
COLORADO

_____
Chairperson, Board of County Commissioners

(SEAL)

ATTEST:

_____
County Clerk

EXHIBIT A

FORM OF AUTHORITY RESOLUTION

GUNNISON VALLEY REGIONAL HOUSING AUTHORITY

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE GUNNISON VALLEY REGIONAL AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 6, 2018, A BALLOT QUESTION AUTHORIZING A TAX INCREASE.

WHEREAS, the Gunnison Valley Regional Housing Authority (the "Authority"), is a multi-jurisdictional housing authority formed pursuant to an agreement authorized by Section 29-1-204.5 (the "Act") between Gunnison County, the City of Gunnison, and the Towns of Crested Butte and Mt. Crested Butte, Colorado (the "Contracting Members"); and

WHEREAS, the members of the Board of Directors of the Authority (the "Board") have been duly appointed and qualified; and

WHEREAS, the Contracting Members have previously approved an establishing contract setting forth certain powers and functions of the Authority (the "Contract"); and

WHEREAS, the Board has determined that public interest and necessity require an increase in ad valorem property taxes within the Authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management and operation of housing projects or programs pursuant to a multi-jurisdictional plan (the "Projects"); and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any tax increase; and

WHEREAS, pursuant to Section 29-1-204.5 (7.5), C.R.S., no tax increase shall take effect unless first approved by the registered electors of the Authority; and

WHEREAS, Section 29-1-204.5(2)(f.2), C.R.S. provides that the Authority, subject to an election, may levy an ad valorem property tax not exceeding five mills on each dollar of valuation for assessment of the taxable property within the Authority; and

WHEREAS, as required by Section 29-1-204.5(2)(e)(I), C.R.S., the levying of such taxes or fees will fairly distribute the costs of the Authority's activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons and businesses; and

WHEREAS, November 6, 2018 is one of the election dates at which ballot issues may be submitted pursuant to TABOR; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

Section 2. Pursuant to TABOR, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 6, 2018, as a coordinated mail ballot election (the "Election"). The Board hereby determines that at the Election, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk and Recorder for Gunnison County (the "County Clerk") shall conduct the election on behalf of the Authority. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the designated election official to certify to the County Clerk on or before September 7, 2018, a ballot question in substantially the following form. Such question shall be submitted to the eligible electors of the Authority at the Election:

> SHALL THE GUNNISON VALLEY REGIONAL HOUSING AUTHORITY TAXES BE INCREASED $900,000 IN TAX COLLECTION YEAR 2019, AND BY SUCH AMOUNT AS MAY BE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN AD VALOREM PROPERTY TAX OF NOT MORE THAN 1.50 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE AUTHORITY, COMMENCING JANUARY 1, 2019, THROUGH AND INCLUDING DECEMBER 1, 2028, AND CONTINUING AT A LEVY OF NOT MORE THAN .5 MILLS FROM JANUARY 1, 2029 AND THEREAFTER, FOR THE PURPOSES OF PLANNING, FINANCING, ACQUIRING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, MAINTAINING, MANAGING AND OPERATING HOUSING PROJECTS OR PROGRAMS IN GUNNISON COUNTY, INCLUDING THE INCORPORATED JURISDICTIONS, TO PROVIDE THE FOLLOWING:
>
> (1) DWELLING ACCOMMODATIONS AT RENTAL PRICES OR PURCHASE PRICES WITHIN THE MEANS OF FAMILIES OF LOW- OR MODERATE-INCOME;
> (2) AFFORDABLE HOUSING PROJECTS OR PROGRAMS FOR EMPLOYEES OF EMPLOYERS LOCATED WITHIN THE JURISDICTION OF THE AUTHORITY;

(3) SENIOR HOUSING FACILITIES;
(4) ADMINISTRATION OF HOUSING VOUCHER PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR OTHER SIMILAR PROGRAMS; AND
(5) MIXED INCOME OR MIXED USE PROPERTIES THAT FACILITATE EITHER OF THE PURPOSES SET FORTH IN BULLETS (1) AND (2) ABOVE;

AND SHALL THE AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE REVENUES COLLECTED FROM SUCH TOTAL PROPERTY TAX RATE, INVESTMENT INCOME THEREON AND ANY OTHER LAWFUL SOURCE AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR), OR ANY OTHER LAW, AND AS A PERMANENT WAIVER OF THE 5.5% LIMITATION UNDER SECTION 29-1-301, C.R.S.?

Section 4. Jennifer Kermode is hereby appointed as the designated election official of the Authority for purposes of performing acts required or permitted by law in connection with the Election. Further, all officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If a majority of the votes cast on the question of increasing Authority taxes for the purposes specified in the Contract submitted at the Election shall be in favor of same, the Authority shall be authorized to proceed with the necessary action to comply with such questions.

Section 6. Any authority to increase taxes, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. The Board hereby determines that the levy of such ad valorem property tax will fairly distribute the costs of the Authority's activities among the persons and businesses benefitted thereby and will not impose an undue burden on any particular group of persons or businesses.

Section 8. If any section, subsection, 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, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 9. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

UPON a motion duly made, seconded and carried, the foregoing Resolution was adopted this 13th day of June, 2018.

GUNNISON VALLEY REGIONAL HOUSING AUTHORITY

Chairperson

ATTEST:

Secretary