

RESOLUTION NO. 2019 - 60

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION PROVIDING FOR THE SUBMISSION OF A QUESTION TO THE REGISTERED QUALIFIED ELECTORS OF SUMMIT COUNTY, COLORADO, AUTHORIZING THE ONGOING EXTENSION, WITH NO INCREASE IN TAX RATES, OF THE EXISTING MILL LEVY FOR OPEN SPACE, NATURAL AREAS AND TRAILS, AND OTHER PUBLIC PURPOSES PREVIOUSLY APPROVED BY THE VOTERS

WHEREAS, in Summit County there exists a strong public desire to protect the County's scenic, rural mountain landscapes that make it a special place to live and visit; and

WHEREAS, there is a critical need for the acquisition, protection and preservation of open space within Summit County for the purposes referenced in the Summit County Open Space Protection Plan, including, but not limited to, preservation of cherished view corridors, backcountry parcels, historical sites, wildlife habitat, wetlands, public trails access, buffer areas between towns, and lands along rivers, lakes and streams; and

WHEREAS, as additional development and visitation occurs in Summit County there is a continuing need to acquire, build, improve and maintain public trails and trailheads to preserve public access to National Forest lands and to improve public recreational trail opportunities; and

WHEREAS, the existing mill levy that funds open space, trails and other public purposes will expire unless an extension of the current funding is approved; and

WHEREAS, without voter approval of the existing mill levy the Summit County Open Space and Trails Program will end, thereby preventing Summit County from acquiring additional open space and public trails access and from conducting necessary maintenance and conservation work on existing open space lands and trails; and

WHEREAS, most of us live in Summit County because of the natural beauty, scenic places and recreational opportunities, but experts predict our population and visitation will continue to significantly increase in the next twenty-five years, so we need to act now to plan for growth and to preserve our open space and access to recreational opportunities for the current generation, as well as our children and grandchildren; and

WHEREAS, the Board of County Commissioners of Summit County, Colorado, desires to continue to generate revenues for the purpose of acquiring and preserving open space, including any necessary maintenance and non-capital expenditures relating thereto; and

WHEREAS, Summit County must also continue to take the initiative and plan ahead to ensure that we reduce the likelihood of a large, severe wildfire and the disastrous effects it could have on our neighborhoods, infrastructure, economy, businesses, water supplies and community members; and

WHEREAS, proactive, popular programs such as the Summit County Chipping Program and Hazardous Fuels Reduction Grant Program are funded by the existing mill levy approved by the voters in 2008 but are set to expire, and renewal of the existing mill levy is necessary to continue such proactive measures; and

WHEREAS, we must continue to make improvements to public buildings to increase their energy efficiency and use of clean or renewable energy sources such as solar energy in order to reduce global warming emissions and long-term energy costs; and

WHEREAS, local workers and their families in Summit County continue to struggle with escalating rents and home prices; we should secure lands and undertake projects for affordable workforce housing, thereby helping to maintain the character of our local community, to support our local economy and to ensure that local workers can afford to live here; and

WHEREAS, Summit County Government must provide a wide variety of vital public services, buildings, infrastructure and facilities that residents and visitors rely on every day, which requires that existing funding continues for these important needs; and

WHEREAS, the Board of County Commissioners of Summit County, Colorado, desires to continue to receive revenues as authorized by the voters in 2008 by Summit County Referred Measure 1(A), as deemed reasonable and necessary by the Board as part of the annual budgeting and appropriation process; and it is furthermore the firm intention of the Board of County Commissioners that the revenues generated from the proposed ballot measure during a typical fiscal year for open space and trails purposes shall be no less than current levels; and

WHEREAS, Section 20, Article 10 of the Colorado Constitution requires voter approval for the extension of an expiring tax levy; and

WHEREAS, Colorado Revised Statutes Section 29-1-301 requires voter approval for the imposition of an extension of a tax levy to the extent that such levy may otherwise exceed the annual property tax increase limitation of 5.5 percent (of the amount of revenue levied in the prior year) contained therein; and

WHEREAS, in 2008 the voters of Summit County approved a mill levy of 3.5 mills for the public purposes of Summit County Referred Measure 1(A), however, because of the operation of the TABOR Amendment to the Colorado Constitution (Section 20, Article 10), the approved mill levy was reduced to 3.062 mills, which is the mill levy amount proposed to be extended by this Resolution; and

WHEREAS, the Board of County Commissioners of Summit County, Colorado, desires to refer a ballot measure to the registered qualified electors of Summit County regarding the extension and continuing authorization of the existing mill levy approved by the voters of Summit County in 2008 on an ongoing basis in perpetuity, subject to the annual levy and appropriation authority of the Board; and

WHEREAS, our community has made the decision to invest in the Summit County Open Space and Trails Program and other public purposes to protect the County's scenic, rural mountain characteristics and other public purposes and values that make Summit County a special place to live and we need to continue this important commitment; and

WHEREAS, the existing mill levy can be extended and these benefits provided without any increased tax rate or additional taxes beyond existing levels; and

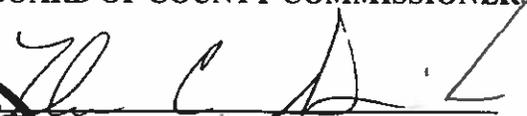
WHEREAS, the Board of County Commissioners of Summit County, Colorado, desires to refer a ballot measure to the registered qualified electors of Summit County regarding the extension and continuing authorization of the existing 3.062 mill levy on an ongoing basis in perpetuity.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT:

1. The ballot issue title and question language contained on Exhibit A, attached and incorporated herein, shall be presented in substantially such form to the registered electors of Summit County at the coordinated election to be held on November 5, 2019, in accordance with all applicable laws. The Board of County Commissioners hereby directs that a copy of this Resolution be certified and filed in the Office of the Clerk and Recorder immediately and authorizes and directs the Clerk and Recorder to certify the ballot issue and ballot content as provided by law.
2. The name of the designated election official who will be responsible for conducting the election pursuant to the Uniform Election Code is Kathleen Neel, Summit County Clerk and Recorder.
3. The officials and employees of Summit County are hereby authorized and directed to take all actions necessary or appropriate to effect the provisions of this Resolution.
4. This Resolution shall take effect immediately upon its adoption so as to ensure compliance with all applicable election requirements. If any section, paragraph, clause or provision is held to be invalid or unenforceable, such invalidity or lack of enforceability shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

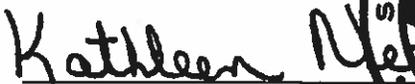
ADOPTED THIS 13th DAY OF AUGUST, 2019.

**COUNTY OF SUMMIT
STATE OF COLORADO**
By and Through its
BOARD OF COUNTY COMMISSIONERS



Thomas C. Davidson, Chair

ATTEST:



Kathleen Neel, Clerk & Recorder



EXHIBIT A

SUMMIT COUNTY REFERRED MEASURE ____

AUTHORIZING AN EXTENSION, WITH NO INCREASE IN TAX RATES, OF THE EXISTING MILL LEVY FOR OPEN SPACE, NATURAL AREAS AND TRAILS, AND OTHER PUBLIC PURPOSES PREVIOUSLY APPROVED BY SUMMIT COUNTY VOTERS

WITHOUT RAISING ANY ADDITIONAL TAXES, SHALL SUMMIT COUNTY BE AUTHORIZED TO RETAIN AND EXPEND REVENUES FOR THE ACQUISITION AND PRESERVATION OF OPEN SPACE, NATURAL AREAS, AND TRAILS, AS WELL AS SUCH OTHER PUBLIC PURPOSES APPROVED BY THE VOTERS IN 2008 BY SUMMIT COUNTY REFERRED MEASURE 1(A), BY THE ONGOING EXTENSION OF THE EXISTING THREE AND SIXTY TWO ONE-THOUSANDTHS MILL LEVY PROPERTY TAX COMMENCING JANUARY 1, 2022, AND CONTINUING THEREAFTER AS A VOTER-APPROVED REVENUE CHANGE, AS SUCH REVENUES ARE ANNUALLY BUDGETED BY THE BOARD OF COUNTY COMMISSIONERS WITHOUT LIMITATION OR CONDITION UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?