CERTIFIED RECORD

OF

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
RELATING TO THE ADOPTION OF A RESOLUTION
CONCERNED WITH SUBMITTING TO THE VOTERS OF SAN MIGUEL COUNTY
A PROPOSAL TO INCREASE THE COUNTY'S REVENUE AND SPENDING LIMITS
FOR THE YEAR 1995 AND THEREAFTER TO PROVIDE INCREASED REVENUES
TO THE COUNTY'S VARIOUS FUNDS FROM ALL LEGALLY AUTHORIZED SOURCES
AND THE EXPENDITURE OF SUCH REVENUES
FOR LEGALLY AUTHORIZED PURPOSES.
STATE OF COLORADO  )
County of San Miguel } ss.

The Board of County Commissioners of San Miguel County, Colorado, met in regular session in full conformity with law and the rules of the County, at the County Courthouse, in Telluride, Colorado, on Tuesday, the 16th day of August, 1994, at 9:30 a.m.

Upon roll call the following were present, constituting a quorum:

Chair: Leslie Sherlock
Commissioners: Bill Wenger
Anna Zivian

Also present:
Deputy Clerk: Darlene Frieman
County Attorney: Steven J. Zwick

Thereupon Commissioner Sherlock introduced a resolution as follows:
RESOLUTION 1994 - 49

A RESOLUTION CONCERNED WITH SUBMITTING TO THE VOTERS OF SAN MIGUEL COUNTY A PROPOSAL TO INCREASE THE COUNTY'S REVENUE AND SPENDING LIMITS FOR THE YEAR 1995 AND THEREAFTER TO PROVIDE INCREASED REVENUES TO THE COUNTY'S VARIOUS FUNDS FROM ALL LEGALLY AUTHORIZED SOURCES AND THE EXPENDITURE OF SUCH REVENUES FOR LEGALLY AUTHORIZED PURPOSES

WHEREAS, pursuant to the provisions of Section 20 of Article X of the Colorado Constitution (TABOR), no District may expend non-excluded revenues from whatever source received, if the amount of such revenues exceeds the maximum annual spending limit for the local district's fiscal year, as such terms are defined in Section 20 of Article X of the Colorado Constitution; and

WHEREAS, the Sheriff of San Miguel County has advised the Board of County Commissioners that the estimated costs associated with the incarceration of county prisoners will increase by approximately $200,000 per year beginning in 1995 and thereafter, and that the level of county general fund revenues which have historically been budgeted and appropriated for the incarceration of prisoners will be insufficient to cover the projected costs; and

WHEREAS, the costs associated with the San Miguel County's lawfully authorized operations for General Fund and Road & Bridge Fund purposes, including, but not limited to, County expenditures for the incarceration of San Miguel County prisoners, as well as the maintenance of the County's road and bridge system, have steadily increased over the past several years at a rate greater than that at which the County may increase its property tax revenues under the Colorado Constitution to fund such expenditures and it appears that this spending trend will continue for the foreseeable future; and

WHEREAS, section 29-1-301, C.R.S., as amended, limits the annual growth in a county's ad valorem property tax revenue to 5.5% above the revenues generated in the previous year unless a majority of the registered electors of the county voting thereon approve an increase in the amount of property tax revenues beyond the level otherwise allowed by law; and

WHEREAS, as a result of the rate of increase in the County's valuation for property tax purposes, the "Local Growth" in the County's ad valorem property tax revenues as authorized by Section 20 of Article X of the Colorado Constitution, has required the County to reduce its ad valorem property tax mill levy in 1993 and 1994, and the County Finance Officer has advised the Board of County Commissioners that, in his informed opinion, such trend will continue for the foreseeable future; and
WHEREAS, the Board of County Commissioners having evaluated the County's revenue and expenditure requirements, both current and future, does find that the growth in the County's revenues from all sources and the spending limit, as authorized by Section 20 of Article X of the Colorado Constitution, will be insufficient to provide adequate funding to meet the County's projected spending requirements; and

WHEREAS, from its analysis of the County's projected revenue and spending requirements the Board of County Commissioners does hereby find and determine that sufficient tax revenues will be generated to meet the County's needs should the majority of the registered electors of San Miguel County voting thereon approve a ballot proposal to maintain the County's ad valorem property tax mill levy at its current level of 8.12 mills, which generated $1,775,776.00 dollars in property tax revenue for the County in 1994, and allowing the County, in future fiscal years, commencing with the 1995 fiscal year, to expend all revenues raised by such mill levy in addition to all revenues otherwise raised by the county's sales and use tax, as well as all other lawful sources of revenue, such voter approved increase in the County's revenue and spending limits would allow expenditures to grow at a rate which more accurately reflects the rate of growth in the County; and

WHEREAS, pursuant to Section 1-1-110 (3), C.R.S., as amended, the Board of County Commissioners must certify the ballot contents regarding county issues to be submitted for voter approval to the San Miguel County Clerk and Recorder prior to the fifty-fifth day before the November 8, 1994 election; and

WHEREAS, the Board of County Commissioners has reviewed the proposed ballot question, as set forth hereinbelow, to be considered at the November 8, 1994 general election and has determined that the health, safety, and welfare of the residents of San Miguel County and the public will be served if said ballot question is submitted to the county's registered electors in order that sufficient property tax revenues may be generated and expended in the year 1995 and thereafter to be budgeted and appropriated for all county governmental purposes lawfully authorized in the year 1995 and thereafter until and unless repealed at an election by a majority of the registered electors of San Miguel County voting thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of San Miguel County, State of Colorado, to certify to the San Miguel County Clerk and Recorder that the following question be placed on the November 8, 1994 general election ballot:

SHALL THE COUNTY OF SAN MIGUEL, COLORADO, WITHOUT ANY INCREASE IN THE COUNTY'S CURRENT PROPERTY TAX MILL LEVY RATE OF 8.12 MILLS AND SALES AND USE TAX RATES, be
authorized to increase its revenue and expenditure limitations beyond those authorized by Article X, Section 20 of the Colorado Constitution, commonly known as "Amendment One" or TABOR, and section 29-1-301, C.R.S., as amended, for the 1995 fiscal year and each subsequent fiscal year thereafter, in an amount not to exceed $750,000 dollars per fiscal year from all revenues generated from the County's property tax mill levy, sales and use taxes, as well as all other lawful sources of County revenue, to be expended for all lawfully authorized County purposes, including capital construction projects and other contractual obligations, until and unless repealed by a majority of the registered electors of San Miguel County voting thereon?

_____ YES _____NO

SAID BALLOT question shall be voted upon only by San Miguel County, Colorado, registered electors legally eligible to vote at the November 8, 1994 general election.

Should the San Miguel County Clerk and Recorder certify, in the manner provided by law, that a majority of the legally eligible registered electors of San Miguel County, voting on said question, cast their votes in favor of the ballot question set forth hereinabove said San Miguel County Revenue and Spending Limitations shall become legally effective as to those county property taxes, sales and use taxes, which become due and payable on January 1, 1995, and for each tax year thereafter, until and unless repealed as provided for therein.

ADOPTED AND APPROVED this 16th day of August, 1994.

By: [Signature]
Chair
Board of County Commissioners
San Miguel County

ATTESTED: [Signature]
County Clerk and Recorder

COUNTY CLERK
Commissioner Zivian then moved that the Resolution be passed and adopted. Commissioner Wenger seconded the motion.

The question being upon the passage and adoption of the Resolution, the roll was called with the following result:

Those voting YES: Leslie Sherlock
                  Bill Wenger
                  Anna Zivian

The Chairman thereupon declared that a majority of all the Commissioners elected having voted in favor thereof, the motion was carried, and the Resolution duly passed and adopted.

Thereupon, after consideration of other business to come before the Board of County Commissioners, the meeting was adjourned.

[Signature]
Deputy Clerk
STATE OF COLORADO

County of San Miguel

I, Gay Cappis, County Clerk and Recorder of San Miguel County, Colorado, do hereby certify that the foregoing pages numbered 1 to 5, inclusive, constitute a true and correct copy of the record of proceedings of the Board of County Commissioners taken at a regular meeting thereof held at the County Courthouse, in Telluride, Colorado, on August 16, 1994, insofar as said proceedings relate to the passage and adoption of a Resolution imposing a Countywide sales and use tax; that the original Resolution has been duly authenticated by the signatures of the Chairman and myself, as County Clerk and Recorder, sealed with the seal of the County, and recorded in the book kept for that purpose in my office, which record has been duly signed by the said officers and sealed with the seal of the County; and that attached hereto are Affidavits of Publication of such Resolution imposing the sales and use tax as passed and adopted.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of San Miguel County, Colorado, this ___ day of __________, 1994.

(SEAL)

County Clerk and Recorder