A RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
CONCERNED WITH SUBMITTING TO THE VOTERS OF
SAN MIGUEL COUNTY, A PROPOSAL TO INCREASE THE
COUNTY'S AD VALOREM PROPERTY TAX REVENUES TO THE
COUNTY ROAD AND BRIDGE FUND FOR THE YEAR 1999
AND THEREAFTER AND TO INCREASE THE COUNTY'S
REVENUE AND SPENDING LIMITS TO THE EXTENT OF SUCH
ADDITIONAL PROPERTY TAX REVENUES RECEIVED FOR THE
YEAR 1999 AND THEREAFTER AND AUTHORIZING THE EXPENDITURE
OF SUCH TAX REVENUES FOR COUNTY ROAD AND BRIDGE FUND PURPOSES

WHEREAS, pursuant to the provisions of Section 20 of Article X of the Colorado
Constitution (TABOR), no District may impose any property tax mill levy above that for the
prior year causing a net tax revenue gain to such district without obtaining voter approval in
advance, nor may any District increase its Revenue or Spending limits, beyond the amounts
otherwise allowed under the applicable provisions of the Colorado Constitution and statutes,
without voter approval; and,

WHEREAS, the San Miguel County Road Superintendent has advised the Board of
County Commissioners, in a memorandum dated August 13, 1998, a copy of which is attached
hereto and incorporated herein by reference that the estimated annual cost for implementing the
proposed County Road and Bridge Department Ten-year Work Plan will average
approximately $113,000 per year. It is estimated that an increase in the County’s 1998 Road
and Bridge Fund property tax mill levy of one-half mill will generate approximately $165,000
in additional property tax revenue for road and bridge purposes in 1999, of which the County’s
Road and Bridge Fund would receive approximately $112,000, with the remaining funds,
approximately $53,000, to be allocated among the various incorporated municipalities located
in San Miguel County pursuant to §§43-2-202 and 203, C.R.S. Without such a mill levy
increase, the County Road Superintendent has advised the Board of County Commissioners
that the County Road and Bridge Department will be financially unable to both implement the
Department’s Ten-year Work Plan and continue the current level of service; and,
WHEREAS, the San Miguel County Road Superintendent has further advised the Board of County Commissioners that an increase in the County’s Road and Bridge Fund property tax mill levy of one and one-half (1 1/2) mills will generate approximately $495,000 in additional property tax revenue for road and bridge purposes in 1999, of which the County’s Road and Bridge Fund would receive approximately $336,600, with the remaining funds, approximately $158,400, to be allocated among the various incorporated municipalities according to state law. Such a mill levy, in addition to allowing the County Road and Bridge Department to implement the Ten-year Work Plan and to continue the current level of service for the County road system, would allow approximately $111,000 in 1999, and additional amounts each year thereafter, to be used to cover the costs associated with applying additional asphalt and/or gravel to the County’s roads, as well as replace additional capital equipment and increase Road and Bridge Department staffing levels by up to one full-time equivalent position. The remaining additional property tax revenue, approximately $113,600 in 1999, would be expended to provide additional winter road maintenance service on the mesas through the addition of one full-time equivalent employee and acquisition of an extra snow removal machine. Increased levels of winter maintenance could then be provided for C.R. M44 on Specie Mesa from S.H. 145 to the Peninsula entrance, C.R. 56L from C.R. J57 to C.R. 60M. At the Board’s discretion, such additional funds could also be used to fund County road winter maintenance operations or to subsidize ongoing private winter maintenance efforts as authorized through cooperative road agreements between the County and private entities requesting financial assistance from the County for such activities for the following County roads serving the San Juan Vista area, Hastings Mesa (C.R. 56V to C.R. 58P), Deep Creek Mesa, East Wilson Mesa, Little Cone Subdivision Entrance (C.R. 57P), and Horsefly Mesa (C.R. 60X and C.R. 62X); and,

WHEREAS, §29-1-301, C.R.S., limits the annual growth in the County’s ad valorem property tax revenue to 5.5% above the revenue 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, an increase in the San Miguel County Road and Bridge Fund property tax mill levy in 1998, for property taxes due and payable in 1999, of one-half mill or greater, is estimated to generate property tax revenues in excess of the 5.5% limit imposed by §29-1-301, C.R.S., thereby requiring voter approval; and,
WHEREAS, the Board of County Commissioners having read and considered the Ten-year Work Plan for the County Road System, submitted by the County Road Superintendent, as well as his memorandum dated August 13, 1998, regarding a “Proposed Mill Levy Increase,” and being otherwise fully advised, does hereby find and determine that the health, safety and welfare of San Miguel County residents and other members of the public who use the County road system would benefit by the improvements to the County road system specified in the proposed Ten-year Work Plan for the County Road System and the increased service levels set forth in the August 13, 1998 memorandum, if a majority of the San Miguel County electors casting ballots at the November 3, 1998 election approve such an increase in the County’s Road and Bridge Fund property tax mill levy; and,

WHEREAS, pursuant to §1-1-110(3), C.R.S., 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 3, 1998 general election; and,

WHEREAS, the Board of County Commissioners has reviewed the proposed ballot question, as set forth hereinbelow, to be considered at the November 3, 1998 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 additional property tax revenues may be generated and expended in 1999 and thereafter, to be budgeted and appropriated solely to the County’s Road and Bridge Fund for those purposes set forth in said ballot question, until and unless repealed at an election by a majority of the registered voters 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, consisting of two subparts, be placed on the November 3, 1998 general election ballot:

A. SHALL SAN MIGUEL COUNTY, COLORADO, TAXES BE INCREASED $165,000 ANNually through an increase in the San Miguel County Road and Bridge Fund 1998 ad valorem property tax mill levy of one-half (0.5) mill, from which increased property tax revenues approximately $112,000 in 1999 would be allocated to the County Road and Bridge Fund for the purpose of implementing the Road and Bridge Department Ten-year Work Plan while continuing to maintain the current level of maintenance to the County road and bridge system; the remaining increased property tax revenues, approximately $53,000 in 1999, to be allocated among the municipalities within San Miguel County as specified in Sections 43-2-202 and 203, C.R.S., and for each year thereafter by the amount of additional ad valorem property tax revenue which is generated in those subsequent years through such increased property tax levy of one-half mill; and, shall San Miguel County 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., for the 1999 fiscal year and each subsequent fiscal year thereafter, to the extent of such additional property tax revenues, to be budgeted and appropriated solely to the County Road and Bridge Fund, until and unless repealed by a majority of the registered electors of San Miguel County voting thereon?

_____ YES  _____ NO

B. SHALL SAN MIGUEL COUNTY, COLORADO, TAXES BE INCREASED AN ADDITIONAL $330,000 ANNUALLY, if a majority of the registered electors of San Miguel County voting thereon approve the increased property tax levies for County Road and Bridge Fund purposes set forth in BALLOT QUESTION A., through an additional increase in the San Miguel County Road and Bridge Fund 1998 ad valorem property tax mill levy of one (1.0) mill, a total additional San Miguel County Property Tax Mill Levy increase of one and one-half (1.5) mills, estimated to generate an additional $495,000 in County Property Tax Revenues in 1999, from which additional increased property tax revenues of $330,000 approximately $112,000 would be allocated in 1999 to the County Road and Bridge Fund to be used to cover the costs associated with applying additional asphalt and/or gravel to the County’s roads, as well as replace additional capital equipment and increase Road and Bridge Department staffing levels by up to one full-time equivalent position; and approximately $112,000 in 1999 would be allocated to the County Road and Bridge Fund to be expended to provide additional winter road maintenance service on the mesas through the addition of one full-time equivalent employee and acquisition of an extra snow removal machine; increased levels of winter maintenance could then be provided for C.R. M44 on Specie Mesa from S.H. 145 to the Peninsula entrance and C.R. 56L from C.R. 157 to C.R. 60M; at the Board’s discretion, such additional funds could also be used to fund County road winter maintenance operations or to subsidize ongoing private winter maintenance efforts as authorized through cooperative road agreements between the County and private entities requesting financial assistance from the County for such activities for the following County roads serving the San Juan Vista area, Hastings Mesa (C.R. 55V to C.R. 58P), Deep Creek Mesa, East Wilson Mesa, Little Cone Subdivision Entrance (C.R. 57P) and Horsely Mesa (C.R. 60X and C.R. 62X); the remaining increased property tax revenues, approximately $106,000 in 1999, to be allocated among the municipalities within San Miguel County as specified in Sections 43-2-202 and 203, C.R.S., and for each year thereafter by the amount of additional ad valorem property tax revenue which is generated in those subsequent years through such increased property tax levy of one mill; and, shall San Miguel County 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., for the 1999 fiscal year and each subsequent fiscal year thereafter, to the extent of such additional property tax revenues, to be budgeted and appropriated solely to the County Road and Bridge Fund, until and unless repealed by a majority of the registered electors of San Miguel County voting thereon?


SAID BALLOT question, consisting of two subparts, shall be voted upon only by San Miguel County, Colorado, registered electors eligible to vote at the November 3, 1998 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 Subpart A. of the ballot question set forth hereinabove, said increase in San Miguel County Road and Bridge Fund property tax revenues and increases in the County’s revenue and spending limits, totaling $165,000 for the 1999 fiscal year, shall become effective for 1998 County property taxes due and payable in 1999 and for each year thereafter until and unless repealed as provided for therein; and,

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 Subparts A. and B. of the ballot question set forth hereinabove, said increases in San Miguel County Road and Bridge Fund property tax revenues and increases in the County’s revenue and spending limits, totaling $495,000 for the 1999 fiscal year, shall become effective for 1998 County property taxes due and payable in 1999 and for each year thereafter until and unless repealed as provided for therein.

APPROVED AND ADOPTED this 26th day of August, 1998, at Telluride, Colorado.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

BY: [Signature]
Anna M. Zivian, Chair

ATTEST:

BY: [Signature]
Gay Cappis, County Clerk and Recorder

[Seal]
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 AD VALOREM PROPERTY TAX REVENUES TO THE
COUNTY ROAD AND BRIDGE FUND FOR THE YEAR 1999
AND THEREAFTER AND TO INCREASE THE COUNTY'S
REVENUE AND SPENDING LIMITS TO THE EXTENT OF SUCH
ADDITIONAL PROPERTY TAX REVENUES RECEIVED FOR THE
YEAR 1999 AND THEREAFTER AND AUTHORIZING THE EXPENDITURE
OF SUCH TAX REVENUES FOR COUNTY ROAD AND BRIDGE FUND PURPOSES
STATE OF COLORADO )

) ss.

County of San Miguel )

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 Board of County Commissioners' meeting room, 333 West Colorado Avenue, Room 310, in Telluride, Colorado, on Wednesday, the 26th day of August, 1998, at 8:45 a.m.

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

Chair: Anna M. Zivian
Commissioners: Jim Craft – Not Present

Art Goodtimes

Also present:
Deputy Clerk: Marie Thomas
Administrative Assistant: Lynn Black
County Attorney: Steven J. Zwick

Thereupon Commissioner Zivian introduced a resolution as follows:

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Commissioner Goodtimes then moved that the Resolution be passed and adopted. Commissioner Zivian 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: Anna M. Zivian, Chair
Jim Craft, Commissioner - Not Present
Art Goodtimes, Commissioner

Those voting NO: None

The Chair 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.

(Marie Thomas)
Marie Thomas
Deputy Clerk to the Board

Resolution R&B 1994
MEMORANDUM

TO
Board of County Commissioners

FROM
Mike Horner, Road Superintendent

DATE
August 13, 1998

SUBJECT
Mill Levy Increase Proposal

As a result of the work session discussion on 8/10/98, the following is my recommendation of the two options being considered for ballot question.

1. 5 Mill Levy Increase

It is estimated that .5 mill, based on 1997 Assessed Values, will generate approximately $112,000 to Road & Bridge. The municipal share of .5 mill will be approximately $53,000.

As you know, the 10-year work plan for Road & Bridge is approximately $113,000 (annual average) short of being funded. Therefore, at least .5 mill would be required to meet the needs of current maintenance levels, including asphalt repair, graveling and equipment replacement.

2 1.5 Mill Levy Increase

Based on 1997 Assessed Values, the Road Department would receive approximately $336,600 annually with a 1.5 mill levy increase. The estimated revenue to the municipalities will be $153,400. If approved, I would recommend that these funds be used as follows:

First, approximately $113,000 should be applied to the ten-year work plan to cover the estimated shortfall.

Second, I would recommend that we apply approximately $110,000 toward improving asphalt and gravel roads. This could be accomplished by purchasing more asphalt and crushing more gravel as well as renting additional trucks to apply the extra material. Any additional work will follow the priorities in the 10-year work plan.

P.O. Box 426  Norwood, Colorado 81423  Phone: (970) 327-4835  Fax: (970) 327-4090
Third, with the remaining revenue of approximately $113,800, I have presented the following options that I believe are important for the Board to consider.

Option 1: Add two additional employees to the Road Department. In years past it has been very difficult to perform day to day maintenance, when gravel hauling or asphalt repair work is taking place simply due to the fact that it takes most of our crew to perform the projects. During normal operations, two additional employees will greatly increase the amount of summer maintenance (grading, culvert maintenance, asphalt patching, etc.) that gets completed.

Winter plowing routes and priorities probably wouldn't change with new employees unless we purchase equipment as well, as mentioned in Option 2, however, with more employees it's likely that a full crew will always be available during storms. In addition, extra help during non-plowing days will greatly improve our winter equipment rehabilitation projects.

Option 2: If the Commissioners see the need to provide additional winter service on the mesas, consideration should be given to one additional employee and an extra snow removal machine.

With this option, I would recommend that plowing take place on CR M44 to the Peninsula entrance and the link between Wilson Mesa and CR 60M (Bear Creek). Other areas that have requested winter plowing are:

1) San Juan Vista
2) Hastings (CR 56V to CR 58P)
3) Deep Creek Mesa
4) East Wilson Mesa
5) Little Cone Subdivision Entrance (CR 57P)
6) Horsefly Mesa (CR 60X & 62X)

Option 3: Consider new paved roads (priorities to be determined). Accelerate the small bridge replacement program. Commit more money to contract hauling of gravel and asphalt.

CC: Gordon Glockson, Finance Director
    Steve Zwick, County Attorney