

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2002-47

A RESOLUTION CONCERNING THE CREATION OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT AND RELATED ELECTION MATTERS.

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

Section 1. The Board finds as follows:

- A. On August 19, 2002, petitioners filed with the County Clerk a petition for the organization of a local marketing district pursuant to Title 29, Article 25, Part 1, C.R.S. (the "Act") to be known as the Gunnison River Valley Local Marketing District (the "District").
- B. Pursuant to Section 29-25-105(5), C.R.S., the Board conducted two public hearings on the proposed creation of the District on August 19, 2002, and August 29, 2002.
- C. The County Clerk has caused publication of a notice of the two hearings in the Gunnison Country Times, a newspaper of general circulation in the County on August 8, 2002 and August 15, 2002, not less than ten days prior to the public hearings.
- D. In accordance with Section 29-25-106, C.R.S., the Board has conducted the noticed hearings and has ascertained from the tax rolls of the County and from such other evidence as has been presented that the petitioners are the owners of commercial real property in the service area of the proposed district having a valuation for assessment of not less than fifty percent of the assessed value of all commercial real property in the service area of the proposed District.
- E. The types of services to be provided by the District are those services which best satisfy the purposes of the Act.
- F. It appears that the petition has been duly signed and presented in conformity with the Act and that the allegations of the petition are true.
- G. The Board has adjudicated all questions of jurisdiction, and determined that it has jurisdiction according to the Act.
- H. These findings and determinations of the Board are final and conclusive.

Section 2. The proposed District for which the petition has been filed is hereby declared organized, subject to voter approval as provided in Section 3 hereof, and shall be known as the

Gunnison River Valley Local Marketing District, by which, in all proceedings, it shall hereafter be known. The District shall be a separate political subdivision and body corporate of the State of Colorado with the limited powers set forth in the Act. The voting requirements for District elections shall be as set forth in the Act and the Uniform Election Code of 1992, as amended. The Board of County Commissioners shall be the ex officio governing body of the District. If the District is dissolved, the assets of the Districts shall be divided prorata among the jurisdictions which consented to the establishment of the Marketing District according to the revenues collected from each during the preceding year. A general description of the boundaries and service area of the proposed district is as follows: the unincorporated area of Gunnison County and all of the corporate limits of the municipalities located within Gunnison County. A map of the boundaries and service area of the proposed district is attached hereto as Exhibit I. The term of the District shall be perpetual unless the Board adopts a resolution dissolving the District. A general description of the types of services to be provided by the District is as follows: (a) organization, promotion, marketing, and management of public events; (b) activities in support of business recruitment, management, and development; and (c) coordinating tourism promotion activities. There shall be no limit on the powers granted by the Act which may be exercised by the District.

Section 3. Pursuant to Section 29-25-105(6), C.R.S., and Section 29-25-112, C.R.S., the Board hereby refers the following proposal to organize the district and to increase District taxes to a vote of the registered electors of the proposed District at the general election to be held Tuesday, November 5, 2002, and sets the ballot title stated below:

SHALL THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT TAXES BE INCREASED TO \$850,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, UNTIL JANUARY 1, 2011, UNLESS EXTENDED BY THE VOTERS, FROM A NEW MARKETING AND PROMOTION TAX LEVIED ON AND AFTER JULY 1, 2003 ON THE PURCHASE PRICE FOR ROOMS OR ACCOMMODATIONS PURSUANT TO SECTION 29-25-112, C.R.S., AT A RATE NOT TO EXCEED 4%, TO PROVIDE REVENUE FOR ORGANIZING AND OPERATING THE DISTRICT AND FURNISHING SERVICES, PROVIDED THAT SUCH TAX SHALL NOT BE COLLECTED UNTIL THE BOARD OF COUNTY COMMISSIONERS REPEALS THE COUNTY'S EXISTING 1.9% LODGING TAX; SHALL THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BE ESTABLISHED WITHIN GUNNISON COUNTY AS MORE SPECIFICALLY DESCRIBED

2002-41

IN RESOLUTION 1 OF THE BOARD OF COUNTY COMMISSIONERS; AND SHALL THE PROCEEDS OF SUCH TAX, INVESTMENT INCOME THEREON AND ALL OTHER REVENUE RECEIVED FROM ANY SOURCE CONSTITUTE VOTER APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT EACH YEAR WITHOUT REGARD TO ANY SPENDING, REVENUE RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

FOR _____

AGAINST _____

If a majority of all votes cast at the election shall be for the proposal, the proposal shall be deemed passed, and the District shall be organized and authorized to collect and expend the full revenues in accordance with the approved proposal and to budget and appropriate such revenues and expenditures.

Section 4. If the ballot question is passed by the majority of registered electors within the boundaries of the Gunnison River Valley Local Marketing District, the County's existing lodging tax of 1.9% is hereby repealed effective 12:00 a.m., July 1, 2003.

Section 5. All actions heretofore taken (consistent with the provisions of this resolution) by the County and the officers thereof directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 6. The Board hereby appoints the County Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) C.R.S., all powers and authority granted to the Board may be exercised by the designated election official, including but not limited to the power to appoint election judges.

Section 7. 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.

Section 8. All former orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

Section 9. 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.

Section 10 This resolution shall be effective immediately provided that the District shall not be created and the tax imposed until approved by the voters.

ADOPTED AND APPROVED this 5th day of September, 2002.

Absent

Fred R. Field, Chairperson, Board of County
Commissioners, Gunnison County

Jim Starr

Jim Starr, Commissioner, Board of County
Commissioners, Gunnison County

Perry Anderson

Perry Anderson, Commissioner, Board of County
Commissioners, Gunnison County



Freda J. Shepley
Deputy County Clerk

STATE OF COLORADO)
) SS.
COUNTY OF GUNNISON)

Frieda J. Shipley, Deputy
I, ~~Joanne Reiting~~, the County Clerk of the County of Gunnison (the "County"),

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 of the County (the "Board") at a regular meeting held on September 5th, 2002.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 5th, 2002, by an affirmative vote of a majority of the members of the Board as follows:

Those Voting Aye:	<u>Starr</u>
	<u>Anderson</u>

Those Voting Nay:	<u>None</u>
Those Absent:	<u>Field</u>
Those Abstaining:	<u>None</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 the Chairman of the Board, sealed with the County seal, 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 5th, 2002 in the form attached hereto as Exhibit A was posted at the County's official notice posting location 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 5th day of September, 2002.



Freddie J. Skyles
Deputy County Clerk

Exhibit A
(Form of Notice of Meeting)

**GUNNISON COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING AND SPECIAL MEETING**

DATE: Thursday, September 5, 2002
PLACE: Commissioners Meeting Room at Courthouse

- 8:00 a.m. ★ PUBLIC HEARING: Creation of the Gunnison River Valley Marketing District
(hearing continued from August 29, 2002)
- 8:15 ★ SPECIAL MEETING:
 ▪ Adoption of Resolution Placing Marketing District on the November
 Ballot; Including Adoption of Ballot Language
- 8:30 ★ ADJOURN

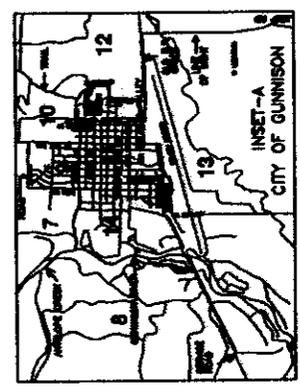
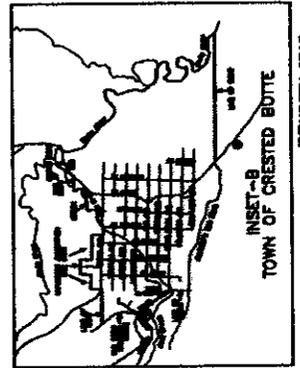
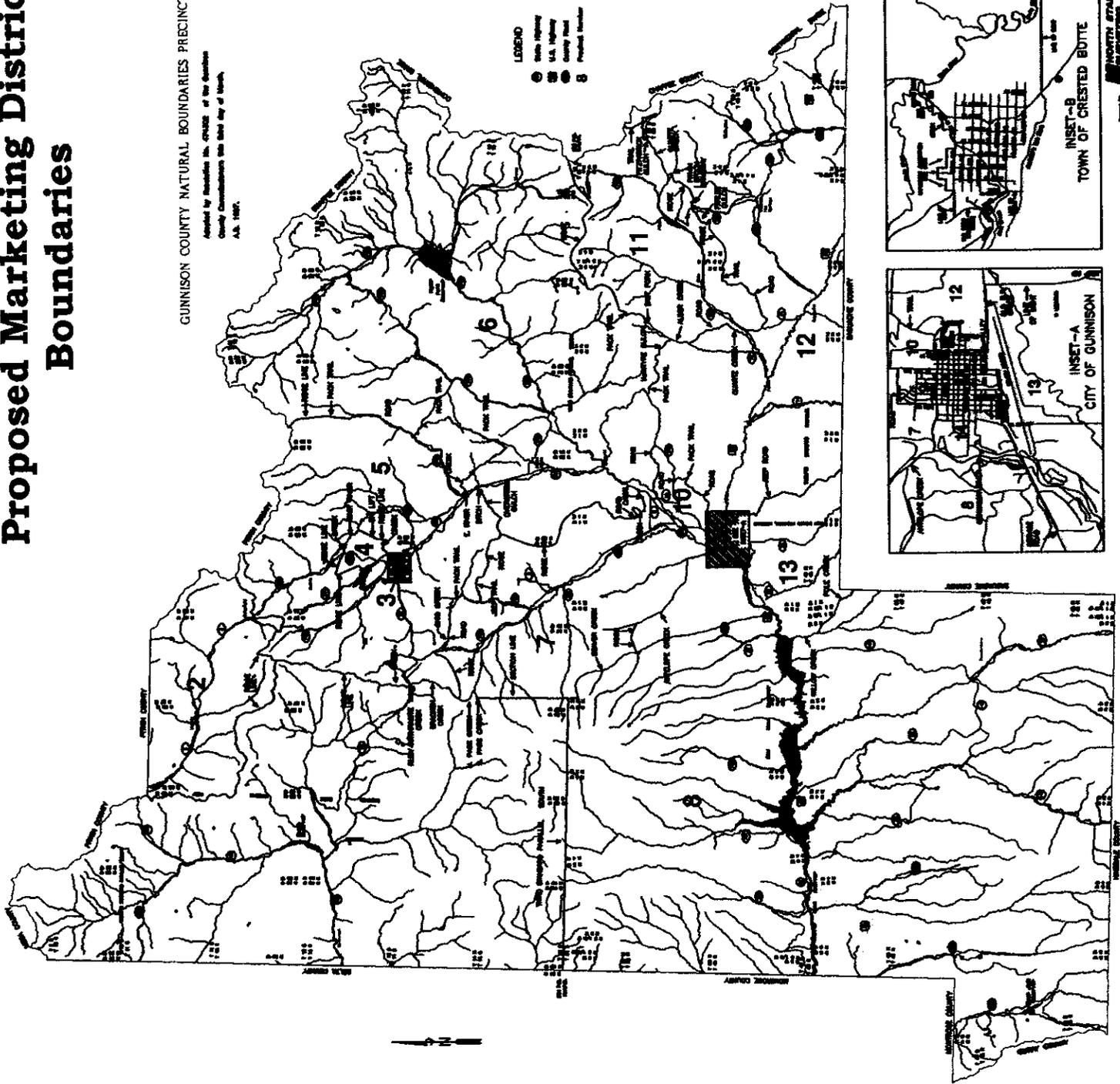
NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and County Attorney reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and **action can be taken on any item**. Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Manager's office at 641-0248. If special accommodations are necessary, contact 641-0248 or TTY 641-3061 prior to the meeting.
MINUTES of meetings are posted at: www.co.gunnison.co.us approximately two weeks after every meeting

Proposed Marketing District Boundaries

GUNNISON COUNTY NATURAL BOUNDARIES PRECINCT MAP

Adopted by Resolution No. 072002 of the Gunnison County Commissioners on the 10th day of March, A.D. 1997.

- LEGEND**
- State Highway
 - U.S. Highway
 - ⊞ County Road
 - ⊞ Precinct Boundary



Map by **WORTHEN & ASSOCIATES, INC.**
1997, 1998, 2000