

Commissioner McQuinn moved adoption  
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**RESOLUTION NO. 2018- 071**

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE REGISTERED, QUALIFIED ELECTORS OF EAGLE COUNTY, COLORADO, A QUESTION TO AUTHORIZE, WITHOUT RAISING TAXES, THE EXTENSION OF THE EXISTING 1.5 MILL LEVY RELATED TO THE EAGLE COUNTY OPEN SPACE PROGRAM FOR FIFTEEN YEARS FROM ITS CURRENT EXPIRATION, SAID QUESTION TO BE SUBMITTED AT THE ELECTION TO BE HELD NOVEMBER 6, 2018; PRESCRIBING THE FORM OF BALLOT QUESTION FOR SUBMISSION AT SAID ELECTION, AND PROVIDING FOR CERTIFICATION OF THE ELECTION QUESTION TO THE COUNTY CLERK AND RECORDER**

**WHEREAS**, pursuant to Section 30-11-107 (1) (d) C.R.S., the Eagle County Board of County Commissioners (the "Board") is authorized to apportion and order the levying of taxes as provided by law; and

**WHEREAS**, the Board submitted and had approved by the electors of Eagle County on November 5, 2002, a question to increase property taxes by one and one-half (1.5) mills for the purpose of acquiring, maintaining, or permanently preserving open space in Eagle County (the "Open Space Mill Levy"); and

**WHEREAS**, without raising taxes, the Board desires to extend to the existing Open Space Mill Levy for an additional fifteen (15) years from the current expiration of 2025 to 2040 to provide on-going funding for the Open Space Program; and

**WHEREAS**, extension of the Open Space Mill Levy will allow the Open Space Program to plan for future open space acquisitions, improvements, short and long-term maintenance, restoration and stewardship of its open space lands; and

**WHEREAS**, the ability to plan for the future of the Open Space Program is important as Eagle County's population is expected to increase, creating increased pressure and demands on its existing open space properties; and

**WHEREAS**, recent polling shows that eighty-one percent (81%) of voters polled support an extension of the Open Space Mill Levy with conserving wildlife habit and scenic beauty of Eagle County, maintaining a good quality of life and protecting lands along our rivers and streams as key motivating factors for this support; and

**WHEREAS**, Article X, Section 20 of the Colorado Constitution requires voter approval for, among other things, the extension of any expiring tax; and

**WHEREAS**, the Board has determined that there should be submitted to the qualified and registered electors of Eagle County, at the general election to be held on November 6, 2018 (the "Election"), the question of whether Eagle County shall be authorized to extend the Open Space Mill Levy, without raising the same; and

**WHEREAS**, the proposal may be submitted at the Election that shall be conducted by the Eagle County Clerk and Recorder in accordance with the "Uniform Election Code of 1992" Articles 1 to 13 of Title 1, C.R.S.; and

**WHEREAS**, the additional revenue attributable to the Open Space Mill Levy, including interest and earnings, if approved by the electors of the County, would be credited to the existing special fund in the County treasury known as the Open Space Fund.

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

**Section 1. Certification of Question to Clerk and Recorder for Election.** The following question is hereby certified to the Eagle County Clerk and Recorder and shall be presented at the Election.

**Section 2. Form of Ballot Question.** At the Election there shall be submitted to a vote of the registered qualified electors of the County a question in a form substantially similar to the following:

**QUESTION:**

“ WITHOUT RAISING TAXES, SHALL THE EXISTING 1.5 MILL LEVY BE EXTENDED 15 YEARS FROM ITS CURRENT EXPIRATION FOR THE PURPOSE OF ACQUIRING, MAINTAINING, OR PERMANENTLY PRESERVING OPEN SPACE IN EAGLE COUNTY SUCH AS: PRESERVING WILDLIFE HABITAT, PROTECTING WORKING FARMS AND RANCHES, CONSERVING SCENIC LANDSCAPES AND VISTAS, PROTECTING WETLANDS AND FLOODPLAINS, AND PROVIDING PUBLIC ACCESS POINTS TO RIVERS AND STREAMS?

\_\_\_\_\_ YES                      \_\_\_\_\_ NO”

**Section 3. Severability.** If any part, section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

**Section 4. Actions.** The officers, employees and agents of Eagle County are authorized and directed to take all actions necessary or reasonably required to carry out or effectuate the provisions of this Resolution. If a majority of the votes cast on the question authorize extending the Open Space Mill Levy, Eagle County shall be authorized to proceed with all necessary actions and such authority shall be continuing 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.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 4<sup>TH</sup> day of Sept., 2018.

COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS



ATTEST:

Rachelia Osborne

Clerk to the Board of

County Commissioners

Sept. 4<sup>th</sup> 2018

By:

Kathy Chandler-Henry

Kathy Chandler-Henry

Chair

Jillian H. Ryan

Jillian H. Ryan

Commissioner

Jeanne McQueeney

Jeanne McQueeney

Commissioner

Commissioner Ryan seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Chandler-Henry

Aye

Commissioner Ryan

Aye

Commissioner McQueeney

Aye

This resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado