



RESOLUTION NO. 17- 24-A

**A RESOLUTION CREATING THE SUN COUNTRY
MEADOWS PUBLIC IMPROVEMENT DISTRICT, AND
PROVIDING OTHER DETAILS RELATING THERETO.**

WHEREAS, the Board of County Commissioners of Elbert County, Colorado (the "Board") for Elbert County (the "County") has received a Petition for Improvements and Creation of a Public Improvement District for Sun Country Meadows (the "Petition") by representative leaders of the Sun Country Meadows Subdivision signed by not less than thirty percent, or two hundred of the electors of the proposed district, (the "Request"); and

WHEREAS, if approved the purpose of the Public Improvement District to be known as Sun Country Meadows Public Improvement District shall be located within the boundaries as defined by the existing plats for the Sun Country Meadows Subdivision, situated within Sections 23, 24, 25, and 26, Township 6 South, Range 64 West of the 6th Principal Meridian; and

WHEREAS, if approved the purpose of the Public Improvement District to be known as Sun Country Meadows Public Improvement District will be to pay the costs of constructing, paving, and resurfacing of county roads within the District, including the paving, repaving and/or reconstruction of asphalt roads; sidewalk improvements; concrete curb, gutter and cross-pans directly associated with road resurfacing; and other costs directly associated with resurfacing work for the *3.2 miles of Sun Country Drive, and .7 miles of Saddlehorn Drive*. The initial work will begin within two years after an election forming the District and approving the mill levy, and subsequent maintenance and repair or repaving will be conducted as necessary in the future.

WHEREAS, the request for paving and assorted improvement for Sun Country Meadows Public Improvement District is to be financed through the issuance of bonds as provided by law; and voter approval for the issuance of bonds and the organization of the district by the County is also required by Section 30-20-508(4)(b), C.R.S.; and

WHEREAS, the Petition has been heretofore filed in the office of the Clerk to the Board of County Commissioners of Elbert County; and

WHEREAS, the Petition has been duly signed and presented in conformity with the requirements of Sections 30-20-505, et seq., C.R.S.; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval of any multiple fiscal year obligation of local government, unless adequate funds for the payment thereof are irrevocably pledged for the purpose of paying such obligation; and



WHEREAS, the Clerk to the Board of County Commissioners has affirmed that a minimum number of eligible signatures were submitted with the petition; and

WHEREAS the Board is permitted to provide by resolution for the submission of the question of issuing the Bonds to the registered electors eligible to vote on the question pursuant to C.R.S. 30-20-508 and to further provide that only registered electors who are owners of property within or residents of the Proposed District shall be eligible to vote on the question; and

WHEREAS, the Board of County Commissioners has determined that the proposed improvements and services in said district will confer a general benefit on the district and that the cost of such improvements will not be excessive, as compared with the value of the property within the district; and

WHEREAS, the Board of County Commissioners has jurisdiction to declare such Petition to be valid and to enter such other orders necessary to effectuate organization of the District.

WHEREAS, the estimated total cost associated with paving, construction, maintenance, repair, and resurfacing or repaving work is estimated at \$2,800,000.00 in total.

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

Section 1. Findings and Determinations. The Board hereby accepts the Petition, which requests the formation of a public improvement district to be known as “Sun Country Meadows Public Improvement District.” The Board hereby finds and determines as follows:

A. The Petition properly set forth all information required by C.R.S. § 30-20-505.

B. The requirement for a bond set forth in C.R.S. § 30-20-506, is hereby waived.

C. The Board of County Commissioners has jurisdiction to review and approved the Petition under C.R.S. 30-20-501 et seq.

D. As of the date of the public hearing on the Petition held August 30, 2017, as ascertained from the tax rolls of the County and the last official registration list, the Petition was signed by not less than thirty percent, or two hundred of the electors of the proposed district in compliance with Section 30-20-505(1), and that the signatures on the Petition are genuine.

E. That the proposed district is located entirely within the boundaries of Elbert County.



F. The Clerk to the Board of County Commissioners has affirmed that a minimum number of eligible signatures were submitted with the petition.

G. A general description of the improvements to be acquired, constructed, installed, operated, or maintained within the District and the proposed services to be provided are set forth in the Petition, to include the paving, repaving and/or reconstruction of asphalt roads; sidewalk improvements; concrete curb, gutter and cross-pans directly associated with road resurfacing; and other costs directly associated with resurfacing work for the 3.2 miles of Sun Country Drive, and .7 miles of Saddlehorn Drive;

H. Pursuant to C.R.S. § 30-20-508(4)(a), the Board may order that the question of the organization of the District and such other matters for which voter approval is required under TABOR be submitted to the electors at an election to be held for that purpose in accordance with Articles 1-13 of Title 1, C.R.S. (the "Uniform Election Code");

I. That a review of the tax rolls and the last official registration list of Elbert County, together with other available evidence, shows that the total number of electors of the proposed district is 985 and the total valuation for assessment of the real and personal property within the proposed district is \$11,248,230;

J. The mill levy is proposed to remain in place or adjusted by the Board of Directors until such time as purpose for the district and bond has reached completion, and the bond is paid off.

K. The signers of the Petition have requested that the Board place the questions of district formation, mill levy taxation, and the no interest, multi fiscal year obligation to the County on the November 7, 2017 ballot,

L. That the costs of the improvements and services to be provided will not be excessive as compared with the value of the property in the proposed district;

M. That the creation of the proposed district and proposed improvements and services will confer a general benefit on the proposed district;

N. That the organization of the proposed district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the County and the proposed district; and

O. After review of the Petition, material presented by County staff, and testimony from the public at the public hearing, the Board desires to refer to the electors of the District, to be determined by a majority voting thereon, the question of whether the District shall be formed, whether the ad valorem taxes shall be approved or disapproved, and whether the District shall be authorized to incur a multi-fiscal year obligation.

P. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Board, by this Resolution, hereby finds that it has full jurisdiction under the law to adopt this Resolution, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known as “Sun Country Meadows Public Improvement District” (the “District”), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited powers set forth in Part 5, Article 20, Title 30, *et. seq.*; and 30-20-512 C.R.S.

Q. The Board desires to refer to the electors of the District, to be determined by a majority voting thereon, the question of whether the revenues from the ad valorem taxes, loan proceeds, and any other revenues legally available to the District shall be exempted from the fiscal year revenue and spending limitations, and be a voted approved revenue change and property tax revenue change for the purposes of the revenue limitations set forth in Article X, Section 20, of the Colorado Constitution (“TABOR”) and in C.R.S. § 29-1-301 *et seq.* and any other law.

R. A duly noticed public hearing was held on August 30, 2017, at which the public was given the opportunity to comment on the question of formation of the District and the proposed mill levy to fund the District.

S. The Board of County Commissioners shall constitute *ex officio* the board of directors of the District (the “District Board”). The presiding officer of the Board shall be *ex officio* the presiding officer of the District Board, the clerk of the Board shall be *ex officio* the secretary of the District Board, and the treasurer of the County shall be *ex officio* the treasurer of the District Board.

T. These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

U. The Board shall take further action by subsequent resolution to set a ballot title for the proposal described herein. For purposes of C.R.S. 1-11-203.5, as amended, such resolution shall serve to set the ballot title for such proposal.

V. No later than September 8, 2017, the Designated Election Official shall certify the order of the ballot and ballot content to the Clerk and Recorder of the County (the “County Clerk”). The “Designated Election Official” shall be Dallas Schroeder Clerk and Recorder.

W. The Designated Election Official is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, TABOR, and other applicable laws and election rules; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters’ ballots, absentee ballots, and emergency absentee ballots which are to be performed by the designated election official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code, TABOR, and all other applicable laws.



X. No later than September 26, 2017, the Board shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the notice of election required by Subsection (3)(b) of TABOR. Thereafter, no later than October 6, 2017, the County Clerk is to mail, at the least cost, the notice required by Article X, Section 20(3)(b) of TABOR to the registered voters of the District.

Y. No later than October 18, 2017, the Designated Election Official shall ensure that the additional posting of financial notice is made on the County's website or, if the County does not maintain a website, at the County's chief administrative office in accordance with the requirements of C.R.S. § 1-7-908.

Z. The County Clerk and Recorder shall cause to be published, at least ten days before the election and in the form and containing the information required by law, the notice required by Section 1-5-205 C.R.S. Such notice shall also be posted as required by Section 1-5-205(1.3), C.R.S. The County Clerk and Recorder shall cause a notice to all registered electors of the County to be mailed in accordance with Article X, Section 20(3)(b) of the State Constitution and other applicable laws. Such notice shall be in the form and contain the information required by law.

AA. If a majority of the votes cast at the election are in favor of the organization of the District, the Board shall adopt a resolution declaring the District organized, pursuant to C.R.S. § 30-20-508(4)(b).

BB. The District acting through the Board shall be authorized to proceed with the necessary action to levy taxes in accordance with the approved ballot issue. Any authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the taxes so authorized at any one time, or from time to time, 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.

CC. Within thirty days after Board action on this Resolution, the clerk of the Board shall record this resolution, and transmit to the County Clerk and Recorder of Elbert County a copy of this Resolution for recording.

DD. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved, and confirmed.

EE. All prior acts, orders or Resolutions or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.



FF. If any 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 any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

GG. This Resolution shall take effect immediately upon its passage.

HH. The Board hereby directs the submission of the Question of Issuing the Bonds to the registered electors who are owners of property within or residents of the Proposed District, in accordance with Section 1-5-203(3), C.R.S., the Board hereby directs the following ballot issue be certified herewith to the Elbert County Clerk and Recorder for Inclusion in the ballot for said coordinated election to be conducted on November 7, 2017.

ADOPTED AND APPROVED this 30th day of August, 2017.



(SEAL)

ATTEST:

Dawn Sch
County Clerk

Wilcox
Chairman, Board of County Commissioners
Elbert County, Colorado

Grant E Thayer
Commissioner District 3

Christopher A. Richardson
Commissioner, District 1



APPENDIX A

(Copy of Petition for Organization)



Petition To form Sun Country Public Improvement District

Proposed new District: Sun Country Public Improvement District (PID)
(Elbert County)

Description of Improvements: The PID will fund the preparation and paving of 3.2 miles of Sun Country Drive and .7 Miles of Saddlehorn Dr.

Approximate Cost: \$2,800,000.00

District Boundaries: The district shall encompass the legal defined boundaries of the Sun Country Subdivision as defined by the existing plat.

District Representatives:

1. Linda Krausert, Sun Country HOA Treasurer
2. Vicki Reynolds, Sun Country HOA Secretary
3. Kelly McMeeking, Sun Country HOA Administrator

Petitioner Requirements

- ❖ **Petitioner must reside or own property in the Sun Country Subdivision**
- ❖ **Petitioner must be a registered voter**

Petition To Form Sun Country Public Improvement District

1	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
3	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
4	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
5	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
6	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
7	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
8	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
9	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
10	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing





STATE OF COLORADO)
) SS.
COUNTY OF ELBERT)

I, the Clerk to the Board of County Commissioners (the "Board") of the County of Elbert, Colorado (the "County") do hereby certify:

1. The foregoing pages are a true, correct and complete copy of a resolution (the "Resolution") which was introduced, passed and adopted by the Board at a regular meeting thereof held on August 30, 2017.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 30, 2017, by an affirmative vote of a majority of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Chris Richardson	X			
Danny Willcox	X			
Grant Thayer	X			

3. The members of the Board were present at such meeting and voted on the passage of such Resolution as shown 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 August 30, 2017 in the form attached hereto as Exhibit A was posted at the county courthouse prior to the meeting as provided by law.

7. That on August 30, 2017, I transmitted a copy of the Resolution to the Elbert County Clerk and Recorder for recording.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this 30 day of August, 2017.



(SEAL)

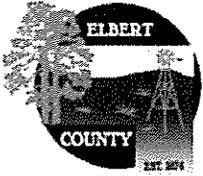
Dallas Schub

Clerk to the Board of County Commissioners,
Elbert County, Colorado



EXHIBIT A

(Attach Notice of Meeting)



ELBERT COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS MEETING AGENDA

Regular Meeting Held in the BOCC Meeting Room
August 30, 2017 at 9:00 A.M.

WE VALUE

- *Honesty, integrity and respect for the rights of all individuals*
- *Quality service to all*
- *Respect for our culture and history*
- *Clear communication and transparency*
- *Efficiency & fiscal responsibility*
- *Recognition of employee and citizen contributions*
- *Partnerships and collaborations*
- *Planning for the future*
- *Cooperative leadership and professional development*

VISION: *Elbert County is recognized by our citizens and employees as the best place to live, work, and conduct business in Colorado; led in a responsive, effective, transparent, and professional manner.*

A. CALL TO ORDER AND ROLL CALL

B. INVOCATION/PLEDGE OF ALLEGIANCE:

C. APPROVAL OF AGENDA

D. CONSENT AGENDA:

1. Approval of Elbert County Sheriff's Office Inmate Housing IGA
2. Approval of Special Event Permit for Elizabeth Chamber of Commerce, Oktoberfest

E. ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORTS

F. OPEN PUBLIC COMMENT (See Note 1)

G. DISCUSSION ITEMS: (See Note 2)

H. ACTION ITEMS: (See Note 3)

1. Approval of Resolution on Term Limits to be placed on the November 2017 Ballot
2. Public Hearing: Consideration of adopting a resolution which establishes a Public Improvement District, board jurisdiction of the Public improvement District, declaring a PID formed of organized, with the BOCC acting as governing body of PID, and the ordering of the submission of tax and debt questions to eligible electors of the PID in a specific service area, in an election to be conducted in accordance with Section 20 of Article X ("TABOR") of the Constitution of the State of Colorado

I. BOARD PLANNING

1. Agenda Items for Next Meeting (9/13/17)
 - a. Update on Budget (Rick Pettitt, Elbert County Treasurer & Chief Budget Officer)
 - b. Update on new regulations (CDS Director, Kyle Fenner)
 - c. Update on road and Bridge (Rory Hale, Public Works)
 - d. Hiring Process for County Manager (BOCC)
 - e. Approval of minutes from 8/23/17
 - f. Approval of minutes from 8/30/17
2. Workshops/Study Sessions
3. Pending Hearings
 - a. Sept 5, 6 & 7 Independence Development Hearing

J. LAND USE HEARINGS 1:00 P.M. (See Note 4)

OUR MISSION: *Provide essential statutory services and supportive infrastructure to our citizens in a professional, respectful, cost-effective manner while creating a working environment that supports their endeavors, western lifestyle and rights as individuals.*



ADJOURNMENT

NOTES ON PUBLIC COMMENT:

Note 1: General Public Comment - This portion of the agenda is reserved for citizens who wish to comment to the BOCC on items of county interest that are not scheduled for Discussion or Action. This time will not be used to make political speeches nor will personal attacks be tolerated. Individuals will be limited to one opportunity to speak for a period of up to three minutes during this portion of the agenda.

Note 2: Discussion Items - This portion of the agenda is intended to introduce items that may require future board action. It allows for shaping of final decisions, and allows for public input to ensure all aspects of the issue are fully considered before decisions are made. After each item, the chair will offer time for public comment limited to three minutes per person.

Note 3: Action Items - This portion of the agenda is intended for items requiring a board decision. Prior to taking action, the chair will offer time for any final public input, limited to three minutes per person, prior to a vote.

Note 4: Land Use Hearings - Hearings for Land Use Items will be held at 1:00pm on meeting days. If all other agenda items are completed earlier, the chair will recess until this scheduled time. If previous agenda items are not complete by 1:00pm, the land use hearings will be opened and completed before proceeding to any remaining agenda items. Land use hearings will follow the following sequence:

- *Open Land Use Hearing*
- *Staff Presents Application and Recommendation of Planning Commission*
- *Applicant Presents*
- *Public Input on Application (three minutes per person)*
- *BOCC Questions and Discussion*
- *BOCC Decision*
- *Close Land Use Hearing*

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