

**RESOLUTION NO. 110637** It was moved by Commissioner Jackson and duly seconded by Commissioner Weddig to adopt the following Resolution:

WHEREAS, the Board of County Commissioners, on June 17, 2003, adopted Resolution Number 030381, which authorized the submission of a ballot issue to the eligible electors of Arapahoe County, regarding the proposed imposition of a one quarter of one percent (0.25%) sales and use tax for open space and trails purposes, as described in further detail in Resolution Number 030381; and

WHEREAS, on November 4, 2003, a majority of the eligible Arapahoe County electors voting at the election held on that day approved the ballot issue authorizing the sales and use tax as specified in Resolution Number 030381; and

WHEREAS, pursuant to Resolution Number 030381, the sales and use tax is set to expire on December 31, 2013; and

WHEREAS, substantial input has been received from the public, and from various interested parties including municipalities, recreation districts and special districts, regarding whether it is in the best interests of the residents of Arapahoe County to extend the sales and use tax past Dec. 31, 2013, and the input has been overwhelmingly in favor of extending the sales and use tax; and

WHEREAS, based upon input received, the Board of County Commissioners has determined that it is in the best interests of the residents of the County that the county-wide sales and use tax at the rate of one quarter of one percent (0.25%) be extended from its current date of expiration for a period of ten (10) years to December 31, 2023, the receipts from which will shall continue to be used for open space and trails purposes in the manner set forth in Resolution Number 030381; and

WHEREAS, based upon input received, and the County's experience administering and distributing the sales and use tax, the Board of County Commissioners has also determined that it would be in the best interests of the County, without increasing the tax, to adopt amendments to Resolution Number 030381 in order to increase the allocation of funding from the sales and use tax that is available to the municipalities for maintenance, and to the County for administration and for heritage areas, and to make some other minor clarifications to the County's open space program, as set forth in further detail below; and,

WHEREAS, pursuant to Colorado Constitution Article X, Section 20, an extension of an expiring tax requires voter approval; and,

WHEREAS, pursuant to Section IX. A. of Resolution Number 030381, the proposed amendments are permitted if approved by a vote of the registered electors of Arapahoe County; and,

WHEREAS, the Board of County Commissioners has determined that a ballot issue regarding the extension of the sales and use tax, and permitting amendments to Resolution

Number 030381, should be submitted by the Board of County Commissioners to the eligible electors of the County at the November 1, 2011 election; and

WHEREAS, the Board of County Commissioners has reviewed the proposed ballot issue to be considered at the November 1, 2011 election; and

WHEREAS, pursuant to Section 1-5-203(3) C.R.S., the Board of County Commissioners must certify ballot contents to the Arapahoe County Clerk and Recorder for said November 1, 2011 election.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Arapahoe, State of Colorado, as follows:

I. A Ballot Issue/Question is hereby certified to the Arapahoe County Clerk and Recorder for inclusion in the November 1, 2011 election, as follows:

A. Ballot Title

Water, Wildlife, Open Space, Trails and Parks Measure

Ballot Issue

Shall the existing one quarter of one percent (0.25% or 25 cents for every 100 dollars) county-wide sales and use tax for water, wildlife, open space, trails and parks, which is currently set to expire on December 31, 2013, be extended for a period of ten years to and including December 31, 2023, and shall Arapahoe County Resolution Number 030381 be amended to provide for such extension, for the same purposes including to:

- Preserve urban and rural open space and natural areas;
- Protect lands that preserve water quality in rivers, lakes and streams;
- Provide, maintain and improve neighborhood parks, open space, sports fields, picnic facilities, and biking, walking and multi-use trails;
- Protect wildlife habitat and corridors;
- Protect views, vistas and ridgelines;
- Preserve agricultural and ranch lands; and
- Enhance and maintain designated heritage areas;

With the continued requirements that the County's program expenditures for projects and grants be first submitted to a citizen advisory board for a recommendation to the County Commissioners, and that the County program be subject to an annual independent audit, and subject to such other requirements as are set forth in Resolution Number 030381 and any authorized amendments thereto, and continuing these funds as a voter approved revenue change; and,

Further, shall Arapahoe County Resolution Number 030381 be amended to: 1) reduce the allocation available to Arapahoe County Government to acquire open space and develop trails from 28.16% to 26.66%, and 2) clarify that such percentage may also be used for the restoration, improvement and protection of open space and other related uses, and 3) change the allocation available to Arapahoe County Government for administration of the open space program from 3% to 4%, and 4) change the allocation available to Arapahoe County Government for designated heritage areas from 3.6% to 4.1%, and 5) with respect to the 50% shareback of open space sales and use tax revenues allocated to municipal governments in Arapahoe County, change the percentage of such shareback funds that may be used for maintenance of open space, trails, parks and ball fields from 10% to 20%, and 6) clarify that such shareback funds may be used for regional parks as well as neighborhood parks, all as specified in Resolution Number 110637.

- B. Conduct of Election. The conduct of the election shall conform so far as is practicable to the election laws of the State of Colorado.

II. Subject to approval of the above-referenced ballot issue by a majority of the registered Arapahoe County electors voting at the November 1, 2011 election, Arapahoe County Resolution Number 030381 shall be amended as follows:

- A. Sections I. A. and IV. are amended to state that the sales and use tax shall expire at 11:59 p.m. on December 31, 2023.
- B. Section VIII. A. is amended to reduce the percentage of County Open Space Program Funds available for the "Acquisition of open space and/or interests in open space to include for the development of multi-use trails" from 28.16% to 26.66%.
- C. Section VIII. A. is amended to increase the percentage of County Open Space Program Funds available for "Designated Arapahoe County Heritage Areas" from 3.6% to 4.1%.
- D. Section VIII. A. is amended to increase the percentage of County Open Space Program Funds available for "County Administrative Costs" from 3% to 4%.
- E. Section VIII. C. 3. e. is amended in its entirety to read as follows: "Further, an incorporated municipality may use up to twenty percent (20%) of its Shareback Funds distributed by the County annually to maintain existing or new open space properties, trails, neighborhood and regional parks, and sports fields."
- F. The first sentence of Section VIII. D. 4. is amended to in its entirety to read as follows: "The County shall use the percentage of the Fund, as specified in Section VIII (A) above, to acquire open space or interests in open space, to restore, improve and protect open space, to acquire and develop trails, and for such other uses set forth in Section VIII.E. 1, excepting that such percentage shall not be

used for administration or maintenance, and subject to any other applicable restrictions on the use of funds set forth herein."

- G. Section VIII. C. 3. d. is amended in its entirety to read as follows: "In addition, Shareback Funds may be used to purchase and/or develop and/or improve neighborhood and regional parks and/or sports fields."

III. If any section, paragraph, clause or provision of this Resolution, or the ballot issue certified by 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 or said ballot issue. It is the intention of the Board that the various parts of this Resolution and said ballot issue are severable.

The vote was:

Commissioner Beckman, Yes; Commissioner Bockenfeld, No; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Weddig, Yes.

The Chair declared the motion carried and so ordered.