

STATE OF COLORADO }
 } SS.
County of Grand }

At a regular meeting of the Board of County Commissioners for the County of Grand, State of Colorado, held at the Grand County Administration Building in Hot Sulphur Springs on Tuesday, the 3rd day of September, 2019, there were present:

Richard Cimino , Commissioner Chairman
Kristen Manguso , Commissioner
Merrit Linke , Commissioner
Brett Schroetlin , Sheriff
Christopher Leahy , County Attorney
Kate McIntire , County Manager
Sara L. Rosene , Clerk of the Board

when the following proceedings, among others, were had and done, to wit:
RESOLUTION NO. 2019-9-1

A RESOLUTION DESCRIBING A PROPOSAL FOR THE AUTHORIZATION AND IMPLEMENTATION OF A 0.2% COUNTY-WIDE SALES TAX INCREASE FOR THE PURPOSE OF ASSISTING IN THE FUNDING OF URGENT PUBLIC SAFETY NEEDS REGARDING LAW ENFORCEMENT FACILITIES AND MEETING STATUTORY OBLIGATIONS OF GRAND COUNTY TO PROVIDE ADEQUATE DETENTION FACILITIES; CALLING AN ELECTION ON NOVEMBER 5, 2019, FOR THE CONSIDERATION OF SUCH PROPOSAL AND AUTHORITY TO SPEND ALL OF THE PROCEEDS OF THE SALES TAX, AND; SETTING THE BALLOT TITLE AND QUESTION FOR THE ELECTION.

WHEREAS, the Board of County Commissioners of the County of Grand, State of Colorado (Board) is responsible for helping ensure the health, safety, security, protection and overall welfare of the people, property, and resources of Grand County, Colorado (County); and

WHEREAS, the Grand County Sheriff’s Office is the chief law enforcement agency for Grand County, with statutory responsibilities to keep the peace and maintain public safety on behalf of all Grand County residents regardless of municipal boundaries; and

WHEREAS, the Grand County Sheriff’s Office operates and manages the Public Safety Access Point-911 communications and dispatch operations for all emergency responders serving Grand County and also serves as the keeper of the jail, operating and managing the county jail/detention facility for the detention, safekeeping, and confinement of persons and prisoners lawfully committed, as directed by C.R.S. 17-26-102; and

WHEREAS, pursuant to C.R.S. 17-26-101-102 and 30-11-104, Grand County is statutorily obligated to provide, and pay the expenses associated with maintenance of, the County jail/detention facility; and

WHEREAS, the current Sheriff's public safety and detention facility was constructed in 1983; and

WHEREAS, the Sheriff's public safety and detention facility has suffered from fires, water, and sewage damage, and safety equipment failures; and

WHEREAS, to accommodate inmates with mental health diagnoses, it is imperative to comply with state regulations and provide appropriate protection for inmates and staff; and

WHEREAS, the Board has identified the public safety and detention facilities as the most critical need of the County because of significant concerns for the safety and security to employees and visitors, and space requirements of the existing detention facility; and

WHEREAS, the Board has worked and consulted with the Sheriff's office, County staff, and outside professional consultants to investigate options and costs to improve and meet public safety and detention facility needs, as well as options for financing the costs of recommended actions; and

WHEREAS, as these improvements must be done, the Board is committed to financing a portion of the costs of these improvements through existing revenue streams including the 1982 voter approved 1% County-wide sales tax; and

WHEREAS, the Board finds that County operational costs and capital needs, including public safety needs, have increased significantly since 1982, and that to continue to meet the needs of the County, in addition to using existing revenues, additional, temporary voter approved revenue solely for the purposes of supplementing funding for the design and construction of public safety facilities as set forth herein is necessary; and

WHEREAS, it is beneficial to keep the County public safety facility in the Town of Hot Sulphur Springs, Colorado, which is the county seat of Grand County, as this location will help to create and maintain efficiencies in serving the public since the facility will be located in close proximity to the County and District Courts; and

WHEREAS, Grand County is authorized by Article 2, Title 29, Colorado Revised Statutes, as amended, to impose a countywide sales tax on the sale of tangible personal property at retail and the furnishing of services in the County upon approval of a majority of the registered electors of the County; and

WHEREAS, said Article of the Colorado Revised Statutes provides for the referral of a proposal for a countywide sales tax to the registered voters by resolution of the Board of County Commissioners

and, pursuant to C.R.S., §29-2-104(3), that the sales tax proposal be submitted at the next regular general election if there is one within the next succeeding one hundred twenty days after the adoption of such resolution; and

WHEREAS, the Board has determined that in order for the Board and Grand County Sheriff's office to continue to meet the basic public safety needs of Grand County citizens and visitors and meet their statutory obligations, including the statutory requirements for safe operations of the County detention facility, it is in the best interests of the present and future residents of the County for the Board to certify a ballot issue to the eligible electors of the County at the November 2019 General Election requesting a temporary increase in the countywide sales tax rate of two tenths of one percent (0.2%) to be added to the current County sales tax rate of one point three percent (1.3%) for a total County sales tax rate of one point five percent (1.5%), subject to the terms of this Resolution, (hereinafter referred to as "Resolution Proposal" or "Proposal"); and

WHEREAS, the Board has considered the proposed ballot question, set forth in this Resolution Proposal, to be considered at the November 5, 2019, election; and

WHEREAS, pursuant to C.R.S., §1-5-203(3), the designated election official of Grand County must certify ballot contents to the Grand County Clerk and Recorder for said November 5, 2019 election no later than sixty days before said election.

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

I. General Provisions.

A. Purpose. The purpose of this Resolution Proposal is, upon the approval of a majority of registered electors voting on such Proposal, to authorize and implement a temporary sales tax increase of two tenths of one percent (0.2%), to be added to the current County sales tax rate of one point three percent (1.3%) for a total County sales tax rate of one point five percent (1.5%), upon the sale at retail of tangible personal property and the furnishing of certain services in Grand County in accordance with the provisions of Article 2 of Title 29, C.R.S., which provisions are incorporated herein by this reference, and such sales tax shall be dedicated to meeting statutory obligations of Grand County, pursuant to C.R.S. §17-26-101, to provide adequate detention facilities, and funding other public safety needs regarding public safety facilities, including the planning, design, construction, and equipping of public safety facilities to meet County-wide needs related to:

- 911 Communications;
- The County Detention Center, and;
- Law Enforcement and Public Safety Facilities.

B. Upon adoption by the electorate at the election on November 5, 2019, the sales tax provided herein shall become effective at 12:01 a.m. on January 1, 2020, and; cease at

11:59 p.m. on December 31, 2039, or upon full payment of the costs incurred to accomplish the purposes of this temporary tax, whichever is earlier.

- C. Statutory Definitions Incorporated. Unless the context requires otherwise, the terms used in this Resolution Proposal shall have the meaning set forth in C.R.S., §39-26-102, which definitions are incorporated herein by this reference. If not defined therein, terms shall have their ordinary and common meaning.
- II. Authorization and Implementation of Sales Tax. Upon majority voter approval, there is hereby imposed a temporary countywide two-tenths of one percent (0.2%) sales tax increase on all sales of tangible personal property at retail or the furnishing of services in Grand County, as provided in C.R.S., §29-2-105(1)(d), effective throughout the incorporated and unincorporated portions of Grand County, subject to the following terms and conditions:
- A. Transactions Subject to the 0.2% Sales Tax Increase.
 - 1. The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Grand County Resolution No. 1982-3-9, and Grand County Resolution No. 1982-6-6, subject to the specific exemptions identified herein and mandated by applicable law.
 - 2. Such sales tax shall not apply to the sale of construction and building materials, as the term is used in C.R.S., §29-2-109, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the County evidencing that a local use tax has been paid or is required to be paid.
 - 3. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by Grand County when such sales meet both of the following conditions: (1) the purchaser is a non-resident of or has his principal place of business outside of Grand County, and; (2) such personal property is registered or required to be registered outside the limits of Grand County under the laws of the State of Colorado.
 - 4. Such sales tax will not be imposed upon the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed hereunder by Grand County. A credit shall be granted against the sales tax imposed hereunder by Grand County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed hereunder by Grand County.

5. Such sales tax will not apply to the sale of food purchased with food stamps. For purposes of this subsection, "food" shall have the meaning as provided in 7 U.S.C. Section 2012(g) as such section exists on October 1, 1987, or is thereafter amended.
6. Such sales tax will not apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants and children, 42 U.S.C. §1786. For purposes of this subsection, "food" shall have the same meaning as provided in 42 U.S.C. §1786 as such section exists on October 1, 1987, or is thereafter amended.

B. **Determination of Place at Which Sales are Consummated.** For the purposes of this Resolution Proposal, all retail sales shall be considered consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Grand County or to a common carrier for delivery to a destination outside the limits of Grand County. The gross receipts from such sales shall include delivery charges when such charges are subject to the Colorado state sales and use tax imposed by Article 26 of Title 39, C.R.S., regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in Grand County, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a sales tax imposed by this Resolution Proposal shall be determined by the provisions of Article 26 of Title 39, C.R.S., and by rules and regulations promulgated by the Colorado Department of Revenue.

The amount subject to the sales tax imposed hereunder shall not include any Colorado State sales or use tax imposed by Article 26 of Title 39, C.R.S.

C. **Collection, Administration, and Enforcement.** The sales tax imposed hereunder shall be collected, administered, and enforced by the Executive Director of the Colorado Department of Revenue ("Executive Director") in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S., and all rules and regulations promulgated thereunder by the Executive Director, shall govern the collection, administration, and enforcement of the sales tax imposed hereunder. Distribution of all sales tax collected by the Executive Director, pursuant to this Resolution Proposal, shall be to Grand County.

III. **Effective Date-Expiration Date.** Upon adoption by the electorate at the election on November 5, 2019, the sales tax provided herein shall become effective and in force at 12:01 a.m. on January 1, 2020, and; shall expire at 11:59 p.m. on December 31, 2039, or upon full payment of the costs incurred to accomplish the purposes of this temporary tax, whichever is earlier. Upon said expiration, all monies collected under this tax remaining in the County Debt Service Fund shall be expended for the purposes set forth herein until completely exhausted, or, if there are still funds remaining after full payment of the

financial obligations associated with this Proposal, those funds will be transferred to the general fund of the County.

This Resolution Proposal shall be effective immediately upon its adoption by the Board.

IV. Necessity for Election. The sales tax imposed hereunder shall not become effective until and unless a majority of the registered electors voting thereon, pursuant to C.R.S., §29-2-103(1) and §29-2-104(6), approve the ballot question.

A. Ballot Question. The Ballot Question on the Countywide Sales Tax Resolution Proposal that shall be referred to the registered electors of Grand County at the general election to be held on Tuesday, the 5th day of November, 2019, shall be as follows:

BALLOT QUESTION

SHALL GRAND COUNTY TAXES BE INCREASED \$1,200,000.00 (ESTIMATED FIRST FULL FISCAL YEAR DOLLAR INCREASE) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY, SOLELY FOR THE LIMITED PURPOSE OF DIRECTLY FUNDING URGENT PUBLIC SAFETY NEEDS REGARDING LAW ENFORCEMENT FACILITIES AND MEETING STATUTORY OBLIGATIONS OF GRAND COUNTY TO PROVIDE ADEQUATE DETENTION FACILITIES; SUCH TAX TO CONSIST OF A RATE INCREASE IN THE COUNTY-WIDE SALES TAX OF 0.2% (WHICH REPRESENTS TWO TENTHS OF ONE CENT ON EACH DOLLAR) BEGINNING JANUARY 1, 2020, AND EXPIRING ON DECEMBER 31, 2039, OR UPON FULL PAYMENT OF THE COSTS INCURRED TO ACCOMPLISH THE PURPOSES OF THE TAX, WHICHEVER IS EARLIER, AND WHICH TAX WILL NOT BE COLLECTED ON SALES OF PRESCRIPTION DRUGS, TO BE USED SOLEY FOR:

CONSTRUCTION AND EQUIPPING OF PUBLIC SAFETY, 911 COMMUNICATIONS, AND DETENTION FACILITIES TO ADDRESS EXISTING SECURITY AND SAFETY CONCERNS OF THE RESIDENTS OF GRAND COUNTY, AS MORE FULLY DETAILED IN RESOLUTION 2019-9-1 OF THE GRAND COUNTY BOARD OF COUNTY COMMISSIONERS.

AND SHALL GRAND COUNTY BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND THE PROCEEDS OF THE REVENUE FROM SUCH TAX AND ANY EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

Yes/For

No/Against

B. Cost of Election. The entire cost of the election shall be paid from the general fund of Grand County.

C. Notice by Publication. The Grand County Clerk and Recorder shall publish the text of this Resolution Proposal four separate times, a week apart, in the official newspaper of Grand County and each incorporated municipality within Grand County.

- D. Election Officer. The Grand County Clerk and Recorder, as election officer, shall undertake all measures necessary to comply with the election provisions set forth in Colorado Constitution, Article X, Section 20(3), including, but not limited to, the mailing of required election notices and ballot issue summaries.
 - E. Conduct of Election. The conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.
- V. Deposit and Expenditure of Tax Revenue. One hundred percent (100%) of the revenue derived from the 0.2% sales tax increase imposed on the incorporated and unincorporated areas of Grand County shall be deposited into the Grand County Debt Service Fund to be used solely for the purposes stated herein.
- A. For purposes of Colorado Constitution, Article X, Section 20, the receipt and expenditure of revenues of the sales tax shall be accounted for, budgeted, and appropriated separately from other revenues and expenditures of Grand County, and outside of the fiscal year spending of the County as calculated under Article X, Section 20, and nothing in Article X, Section 20, or any other law, shall limit the receipt and expenditure in each fiscal year of the full amount of such revenues of the County sales tax, nor shall receipt and expenditure of such revenues affect or limit the receipt or expenditure of any and all other revenues of Grand County for any fiscal year.
 - B. The sales tax revenue generated from this tax 0.2% sales tax increase and deposited into the Grand County Debt Service Fund shall remain inviolate, and all moneys deposited in the Debt Service Fund shall remain in trust for the purposes set forth herein, and no part thereof shall be used or appropriated for any other purpose, nor made subject to any other tax, charge, fee, or restriction.
 - C. Interest generated from the revenues of the 0.2% sales tax increase imposed herein shall be used for the purposes stated herein.
 - D. The revenue generated by this temporary 0.2% sales tax may be used solely for the limited purpose of funding public safety needs regarding public safety facilities and meeting statutory obligations of Grand County to provide adequate detention facilities, including planning, design, construction, and equipping of public safety, 911 communications, and detention facilities.
 - E. If the monies within the Grand County Debt Service fund are not expended by December 31st of each year, the County shall bank such funds for future use.
- VI. Repeal and Amendment

- A. If the sales tax proposed herein is approved by a majority of the registered electors of Grand County at the election to be held on November 5, 2019, this Resolution Proposal's provisions relating to the amount of tax imposed, specifically the two-tenths of one percent (0.2%) sales tax specified in Section II, and the provisions relating to the deposit and expenditure of revenue as set forth in Section V, shall not be repealed or amended except by a vote of the registered electors of the County.
- B. Except as provided in subsection A. of this Section VI., or as otherwise provided in Article 2 of Title 29, C.R.S., the provisions of this Resolution Proposal may be repealed or amended, subsequent to adoption of the proposed 0.2% temporary sales tax increase by a majority of the electors of Grand County, by a majority vote of the Board of County Commissioners, and such repeal or amendment need not be submitted to the registered electors of the County for their approval.

VII. Miscellaneous

- A. Severability. If any section, paragraph, clause, or provision of this Resolution Proposal, or the ballot question submitted to the registered electors at the election provided in Section IV above, shall be adjudged to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution Proposal or said ballot question. It is the intention of the Board of County Commissioners that the various parts of this Resolution and said ballot question are severable.