

RESOLUTION 22-2012

**A RESOLUTION OF MONTROSE COUNTY, COLORADO,
EXPRESSING THE INTENT OF THE COUNTY TO BE
REIMBURSED FOR CERTAIN EXPENSES RELATING TO
THE CONSTRUCTION OF JUSTICE CENTER ANNEX
IMPROVEMENTS.**

WHEREAS, Montrose County, Colorado (the "County") is a duly and regularly created, organized and existing political subdivision and public body corporate and politic, existing as such under and by virtue of the Constitution and laws of the State of Colorado (the "State"); and

WHEREAS, the members of the Board of County Commissioners of the County (the "Board") have been duly elected and qualified; and

WHEREAS, it is the current intent of the County to construct certain improvements to the County Court facilities including but not limited to the construction of an annex to the current County Justice Center facilities (the "Project"); and

WHEREAS, the County has determined that it is in the best interest of the County to finance the Project through the execution and delivery of a lease purchase agreement and site lease with a Trustee Bank and the issuance of certificates of participation; and

WHEREAS, the Board has determined that it is necessary to make capital expenditures to acquire and construct the Project prior to the time that the County arranges for the specific financing of such Project; and

WHEREAS, it is the Board's reasonable expectation that when such financing occurs, the capital expenditures will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the Board's desire that this resolution shall constitute the "official intent" of the Board to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW, THEREFORE, BE IT RESOLVED BY BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO:

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Board and the officers, employees and agents of the County directed toward the Project and the financing of the Project is hereby ratified, approved and confirmed.

Section 2. The County intends to finance approximately \$3,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the County

prior to the receipt of any proceeds of a financing, upon terms acceptable to the County, as authorized in an ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the County shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution.

Section 4. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 5. The County shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held 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 8. All acts, orders and resolutions of the Board, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.


Section 9. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 19th day of March, 2012.

MONTROSE COUNTY, COLORADO


Chairman, Board of County Commissioners

ATTEST:


County Clerk, Deputy
Marie Simons



STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

I, Francine Tipton-Long, the County Clerk of Montrose County, Colorado, 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 3/19, 2012.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of 3/19, 2012, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
David White Gary Ellis, Chairman	✓			
Ron Henderson Ron Henderson, Vice Chairman	✓			
David White David White, Member	✓			

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 of County Commissioners of the County, 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 3/19, 2012, in the form attached hereto as Exhibit A, was posted in the County offices not less than twenty-four (24) hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of the County affixed 3/19, 2012.



Francine Tipton-Long
County Clerk
Francine Tipton Long

EXHIBIT A

(Attach Form of Notice of Meeting)



MONTROSE COUNTY
COLORADO
AGENDA

BOARD OF COUNTY COMMISSIONERS
Commissioners Meeting Room, 161 South Townsend Avenue
Monday, March 19, 2012 at 9:00 a.m.

A. WELCOME

1. PLEDGE OF ALLEGIANCE

- 2. ROLL CALL:** **David White, District 3** _____
- Gary Ellis, District 2** _____
- Ronald Henderson District 1** _____

3. CALL TO THE PUBLIC:

The "Call to the Public" agenda item is a time when the citizenry may bring forth items of interest or concern. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.
NOTE: The remainder of the meeting will commence immediately following the "Call to the Public":

B. COUNTY MANAGER, Jesse Smith, consideration for removal or change in any items on this Agenda:

C. CONSENT AGENDA:

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:

1. Request for approval of General Fund and Special Fund Expenditures, 3/9/2012 and 3/16/2012:
2. Request for approval of Health & Human Services Warrant Registers and the GA Vouchers as reviewed by Commissioners NONE:
3. Approval of Minutes: 1/9/2012 and 1/10/2012:
4. HEALTH & HUMAN SERVICES, possible authorization for Chairman's signature on the Agreement with Hilltop Community Resources effective 11/1/2011 through 9/28/2012 in the amount of \$21,078.00 as reviewed by Counsel; this represents a budgeted expense:
5. SHERIFF-COMMUNICATIONS, possible authorization for Chairman's signature on the Agreement for Dispatch Services with Nucla-Naturita Fire Protection District effective 12/19/2011 through 12/31/2012 as reviewed by Counsel (template); this represents no budget impact:
6. SHERIFF-COMMUNICATIONS, possible authorization for Chairman's signature on the Agreement for Dispatch Services for Paradox Fire Protection District effective 12/19/2011 through 12/31/2012; this represents no budget impact:
7. SHERIFF-COMMUNICATIONS, possible authorization for Chairman's signature on the standard Agreement for Dispatch Services for the Town of Naturita effective 5/1/2011 through 12/31/2012 for an annual fee \$6,000; this represents budgeted revenue:
8. SHERIFF-COMMUNICATIONS, possible authorization for Chairman's signature on the standard Agreement for Dispatch Services with the Town of Telluride, Mountain Village and Telluride Fire Protection District effective 1/1/2012 through 12/31/2012 for an annual fee of \$120,000.00; this represents budgeted revenue:

9. HEALTH & HUMAN SERVICES, possible authorization for the Chairman's signature on the Temple Hoyne Buell Foundation Grant #5979 contract effective 3/1/2012 through 12/31/2012 for funding in the amount of \$15,00 for the Kids Thrive program as reviewed by Counsel; this represents non-budgeted revenue:

D. GENERAL BUSINESS & ADMINISTRATIVE ITEMS:

1. SCHOOL DISTRICT RE-1J, Mark MacHale, discussion and presentation on the state of the school district:
2. UNCOMPAHGRE PARTNERSHIP, Jim Free, consideration and update on current and future plans for the Partnership:
3. SHERIFF, Rick Dunlap, consideration and possible adoption of a RESOLUTION concerning fees charged by the Sheriff's Office relating to the service of process and records release fees pursuant to 2010 Statute amendments; this represents revenue in the amount of approximately \$15,000.00 per year:
4. FACILITIES / Weed Department, Laurie Mingen, consideration and possible award of the Herbicides bid to the vendor recommended by Staff, Producers Co-op, as the lowest bidder at \$35,000.00 with possible authorization of the Chairman's signature on the associated supplier agreement effective 3/19/2012 through 12/31/2012; this represents a budgeted expense:
5. PUBLIC WORKS, Brian Wilson, consideration and possible authorization for the Chairman's signature on the application and addendum to the agreement with Wright Express based on the State of Colorado RFP effective 4/1/2012 through 12/31/2012 in the amount of \$420,000.00; this represents a budgeted expense:
6. PUBLIC WORKS, Brian Wilson, discussion and possible award of the three (3) Geotechnical Engineering Consulting & Material Testing Services Agreements with possible authorization for Chairman's signature on the associated agreements for task calls; this represents a budgeted expense:
 - a. Consideration and possible award of the Geotechnical Consulting & Material Testing Services project to Buckhorn Geotech with possible authorization for the Chairman's signature on the associated agreement for task calls estimated to be in the amount of \$15,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
 - b. Consideration and possible award of the Geotechnical Consulting & Material Testing Services project to Lambert & Associates with possible authorization for the Chairman's signature on the associated agreement for task calls estimated to be in the amount of \$20,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
 - c. Consideration and possible award of the Geotechnical Consulting & Material Testing Services project to Ground Engineering Consultants with possible authorization for the Chairman's signature on the associated agreement for task calls estimated to be in the amount of \$15,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
7. PUBLIC WORKS, Brian Wilson, discussion and possible award of the Field Engineering & Construction Support Services bid and possible authorization for the Chairman's signature on the Professional Services Agreement with Jay A. Thoe, P.E. for task calls in the estimated amount of \$40,000 effective 4/1/2012 through 12/31/2012 as reviewed by Counsel; this represents a budgeted expense:

8. PUBLIC WORKS, Brian Wilson, discussion and possible award of the three (3) bids for Civil Engineering & Surveying Consulting Services and possible authorization for the Chairman's signature on the associated professional services agreements effective 4/1/2012 through 12/31/2012 as reviewed by Counsel; this represents budgeted expenses:
 - a. Consideration and possible authorization for the Chairman's signature on the Civil Engineering & Surveying Consulting Services to Buckhorn Geotech in the amount of \$30,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
 - b. Consideration and possible authorization for the Chairman's signature on the Civil Engineering & Surveying Consulting Services to Del Mont Consultants in the amount of \$40,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
 - c. Consideration and possible authorization for the Chairman's signature on the Civil Engineering & Surveying Consulting Services to Mesa Engineering & Surveying Consulting Services in the amount of \$30,000 effective 4/1/2012 through 12/31/2012 subject to a one year renewal as reviewed by Counsel; this represents a budgeted expense:
9. COUNTY MANAGER, Jesse Smith, consideration and possible adoption of a RESOLUTION concerning intent of the County to be reimbursed for certain expenses of the County Court / Annex improvements, as reviewed by Counsel:

E. UNFINISHED BUSINESS:

1. MUSEUM OF THE MOUNTAIN WEST, Richard E. Fike, consideration and possible approval for the request for support for the Third Annual *Tribute to Western Movies Day* 6/9/2012 in the amount of \$3,000:

F. PLANNING & DEVELOPMENT: NONE:

G. EXECUTIVE SESSIONS:

1. COUNTY ATTORNEY, Robert Hill, request for Executive Session pursuant to CRS 24-6-402(4)(b) for conference with legal counsel to discuss pending water litigation:

This agenda is provided for informational purposes only. Action may be taken on any or all of the items. All times are approximate. If any given item is finished earlier than anticipated, the Commissioners may move on to the next item. The only exceptions are public hearings on items which have had published notices of a specific hearing time; those items will not begin until the specific time or after.