

August 13, 2013

FIFTENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 13th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Ethan Mc Claugherty from the Evangelical Free Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Payne moved to approve the agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Bell noted the adoption of Resolution #30; the Fifth Amendment to the Fremont County Zoning Resolution will take effect on September 3, 2013. Two Public Hearings are also being scheduled for September 10, 2013 at 10:00 a.m. The first Public Hearing is a zone change request for Mary's Rezone on High Street and Orchard Avenue. The second Public Hearing is for a Special Review Use Permit request for Arkansas Valley Ambulance Station in Texas Creek.

Commissioner Norden moved to approve the consent agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #30 is attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

a. Treasurer's Semi-Annual Report – Pat McFarland

County Treasurer Pat McFarland presented the Treasurer's Semi-Annual Report to the Board. All funds are in the positive with the exception of the weed fund which runs behind due to the billing cycle.

Commissioner Norden moved to accept the Treasurer's Semi-Annual Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

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County Clerk Barr presented the Board with a year to date report. The total amount collected through July 2013 is \$5,669,996.16. Of this amount \$2,846,616.62 was the County's portion for disbursement. This is \$26,146.73 less than last year.

County Clerk Barr gave her report for July 2013. The total collected was \$929,118.87 of which the County kept for disbursement \$468,403.36. This is up from last July by \$14,158.78.

Commissioner Norden moved to accept the County Clerk's Report for July 2013 and the Year to Date Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

Commissioner Bell said the Fremont County Fair was a huge success again this year for both 4-H and the open events. She thanked the Fair Sale Committee for their hard work.

Commissioner Norden said the Board of Commissioners anticipates having a resolution to place a ballot measure on the November ballot for a sales tax increase. If the voters approve the increase, the revenue would be used to aid the Sheriff's Department growing expenses. Additional money is needed to meet basic security and equipment needs such as vehicles, radios, and uniform allowances. Commissioner Bell said some of the additional revenue could be used to fund an animal control officer. Commissioner Payne said Capital Improvements need to be addressed on the jail as well.

2. Citizens Not Scheduled: None.

OLD BUSINESS

None.

NEW BUSINESS

1. In consideration of a Resolution authorizing the execution and delivery of a second amendment to ground lease agreement, a second amendment to lease purchase agreement, an escrow agreement, a continuing discloser agreement, an official statement, and related documents by the County; approving the forms of related documents; and providing for other matters relating thereto. Representative: Alan Matlosz, of George K. Baum & Company

Alan Matlosz said the Commissioners would be refinancing two Certificates of Participation. This financing mechanism has been used since 1985 to fund Capital Improvements. The Series "A" is to refinance the outstanding 2003 Certificates of Participation. The Series "B" would refinance the 2010 Certificates of Participation and allow for \$2,000,000 in proceeds to fund some Capital Improvements. This will hopefully reduce the payments between \$300,000 and \$500,000 per year. Each Series requires its own Resolution; these are items #1 and #2 on the agenda today.

Commissioner Norden moved to approve Resolution #32 to refinance the Series "A" 2003 Certificates of Participation. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #32 is attached.

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2. In consideration of a Resolution authorizing the execution and delivery of a ground and improvement lease agreement, a lease purchase agreement, an escrow agreement, a continuing discloser agreement, an official statement, and related documents by the County; approving the forms of related documents; and providing for other matters relating thereto. Representative: Alan Matlosz, of George K. Baum & Company.

Commissioner Payne moved to approve Resolution #33 to refinance the 2010 Series "B" Certificates of Participation. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #33 is attached.

3. In consideration of a Mining Lease with Bill Canterbury for the purpose of crushing, screening, and removal of stockpiled rock located on the premises, for use as gravel for County road work. Representative: Tony Adamic, Director, Fremont County Department of Transportation

Tony Adamic explained this is a land description change from the 1999 lease. It will add 1.03 acres for a total area of 8.029 acres. The Canterbury's will receive .50 cents per ton royalty and 500 tons of processed material per year. This will save Fremont County approximately \$6.00 per ton.

Commissioner Norden moved to approve the Mining Lease with Bill Canterbury for the Canterbury pit in Howard. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

4. In consideration of a Resolution supporting a grant application to the State Board of Great Outdoors Colorado (GOCO) for the update to the Eastern Fremont County Trails, Open Space and River Corridor Master Plan.

Commissioner Payne said this is an update to the Eastern Fremont County Trails, Open Space and River Corridor Master Plan from 1997. Commissioner Bell said the Resolution calls for Fremont County to put in a cash match of \$3,000. The City of Florence, City of Canon City, and the Recreation District will each submit a cash match as well.

Commissioner Payne moved to approve Resolution #34 supporting a grant application to GOCO for the update to the Eastern Fremont County Trails, Open Space and River Corridor Master Plan. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #34 is attached.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

None.

Chairman Bell adjourned the meeting at 10:05 A.M.

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08/13/2013 10:44 AM R Fee:\$0.00
Katie E. Barr, Clerk and Recorder, Fremont County, CO

Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 30
Series of 2013
5th Amendment to the Fremont County Zoning Resolution

BE IT RESOLVED by the Board of County Commissioners of Fremont County:

THAT WHEREAS, effective **January 15, 2009**, the Board of County Commissioners re-adopted the Fremont County Zoning Resolution; and

WHEREAS, certain amendments to said Resolution have been proposed; and

WHEREAS, the Fremont County Planning Commission has promulgated and recommended approval of the proposed 5th Amendment to the Fremont County Zoning Resolution; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on the proposed amendment on **July 23, 2013**, pursuant to such publication and notice as may be provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the Fremont County Zoning Resolution be and hereby is amended as set forth in Exhibit A attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that such amendment shall apply to all new submittals from **September 3, 2013**.

Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Fremont County Board of County Commissioners as follows:

Commissioner Bell: Aye / Nay / Absent
Commissioner Norden: Aye / Nay / Absent
Commissioner Payne: Aye / Nay / Absent

The Resolution was declared to be duly adopted.

DATE: August 13, 2013

Deborah Bell
CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: Katie E. Barr
FREMONT COUNTY CLERK AND RECORDER

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**EXHIBIT A – 5TH AMENDMENT
TO THE FREMONT COUNTY ZONING RESOLUTION**

ADDED

DELETED

In many circumstances due to insertions and deletions, numbering and lettering in the final document may change. In addition, there are a number of clerical changes that standardize language but do not change the content or meaning that are not shown in the amendment but will be changed in the final recorded document.

1 GENERAL PROVISIONS:

1.5 DEFINITIONS:

1.5.58 DWELLING UNIT: Any building, or portion thereof, that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, but shall not include hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or other structures designed or used primarily for transient residents. A mobile home is not considered a dwelling.

1.5.58.1 Single-family: A building containing one (1) dwelling unit designed and/or used to house not more than one (1) household family or household, including necessary employees of ~~each such family~~ the family or household.

1.5.58.2 Two-family: A building containing not more than two (2) dwelling units designed and/or used to house two (2) families or households, living independently of each other, including necessary employees of each family or household.

1.5.58.3 Multi-family: A building designed and/or used to house three (3) or more dwelling units, three (3) or more families or households, living independently of each other, including necessary employees of each such family or household.

1.5.58.4 Efficiency unit: An attached dwelling unit containing only one (1) habitable room, a separate closet, a kitchen sink, cooking appliance, refrigeration facilities, a separate bathroom containing a water closet, lavatory, and bathtub and/or shower.

MOVED FROM 1.5.63

1.5.58.5 Factory Built Home: A structure which is built in a factory, or other location, complies with the International Residential Code or any building code currently in effect for Fremont County and is designed to be transported in one or more sections to a permanent location and placed on a foundation which is designed by a Colorado licensed professional engineer or architect, and intended for use as a single-family dwelling. The minimum dimensions of a factory built home shall be twenty-four (24) feet in width ~~and thirty-six (36) feet in length~~.

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MOVED FROM 1.5.105

1.5.58.6 Manufactured Home: A manufactured home is a single-family dwelling that meets all of the following characteristics:

- 1.5.58.6.1** Is partially or entirely manufactured in a factory;
- 1.5.58.6.2** Is installed on a permanent foundation, designed by an engineer or architect licensed by the State of Colorado. A manufactured home that is to be placed in a Manufactured Home Park may be placed on the manufacturer's recommended foundation design;
- 1.5.58.6.3** Is not less than twenty-four (24) feet in width and shall not be less than seven-hundred and fifty (750) square feet in size;
- 1.5.58.6.4** Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (*top of wall section*), downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;
- 1.5.58.6.5** Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and is built in accordance with HUD or ~~UBC~~ **IBC** standards;
- 1.5.58.6.6** Has been constructed after December 31, 1974.

MOVED FROM 1.5.106

1.5.58.7 Manufactured Home Single-wide: A single-family dwelling that meets all of the following characteristics:

- 1.5.58.7.1** Is partially or entirely manufactured in a factory;
- 1.5.58.7.2** Has brick, wood, or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent, continuous facade from the bottom of the soffit (*top of wall section*), downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;
- 1.5.58.7.3** Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended and is built in accordance with HUD or ~~UBC~~ **IBC** standards;
- 1.5.58.7.4** Is a minimum size of four-hundred and eighty (480) square feet;
- 1.5.58.7.5** Has been constructed after December 31, 1974;
- 1.5.58.7.6** Is placed on the manufacturer's recommended foundation.

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1.5.58.8 Cabin: A building used exclusively as a single-family dwelling or single-family lodging unit. This definition is not intended to include mobile homes or travel trailers. The construction of a cabin is subject to the requirements of the building code currently in effect for Fremont County and is also subject to the requirements of the Individual Sewage Disposal Regulations. **This type of cabin is only allowed in the Agricultural Forestry Zone District.**

1.5.58.9 Cabin, recreational: A building used exclusively in conjunction with an approved Travel Trailer Park and Campground and that ~~may have~~ **has no** indoor plumbing facilities. **If the cabin has indoor plumbing facilities, proof of an acceptable water source (public water district or a Colorado Division of Water Resources well permit) and an acceptable sewage disposal method (public sanitation district or a Fremont County Individual Sewage Disposal System) will be required.** All construction materials used shall conform to any building code currently in effect for Fremont County. This type of cabin is only ~~permitted~~ **allowed** in the Travel Trailer Park & Campground Zone District.

1.5.142 RECREATION ACTIVITY OFFICE: Ticket office, booking office, staging and loading, to include ATVs, rafting, bike tours, zip lines or similar uses or impacts.

1.5.175 TRAILER: The following shall be considered a trailer:

1.5.175.1 Camping Trailer: A canvas, or other type material, folding vehicle mounted on wheels and designed for travel and recreation that is normally dependent upon a service building for toilet facilities;

1.5.175.2 Motorized Home: A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle;

1.5.175.3 Pick-up Coach: A device designed to be mounted on a truck chassis or placed in the bed of a truck for use as a temporary dwelling for travel and recreation;

1.5.175.4 Park Model: **A recreational vehicle, that has a floor area of less than four-hundred (400) square feet, which is transportable by another vehicle and is primarily designed for long-term or permanent placement and for temporary residency in a Travel Trailer Park and Campground. Proof of an acceptable water source and an acceptable sewage disposal method will be required. A Park model which is from four-hundred (400) square feet to less than four-hundred and eighty (480) square feet will be allowed in the Travel Trailer Park & Campground Zone District, provided it is placed on a manufacturer's recommended foundation and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et, seq., as amended and is built in accordance**

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with HUD or IBC standards. Park Models are subject to “placement permits” as maybe required by building codes in effect for Fremont County;

1.5.175.5 Travel Trailer: A vehicle built on a chassis, designed as a temporary dwelling for travel and recreation; and

1.5.175.6 Travel Trailer, Self-Contained: A trailer that can be operated independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer;

~~**1.5.179 TRAVEL TRAILER PARKING AREA:** A parcel of land in which two (2) or more spaces are occupied or intended for occupancy by trailers for transient dwelling purposes.~~

1.5.191 WATCHMAN’S QUARTERS: A single-family dwelling, or efficiency unit, constructed within the principal use building, whose use is as an accessory to a permitted use in the zone district and that is occupied by a person(s) who either owns the primary use or is employed as a manager, maintenance person, or similar function, **with the exception of the following:**

1.5.191.1 A detached single-family dwelling or efficiency unit, recreational cabin or park model is allowed in the Travel Trailer Park and Campground Zone District.

1.5.191.2 A detached manufactured home, or manufactured home single-wide is allowed in the Manufactured Home Park Zone District.

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4.11 TTP&CG - TRAVEL TRAILER PARK AND CAMPGROUND ZONE DISTRICT

4.11.1 DESCRIPTION: This district is established for the purpose of providing parking spaces and sites for trailers, ~~and tents~~, **recreational cabins and park models** that are designed for temporary occupancy.

4.11.2 ALLOWED USES: Notes: (1) This zone district is subject to Section 3 “General Regulations” of this Resolution; (2) A zone change request for this zone district and any development of a parcel zoned Travel Trailer Park and Campground, expansion or enlargement within this zone district shall comply with all requirements of this Section. **All uses are only allowed in this zone district in conjunction with the establishment of a travel trailer park and campground. Every use must have adequate operational space, including parking and access, which does not interfere with required space for the park and campground development.**

4.11.2.1 Accessory buildings and uses;

4.11.2.2 Convenience store (~~only in conjunction with the travel trailer park and campground~~);

4.11.2.3 Dwelling, cabin recreational (~~only in conjunction with the travel trailer park and campground~~);

4.11.2.4 **Mobile Food Service;**

4.11.2.5 Park, mini;

4.11.2.6 **Park Model;**

4.11.2.7 Park support facilities (~~only in conjunction with the travel trailer park and campground~~);

4.11.2.8 **Personal services;**

4.11.2.9 **Recreation Activity Office;**

4.11.2.10 Restaurant (~~only in conjunction with the travel trailer park and campground~~);

4.11.2.11 **Roadside Stand;**

4.11.2.12 **Seasonal Employee Housing;**

4.11.2.13 Tent sites;

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4.11.2.14 Trailer Spaces (~~only in conjunction with the travel trailer park and campground~~);

4.11.2.15 Watchman's Quarters, ~~only in conjunction with a travel trailer park and campground~~, and only one (1) per park and campground.

4.11.3 **CONDITIONAL USES:** Subject to the issuance of a Conditional Use Permit.
NONE

4.11.4 **SPECIAL REVIEW USES:** Subject to the issuance of a Special Review Use Permit. **All special review uses are only allowed in this zone district in conjunction with the establishment of a travel trailer park and campground. Every use must have adequate operational space, including parking and access, which does not interfere with required space for the park development.**

4.11.4.1 ~~Bank, drive in;~~ **Car Rental Service;**

4.11.4.2 **Exercise Facility & Gym (considered an accessory use in the zone district if use is restricted to the patrons of the travel trailer park and campground);**

4.11.4.3 **Kennel (indoor housing of animals from sunset to dawn required);**

4.11.4.4 **Liquor store;**

4.11.4.5 **Lounge; only in conjunction with a restaurant;**

4.11.4.6 **Museum;**

4.11.4.7 Public utility buildings, regulators, and substations;

4.11.4.8 **Recreational & outdoor amusement or amusement park;**

4.11.4.9 **Riding Academy;**

4.11.4.10 **Stable;**

4.11.4.11 **Tower and antenna used for commercial purposes. Towers and antennas used for non-commercial purposes that exceed one-hundred (100) feet.**

4.11.5 **DEVELOPMENT REQUIREMENTS:**

4.11.5.1 Minimum park area: Two (2) acres if the property is serviced by public water and sewer; four and one-half (4 & ½) acres and larger ~~properties may be~~ **if the property is** serviced by a well and an individual sewage disposal system.

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- ~~4.11.5.2~~ Maximum density:
- ~~4.11.5.2.1~~ Trailer spaces or tent sites: 25 units per acre.
- 4.11.5.2 Maximum building height: Twenty-five (25) feet.
- ~~4.11.5.4~~ Minimum setback requirements: *MOVED TO 4.11.5.6*
- ~~4.11.5.5~~ All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access. *MOVED TO 4.11.6.2.1*
- 4.11.5.3 **Each trailer site shall have a minimum of two-thousand (2,000) square feet.**
- 4.11.5.4 **Each recreational cabin and park model site shall have a minimum of one-thousand-five-hundred (1,500) square feet.**
- 4.11.5.5 **Each tent site shall have a minimum of one-thousand (1,000) square feet.**
- 4.11.5.6 Minimum setback requirements: *MOVED FROM 4.11.5.4*
- 4.11.5.6.1 Front yard: Fifty (50) feet, **from exterior property line only.**
- 4.11.5.6.2 Side and Rear: Twenty-five (25) feet, **from exterior property line only.**
- 4.11.5.6.3 ~~Travel Trailers~~ pads must be set back at least twenty (20) feet from any principal structure.
- 4.11.5.6.4 There shall be at least fifteen (15) feet between travel trailers **spaces, tent sites, recreational cabins,** and fifteen (15) feet between trailers and tent sites **and other structures or buildings.**
- ~~4.11.5.6~~ **RECREATION SPACE REQUIREMENTS:** ~~Space in the amount of at least four (4) percent of the total area of a travel trailer park shall be provided for recreational purposes. At least a ten (10) foot access shall be provided to all recreational facilities. *MOVED TO 4.11.6.20*~~
- ~~4.11.5.7~~ **SERVICE BUILDINGS** *MOVED TO 4.11.6.6*
- 4.11.6 **ADDITIONAL GENERAL DEVELOPMENT REQUIREMENTS:** ~~Three (3) copies (one (1) original and two (2) copies) of the required documents shall be submitted. The applicant will be notified as to how many additional copies will be required within the Department comment and submittal deficiency letter. Application submittals shall comply with Sections 8.4 & 8.5 of this Resolution.~~

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4.11.6.1 **General:**

4.11.6.1.1 **All Travel Trailer Parks and Campgrounds shall comply with the “Standards and Regulations for Campgrounds and Recreation Areas” as adopted by the Colorado Department of Public Health and Environment (effective March, 1976) except that Primitive and Semi-Primitive campgrounds, as defined by the Colorado Department of Public Health and Environment “Standards and Regulations for Campgrounds and Recreation Areas”, shall not be permitted.**

4.11.6.1.2 **No structures shall be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.**

4.11.6.1 **Fees:** A nonrefundable application fee shall be established from time to time by resolution of the Board

4.11.6.2 **Roadways:** The site shall have at least one direct access to a public street by a roadway that shall be at least thirty-two (32) feet in width. The internal street system shall be privately owned, constructed, and maintained and shall be designed for safe and convenient access to all spaces and to facilities for common use by park occupants. The interior roadway shall not be less than ~~eighteen (18)~~ **sixteen (16)** feet in width for one-way and ~~twenty-eight (28)~~ **four (24)** feet for two-way, and **A two-way roadway shall have a minimum** turning radius of forty (40) feet. ~~shall be required.~~ Road grades shall not exceed six (6) percent. **One-way roadways shall form a loop. All roadways shall** be surfaced with at least ~~six (6)~~ **four (4)** inches of gravel, **no greater than 1½ inch grade** and shall be surfaced with asphalt or concrete, unless the asphalt or concrete requirement is waived by the Board. **If one-way roadways are used, one-way directional signs shall be installed.**

4.11.6.2.1 All roadways and walkways within the travel trailer park or campground shall be lighted at night to provide safe access. ***MOVED FROM 4.11.5.5***

4.11.6.2.2 **All interior roadways and walkways shall be maintained so as to provide a safe driving and walking surface and limit pollution.**

4.11.6.3 **Access:** Proof of access rights to public road(s)

4.11.6.3.1 **When access to the property is proposed to be directly from a roadway controlled by the Fremont County Department of Transportation, a driveway access permit shall be provided.**

4.11.6.3.2 **When access to the property is proposed to be directly from a roadway controlled by the Colorado Department of Transportation, a copy of an approved access permit for the proposed use shall be provided. The entrance shall be rounded by at least a forty (40) foot radius arc to provide**

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convenient and safe ingress and egress to the highway without traffic obstruction.

4.11.6.3.3 When the property does not front on a public roadway, then proof of right of access shall be provided.

4.11.6.3.4 The access entrance shall be maintained free from visibility obstruction for a distance of one-hundred and twenty-five (125) feet along the access road or entrance from its intersection with the access from the County Road, Federal or State Highway.

4.11.6.4 ~~Fires shall be made only in stoves and other equipment intended for such purposes. *MOVED TO 4.11.6.17.1*~~

4.11.6.5.4 ~~Water supply:~~ The water supply system shall be designed, constructed and maintained in compliance with the Colorado Department of Public Health and Environment Regulations "Standards & Regulations for Campgrounds & Recreation Areas." All plans and specifications shall be submitted with the rezoning request. ~~A review by the Colorado Department of Public Health and Environment is required.~~

4.11.6.5.4.1 ~~Proof of water,~~ which may be a letter from a public water district indicating that the proposed use can be provided water service, or a letter or a copy of a well permit from the Colorado Division of Water Resources or other appropriate representative that notes that the proposed use can be serviced by a well.

4.11.6.6.5 ~~Sewage disposal:~~ Travel trailer parks and campgrounds shall be served by a public or a private sewage treatment system. If a private sewage collection system is to be used, it shall comply with applicable requirements of the Colorado Department of Public Health and Environment "Standards & Regulations for Campgrounds & Recreation Areas." All plans and specifications shall be submitted with the rezoning request. ~~A review by the Colorado Department of Health is required.~~

4.11.6.6.5.1 ~~Proof of sewage disposal,~~ which may be a letter from a public sanitation district or a copy of an individual percolation test performed on the subject property, accompanied by a design for an individual sewage disposal system adequate for the specified use; or documented proof that the existing individual sewage disposal system is functioning properly and is adequate for the proposed use.

4.11.6.6 ~~Service buildings: *MOVED FROM 4.11.5.7*~~

4.11.6.6.1 ~~Every travel trailer park or campground shall be provided with one or more service buildings adequately equipped with flush-type toilet fixtures, lavatories, showers, and laundry facilities meeting minimum Colorado Department of Public Health and Environment "Standards & Regulations for~~

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Campgrounds & Recreational Areas." ~~A review by the Colorado Department of Public Health and Environment is required.~~

4.11.6.6.2 All service buildings shall be adequately lighted at night and shall be well ventilated with screened openings or other acceptable ventilation.

4.11.6.6.3 All service buildings shall contain a designated number of portable fire extinguisher(s) of a type approved by the appropriate fire district authority at all locations designated by such fire prevention authority and shall be maintained in operating condition. A letter from the fire district authority should be provided that states the number and type of extinguishers to be used along with their recommended locations.

4.11.6.6.4 All service buildings shall display a site map identifying each site and space, and each site and space shall be marked with an identification marker for emergency services purposes.

4.11.6.7 **Electricity:** All spaces in a travel trailer park and campground shall provide an electrical outlet supplying at least 110 volts or 110/220 volts. The installation shall comply with all state and local electrical regulations.

4.11.6.8 **Refuse disposal:** Provide a statement and or plan as to how the storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, or other nuisance conditions. All refuse shall be stored in fly-tight, water-tight, rodent-proof, **bear proof** containers, which shall be provided in sufficient numbers and capacity to prevent any refuse from over-flowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to all park patrons ~~travel trailers or camping unit spaces~~ in areas screened by appropriate landscaping features. Methods of storage, collection, and disposal should be addressed and will be subject to compliance with all local laws or regulations.

4.11.6.9 **Landscaping:** The perimeter boundary of the Travel Trailer Park and Campground shall be screened by a six (6) foot opaque fence or at least a six (6) foot vegetation screen, such as trees, shrubs and hedges, unless waived by the Board. Fence and setback areas shall be properly maintained by the owner.

~~**4.11.6.10** Street cross sections:~~ ~~Typical street cross sections.~~ **MOVED TO 4.11.6.12**

4.11.6.11.10 **Utility Plan:** A detailed utility plan showing the proposed location of all utilities (*water, sewer, electric, telephone, gas, cable television lines, irrigation ditches and lines, horizontal and vertical*), as proposed by the developer. The plan shall include the signatures of all the utility companies noting their approval of the plan.

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- 4.11.6.12.11 Sewage plans and profiles:** Public sewer or individual sewage disposal plans and profiles.
- 4.11.6.12 Street cross sections:** Typical street cross sections. **MOVED FROM 4.11.6.10.**
- 4.11.6.13 Current deed of record:** Copy of current deed of record identifying the current owner of the subject property including:
- 4.11.6.13.1 Written** authorization from the current property owner, if the applicant is other than the current property owner, specifying the extent to which representation is authorized.
- 4.11.6.14 Legal description:** A complete legal description of the proposed site.
- 4.11.6.15 Intent and purposes statement:** Statement that the proposal complies with the intent and purposes of this Resolution and the Fremont County Master Plan.
- 4.11.6.16 Roadway impact analysis:** A detailed roadway impact analysis (*on a form obtained from the Department*) prepared by a professional engineer licensed to work in Colorado as per Section 5.11 of this Resolution, unless all vehicular traffic enters and exits the site onto a Federal or State Highway where the Colorado Department of Transportation has issued an access permit for the specified use.
- 4.11.6.17 Fire Protection Plan:** A fire protection plan (*on a form obtained from the Department*) addressing method of fire protection, location of fire hydrants or other means of fire protection, **including the fire protection requirements for the service buildings as noted in Sections 4.11.6.6.3 and 4.11.6.6.4.** If project is located within a fire protection district, the fire protection plan shall be approved by the Fire Protection District having authority over the site.
- 4.11.6.17.1** Fires shall be made only in stoves and other equipment intended for such purposes. **MOVED FROM 4.11.6.4**
- 4.11.6.18 Drainage Plan and Report:** The owner, applicant and/or developer shall provide a drainage plan and report as per Section 5.10 of this Resolution.
- 4.11.6.19 Noxious Weed Plan:** **The owner, applicant and/or developer shall provide a plan that addresses abatement for any noxious weeds contained on the property and the potential for spread of infestation.**
- 4.11.6.20 Recreation Space Requirements:** Space in the amount of at least four (4) percent of the total area of a travel trailer park **and campground** shall be provided for recreational purposes. At least a ten (10) foot **wide** access shall be provided to all recreational facilities. **MOVED FROM 4.11.5.6**

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- 4.11.7 DRAWING REQUIREMENTS No Changes Proposed
- 4.11.8 TEMPORARY USES No Changes Proposed
- 4.11.9 OFF STREET PARKING REQUIREMENTS No Changes Proposed
- 4.11.10 OFF STREET LOADING REQUIREMENTS No Changes Proposed
- 4.11.11 PLATTING REQUIREMENTS No Changes Proposed
- 4.11.12 REVIEW OF DEVELOPMENT PLAN No Changes Proposed
- 4.11.13 RECORDING OF THE DEVELOPMENT PLAN No Changes Proposed
- 4.11.14 MODIFICATION OF A RECORDED DEVELOPMENT PLAN No Changes Proposed

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5 GENERAL REQUIREMENTS

5.1 MINIMUM SIZE OF DWELLING UNITS: ~~Each dwelling unit, other than an efficiency unit, cabin, manufactured home, manufactured home single-wide and recreational cabin, hereafter erected shall have a minimum gross floor area of seven-hundred and fifty (750) square feet and a minimum width of twenty-four (24) feet. Manufactured home single-wide shall have a minimum gross floor area of four-hundred and eighty (480) square feet. Cabins and efficiency dwelling units shall have a minimum of four hundred (400) square feet. Recreational cabin shall be a minimum of two-hundred (200) square feet and shall not exceed four-hundred (400)-square feet inclusive porches, decks, etc.~~

5.1.1 Single-family, Two-family, and Multi-family shall have a minimum gross area of seven-hundred and fifty (750) square feet and a minimum width of twenty-four (24) feet;

5.1.2 Efficiency unit shall have a minimum gross floor area of four-hundred (400) square feet;

5.1.3 Factory Built Home and Manufactured Home shall have a minimum gross floor area of seven-hundred and fifty (750) square feet per unit and a minimum width of twenty-four (24) feet;

5.1.4 Manufactured home, single-wide shall have a minimum gross floor area of four-hundred and eighty (480) square feet;

5.1.5 Cabin shall have a minimum gross floor area of four-hundred (400) square feet;

5.1.6 Cabin, recreational shall have a minimum gross floor area of two-hundred (200) square feet and shall not exceed five-hundred and fifty (550) square feet exclusive of porches, decks, etcetera;

5.1.7 Park Model shall have a minimum gross floor area of two-hundred (200) square feet and a maximum of three-hundred and ninety-nine (399) square feet. (Units four-hundred (400) square feet and larger must comply with manufactured home construction and placement standards.)

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8 PROCEDURES FOR AMENDMENTS, SUPPLEMENTS, CHANGES, OR REPEALS:

8.4 APPLICATION SUBMISSIONS FOR ZONE CHANGE CLASSIFICATION #1, ZONE CHANGE CLASSIFICATION #2, CONDITIONAL USE PERMIT, SPECIAL REVIEW USE PERMIT AND COMMERCIAL DEVELOPMENT PLAN:

8.4.3 The initial application shall consist of one (1) original and ~~two (2)~~ **four (4)** copies of the appropriate application form and all required accompanying materials for the type of application being made. (~~Three (3)~~ **Five (5)** complete packets)

August 13, 2013

FREMONT COUNTY, COLORADO
RESOLUTION NO. 32, Series of 2013

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO GROUND LEASE AGREEMENT, A SECOND AMENDMENT TO LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AN OFFICIAL STATEMENT, AND RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Fremont County, Colorado (the "County"), is authorized, pursuant to Sections 30-11-101(b) and (c) and 30-11-104.1, Colorado Revised Statutes, as amended, to enter into lease-purchase agreements for the purpose of financing County buildings and equipment for governmental purposes (including a suitable jail and courthouse), and to purchase, sell, convey, and lease, as lessor or as lessee, real and personal property; and

WHEREAS, the County is currently the owner of certain real estate located in the County (the "Site," as further defined in the below described Lease); and

WHEREAS, the County has heretofore entered into: (i) that certain Ground Lease Agreement, dated as of August 1, 2003, as amended by that certain First Amendment to Ground Lease Agreement, dated as of September 1, 2012 (collectively, the "Current Ground Lease"), between the County, as lessor, and the Fremont County Finance Corporation (the "Corporation"), as lessee, for the purpose of leasing the Site to the Corporation; and (ii) that certain Lease Purchase Agreement, dated as of August 1, 2003, as amended by that certain First Amendment to Lease Purchase Agreement, dated as of September 1, 2012 (collectively, the "Current Lease"), between the Corporation, as lessor, and the County, as lessee, for the purposes of (a) subleasing the Site from the Corporation and (b) leasing the Criminal Justice Facility (as defined in the 2003 Lease) and the Judicial Services Facility (as defined in the 2003 Lease) constructed on the Site, from the Corporation; and

WHEREAS, pursuant to that certain Mortgage and Indenture of Trust, dated as of August 1, 2003 (the "2003 Indenture"), between the Corporation and U.S. Bank National Association, as trustee (the "Trustee"), there have heretofore been executed and delivered certain Certificates of Participation, Series 2003A, evidencing assignments of proportionate interests in the rights to receive certain revenues pursuant to the Current Lease (the "2003A Certificates"); and

WHEREAS, the 2003A Certificates were issued in part to acquire, construct, equip and install certain improvements to the Criminal Justice Facility; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has determined, and does hereby determine, that it is in the best interest of the County and its citizens

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and inhabitants and in furtherance of the County's governmental functions and operations to cause the execution and delivery of the below-defined 2013 Certificates for the purposes of: (a) current refunding, together with other available monies of the County, all of the outstanding aggregate principal amount of the 2003A Certificates (the "Refunding") to refinance the Project (as defined in the Lease), in order to restructure certain of its cash flows; and (b) paying the costs of executing and delivering the 2013 Certificates; and

WHEREAS, in connection with the execution and delivery of the 2003A Certificates, the Trustee, the Corporation, the County and JPMorgan Chase Bank, N.A. (the "Provider") entered into a certain Reserve Forward Delivery Agreement (the "2003 Reserve Forward Delivery Agreement") with respect to the investment of the Reserve Fund related to the 2003A Certificates; and

WHEREAS, to effectuate the Refunding, it is necessary for the County to enter into: (i) a Second Amendment to Ground Lease Agreement between the County, as lessor, and the Corporation, as lessee (the "Second Ground Lease Amendment," and together with the Current Ground Lease, the "Ground Lease"), which supplements and amends in certain respects the Current Ground Lease; (ii) a Second Amendment to Lease Purchase Agreement between the Corporation, as lessor, and the County, as lessee (the "Second Lease Amendment," and together with the Current Lease, the "Lease"), which supplements and amends in certain respects the Current Lease; (iii) an Escrow Agreement by and among the County, the Corporation, and U.S. Bank National Association, as escrow bank (the "Escrow Agreement"); (iv) a Continuing Disclosure Agreement between the County and U.S. Bank National Association, as dissemination agent (the "Continuing Disclosure Agreement"); and (v) a Second Amendment to Reserve Forward Delivery Agreement among the Trustee, the County, the Corporation and the Provider (the "Second Amendment to Reserve Forward Delivery Agreement"); and

WHEREAS, to accomplish the Refunding, certain Refunding Certificates of Participation, Series 2013 (the "2013 Certificates"), evidencing assignments of proportionate interests in the rights to receive certain revenues pursuant to the Lease, will be executed and delivered pursuant to the 2003 Indenture, as supplemented and amended by (i) that certain First Supplement to Mortgage and Indenture of Trust, dated as of September 1, 2012, between the Corporation and the Trustee (the "First Supplemental Indenture"), and (ii) that certain Second Supplement to Mortgage and Indenture of Trust, dated as of September 1, 2013, between the Corporation and the Trustee (the "Second Supplemental Indenture," and together with the First Supplemental Indenture and the 2003 Indenture, the "Indenture"); and

WHEREAS, capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease and the Indenture; and

WHEREAS, the net proceeds of the 2013 Certificates are expected to be used, together with other available money of the County, to effectuate the Refunding; and

WHEREAS, the County's obligation under the Lease to pay Base Rentals and Additional Rentals shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year;

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and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, no member of the Board has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this resolution; and

WHEREAS, there has been presented to the Board and are on file at the County offices the following: (i) the proposed form of the Second Ground Lease Amendment; (ii) the proposed form of the Second Lease Amendment; (iii) the proposed form of the Escrow Agreement; (iv) the proposed form of the Continuing Disclosure Agreement; (v) the proposed form of the Second Amendment to Reserve Forward Delivery Agreement; and (vi) the proposed form of the Preliminary Official Statement (the "Preliminary Official Statement") prepared in connection with the offer and sale of the 2013 Certificates; and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act; and

WHEREAS, all acts, conditions and things required by law to exist, happen and be performed precedent to and in connection with the authorization of the Second Ground Lease Amendment, the Second Lease Amendment and related documents exist, have happened and have been performed in regular and due time, form and manner as required by law, and it is appropriate for the Board to adopt this Resolution at this time.

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

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board, or the officers, agents or employees of the Board or the County, relating to the implementation of the Refunding, the execution and delivery of the Ground Lease, the Lease and related documents, the preparation of the Preliminary Official Statement, and the execution and delivery of the 2013 Certificates is hereby ratified, approved and confirmed. The designation of the Preliminary Official Statement by the Chair of the Board (the "Chair") as "final" for purposes of Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission, except for omissions permitted by the Rule, is hereby authorized, approved and confirmed.

Section 2. Finding of Best Interests. The Board hereby finds and determines, pursuant to the Constitution and laws of the State, that the implementation of the Refunding and the financing of the costs thereof pursuant to the terms set forth in the Ground Lease, the Lease and the Indenture, together with other available moneys of the County, is necessary, convenient and in

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furtherance of the County's purposes and is in the best interests of the County and its citizens and inhabitants, and the Board hereby authorizes and approves the same.

Section 3. Supplemental Act; Parameters. The Board hereby elects to apply all of the Supplemental Act to the Ground Lease and the Lease and, in connection therewith, delegates to each of the Chair, the County Manager (the "Manager") and the County Budget and Finance Officer (the "Finance Director") the independent authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Supplemental Act in relation to the Refunding, the Second Ground Lease Amendment, and the Second Lease Amendment, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including, without limitation, the term of the Ground Lease and the Lease and the rental amount to be paid by the County pursuant to the Lease, subject to the following parameters and restrictions: (a) the aggregate principal amount of 2013 Base Rentals payable by the County pursuant to the Second Lease Amendment shall not exceed \$11,000,000; (b) the maximum amount of Base Rentals payable by the County pursuant to the Lease in any fiscal year shall not exceed \$2,003,812.50; (c) the maximum net effective interest rate on the interest component of the 2013 Base Rentals payable pursuant to the Second Lease Amendment shall not exceed 5.50%, (d) the maximum term of the Ground Lease, as set forth in the Second Ground Lease Amendment shall not extend beyond December 31, 2049, and (e) the maximum term of the Lease, as set forth in the Second Lease Amendment shall not extend beyond December 31, 2039. In addition, the 2013 Base Rentals shall be payable on June 1 and December 1 in each year.

Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to each of the Chair, the County Manager or the Finance Director the authority to sign a contract for the purchase of the 2013 Certificates or to accept a binding bid for the 2013 Certificates and to execute any agreement or agreements in connection therewith.

The delegation set forth in this Section 3 shall be effective for one year following the date hereof.

Section 4. Approval of Documents. The Second Ground Lease Amendment, the Second Lease Amendment, the Escrow Agreement, the Continuing Disclosure Agreement and the Second Amendment to Reserve Forward Delivery Agreement (collectively, the "County Documents"), in substantially the forms presented to the Board and on file with the County, are in all respects approved, authorized and confirmed, and the Chair is hereby authorized and directed for and on behalf of the County to execute and deliver the County Documents in substantially the forms and with substantially the same contents as those presented to the Board and on file with the County, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this resolution. The signature of the Chair on the County Documents shall evidence the County's approval and authorization of the same.

Section 5. Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to the Board and on file with the County, is in all respects approved and authorized. The Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement presented to the Board and on file with the County, with such changes as may be approved by the Chair, the County Manager or the

August 13, 2013

Finance Director. The distribution of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the 2013 Certificates is hereby ratified, approved and authorized.

Section 6. Authorization to Execute Collateral Documents. The Clerk or Deputy County Clerk and Recorder (the "Deputy Clerk") are each hereby authorized and directed to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution and to place the seal of the County on any document authorized and approved by this resolution. The Chair and the Clerk or Deputy Clerk and other appropriate officials or employees of the County are hereby authorized and directed to execute or attest, as applicable, and deliver, for and on behalf of the County, any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution. The execution of any instrument by the appropriate officers of the County or members of the Board shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof.

Section 7 No General Obligation Debt. No provision of this resolution, the Ground Lease, the Lease, the Indenture or the 2013 Certificates (collectively, the "Transaction Documents") shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the then current fiscal year. The County shall have no obligation to make any payment with respect to the 2013 Certificates except in connection with the payment of the 2013 Base Rentals and certain other payments under the Lease, which payments may be terminated by the County in accordance with the provisions of the Lease. Neither the Lease nor the 2013 Certificates shall constitute a mandatory charge or requirement of the County in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect County debt or other financial obligation whatsoever. No provision of the Transaction Documents shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the County within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. None of the Transaction Documents shall directly or indirectly obligate the County to make any payments beyond those budgeted and appropriated for the County's then current fiscal year.

Section 8. Reasonableness of Base Rentals. The Board hereby determines and declares that the Base Rentals due under the Lease, including the maximum amount of 2013 Base Rentals authorized pursuant to Section 3 hereof, constitute the fair rental value of the Project and do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the Corporation's interest in the Project pursuant to the Lease. The Board hereby determines and declares that the period during which the County has an option to purchase the Corporation's interest in the Project (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Project.

August 13, 2013

Section 9. Exercise of Option; Direction to Trustee. In order to effect the Refunding, the Board has elected and does hereby declare its intent to exercise on the behalf and in the name of the County its option to redeem all of the outstanding 2003A Certificates (the "Refunded Certificates"), on December 15, 2013, at a redemption price equal to the principal amount thereof plus accrued interest thereon to the redemption date, without premium. The County hereby irrevocably instructs the Trustee for the 2003A Certificates to give notice of refunding and defeasance to the owners of the Refunded Certificates in accordance with the provisions of the 2003 Indenture and the Escrow Agreement.

Section 10. County Representative. The Board hereby determines that the person initially and currently designated as the County Representative, as defined and as further provided in the Lease, shall be Sunny Bryant, or such other person who serves as Finance Director for the County. The County shall furnish the Corporation and the Trustee with a written certificate containing the specimen signature of the County Representative and signed by the Chair. The designation of the County Representative may be changed by resolution hereafter adopted by the Board.

Section 11. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the County acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of, redemption premiums, if any, and interest with respect to the 2013 Certificates. Such recourse shall not be available either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the 2013 Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such Certificate specifically waives any such recourse.

Section 12. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or resolution of the County, or part thereof, heretofore repealed.

Section 13. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals by the County during the Lease Term, provisions for the quiet enjoyment of the Project by the County during the Lease Term and provisions for the conveyance of the Corporation's interest in the Project to the County under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

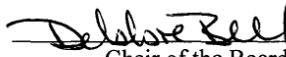
August 13, 2013

Section 15. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this August 13, 2013.



(SEAL)


Chair of the Board of
County Commissioners

Attest:


County Clerk

August 13, 2013

The motion for the adoption of the resolution was then made. The question being upon the adoption of the resolution, the roll was called with the following result:

Those Voting Yes: Commissioner Norden
Commissioner Bell
Commissioner Payne

Those Voting No: None

Those Absent: None

The presiding officer thereupon declared that a majority of the members of the Board had voted in favor of the resolution, and that the motion was carried and that the resolution had been adopted.

Other business not concerning the refinancing of the Project was thereupon considered.

There being no further business, upon motion duly made, seconded and unanimously carried, the Board adjourned.

Deborah Bell
Chair of the Board of
County Commissioners

(SEAL)

Attest:



By: Hattie E. Bau
County Clerk

August 13, 2013

STATE OF COLORADO)
) SS.
COUNTY OF FREMONT)

I, the undersigned County Clerk and Recorder of Fremont County, Colorado, do hereby certify that the foregoing pages 1 through 9, inclusive, are a true, correct and complete copy of the record of proceedings of the Board of County Commissioners of Fremont County, Colorado, insofar as such proceedings relate to the resolution contained therein, had and taken at a lawful, regular meeting of said Board held at the County Courthouse, in Cañon City, Colorado, on August 13, 2013, commencing at the hour of 9:30 a.m., as recorded in the regular official book of the proceedings of the County kept in my office; that said proceedings were duly had and taken as therein shown; that the meeting therein shown was duly held and was open to the public at all times; and that the persons therein were present at said meeting as therein shown.

Attached hereto as Exhibit A is a true and correct copy of the notice of the regular meeting on August 13, 2013, which was duly given and posted in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this August 13, 2013.

(SEAL)



Katie E. Bau

County Clerk and Recorder

August 13, 2013

EXHIBIT A

(Attach copy of notice given prior to the August 13, 2013 meeting)

August 13, 2013

STATE OF COLORADO)
) SS.
COUNTY OF FREMONT)

The Board of County Commissioners (the "Board") of Fremont County, Colorado, met in regular public session in the County Courthouse, in Cañon City, Colorado, being the regular meeting place of the Board, on August 13, 2013, at the hour of 9:30 a.m., pursuant to notice and call duly given to each member of the Board.

The meeting was called to order by the presiding officer, and upon roll call the following members were found to be present, constituting a quorum:

Present:
Chair: Debbie Bell
Other Commissioners: Timothy R. Payne
Edward H. Norden

Absent: None

There were also present:

County Manager: George Sugars
County Attorney: Brenda L. Jackson, Esq.
County Budget and Finance Officer: Sunny Bryant

A resolution was introduced, the text of which is as follows:

August 13, 2013

FREMONT COUNTY, COLORADO
RESOLUTION NO. 33

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND AND IMPROVEMENT LEASE AGREEMENT, A LEASE PURCHASE AGREEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AN OFFICIAL STATEMENT, AND RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Fremont County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has the power, pursuant to Sections 30-11-101(b) and (c) and 30-11-104.1, of the Colorado Revised Statutes, as amended, to lease, as lessor or as lessee, real and personal property, together with any facilities thereon, and to enter into lease-purchase agreements for the purpose of financing County buildings or equipment used or to be used for governmental purposes; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has determined, and does hereby determine, that it is in the best interest of the County and its inhabitants and in furtherance of the County's governmental functions and operations to cause the execution and delivery of the below-defined Certificates for the purposes of: (a) refunding certain outstanding Certificates of Participation, Series 2010 (the "2010 Certificates"), maturing on and after December 15, 2014 (the "Refunded Certificates"), which represent assignments of the right to receive certain revenues pursuant to a Lease Purchase Agreement, dated as of April 1, 2010, between UMB Bank, n.a., as trustee, as lessor, and the County, as lessee, (b) (i) acquiring and equipping an additional building or buildings for County purposes, (ii) abating asbestos in the County's administration building, (iii) acquiring and/or constructing control systems upgrades in the County's jails, and/or (iv) acquiring vehicles for County departments, (c) funding a debt service reserve for the Certificates, and (d) paying the costs of executing and delivering the Certificates (collectively, the "Project"); and

WHEREAS, to accomplish the Project, the County has determined to (a) lease a certain parcel of land and the building or buildings located thereon (collectively, the "Leased Property") to UMB Bank, n.a., solely in its capacity as trustee under the below-defined Indenture (the "Trustee"), pursuant to a Ground and Improvement Lease Agreement (the "Ground and Improvement Lease") between the County, as lessor, and the Trustee, as lessee, and (b) sublease the Leased Property from the Trustee pursuant to a Lease Purchase Agreement (the "Lease") between the Trustee, as lessor, and the County, as lessee; and

August 13, 2013

WHEREAS, the County's obligation under the Lease to pay Base Rentals and Additional Rentals (both as defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, there has been presented at this meeting of the Board the form of an Indenture of Trust (the "Indenture") to be entered into by the Trustee, pursuant to which the Trustee will execute and deliver one or more series of certificates of participation (collectively, the "Certificates"), representing assignments of the right to receive certain revenues pursuant to the Lease, in order to finance the Project; and

WHEREAS, there has been presented at this meeting of the Board the form of a Preliminary Official Statement, which will be used in connection with the sale of the Certificates (the "Preliminary Official Statement"); and

WHEREAS, there has been presented at this meeting of the Board the form of a Certificate Purchase Agreement between George K. Baum & Company (the "Purchaser") and the Trustee relating to the initial sale of the Certificates to the Purchaser (the "Certificate Purchase Agreement"); and

WHEREAS, there has been presented at this meeting of the Board the form of a Continuing Disclosure Agreement between the County and the Trustee, as dissemination agent (the "Continuing Disclosure Agreement"), which relates to the County's continuing disclosure responsibilities with respect to the Certificates; and

WHEREAS, there has been presented at this meeting of the Board the form of an Escrow Agreement between the County and the Trustee, as escrow bank (the "Escrow Agreement"), which relates to the holding and disbursing of those proceeds of the Certificates and other monies contributed by the County to pay, defease, and refund the 2010 Certificates maturing on December 15, 2013 and the Refunded Certificates; and

WHEREAS, there are on file in the offices of the County Clerk and Recorder (the "Clerk") the form of each of the following: (a) the Ground and Improvement Lease; (b) the Lease; (c) the Escrow Agreement; (d) the Continuing Disclosure Agreement; (e) the Indenture; (f) the Certificate Purchase Agreement; and (g) the Preliminary Official Statement; and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the "Supplemental Act"), provides that a public entity, including the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

August 13, 2013

COMMISSIONERS OF FREMONT COUNTY, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board, or the officers or agents of the Board or the County, relating to the leasing and the subleasing of the Leased Property and the financing of the Project is hereby ratified, approved and confirmed. The Board hereby ratifies, approves and confirms any designation of the Preliminary Official Statement by the Chair as a “nearly final Official Statement” for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission.

Section 2. Leasing of Leased Property. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado that the leasing and the subleasing of the Leased Property to and from the Trustee under the terms and provisions set forth in the Ground and Improvement Lease and the Lease, respectively, is necessary, convenient and in furtherance of the governmental purposes of the County and is in the best interests of the County and its inhabitants; and the Board hereby authorizes such leasing and subleasing of the Leased Property under the terms and provisions of the Ground and Improvement Lease and the Lease, respectively. The Board hereby further finds and determines that the Project serves a governmental purpose and is advantageous to and in the best interests of the County and its inhabitants (a) because the refunding of the Refunded Certificates will restructure certain of its cash flows and (b) because the improvements and equipment being financed are necessary and useful to the County’s continuing governmental operations. The County acknowledges that the Leased Property is currently being leased to the Trustee pursuant to a Ground and Improvement Lease Agreement, dated as of April 1, 2010 (the “2010 Ground and Improvement Lease”), and being leased back from the Trustee pursuant to a Lease Purchase Agreement, dated as of April 1, 2010 (the “2010 Lease”); however, the 2010 Ground and Improvement Lease and the 2010 Lease will be terminated on the date the Ground and Improvement Lease and the Lease are executed and delivered.

Section 3. Supplemental Act; Parameters. The Board hereby elects to apply all of the Supplemental Act to the Lease and, in connection therewith, delegates to each of the Chair of the Board (the “Chair”), the County Manager (the “Manager”) or the County Budget and Finance Officer (the “Finance Director”) the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Supplemental Act in relation to the Ground and Improvement Lease and the Lease, and to execute a sale certificate (the “Sale Certificate”) setting forth such determinations, including, without limitation, the term of the Ground and Improvement Lease, the rental amount to be received by the County pursuant to the Ground and Improvement Lease, the rental amount to be paid by the County pursuant to the Lease, the maximum amount of Base Rentals payable by the County pursuant to the Lease in any fiscal year, and the term of the Lease, subject to the following parameters and restrictions: (a) the term of the Ground and Improvement Lease shall end no later than December 31, 2043; (b) the amount of rental payments to be received by the County pursuant to the Ground and Improvement Lease shall not be less than \$7,000,000; (c) the aggregate principal amount of the Base Rentals payable by the County pursuant to the Lease shall not exceed \$8,500,000; (d) the maximum amount of Base Rentals payable by the County pursuant to the Lease in any fiscal year shall not exceed \$1,000,000; (e) the Lease Term (as defined in the Lease) shall end no later than December 31, 2033; and (f) the maximum net effective interest rate on the interest component of the Base Rentals payable pursuant to the Lease shall not exceed 5.00%.

August 13, 2013

Section 4. Approval of County Documents. The Ground and Improvement Lease, the Lease, the Escrow Agreement, and the Disclosure Agreement (collectively, the “County Documents”), in substantially the forms presented to the Board and on file with the County, are in all respects approved, authorized and confirmed, and the Chair or the Manager is hereby authorized and directed for and on behalf of the County to execute and deliver the County Documents in substantially the forms and with substantially the same contents as those presented to the Board and on file with the County, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this resolution. The signature of the Chair or the Manager on the County Documents shall evidence the County’s approval and authorization of the same.

Section 5. Approval of Indenture. The Board hereby approves the execution and delivery by the Trustee of the Indenture, in substantially the form and with substantially the same content as presented to the Board and on file with the County.

Section 6. Certificate Purchase Agreement. The Board hereby approves the execution and delivery by the Purchaser and the Trustee of the Certificate Purchase Agreement, in substantially the form and with substantially the same content as presented to the Board and on file with the County.

Section 7. Approval of Official Statement. A final Official Statement, in substantially the form of the Preliminary Official Statement presented to the Board and on file with the County, is in all respects approved and authorized. The Chair is hereby authorized and directed, for and on behalf of the County, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement presented to the Board and on file with the County, with such changes as may be approved by the Chair or the Finance Director. The distribution of the Preliminary Official Statement and the final Official Statement to all interested persons in connection with the sale of the Certificates is hereby ratified, approved and authorized.

Section 8. Authorization to Execute Collateral Documents. The Clerk or Deputy County Clerk and Recorder (the “Deputy Clerk”) are each hereby authorized and directed to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution and to place the seal of the County on any document authorized and approved by this resolution. The Chair and the Clerk or Deputy Clerk and other appropriate officials or employees of the County are hereby authorized to execute or attest, as applicable, and deliver, for and on behalf of the County, any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution. The appropriate officers of the County are authorized to execute on behalf of the County agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this resolution, and are specifically authorized and directed hereby to invest such funds in Permitted Investments as are defined and provided in the Indenture. The execution of any instrument by the aforementioned officers or members of the Board shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof and thereof.

August 13, 2013

Section 9. No General Obligation Debt. No provision of this resolution, the County Documents, the Indenture, the Certificates or the Preliminary or final Official Statement (collectively, the "Transaction Documents") shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the then current fiscal year. The County shall have no obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals and certain other payments under the Lease, which payments may be terminated by the County in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the County in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect County debt or other financial obligation whatsoever. No provision of the Transaction Documents shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the County within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. None of the Transaction Documents shall directly or indirectly obligate the County to make any payments beyond those budgeted and appropriated for the County's then current fiscal year.

Section 10. Reasonableness of Rentals. The Board hereby determines and declares that the Base Rentals, as set forth in the Lease, do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the Leased Property pursuant to the Lease. The Board hereby determines and declares that the period during which the County has an option to purchase the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Board hereby further determines and declares that the amount of rental payments to be received by the County from the Trustee pursuant to the Ground and Improvement Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground and Improvement Lease.

Section 11. County Representative. The Board hereby determines that the person designated as the County Representative, as defined and as further provided in the Lease, shall be Sunny Bryant, the Finance Director. The County Representative may be changed by resolution hereafter adopted by the Board.

Section 12. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the County acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of, redemption premiums, if any, and interest with respect to the Certificates. Such recourse shall not be available either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such Certificate specifically waives any such recourse.

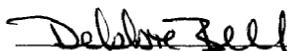
August 13, 2013

Section 13. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the County during the Lease Term and provisions for the conveyance of the Leased Property to the County under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 14. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

August 13, 2013

PASSED, ADOPTED AND APPROVED this August 13, 2013.



Chair of the Board of
County Commissioners



(SEAL)

Attest:



County Clerk

August 13, 2013

The motion for the adoption of the resolution was then made. The question being upon the adoption of the resolution, the roll was called with the following result:

Those Voting Yes: Commissioner Bell
Commissioner Norden
Commissioner Payne

Those Voting No: None

Those Absent: None

The presiding officer thereupon declared that a majority of the members of the Board had voted in favor of the resolution, and that the motion was carried and that the resolution had been adopted.

Other business not concerning the financing of the Project was thereupon considered.

There being no further business, upon motion duly made, seconded and unanimously carried, the Board adjourned.

Delaine Bell
Chair of the Board of
County Commissioners

(SEAL)

Attest:



By: Katie E. Bau
County Clerk

August 13, 2013

STATE OF COLORADO)
) SS.
COUNTY OF FREMONT)

I, the undersigned County Clerk and Recorder of Fremont County, Colorado, do hereby certify that the foregoing pages 1 through 9, inclusive, are a true, correct and complete copy of the record of proceedings of the Board of County Commissioners of Fremont County, Colorado, insofar as such proceedings relate to the resolution contained therein, had and taken at a lawful, special public meeting of said Board held at the County Courthouse, in Cañon City, Colorado, on August 13, 2013, commencing at the hour of 9:30 a.m., as recorded in the regular official book of the proceedings of the County kept in my office; that said proceedings were duly had and taken as therein shown; that the meeting therein shown was duly held and was open to the public at all times; and that the persons therein were present at said meeting as therein shown.

Attached hereto as Exhibit A is a true and correct copy of the notice of the meeting which was duly given and posted in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this August 13, 2013.

Katie E. Bau
County Clerk

(SEAL)



August 13, 2013

EXHIBIT A

(Attach copy of notice given prior to the August 13, 2013 meeting)

STATE OF COLORADO)
) SS.
COUNTY OF FREMONT)

The Board of County Commissioners (the "Board") of Fremont County, Colorado, met in regular public session in the County Courthouse, in Cañon City, Colorado, being the regular meeting place of the Board, on August 13, 2013, at the hour of 9:30 a.m., pursuant to notice and call duly given to each member of the Board.

The meeting was called to order by the presiding officer, and upon roll call the following members were found to be present, constituting a quorum:

Present:

Chair:	Debbie Bell
Other Commissioners:	Timothy R. Payne Edward H. Norden

Absent:

None

There were also present:

County Manager:	George Sugars
County Attorney:	Brenda L. Jackson, Esq.
County Budget and Finance Officer:	Sunny Bryant

A resolution was introduced, the text of which is as follows:

August 13, 2013

RESOLUTION NO. 34, SERIES OF 2013

**A RESOLUTION SUPPORTING A GRANT APPLICATION
TO THE STATE BOARD OF GREAT OUTDOORS COLORADO (GOCO)
FOR THE UPDATE TO THE EASTERN FREMONT COUNTY
TRAILS, OPEN SPACE AND RIVER CORRIDOR MASTER PLAN**

WHEREAS, Fremont County Board of Commissioners together with the City of Florence and the City of Canon City supports the Canon City Area Metropolitan Recreation and Park District grant application from Great Outdoors Colorado to update the 1997 Eastern Fremont County Trails, Open Space and River Corridor Master Plan; and

WHEREAS, the Board of Commissioners for Fremont County finds that expanding the area addressed in the 1997 Master Plan to include the Royal Gorge Park and the Arkansas River Corridor through Canon City and Eastern Fremont County is a sound approach to regional planning and it will result in positive effects for residents of, and visitors to Fremont County; and

WHEREAS, Great Outdoors Colorado requires that the Canon City Area Metropolitan Recreation and Park District demonstrate support for the Great Outdoors Colorado grant application for the Master Plan update; and

WHEREAS, the Board of Commissioners for Fremont County finds that it is in the best interest of the residents and citizens of Fremont County to support the Great Outdoors Colorado grant application, access the available funding, and apply the same to a project that would be beneficial to the community of Fremont County.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that Fremont County strongly supports the application by the Canon City Area Metropolitan Recreation and Park District to Great Outdoors Colorado for updating the Eastern Fremont County Trails, Open Space and River Corridor Master Plan.

BE IT FURTHER RESOLVED that the Board of Commissioners for the County of Fremont authorizes the expenditure of funds in the amount of \$3,000.00 to meet the terms and obligations of the Grant application and strongly supports the completion of this project. This resolution shall be in full force and effect from and after its passage and approval.

August 13, 2013

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Norden. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Edward H. Norden	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: August 13, 2013

Debbie Bell
Chairman

Attest: Hattie E. Bau
Clerk