

## SEVENTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on September 5, 2007, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. The meeting was called to order at 10:35 A.M. by Commissioner Chairman, Edward H. Norden.

Edward H. Norden	Commissioner	Present
Larry Lasha	Commissioner	Present
Michael J. Stiehl	Commissioner	Present
Brenda Jackson	County Attorney	Present

Also present Finance Director, Dana Angel and Kris Lang, Deputy Clerk.

The Pledge of Allegiance to the Flag of the United States of America was recited by those present.

### **APPROVAL OF AGENDA**

**Commissioner Stiehl** made the motion to approve the Agenda. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried.

### **NEW BUSINESS:**

**RESOLUTION #40 A PROPOSAL AND RESOLUTION CONCERNING AN INCREASE OF FIFTY ONE HUNDREDTHS OF A CENT (0.50%) IN THE FREMONT COUNTY SALES AND USE TAX, RAISING THE SALES AND USE TAX FROM ONE AND ONE-HALF PERCENT (1.5%) TO TWO PERCENT (2.00%) BEGINNING JANUARY 1, 2008; SUCH PROCEEDS TO BE USED SOLELY FOR THE PURPOSE OF PUBLIC SAFETY IMPROVEMENTS AND OPERATIONS PROVIDED BY THE FREMONT COUNTY SHERIFF'S OFFICE; UPON APPROVAL OF THE REGISTERED ELECTORS OF FREMONT COUNTY, COLORADO; AUTHORIZATION FOR THE COUNTY TO COLLECT AND EXPEND \$1,700,000.00 IN EACH YEAR ABOVE THE AMOUNT THE COUNTY IS OTHERWISE AUTHORIZED TO COLLECT AND EXPEND PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND §29-1-301, C.R.S., AND PROVIDING FOR THE SUBMISSION OF THIS PROPOSAL AND RESOLUTION TO A VOTE OF THE REGISTERED ELECTORS OF THE COUNTY AT THE ELECTION TO BE HELD ON NOVEMBER 6, 2007.**

**Commissioner Norden** read the contents of the ballot language:

SHALL FREMONT COUNTY SALES AND USE TAX BE INCREASED \$1,700,000.00 ANNUALLY (FIRST YEAR ESTIMATE), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER AS A RESULT OF A 0.50% (1/2 OF ONE PERCENT) INCREASE IN THE COUNTY-WIDE SALES AND USE TAX RATE (5 CENTS ON A \$10.00 PURCHASE, WITH NO COUNTY SALES TAX IMPOSED ON PURCHASE OF FOOD OR UTILITIES), RAISING THE SALES AND USE TAX RATE FROM 1.5% TO 2.00%; SUCH PROCEEDS TO BE USED SOLELY FOR PUBLIC SAFETY IMPROVEMENTS AND OPERATIONS PROVIDED BY THE FREMONT COUNTY SHERIFF'S OFFICE, BEGINNING ON JANUARY 1, 2008; AND SHALL THE COUNTY BE AUTHORIZED TO COLLECT AND EXPEND ALL SUCH PROCEEDS GENERATED BY THE 0.50% SALES AND USE TAX WITHOUT STATUTORY OR CONSTITUTIONAL LIMITATION OR CONDITION, INCLUDING SECTION §29-1-301, COLORADO REVISED STATUTES AND ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

**Commissioner Norden** said the Board of Commissioners and Sheriff Beicker have met and discussed solutions to remedy the County's public safety fiscal situation. He announced that Congress House Bill 1344 was passed by the General Assembly and signed by the Governor allowing the County to consider sales taxes for public safety purposes.

**Fremont County Sheriff, Jim Beicker** said that although he feels the voters understood the sheriff's department financial restraint during last year's election, they also felt it was impalpable under the proposed mill levy increase. He stated his department wants to provide the service and safety the citizens expect and deserve in law enforcement. The financial revenue need still exists and following the feedback of the voters for a more equitable formula is proposing a sales tax increase. Sheriff Beicker commented that the extra revenue will assist with the mandates of the sheriff department. He explained the County is mandated by the Statutory Laws of Colorado and does not always have options (referencing the detention center). He advised the State is continuing to hand-down unfunded law enforcement, corrections and public safety mandates.

**Commissioner Stiehl** reported that in 2006 the sheriff's budget was segregated from the general fund and therefore the increase revenue would be used solely for public safety and in this case is being dedicated to the sheriff's budget. He reiterated the sales tax increase will not be imposed on food or utilities. He commented the primary reason the Resolution is lengthily is due to the detailed sales tax definitions.

**Commissioner Lasha** commented that the decision of Legislature to allow Counties the consideration of sales taxes for public safety purposes indicates the problem is not isolated to Fremont County but a State issue and concern. He addressed a clerical error on Page 2, Item 2 and stated the one hundred should be stricken revised to two percent. **County Attorney, Brenda Jackson** stated she would provide a revised Page 2 for the Resolution.

**Commissioner Norden** remarked that it is the commitment of the Board that the current funding level of the sheriff's department will remain in tact and that any additional revenues from the proposed sales tax increase would be directed to the sheriff's department for public safety measures.

**Commissioner Stiehl** made a motion to approve **Resolution #40**, Series of 2007 as discussed and amended. The motion was seconded by Commissioner Lasha. Upon vote: Commissioner Stiehl, aye; Commissioner Lasha, aye; Commissioner Norden, aye. The motion carried with the adoption of **Resolution #40**.

**RESOLUTION #41 A PROPOSAL AND RESOLUTION CERTIFYING AND REFERRING TO THE NOVEMBER, 2007 BALLOT, A PROPOSAL FOR STABILIZATION OF THE FREMONT COUNTY PROPERTY TAX MILL LEVY AT THE CURRENT RATE OF 12.294 MILLS IN YEAR 2007 THROUGH YEAR 2015, AND ALLOWING FREMONT COUNTY TO COLLECT, RETAIN AND SPEND ALL REVENUES GENERATED BY THE 12.294 MILL LEVY RATE FOR THE DESIGNATED YEARS, FOR COUNTY GOVERNMENTAL OPERATIONS INCLUDING MAINTENANCE AND REPAIR OF ROADS, MAINTENANCE OF PUBLIC FACILITIES AND PROVIDING SERVICE TO FREMONT COUNTY FAMILIES NOTWITHSTANDING THE LIMITATIONS OF APPLICABLE STATE STATUTES AND ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION.**

**Commissioner Norden** read the contents of the ballot language:

WITH NO INCREASE IN THE CURRENT TAX RATE OR MILL LEVY, SHALL THE COUNTY OF FREMONT BE AUTHORIZED, IN 2007 AND IN EACH SUBSEQUENT YEAR THROUGH TAX YEAR 2015 (PAYABLE IN 2016) TO RETAIN AND SPEND ALL REVENUES RECEIVED BY THE COUNTY FROM THE IMPOSITION OF THE CURRENT PROPERTY TAX MILL LEVY OF 12.294 (THE MILL LEVY RATE SET BY TABOR IN 1992) FOR THE DESIGNATED YEARS; FOR COUNTY GOVERNMENTAL OPERATIONS INCLUDING MAINTENANCE AND REPAIR OF ROADS, MAINTENANCE OF PUBLIC FACILITIES AND PROVIDING SERVICES TO FAMILY IN FREMONT COUNTY, NOTWITHSTANDING LIMITATIONS ON SPENDING AND REVENUE IN APPLICABLE STATE STATUTES AND ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, PROVIDED, HOWEVER, THAT NO PROPERTY TAX MILL LEVY SHALL BE INCREASE AT ANY TIME, NOR SHALL ANY NEW TAX BE IMPOSED, WITHOUT THE PRIOR APPROVAL OF THE VOTERS OF FREMONT COUNTY?

**Commissioner Norden** reported the Resolution will authorize the County to collect, retain and spend all the revenues under the present property tax mill levy. He commented the voters voiced concern that growth and the roads should pay for themselves during last year's election. He advised that the County Assessor, Stacey Seifert and her staff are working steadily adding new properties to the tax rolls and clear up a backlog of valuations. Commissioner Norden clarified there is an eight (8) year limit on the Tabor time-out. He remarked it would enable the County to financially recover and make the necessary improvements, particularly the road and bridge but would also stabilize revenues for all parts of government in the general fund.

**Commissioner Stiehl** commented the Board is responding to public input supporting a Tabor time-out. He stated since revenues have become more predictable through 2015, the time out will result in property tax stabilization.

**Finance Director, Dana Angel** clarified that the Tabor time-out only addresses property tax revenues.

**Commissioner Lasha** made a motion to approve **Resolution #41**, Series 2007 as presented. The motion was seconded by Commissioner Stiehl. Upon vote: Commissioner Lasha, aye; Commissioner Stiehl, aye; Commissioner Norden, aye. The motion carried with the Adoption of **Resolution #41**.

Commissioner Norden adjourned the meeting at 11:00 A.M.

---

County Clerk