

STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the County Administration Building in Glenwood Springs on Mon, the 13th day of June, 2011, there were present:

- Tom Jankovsky _____, Commissioner
- Mike Samson _____, Commissioner
- John Martin _____, Commissioner Chairman
- Carolyn M. Dahlgren _____, Acting County Attorney
- Ed Green _____, County Manager
- Jean Alberico _____, Clerk to the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 11- 31

A RESOLUTION ESTABLISHING THE GARFIELD COUNTY, COLORADO, FEDERAL MINERAL LEASE ACT DISTRICT AND SETTING FORTH THE PURPOSE AND DUTIES OF THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT BOARD

Recitals

- A. The Federal Mineral Lease District Act (the "Act") (Colorado House Bill 11-1218) enacted during the 2011 Colorado Legislative Session added a new Part 13 to Article 20 of Title 30, Colorado Revised Statutes, which authorizes counties to create federal mineral lease districts and provides for the manner of doing so.
- B. Changes were also made to § 34-63-102(5.4)(c) and (5.4)(c)(II), C.R.S. (2011), directing the Colorado Department of Local Affairs ("DOLA") to distribute monies from the local government permanent fund to "counties, federal mineral lease districts, and municipalities." (Emphasis added.)
- C. The Garfield County Board of County Commissioners (the "BOCC") desires to obtain the benefits of forming a federal mineral lease act district as described in the Act, including without limitation, maximization of Payments in Lieu of Taxes ("PILT") received annually by Garfield County from the federal government through DOLA.
- D. The intent of the BOCC in adopting this Resolution is to comply with the requirements of § 30-20-1304 (2), C.R.S., as amended, and thereby establish the Garfield County Federal Mineral Lease Act District to protect Garfield County's PILT payments from the federal "prior-year" payment method regarding federal mineral lease revenue.

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E. Due to time constraints contained in the Act, the district shall initially include only the unincorporated portions of Garfield County but it is the intent of the BOCC to invite the participation of the municipalities of Garfield County in the District and the inclusion of the municipalities of Garfield County in the District in subsequent years, at each municipality's discretion.

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

Section 1. Establishment of the Garfield County Federal Mineral Lease Act District and District Boundaries

There is hereby established the Garfield County Federal Mineral Lease Act District (the "FML District"). The FML District shall develop and submit to the BOCC a service plan for the FML District, as provided in § 30-20-1305, C.R.S., as amended, and thereafter exercise the powers and comply with the duties set forth in § 30-20-1307, C.R.S., as amended. The boundaries of the FML District shall be all of Garfield County except such portions of Garfield County that lie within the limits of the incorporated municipalities within Garfield County at the time of the adoption of this Resolution.

Section 2. Membership of the FML District Board

There shall be three (3) members of the FML District Board ("District Board") appointed by a vote of the majority of the BOCC. Seat One shall be occupied by a member of the BOCC. Seats Two and Three shall be filled by "officials representing the interests of areas impacted by mineral lease activities," in accordance with § 30-20-1306(1)(b), C.R.S., as amended.

All members shall serve at the pleasure of the BOCC and may be removed at any time, with or without cause, by a majority vote of the BOCC. The terms of all members shall be for two years from the date of appointment. If the BOCC extends the existence of the FML District pursuant to § 30-20-1304 (5), C.R.S., as amended, by a reauthorizing resolution, members of the District Board may be appointed to serve successive terms without limitation, by motion or resolution of the BOCC.

All members of the District Board shall serve without compensation except for such amounts determined appropriate by the BOCC to offset expenses incurred by District Board members in the performance of their duties. Compensation allowed to District Board members shall be subject to the limit on administrative costs provided in § 30-20-1307 (1)(b), C.R.S., as amended.

The officers of the District Board shall be the president and a secretary who shall be elected annually by the District Board from its own members.

Section 3. Duties of the District Board

a. The District Board shall prepare and submit to the BOCC, a district service plan, within 90 days after the adoption of this Resolution, for approval by the BOCC, as the "approving authority" under § 30-20-1305(1), C.R.S., as amended.

b. The District Board shall distribute, on an annual basis, all of the funding that the FML District receives from DOLA, except such funds as expended or reserved for administrative expenses as permitted by § 30-20-1307 (1)(b), C.R.S., as amended, to areas within the FML District that are socially or economically impacted by the development, processing, or energy conversion of fuels and minerals leased under the Federal "Mineral Lands Leasing Act" of February 1920, as amended. In doing so, the District Board may review any reports or studies made or may seek any additional reports or studies it deems necessary regarding the distribution of funding in the FML District.

c. The District Board may cooperate or contract with any other district formed under the Act, through the intergovernmental agreement process authorized by § 29-1-201, *et seq.*, C.R.S., as amended, and the Colorado Constitution, to provide any function or service lawfully authorized to each of the cooperating or contracting districts, including the sharing of costs, as long as the cooperation or contracts are authorized by each district with the approval of each district's board of directors. Any such contract shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial and otherwise, of the contracting parties. Where other provisions of law provide requirements for special types of intergovernmental contracting or cooperation, those special provisions shall control.

Section 4. Meetings

a. The District Board shall meet at least quarterly.

b. All special and regular meetings of the District Board shall be held at locations that are within the boundaries of the FML District. This requirement governing the location of meetings may be waived if the proposed change of location of a meeting of the District Board appears on the agenda of a regular or special meeting of the District Board and if a resolution is adopted by the District Board stating the reason for which a meeting of the District Board is to be held in a location other than under the general provisions of this Section 4.b. and further stating the date, time and place of such meeting.

c. Minutes shall be kept of all District Board meetings.

d. The District Board shall comply with all requirements of the Open Meetings Act, § 24-6-401, *et seq.*, C.R.S., as amended, and the Open Records Act, § 24-72-100.1, *et seq.*, C.R.S. as amended, applicable to "local public bodies."

Section 5. Effective Date

This Resolution shall become effective immediately upon its adoption, and the FML District shall remain active for two (2) years from the date of adoption of this Resolution.

