

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 15<sup>th</sup> day of August, 2011, there were present:

- Tom Jankovsky, Commissioner
- Mike Samson, Commissioner
- John Martin, Commissioner Chairman
- Andrew Gorgey, 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. 11-46

RESOLUTION APPROVING THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT SERVICE PLAN

WHEREAS, Garfield County, State of Colorado is a legal and political subdivision of the State of Colorado for which the Board of County Commissioners ("BOCC") is authorized to act; and

WHEREAS, on June 13, 2011, the BOCC adopted Resolution No. 11-31 which created the Garfield County Federal Mineral Lease Act District, a.k.a Garfield County Federal Mineral Lease District, ("FML District"); and

WHEREAS, pursuant to § 30-20-1305(2)(a), C.R.S., no later than ninety (90) days after the date of the resolution creating the FML District, the FML District shall submit its Service Plan to the BOCC for approval.

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

1. The Service Plan attached hereto as Exhibit A is hereby adopted and approved without condition or modification as the Service Plan for the FML District.

DATED this 16<sup>th</sup> day of August, 2011.

ATTEST:

Jean M Alberico  
Clerk to the Board



BOARD OF COUNTY COMMISSIONERS OF  
GARFIELD COUNTY, STATE OF COLORADO

By: [Signature]  
Chairperson

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Tom Jankovsky Aye  
Mike Samson Aye  
John Martin Aye  
Commissioners

STATE OF COLORADO )  
 ) ss.  
COUNTY OF GARFIELD )

I, Jean Alberico, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this \_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

County Clerk and ex-officio Clerk of  
the Board of County Commissioners

**GARFIELD COUNTY  
FEDERAL MINERAL LEASE DISTRICT  
SERVICE PLAN**

The Garfield County Federal Mineral Lease District (hereinafter "District") was established on June 13, 2011, pursuant to §30-20-1304(1) and (2) C.R.S. and by Resolution No. 11-31 of the Garfield County Board of County Commissioners (hereinafter "County Board"), who appointed the initial Board of Directors for the District (hereinafter "District Board") by Resolution No. 11-39.

Having met on August 10, 2011, and pursuant to §30-20-1305 C.R.S., the District Board timely submits this Garfield County Federal Mineral Lease District Service Plan (hereinafter "Service Plan") to the County Board for approval.

**Section 1. Boundaries and Service Area.** The Boundaries of the District are the unincorporated areas of Garfield County, Colorado. The Service Area of the District shall be the Boundaries of the District and those of any other Federal Mineral Lease District with which the District cooperates or contracts as contemplated by §30-20-1305 C.R.S. The Boundaries of the District may be expanded to include the boundaries of any municipality within Garfield County enacting an ordinance to join the District in accordance with law and with the approval of the District Board.

**Section 2. Board of Directors.** The District Board has a fiduciary duty to the District, and each Director holds office as a public trust. Directors are local government officials for purposes of Colo. Const. Art. XXIX and §24-18-101 *et seq* C.R.S. There shall be three Directors, at least one of whom shall be a Garfield County Commissioner, but Garfield County Commissioners shall not constitute a majority of Directors. All Directors are appointed by a majority vote of the County Board. Other Directors may be representatives of the governing body of municipalities included in the District or other officials representing the interests of areas impacted by mineral lease activities. Directors shall serve two-year terms commencing July 1. The terms of the initial Directors shall expire June 30, 2013. The County Board by majority vote may remove any Director and fill any vacancy on the District Board. Directors shall serve without compensation, but reasonable, actual expenses incident to their duties as Directors may be reimbursed by the District Board. The District Board shall elect annually from their number a President and a Secretary. The District Board may hire or contract for administrative, financial, and legal services as administrative costs. The District Board may adopt Bylaws, policies, and procedures to assist in its affairs as long as all are consistent with statute and the Service Plan.

**Section 3. Funding, Budget, and Audit.** The District is funded exclusively by the funding it receives annually from the State of Colorado, Department of Local Affairs, from the Local Government Mineral Impact Fund. The District may use up to ten percent of this annual funding for administrative costs. Funding exclusive of administrative costs may be used for planning, construction, and maintenance of public facilities and for public services as set forth in §34-63-102(1)(a)(I) C.R.S. The District Board shall on an annual basis distribute all of the funding that the District receives, exclusive of administrative costs, to areas within the District's Service Area 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 District. The District shall adopt an annual budget that accounts for all funding received by the District. The District shall annually cause an independent audit of all funding and financial statements to be produced, and copies of all audits shall be sent annually to the State Treasurer.

**Section 4. Meetings and Records.** All Regular and Special Meetings of the District Board are subject to the Open Meetings Law, §24-6-401 *et seq.* C.R.S. and shall be held at locations that are within the Boundaries of the District. This requirement may be waived only by resolution of the District Board. In such a case, the proposed change shall appear on the agenda of the Regular or Special Meeting of the District Board prior to adoption of the resolution, and the resolution shall state the reason for holding the meeting in a location outside the Boundaries of the District and further stating the date, time, and place of such meeting. All records of the District shall be public records subject to inspection and reproduction pursuant to the Colorado Open Records Act, §24-72-200.1 *et seq.* C.R.S.

**Section 5. Cooperation and Contract.** The District Board may cooperate or contract with any other district formed under the Act, through intergovernmental agreement ("IGA") authorized by §29-1-201 *et seq.* C.R.S. 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, provided 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 or 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. Any contract providing for the sharing of costs may be entered into for any period, not to exceed the existence of the District and notwithstanding any provision of law limiting the length of any financial contracts or obligations of governments. The District Board interprets the collaboration and contract authority set forth at §30-20-1307 to authorize projects regional in nature provided the regional projects are consistent with the purposes of the Federal Mineral Lease District Act, §30-20-1301 *et seq.* C.R.S.

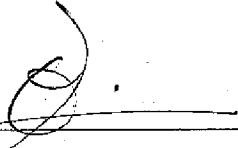
**Section 6. Saving Clause.** Should any section, subsection, sentence, clause, or phrase of this Service Plan for any reason be held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of the Service Plan.

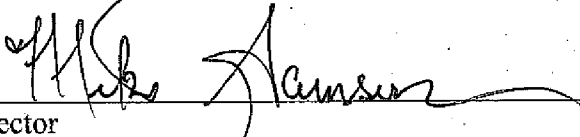
**Section 7. Amendment.** The District Board may submit an amended service plan for approval by the County Board as allowed by law.

Approved by the District Board and recommended for approval by the County Board this 10<sup>th</sup> day of August, 2011.

GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT

  
\_\_\_\_\_  
President, Board of Directors  
Garfield County Federal Mineral Lease District

  
\_\_\_\_\_  
Secretary  
Garfield County Federal Mineral Lease District

  
\_\_\_\_\_  
Director  
Garfield County Federal Mineral Lease District