

The following is the amendment of the Jefferson County Open space Sales Tax Resolution, which authorizes construction, acquisition and maintenance from the sales tax generated funds.

Commissioner Clement moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF JEFFERSON COUNTY
STATE OF COLORADO

RESOLUTION NO. CC80-711

RE: OPEN SPACE

Amendment of the Jefferson County Open Space Sales Tax Resolution to authorize construction, acquisition and maintenance of capital improvements.

WHEREAS, the Colorado General Assembly made effective on July 1, 1967, through Chapter 138, Article 10, Colorado Revised Statutes 1963, as amended, provisions for the imposition of a sales tax by counties in the State; and

WHEREAS, the Board of County Commissioners of Jefferson County, Colorado (the "Board"), adopted a County-wide sales tax proposal by a Resolution adopted by the Board on August 28, 1972, repealed and reenacted by the Board on September 26, 1972, and, as so repealed and reenacted, approved by the electors of the County at the election held on November 7, 1972 (the "Jefferson County Open Space Sales Tax Resolution"); and

WHEREAS, the Jefferson County Open Space Sales Tax Resolution specifies the purposes for which the funds derived from such sales tax can be expended and the interests which can be acquired therewith; and

WHEREAS, it is the desire of the Board to amend the Jefferson County Open Space Sales Tax Resolution to expand the open space purposes for which the sales tax proceeds may be expended.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Jefferson, State of Colorado:

SECTION 1. The 8th Resolved paragraph of the body of the Jefferson County Open Space Sales Tax Resolution which specifies the purposes for which the sales tax proceeds may be expended and the interests which may be acquired with such proceeds be amended as follows:

(New material is in capital letters; deleted material indicated by dashes through words.)

"Be it further resolved that all of the net proceeds received by Jefferson County, Colorado, from the Director of Revenue of the State of Colorado from the aforementioned sales tax WHICH ARE AVAILABLE FOR EXPENDITURE FOR THE OPEN SPACE PURPOSES SET FORTH IN THIS PARAGRAPH shall be expended only for the planning for, developing necessary access to, acquiring, maintaining, administering, and preserving open space real property or interests in open space real property, and developing paths and trails thereon, AND CONSTRUCTION, ACQUIRING AND MAINTAINING PARK AND RECREATIONAL CAPITAL IMPROVEMENTS for the use and benefit of the public, such open space real property or interests in open space real property to include but not be limited to land in its natural state, parks and recreation lands, PARK AND RECREATION CAPITAL IMPROVEMENTS, greenbelt and agricultural buffer zones, scenic easements, floodplains, paths and trails, historic monuments, wild rivers, wilderness areas, wildlife habitats, community open space lands, etc.; or the payment of indebtedness incurred for such acquisition, and for such expenditures as may be necessary to protect such open space properties or interests in real properties so acquired from any and all threatened or actual damages, loss, destruction or impairment from any cause or occurrence."

SECTION 2. ELECTION REQUIREMENT. This amendment shall be effective only upon the submission of this resolution to and its approval by a majority of the registered electors of the County voting thereon, at the general election to be held November 4, 1980.

SECTION 3. EFFECTIVE DATE. Subject to the requirements of Section 2 of this resolution, the effective date of this amendment shall be January 1, 1981, and shall be applicable to all sales tax proceeds available for the open space purposes specified in the Jefferson County Open Space Sales Tax Resolution, and interest thereon, which are received by the County after January 1, 1981 from the Executive Director of the Department of Revenue.

SECTION 4. SEVERABILITY. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

SECTION 5. This proposal shall constitute a separate and independent proposal for determination by the registered electors of the County, not to be dependent upon any other amendment of proposal, but to be in addition to and not in lieu of any other amendment or proposal which may be presented at such election.

Commissioner Martin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Robert F. Clement - "Aye";

Commissioner James E. Martin - "Aye";

Commissioner Harold A. Anderson, Chairman - "Absent":

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: September 29, 1980