

INTERGOVERNMENTAL AGREEMENT

between  
CITY OF ALAMOSA  
and  
COUNTY OF ALAMOSA

THIS AGREEMENT is made the 8<sup>th</sup> day of September, 2000, by and between the CITY OF ALAMOSA, a Colorado municipal home-rule corporation, (City herein), and the COUNTY OF ALAMOSA, a political subdivision of the State of Colorado (County herein);

WITNESSETH:

THAT WHEREAS, Article XIV, Section 18, of the Constitution of the State of Colorado, and C.R.S. Sections 29-1-201, et seq., encourage, permit, and authorize intergovernmental agreements between governmental entities to accomplish mutual objectives for the contracting entities; and

WHEREAS, the parties are in litigation over a disputed obligation concerning the changeover of the formerly shared operation of the Alamosa Emergency Medical Service upon the formulation of the Alamosa Ambulance District, which case is pending as Action No. 99 CV 124 in the District Court for the County of Alamosa, State of Colorado (the "EMS lawsuit"), and desire to resolve the same with finality; and

WHEREAS, the parties agree to divide between them what historically were joint enterprises in the operation of Southern Peaks Library and the SLV Regional Airport; and

WHEREAS, the parties intend that the settlement monies to be paid hereunder by City to County shall eliminate the need of County to seek reallocation of the county-wide sales tax established by the passage of County Resolution 1978-F-8, while such settlement sums are being paid ("1978 County-wide Sales Tax");

NOW THEREFORE, in consideration of the premises, including other valuable consideration and the performance of the promises contained herein, the parties agree as follows:

1. City shall pay to County a sum equivalent to 15% of the total revenues generated from the 1978 County-wide Sales Tax during 2001.
2. City shall pay to County a sum equivalent to 10% of the total revenues generated from the 1978 County-wide Sales Tax during 2002.
3. City shall pay to County a sum equivalent to 5% of the total revenues generated from the 1978 County-wide Sales Tax during 2003.
4. Monies shall be paid to County proportionally as they are received as revenue by the City.
5. Subject to the provisions of paragraph 7, the parties agree that neither shall initiate an

election to modify the 1978 County-wide sales tax prior to January 2, 2004. During the term of this Agreement, in the event of the passage of a tax measure pursuant to C.R.S. Section 29-2-104(4), or any other citizen initiated measure, City's obligations hereunder shall be deemed to be satisfied automatically, without a payment of monies hereunder, but shall only be deemed satisfied in the amount such tax measure results in increased revenues to County, or decreased revenues to City.

6. Subject to the provisions of paragraph 7, and upon the City completing all its obligations under this Agreement, the parties agree to the dismissal, with prejudice, of the EMS lawsuit.

7. All payment obligations of the City under this Intergovernmental Agreement are from year-to-year only and do not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of the City. The payment provisions of the City under this Intergovernmental Agreement are subject to annual renewal or cancellation at the option of the City and will be terminated upon the occurrence of an event of non-appropriation. In such event, all payments from the City under this Intergovernmental Agreement will terminate and the County will be released from its obligation not to initiate an election to modify the 1978 County-wide sales tax prior to January 2, 2004, and will further be released from its obligation to dismiss with prejudice the EMS lawsuit.

8. During any period when City has paid to County all of the City's obligations hereunder which have matured to the date of any breach by the County, breach of this agreement by the County would cause irreparable injury to the City for which damages would be an inadequate remedy at law, and that in that event, the City would be entitled to specific performance or such other equitable relief as the Court, acting in equity, deems just and proper in the circumstances.

9. Beginning 2001, City shall take over exclusively the operation of Southern Peaks Library, including, but not limited to bearing all financial responsibility therefore; County shall take over exclusively the operation of SLV Regional Airport/Bergman Field, including, but not limited to bearing all financial responsibility therefore.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF ALAMOSA

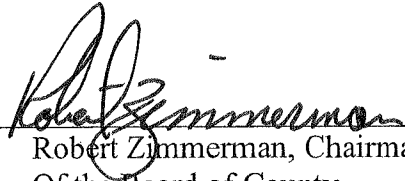
By: \_\_\_\_\_

  
Farris J. Bervig, Mayor


ATTEST: (Seal)

  
Judy Egbert, Municipal Clerk

ALAMOSA COUNTY

By   
Robert Zimmerman, Chairman  
Of the Board of County  
Commissioners

ATTEST: (Seal)

  
Holly Z. Lowder, Alamosa County  
Clerk and Recorder, Clerk of the  
Board of County Commissioners

FOR TOWNS AND CITIES

For the Town of Hooper, 3.66 mills on the dollar to be levied, assessed and collected upon, of and from the taxable real and personal property situate within the Town of Hooper.  
For the City of Alamosa, 18.00 mills on the dollar to be levied, assessed and collected upon, of and from the taxable real and personal property situate within the City of Alamosa.  
AND WHEREAS, the Board of Directors of the San Luis Valley Irrigation District made its annual appropriation and levy and passed its annual appropriation resolution and certified the same to the Board of County Commissioners of the County of Saguache, in which said County the principal office of the said The San Luis Valley Irrigation District is situate, and whereas, the County Clerk of the County of Saguache certified to the Board of County Commissioners of the County of Alamosa, the said appropriation and levy in the words and figures, as follows, to-wit:

STATE OF COLORADO }  
County of Saguache } SS. CERTIFICATE

CERTIFICATE OF TAX LEVY OF THE SAN LUIS VALLEY IRRIGATION DISTRICT LOCATED IN THE COUNTIES OF SAGUACHE, ALAMOSA AND RIO GRANDE, IN THE STATE OF COLORADO.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY:

This is to certify that the Board of County Commissioners of the County of Saguache, in the State of Colorado, being the County in which the office of The San Luis Valley Irrigation District is located, has received the returns of the total assessment of said District and the Certificate of the Board of Directors of the San Luis Valley Irrigation District, certifying the Annual Appropriation Resolution of said District, including the total amount of money required to be raised for the purpose of paying interest and principal of bonds as the same shall become due, and to provide the amount of money required to pay the salaries of officers and employees, to meet the cost of repairs and improvements on the reservoir, canals and works of the District, together with incidental expense not otherwise provided for, as provided for in an Act of the General Assembly of the State of Colorado, entitled "An Act in Relation to Irrigation Districts," approved April 3, 1905, and acts amendatory thereof, this Board does certify that by order duly made and entered of record, it has fixed and determined the rates of levy for the ensuing year on the assessed valuation of all real estate, exclusive of improvements, situate, lying and being within The San Luis Valley Irrigation District, necessary to provide the respective amounts of money to be raised for the purposes aforesaid, to be as follows, to-wit:

To meet interest on Bonds of the District dated December, 1, 1933, the sum of---- 16 Mills  
To meet the payment of Bonds of the District of the issue of December 1, 1933, the sum of---- 32 Mills  
To meet the salaries of officers and employees, cost of repairs and improvements on reservoir, canals and works of the District, the maintenance and operating expense of the District and incidental expense not otherwise provided for, the sum of ----- 92 Mills

You are therefore requested to make a levy at the rates above specified on all the lands and real estate in The San Luis Valley Irrigation District lying within the County of Alamosa, all acreages included within The San Luis Valley Irrigation District being assessed for irrigation district purposes at \$6.00 per acre.

IN WITNESS WHEREOF, the Board of County Commissioners of Saguache County, has caused its name to be hereunto attached by its Chairman, attested by the Clerk of said Board and the official seal of said County to be hereunto attached, this 3 day of October A.D. 1948.

THE BOARD OF COUNTY COMMISSIONERS  
OF SAGUACHE COUNTY  
BY H. K. Lockett  
Chairman

ATTEST:

Edith L. Jones  
County Clerk and Recorder of  
Saguache County and Ex-Officio  
Clerk of the Board of County  
Commissioners.

Now, therefore, for the purpose of raising the revenue required to provide for the payment of bonds, meet the interest, salaries of officers and employees, cost of repairs and improvements, maintenance and operating expenses and incidental expenses of said The San Luis Valley Irrigation District, as certified in the above and foregoing Resolution, it is ordered

That there be levied, assessed and collected upon, of and from each and every acre of land within the exterior boundary lines of said irrigation district in the County of Alamosa which is subject to such levy, the following taxes, to-wit:

To meet interest on Bonds of the District dated December 1, 1933, the sum of----16 mills  
To meet the payment of Bonds of the District of the issue of December 1, 1933 the sum of----32 mills  
To meet the salaries of officers and employees, costs of repairs and improvements on reservoir, canals and works of the District, the maintenance and operating expense of the District and incidental expense not otherwise provided for the sum of----92 mills

AND WHEREAS, The Board of Directors of The Mosca Irrigation District made its annual appropriation and levy and passed its annual appropriation resolution, and that said appropriation and resolution places the levy for the District at One dollar (\$1.00) per acre.

NOW THEREFORE, for the purpose of raising the revenue required as certified in the above and foregoing resolution, it is ordered

That there be levied, assessed, and collected upon, of and from each and every acre of land within the exterior boundary lines of said district in the County of Alamosa, which is subject to such levy, One dollar (\$1.00).

RESOLUTION:

WHEREFORE, it appears to the best interest of the County of Alamosa to co-operate with the City of Alamosa in the operating of a both City and County Airport as authorized by

AND WHEREAS, the City of Alamosa is willing to convey a one-half interest in said airport to the County of Alamosa in return for the contribution by the County of Alamosa of one-half of the expenses of operating and maintaining said airport, all in accordance with the agreement copy which is hereto annexed,

NOW THEREFORE, be it resolved by the Board of County Commissioners of the County of Alamosa in the State of Colorado that they enter into said contract,

And be it further resolved that the Chairman of the Board of County Commissioners and the Clerk of said Board be and they are hereby authorized to execute said agreement.

Motion was made and duly seconded that Ellis B. Nash be appointed by the Board as member of the Board of Airport Control to represent the Board of Alamosa County Commissioners for a period of one year.

Motion was made by Commissioner Nash and seconded by Commissioner Wells that the following hourly rates apply for use of County equipment for work done by the County on the Alamosa Airport:

Tractor & Scraper	\$10.00	per hour
Tractor & Pull Grader	10.00	" "
Motor Grader & Operator	8.00	" "
Tractor & Dozer	8.00	" "
Water Tank & Truck	6.00	" "
Roller & Truck	6.00	" "
Large Dump Truck & Opr.	5.00	" "
Small Dump Truck & Opr.	4.00	" "

Motion carried.

#### AGREEMENT

This agreement made and entered into this 12<sup>th</sup> day of October, A.D. 1949 by and between the City of Alamosa, acting by and through its City Council, and Alamosa County, acting by and through its Board of County Commissioners, WITNESSETH

WHEREAS the City of Alamosa is presently the owner of, and operating, the airport known as the Alamosa Municipal Airport, which airport is located on the following described property situate in the County of Alamosa and State of Colorado, to-wit:

The NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and the W<sup>1</sup>/<sub>2</sub> of the NE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> in Section 23; a parcel of land 300 feet from East to West and 800 feet from North to South in the extreme Northwest corner of said Section 23; and all of Section 22; all in Township 37 North, Range 10 ENAM, in Alamosa County, Colorado:

AND, WHEREAS both of the parties hereto have agreed that joint ownership and operation of said airport by the parties as provided by Ch 4 of the Colorado Session Laws of 1945, will be to the best interests and welfare of the people of the City and of the County of Alamosa,

NOW THEREFORE, in consideration of the premises and of mutual agreements and covenants hereinafter contained and the payment of the sum of One Dollar by the County of Alamosa to the City of Alamosa, it is agreed by and between the parties as follows:

1.. That the party of the first part will by its Quit Claim Deed and Bill of Sale convey to the party of the second part an undivided half interest in and to the property above described on which said airport is located and an undivided half interest in and to the personal property located on and used in connection with said airport.

2.. That each of the parties hereto shall, from and after the approval of this agreement, own an undivided half interest in and to all of said airport property, facilities and privileges and each of said parties shall bear one half of the costs of maintenance, operation, regulation and improvement of said airport, provided however in no event shall the obligation of the party of the second part exceed the revenues which are derived from a levy of one half mill on the assessed valuation of property located in Alamosa County. It is understood and agreed by and between the parties that each of the parties hereto shall receive credit for the reasonable value of all labor and equipment furnished for use on said airport and that said credit will be applied in reduction of the total share of the airport operational cost which each party is to bear; the reasonable value of said labor and equipment furnished by the parties shall be fixed and determined by the Board of Control hereinafter provided for.

3.. That the joint City-County airport created by this agreement shall be under the management of an Airport Board of Control consisting of three members, one of which shall be a member of, and appointed by the City Council of the City of Alamosa and one shall be a member of, and appointed by, the Board of County Commissioners of Alamosa County, and a third member appointed by the joint action of said representatives of the City Council and the County Commissioners.

4.. Said Airport Board of Control, in the management of said airport, shall have the following powers: to expend the monies appropriated for said airport by the parties hereto in such manner and for such reasonable uses and purposes of said airport as the Board deems proper; to make such use of the equipment made available by the parties hereto as the Board deems expedient; to employ an airport manager and to delegate to him such powers of management as they, in their discretion, may find necessary or desirable; to contract for all labor and equipment necessary for the maintenance and operation of the airport and to pay for the same from monies paid to them from time to time for such purposes by the City of Alamosa and the County of Alamosa for said airport; to make recommendations to each of the parties hereto with regard to the funds, material and machinery required for the proper operation of said airport; and to each and everything necessary, suitable or expedient for the efficient and proper management and operation of said airport for the beneficial use of the citizens of the City and County of Alamosa.

5.. This agreement shall take effect and become binding on the parties from and after the date it is approved by proper ordinance passed by the City Council of the City of Alamosa and resolution passed by the Board of County Commissioners of Alamosa County and shall continue until altered, amended or terminated by the mutual consent of the parties hereto.

IN WITNESS WHEREOF the parties have caused this agreement to be signed by its duly authorized officers.

The City of Alamosa

By W. P. Stuldt  
Mayor

ATTEST:

P. H. Henry  
City Clerk

The County of Alamosa

By Chas. H. Sullivan  
Chairman of the Board of  
County Commissioners

ATTEST:

C. E. Storm  
County Clerk

# RESOLUTION:

The following resolution was offered and upon being put to a vote was unanimously carried. WHEREAS the County Treasurer has heretofore issued a certificate that there were no unpaid taxes on the Northeast quarter (NE $\frac{1}{4}$ ) of Section 35 in Township 40 North, Range 10 East of the New Mexico Principal Meridian in Alamosa County, AND WHEREAS the general taxes for the year 1947 now amounting with interest to \$60.20 were unpaid,

AND WHEREAS said taxes are now uncollectible by virtue of said certificate, Be it resolved that the County Treasurer be and she is hereby authorized to cancel the general taxes on said Northeast quarter (NE $\frac{1}{4}$ ) 35-40-10.

# RESOLUTION:

The following resolution was offered and upon being put to a vote was unanimously adopted. WHEREAS the Board of County Commissioners has authorized the joint operation with the City of Alamosa of the airport at Alamosa,

AND WHEREAS the Board of County Commissioners has made a levy of one-half ( $\frac{1}{2}$ ) mill to provide funds for its share of the costs of operating and maintaining said airport,

AND WHEREAS the operation and maintenance of said airport is to be conducted by an Airport Board of Control composed of one member of the Board of County Commissioners, one member of the City Council, and one citizen chosen by these two,

AND WHEREAS the filing of vouchers and the issuance of warrants for the County share of such expenses would be an unwarranted burden and an unjustifiable expense and would hinder and embarrass the Board of Control in the performance of its duties,

NOW THEREFORE, be it resolved that the County Treasurer be and she is hereby authorized monthly, or more frequently if she deems it advisable, to pay over to the Treasurer of the Airport Board of Control all moneys received by her on account of the one-half ( $\frac{1}{2}$ ) mill levy made by the Board of County Commissioners for airport purposes.

The following bills were allowed and warrants drawn:

## ROAD FUND

800	Ellis B. Nash	Expenses & Mileage	\$ 26.40
801	Owen G. Baldwin	Expenses & Mileage	46.80
802	B.K. Sweeney Co.	Parts	32.39
803	Wallrich Lumber Co.	Parts	36.61
804	CANCELLED	CANCELLED	CANCELLED
805	Hendrie & Bolthoff Mfg.	Parts	137.60
806	Home Lumber Co.	Parts	153.43
807	Bates Welding Co.	Welding & Labor	13.00
808	Heide Motor Co.	Parts	6.37
809	Clark & Davidson	Parts	16.45
810	Forbush Co.	Tires & Tube	66.68
811	Public Service Co.	Electricity	12.95
812	White Hardware Co.	Parts	2.55
813	Motor Accessory & Parts	Parts	26.84
814	Haynie Merchandise Mart	Parts	33.56
815	Roy B. Heilman	Insurance	254.46
816	Alamosa Auto Salvage	Parts	11.44
817	Mtn. States Tel. & Tel..	Telephone	11.15
818	The McMullen Co.	Parts	5.06
819	Waverly Repair Shop	Parts	3.00
820	Home Lumber Co.	Parts	18.02
821	N.W. White	Material	100.00
822	Chas. Knoblauch	Labor	15.00
823	Sadie Storms	Timekeeper	32.45
824	Earl Wallace	Salary	264.85
825	C.E. Storms	Assign. by Juan Valdez	98.00
826	Juan Valdez	Salary	51.05
827	C.E. Storms	Assign. by Bernie Romero	11.00
828	Bernie Romero	Salary	176.80
829	C.E. Storms	Assign. by Joe M. Romero	51.00
830	Joe M. Romero	Salary	119.55
831	C.E. Storms	Assign. by Max Duran	87.00
832	Max Duran	Salary	63.00
833	C.E. Storms	Assign. by Jerome Heskett	143.00
834	Jerome Heskett	Salary	38.00
835	C.E. Storms	Assign. by Wayne Parker	97.00
836	Wayne Parker	Salary	109.80
837	C.E. Storms	Assign. by Albert Mestas	142.00
838	Albert Mestas	Salary	10.20
839	C.E. Storms	Assign. by Norman McGinnis	81.00
840	Norman McGinnis	Salary	103.45
841	C.E. Storms	Assign. by Vicente Valdez	56.00
842	Vicente Valdez	Salary	119.70
843	C.E. Storms	Assign. by L.G. Strouse	21.00
844	L.G. Strouse	Salary	161.75
845	C.E. Storms	Assign. by D. Neil Cowan	85.00
846	D. Neil Cowan	Salary	109.45
847	Walter Kearin	Assign. by John Schneider	15.00
848	John Schneider	Salary	173.13
849	C.E. Storms	Assign. by Walter Payne	134.00
850	Walter Payne	Salary	65.50
851	Withholding Tax	Tax	63.10
852	Great Eastern Mutual Life Ins. Co.	Insurance	92.90
853	Moore Hdwe. & Iron Co.	Parts	55.29
854	Mosca-Hooper Soil Conservation	Labor	9.00
855	Sinclair Refining Co.	Oil & Grease	487.93
856	Price Oil Co.	Oil	90.72
857	Chas. Knoblauch	Stove	20.00
858	Navy Gas & Supply Co.	Oil	108.12
859	Husung Hardware Co.	Parts	15.81
860	Foster Service Station	Parts	67.99
861	Husung Hardware Co.	Parts	26.69

COUNTY CLERK AND RECORDER  
ALAMOSA, COUNTY

ALAMOSA, COLORADO

AGREEMENT

This agreement made and entered into this 12th day of October, A.D. 1949 by and between the City of Alamosa, acting by and through its City Council, and Alamosa County, acting by and through its Board of County Commissioners, WITNESSETH

WHEREAS the City of Alamosa is presently the owner of, and operating, the airport known as the Alamosa Municipal Airport, which airport is located on the following described property situate in the County of Alamosa and State of Colorado, to-wit:

The NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  and W $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  in Section 23; a parcel of land 300 feet from East to West and 200 feet from North to South in the extreme Northwest corner of said Section 23; and all of Section 22; all in Township 37 North, Range 10 EMMU, in Alamosa County, Colorado.

AND WHEREAS both of the parties hereto have agreed that joint ownership and operation of said airport by the parties as provided by Ch 4 of the Colorado Session Laws of 1945, will be to the best interests and welfare of the people of the City and of the County of Alamosa,

NOW THEREFORE, in consideration of the premises and of mutual agreements; and covenants hereinafter contained and the payment of the sum of One Dollar by the County of Alamosa to the City of Alamosa, it is agreed by and between the parties as follows:

1. That the party of the first part will by its Quit Claim Deed and Bill of Sale convey to the party of the second part an undivided half interest in and to the property above described on which said airport is located and an undivided half interest in and to the personal property located on and used in connection with said airport.

2. That each of the parties hereto shall, from and after the approval of this agreement, own an undivided half interest in and to all of said airport property, facilities and privileges and each of said parties shall bear one half of the costs of ~~and~~ maintenance, operation, regulation AND improvement of said airport, provided however in no event shall the obligation of the party of the second part exceed the revenues which are derived from a levy of one half mill on the assessed valuation of property located in Alamosa County. It is understood and agreed by and between the parties that each of the parties hereto shall receive credit for the reasonable value of all labor and equipment furnished for use on said airport and that said credit will be applied in reduction of the total share of the airport operational cost which each party is to bear; the reasonable value of said labor and equipment furnished by the parties shall be fixed and determined by the Board of Control hereinafter provided for.

3. That the joint City-County airport created by this agreement shall be under the management of an Airport Board of Control consisting of three members one of which shall be a member of, and appointed by the City Council of the City of Alamosa and one shall be a member of, and appointed by, the Board of County Commissioners of Alamosa County, and a third member appointed by the joint action of said representatives of the City Council and the County Commissioners.

4. Said Airport Board of Control, in the management of said airport, shall have the following powers: to expend the monies appropriated for said airport by the parties hereto in such manner and for such reasonable uses and purposes of said airport as the Board deems proper; to make such use of the equipment made available by the parties hereto as the Board deems expedient;



# COUNTY CLERK AND RECORDER ALAMOSA, COUNTY

ALAMOSA, COLORADO

to employ an airport manager and to delegate to him such powers of management as they, in their discretion, may find necessary or desirable; to contract for all labor and equipment necessary for the maintenance and operation of the airport and to pay for the same from monies paid to them from time to time for such purposes by the City of Alamosa and the County of Alamosa for said airport; to make recommendations to each of the parties hereto with regard to the funds, material and machinery required for the proper operation of said airport; and to each and everything necessary, suitable or expedient for the efficient and proper management and operation of said airport for the beneficial use of the citizens of the City and County of Alamosa.

5. This agreement shall take effect and become binding on the parties from and after the date it is approved by proper ordinance passed by the City Council of the City of Alamosa and resolution passed by the Board of County Commissioners of Alamosa County and shall continue until altered, amended or terminated by the mutual consent of the parties hereto.

IN WITNESS WHEREOF the parties have caused this agreement to be signed by its duly authorized officers.

ATTEST:

P.H. Henry  
City Clerk

The City of Alamosa

By. Wm. P. Shuldt  
Mayor Protem

ATTEST:

C.E. Storms  
County Clerk

The County of Alamosa

By Owen G. Baldwin  
Chairman of the Board of County Commissioners



# COUNTY CLERK AND RECORDER

## ALAMOSA, COUNTY

ALAMOSA, COLORADO

### RESOLUTION:

The following resolution was offered and upon being put to a vote was unanimously adopted:

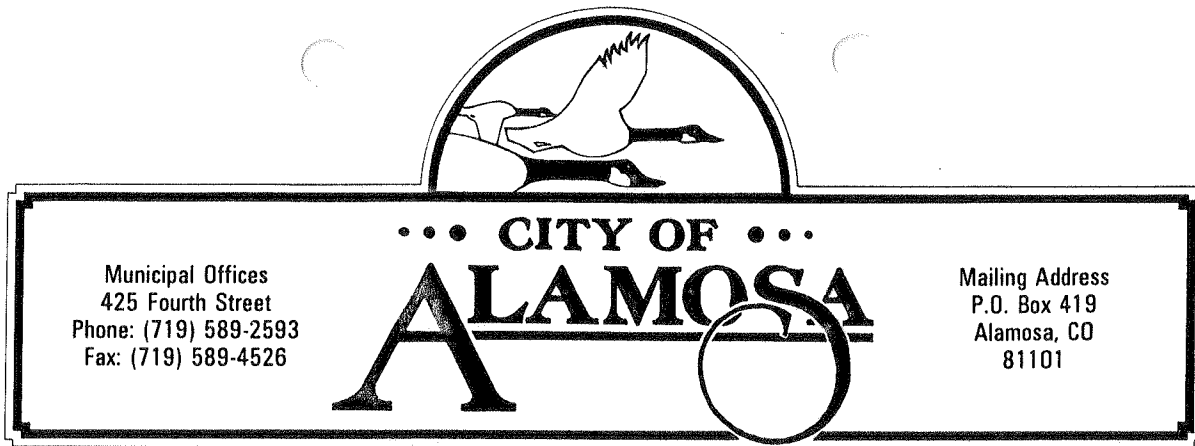
WHEREAS the Board of County Commissioners has authorized the joint operation with the City of Alamosa of the airport at Alamosa,

AND WHEREAS the Board of County Commissioners has made a levy of one-half ( $\frac{1}{2}$ ) mill to provide funds for its share of the costs of operating and maintaining said airport,

AND WHEREAS the operation and maintenance of said airport is to be conducted by an Airport Board of Control composed of one member of the Board of County Commissioners, One member of the City Council, and one citizen chosen by these two,

AND WHEREAS the filing of vouchers and the issuance of warrants for the County share of such expenses would be an unwarranted burden and an unjustifiable expense and would hinder and embarrass the Board of Control in the performance of its duties,

NOW THEREFORE, be it resolved that the County Treasurer be and she is hereby authorized monthly, or more frequently if she deems it advisable to pay over to the Treasurer of Airport Board of Control all monies received by her on account of the one-half ( $\frac{1}{2}$ ) mill levy made by the Board of County Commissioners for airport purposes.



September 6, 2002

Reply to:  
P.O. Box 120  
Alamosa, CO 81101

Mr. Paul Motz, County Attorney  
P.O. Box 779  
Alamosa, CO 81101

**Re: Airport Board Grant**

Dear Paul:

This letter is a follow up to our conversations concerning the County Administrator's perception that the Grant Acceptance Form must be attested by the City; that the failure to do so would jeopardize the award of funds. I believe that the two of us concurred when we first talked that the City has no right or authority to control, participate, select or replace board members or anything of the like because of the total delegation of operative control and authority to the County under our existing Intergovernmental Agreement. Therefore we really have nothing to do with the grant. Similarly, by virtue of the same agreement, the County is wholly outside the operating realm of Southern Peaks Library. The consequence of these characterizations is that the County is not in harm's way with regard to any prospective liability arising from the operation of the Library, and the City is similarly situated with respect to the Airport. Each has agreed to indemnify the other from operating liabilities, as an essential part of our intergovernmental agreement concerning the Library and Airport.

Nonetheless, the City is willing to accommodate the acceptance of the pending grant which was obtained by the County for the benefit of the Airport. I think it is a fair characterization that the City is essentially a co-sponsor in that the City co-owns the Airport, and the commerce it supports is comparably as important to the City as it is to the County. This accommodation is tendered with the express clarification, however, that the City has not changed its position at all with respect to its indemnification by the County for all matters relating to the airport operation, including the administration of

COPY

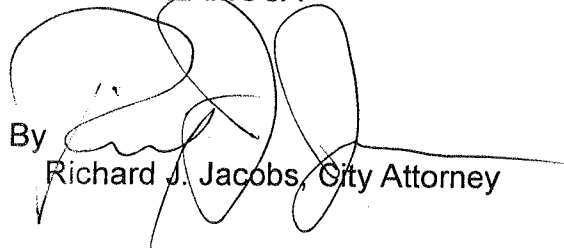
Mr. Paul Motz, County Attorney  
Page Two  
September 6, 2002

this grant. It is within this affirmation of the pre-grant *status quo* that we have accommodated the County's acceptance of the grant. The County's use of our attestation under these qualifications shall be deemed its acceptance of them.

Very truly yours,

CITY OF ALAMOSA

By

A handwritten signature in black ink, appearing to read "RJ Jacobs", written over the printed name "Richard J. Jacobs, City Attorney".

Richard J. Jacobs, City Attorney

cc: Judy Egbert, City Clerk  
Mike Hackett, City Manager  
RJJ/bjr  
c:\city\motz ltr 9-6-02

INTERGOVERNMENTAL AGREEMENT  
between  
CITY OF ALAMOSA  
and  
COUNTY OF ALAMOSA

THIS AGREEMENT is made the 8<sup>th</sup> day of September, 2000, by and between the CITY OF ALAMOSA, a Colorado municipal home-rule corporation, (City herein), and the COUNTY OF ALAMOSA, a political subdivision of the State of Colorado (County herein);

WITNESSETH:

THAT WHEREAS, Article XIV, Section 18, of the Constitution of the State of Colorado, and C.R.S. Sections 29-1-201, et seq., encourage, permit, and authorize intergovernmental agreements between governmental entities to accomplish mutual objectives for the contracting entities; and

WHEREAS, the parties are in litigation over a disputed obligation concerning the changeover of the formerly shared operation of the Alamosa Emergency Medical Service upon the formulation of the Alamosa Ambulance District, which case is pending as Action No. 99 CV 124 in the District Court for the County of Alamosa, State of Colorado (the "EMS lawsuit"), and desire to resolve the same with finality; and

WHEREAS, the parties agree to divide between them what historically were joint enterprises in the operation of Southern Peaks Library and the SLV Regional Airport; and

WHEREAS, the parties intend that the settlement monies to be paid hereunder by City to County shall eliminate the need of County to seek reallocation of the county-wide sales tax established by the passage of County Resolution 1978-F-8, while such settlement sums are being paid ("1978 County-wide Sales Tax");

NOW THEREFORE, in consideration of the premises, including other valuable consideration and the performance of the promises contained herein, the parties agree as follows:

1. City shall pay to County a sum equivalent to 15% of the total revenues generated from the 1978 County-wide Sales Tax during 2001.
2. City shall pay to County a sum equivalent to 10% of the total revenues generated from the 1978 County-wide Sales Tax during 2002.
3. City shall pay to County a sum equivalent to 5% of the total revenues generated from the 1978 County-wide Sales Tax during 2003.
4. Monies shall be paid to County proportionally as they are received as revenue by the City.
5. Subject to the provisions of paragraph 7, the parties agree that neither shall initiate an

election to modify the 1978 County-wide sales tax prior to January 2, 2004. During the term of this Agreement, in the event of the passage of a tax measure pursuant to C.R.S. Section 29-2-104(4), or any other citizen initiated measure, City's obligations hereunder shall be deemed to be satisfied automatically, without a payment of monies hereunder, but shall only be deemed satisfied in the amount such tax measure results in increased revenues to County, or decreased revenues to City.

6. Subject to the provisions of paragraph 7, and upon the City completing all its obligations under this Agreement, the parties agree to the dismissal, with prejudice, of the EMS lawsuit.

7. All payment obligations of the City under this Intergovernmental Agreement are from year-to-year only and do not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of the City. The payment provisions of the City under this Intergovernmental Agreement are subject to annual renewal or cancellation at the option of the City and will be terminated upon the occurrence of an event of non-appropriation. In such event, all payments from the City under this Intergovernmental Agreement will terminate and the County will be released from its obligation not to initiate an election to modify the 1978 County-wide sales tax prior to January 2, 2004, and will further be released from its obligation to dismiss with prejudice the EMS lawsuit.

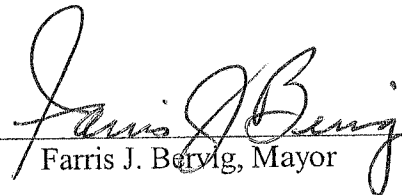
8. During any period when City has paid to County all of the City's obligations hereunder which have matured to the date of any breach by the County, breach of this agreement by the County would cause irreparable injury to the City for which damages would be an inadequate remedy at law, and that in that event, the City would be entitled to specific performance or such other equitable relief as the Court, acting in equity, deems just and proper in the circumstances.

9. Beginning 2001, City shall take over exclusively the operation of Southern Peaks Library, including, but not limited to bearing all financial responsibility therefore; County shall take over exclusively the operation of SLV Regional Airport/Bergman Field, including, but not limited to bearing all financial responsibility therefore.

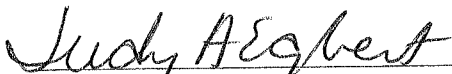
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF ALAMOSA

By:

  
Farris J. Bervig, Mayor

ATTEST: (Seal)

  
Judy Egbert, Municipal Clerk

ALAMOSA COUNTY


By Robert Zimmerman  
Robert Zimmerman, Chairman  
Of the Board of County  
Commissioners

ATTEST: (Seal)

Holly Z. Lowder  
Holly Z. Lowder, Alamosa County  
Clerk and Recorder, Clerk of the  
Board of County Commissioners

## Chronology of City/County Tax Issues - 1975 through 1995

3/19/75 First record of city council meetings on proposed one percent city tax; other public meetings followed

11/77  One percent municipal sales tax election fails in city.

04/3/78 Valley Courier article details County's one percent sales tax; county promises property tax relief proposal; 25 percent of revenues obtained in city of Alamosa and Hooper stay in those communities; 75 percent goes to county.

04/12/78 City offers a counter-proposal. City would drop present one cent tax if the proposed sales tax was two cents county-wide.

04/18/78 Work session between City and County to discuss sales tax issue .

04/19/78 Special meeting of county commissioners held; commissioners adopt Resolution F-7, rescinding Resolution F-6 (for one percent sales tax proposal approved 04/03/78); Resolution F-8 adopted, county-wide two percent sales tax to be referred to qualified electors of Alamosa County. This resolution split the split the proposed tax 60 percent City - 40 percent County. Meeting was unannounced, with no notice given. (It is not clear if the split was based totally on population, revenue from various sources or a combination of factors. It does appear that, at least in part, population was a factor for the percentage.)

City council met in a public meeting to discuss Resolution ~~F-6~~ F-8

04/20/78 Valley Courier article: "Council, Commission Unite In Try For Two Percent Tax"

Valley Courier article: "Commission Says Meet Not In Violation of Law;" article discusses county commissioners' possible violation of open meeting law by holding the April 19, 1978 closed meeting; excerpt from article, "Is this taxation without representation?"

04/27/78 Regular meeting of board of commissioners held; county commissioners ratify action taken at 04/19/78 meeting "by affirming the rescission of Resolution 78 F-6 and readopting Resolution 78 F-8, providing for a special election concerning a 2% County-wide Sales Tax" (excerpt from minutes of 04/27/78 meeting).

05/78 City and county officials conduct several public forums during May.

05/17/78 City passes Resolution 9-1978, rescinding the one percent city tax if County



Chronology of City/County Tax Issues - 1975 through 1995

Page 2.

January 20, 1999

Resolution 1978 F-8 passes at the June 13, 1978 election. *TAX REINDED after election.*

06/13/78 Sales tax passes nearly 2-1 (see June 14, 1978 Valley Courier).

*10-28-78 County PROPERTY TAX reduced 3.8 MILL. (From 20.40 to 16.6)*

12/27/95 County passes Resolution 95 F-4, which attempted to redistribute proportions of tax share from 60/40 percent to 57.3/42.7 percent; resolution was not discussed with city or public and was announced as "Public Hearing - Resolution to Appropriate Additional Sums of Money" on the 12/27/95 county commission meeting agenda. ~~This was not taxation with representation with representation, no public input was received.~~ *Could this be taxation*

*NO PUBLIC INPUT WAS RECEIVED.*

01/23/96 State of Colorado Department of Revenue declares County Resolution 95 F-4 illegal and invalid. *County then rescinds Resolution 95 F-4*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ALAMOSA COUNTY

Resolution No. 1978 - F-8

A RESOLUTION (1) REFERRING TO THE QUALIFIED ELECTORS OF ALAMOSA COUNTY A PROPOSAL FOR A COUNTY-WIDE TWO PER CENT (2%) SALES TAX TO BE IMPOSED UPON THE SALE OF TANGIBLE PERSONAL PROPERTY AT RETAIL AND UPON THE FURNISHING OF SERVICES AS PROVIDED BY LAW, AND (2) PROVIDING FOR THE IMPOSITION, COLLECTION AND DISTRIBUTION OF SUCH TAX IF THE PROPOSAL IS APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING THEREON.

WHEREAS, Colorado Revised Statutes (1973) 29-2-101 et. seq. provide for the imposition of a county-wide sales tax after approval thereof by a majority of the qualified electors voting at a general or special election at which the question of such county-wide sales tax was submitted, and

WHEREAS, the Board of County Commissioners of Alamosa County has determined that a county-wide sales tax is needed to raise funds to help meet the financial requirements of county and municipal governments within Alamosa County, and

WHEREAS, the Board of County Commissioners of Alamosa County has determined that the question of the imposition of two per cent (2%) county-wide sales tax should be referred to the qualified electors of Alamosa County,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALAMOSA AND STATE OF COLORADO:

Section 1. Proposal Referred to Election. On the 13th day of June, 1978, there shall be referred to the qualified electors of Alamosa County a proposal for a two per cent (2%) county-wide sales tax imposed upon the sale of tangible personal property at retail and the furnishing of services as provided for in Colorado Revised Statutes (1973) 29-2-101 et. seq. If such proposal is approved by a majority of the qualified electors voting at such election, a two per cent (2%) county sales tax shall be imposed in Alamosa County in accordance with the terms of this resolution.

Section 2. Definitions.

(A) For the purpose of this resolution, the definition of terms, words, and phrases shall be the definitions contained in Colorado Revised Statutes (1973) 39-26-101 et. seq., as now or hereafter amended. It is the intent hereof that the sales tax imposed hereby shall be administered as much as practicable in the same manner as the Colorado sales tax, and for this reason, the definitions contained therein are hereby adopted and incorporated by reference herein.

(B) County. The word "county" shall mean the County of Alamosa, State of Colorado.

(C) Municipality. The word "municipality" shall mean any city or town within the County which is incorporated as a home rule or statutory municipality and which has not been declared to be abandoned by the Secretary of State as provided by law.

Section 3. Tax Imposed.

(A) There is hereby levied a sales tax of two per cent (2%) upon the sale at retail of tangible personal property and the furnishing of certain services, all as provided and set forth in Article 26 of Title 39 of the Colorado Revised Statutes (1973) and any amendment thereto enacted before or after the effective date of this resolution and said statutory provisions are hereby incorporated by reference herein.

(B) The imposition of the tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax, shall, in addition to the statutory provisions referred to above, be in accordance with the schedule set forth in the rules and regulations of the Department of Revenue of the State of Colorado, and in accordance with any regulations enacted by separate resolution of the Board of County Commissioners of Alamosa County which are not inconsistent with the terms of this resolution or the terms and provisions of the state statute, rule or regulation.

Section 4. Property and services Taxed.

(A) The amount subject to the sales tax provided for in this resolution shall not include the amount of any sales or use tax imposed by Article 26 of Title 29, C. R. S. (1973) or the amount of any sales or use tax imposed by virtue of any ordinance passed, adopted and enforced by any municipality.

(B) The gross receipts from sales shall include delivery charges when such charges are subject to Colorado state sales tax.

(C) The tangible personal property and services taxable pursuant to this resolution shall be the same as the tangible personal property and services which are taxable pursuant to Section 39-26-104, C.R.S.(1973) and subject to the same exemptions as those specified in Section 39-26-114, C. R. S. (1973).

Section 5. Consummation of Sale.

(A) For the purpose of this resolution, all retail sales shall be considered as consummated at the place of business of the retailer (which may be temporary, permanent, mobile, or stationary) within Alamosa County unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside of the limits of Alamosa County or is delivered to a common carrier for delivery to a destination outside of Alamosa County.

(B) In the event any retailer has no permanent place of business in Alamosa County or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this resolution shall be determined in accordance with the provisions of Article 26 of Title 39, C. R. S. (1973) and any amendment thereto enacted before or after the effective date of this proposal and resolution and by the rules and regulations promulgated by the Colorado Department of Revenue.

Section 6. Exemptions. All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from the tax imposed by this resolution when such sales shall meet both of the following conditions:

C 096

(1) The purchaser is a non-resident of or has its principal place of business outside of the County of Alamosa, and

(2) Such tangible personal property is registered or required to be registered outside of limits of the County of Alamosa under the laws of the State of Colorado.

Section 7. License required.

(A) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail or to engage in the business of furnishing certain services as herein specified without first having obtained a license therefor, which license shall be granted and issued by the County Clerk and Recorder of Alamosa County, and shall be in force and effect until the 31st day of December of the year in which it is issued unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring the license, the name of such business, and the location thereof, and such other information as the County Clerk and Recorder may reasonably require.

(B) It shall be duty of each licensee, on or before the first day of January each year, to obtain a renewal of the license. Nothing contained herein shall be construed to empower the County Clerk and Recorder to refuse such renewal except upon revocation for cause of the licensee's prior license in accordance with the rules and regulations of the State of Colorado.

(C) For each license issued, there shall be assessed a fee of one dollar and fifty cents (\$1.50) which fee shall accompany the application. A further fee of one dollar and fifty cents (\$1.50) shall be paid for each year or fraction thereof for which said license is renewed.

(D) In case business is transacted at two or more separate locations by one person, a separate license for each place of business shall be required.

(E) Each license shall be numbered and shall show the name, residence, place and character of the business of the licensee and shall be posted in a conspicuous place in the business for which it is issued. No license shall be transferable.

(F) Any license may be revoked for cause as provided in C.R.S. (1973) 39-26-103, and any amendment thereto enacted before or after the effective date of this resolution, which provision is incorporated herein by reference.

Section 8. Collection, Administration, and Enforcement.

(A) The collection, administration, and enforcement of this resolution shall be performed by the Executive Director of the Department of Revenue in the same manner as the collection, administration and enforcement of the Colorado State sales tax.

(B) The vendor shall be entitled as collecting agent to withhold a collection fee in the same amount and in the same manner as authorized in C. R. S. (1973) 39-26-105, and any amendment thereto enacted before or after the effective date of this resolution, which amount shall be collected from the total amount payable each month by the vendor on account of the county-wide sales tax imposed hereby. If the vendor is delinquent in the payment of the amount due by the vendor, he shall not be entitled to the collection fee for such month that the vendor is or remains delinquent.

#### Section 9. Distribution of Revenue.

(A) Distribution of the sales tax collected by the Director of Revenue pursuant to this resolution shall be as follows:

(1) Sixty Per Cent (60%) of all funds so collected shall be distributed to the City of Alamosa.

(2) Sixty Per Cent (60%) of the funds collected from vendors located within the Town of Hooper shall be distributed to the Town of Hooper.

(3) All other sales tax collected hereunder shall be distributed to the County of Alamosa.

#### Section 10. Administration.

The Board of County Commissioners of Alamosa County may adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this resolution and the Board is hereby empowered and authorized to enter into and execute on behalf of Alamosa County any agreements necessary for the administration and enforcement of this resolution.

#### Section 11. Use of Revenue.

The funds distributed to the City of Alamosa and the Town of Hooper according to the terms hereof may be used by the governing bodies of such municipalities and for such use and purpose as they deem proper and necessary. The funds distributed to Alamosa County hereunder shall be used for expenditures including but not limited to expenditures for: the purchase and improvement of lands and interest in lands; the construction, renovation, or improvement of County buildings; the construction, alteration, relocation and improvement of roads, bridges, and means of public transportation; the purchase or lease of facilities and equipment necessary for the operation of the government of the County of Alamosa and the services provided by the County government to the citizens and residents of Alamosa County; the acquisition, improvement and maintenance of solid waste disposal sites; the expansion and improvement of airports, including but not by way of limitation the acquisition of lands, construction and improvement of facilities.

Section 12. Severability.

If any provision of this resolution or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of law, such invalidity or unconstitutionality shall not affect other provisions or applications of this resolution, which provisions or application can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this resolution shall be considered to be severable.

Section 13. Effective Date.

It is hereby declared by the Board of County Commissioners of Alamosa County that this resolution is necessary for the preservation of the public health, safety, and welfare, and that it shall become effective, if approved by a majority of the qualified electors voting thereon, on the first day of January, 1979.

Introduced by Commissioner Craft,  
seconded by Commissioner Entz, and passed  
this 27th day of April, 1978.



Lewis H. Entz  
Clerk of the Board

THE BOARD OF COUNTY COMMISSIONERS  
OF ALAMOSA COUNTY

BY Lewis H. Entz  
Lewis H. Entz, Chairman

Minutes of the Special Meeting of the Board of Alamosa County Commissioners, held on April 18, 1978 at 4:00PM in the Council Chambers, City Hall, with the City Council.

This Special Meeting of Work Session was a continuation of another city/county meeting held on April 11, 1973. The purpose of the meeting was to discuss further the sales tax issue. The County Commissioners on April 17, 1978 asked the City Manager to allow some time for discussion of the Airport Authority Resolution as well.

The meeting was called to order shortly after 4:00PM with the following present:

Mayor Everett Manchester, City of Alamosa  
Finance Director LeRoy Payne, City of Alamosa  
City Manager Jim Keller, City of Alamosa  
City Attorney Bill DeSouchet, City of Alamosa  
City Attorney George Ottenhoff, City of Alamosa  
City Clerk Sue Stong, City of Alamosa  
Councilman Pascual Lee  
Councilman Ray Pizza  
Councilman Quentin Garcia  
Councilman Bud Nielson  
Councilman Louis Muniz  
Lewis H. Entz, Chairman, Board of Commissioners  
James H. Craft, Member, Board of Commissioners  
John Kuenhold, County Attorney  
Carl Bergman, Airport Manager  
Joe Boos, Airport employee  
Mary B. Sparrow, Secretary of the Board  
Mile Porter IV, Valley Courier

City Manager brought up the matter of the proposed contract on Crash, Fire, Rescue Contract. The City and County Attorneys both stated that this matter was not ready for discussion as a new draft of the contract was being worked up.

County Attorney Kuenhold stated that what the County wished to discuss was the proposed Airport Authority Resolution and accompanying Intergovernmental Agreement. The City Manager indicated that he had no knowledge of this proposed resolution other than some mention being made about it by the City Attorney. Mr. Kuenhold stated that he and the City Attorney had been working on it for some time, and Chairman Entz stated that it had been since around October that constructive work had been done on such a resolution. Mr. Keller stated that he had misunderstood the fact that this was to be the matter discussed, and asked for a general explanation of the proposition. The matter was discussed for some time, with Lewis Entz, Carl Bergman and County Attorney Kuenhold giving background on the decision to work towards an Airport Authority, citing the fact that it became apparent that there was need of the Authority due to the problems developing over the construction project at the airport last year, financing in particular. The general consensus of those present was that they needed to study it more and were favorably inclined to the concept of an Airport Authority. The matter was tabled.

The sales tax issue was discussed next, with the City Council, Mayor and City Manager making it clear that they would not support the county-wide 1% sales tax issue, but would be supportive to a 2% issue, with the city adopting a resolution to rescind the city 1% sales tax, if the 2% county-wide tax passed.

City Manager Keller pointed out that the City could not talk of property tax relief because of the needs of the City for sewer, water, etc., but would be speaking to spending for improvements. All City Councilmen present spoke up to say that they felt the issue could pass on 2% with the city and county getting together and working on it together.

Chairman Entz questioned Miles Porter as to what stance he thought the newspaper would take to a 2% issue and if he had a feel so far as to how the public felt about the 1% issue. Mr. Porter answered that he felt the 2% was the only way to go and that he felt the newspaper would support it. He also mentioned that the paper today carried the "man on the street" question of what the people thought of the tax and the answers were varied.

City Manager Keller asked Chairman Entz when the County Commissioners Could meet again and make a definite decision on the city's proposal for 2%, stating that the City would be meeting the following evening and could make arrangements for a public meeting on an ordinance to rescind the 1% contingent on passage of the 2% issue. Chairman Entz answered that the Board could meet the next morning.

The combined meeting broke up at this point. Chairman Entz, Commissioner Craft and the secretary of the Board decided on 8:30AM for the morning meeting, if Commissioner Lorton would be available.

The meeting was adjourned at 6:10PM.

LEWIS H. ENTZ  
Chairman

PHILLIP M. LORTON  
Vice Chairman

ATTEST:

MARJORIE A. GUIPRE  
Clerk of the Board

JAMES H. CRAFT  
Member

MARY B. SPARROW  
Secretary of the Board



Proceedings of the Board of County Commissioners ..... day ..... Term, 19..... 19.....

THE C. F. NEWMAN CO. DENVER 10005

Minutes of Special Meeting of the Board of Alamosa County Commissioners held on April 19, 1978 at 8:30 AM in the Commissioners' Room, Alamosa County Office Building, Alamosa, Colorado.

The Special Meeting was called for the purpose of discussing the sales tax issue discussed the previous evening with the City Council, at which meeting Commissioner Lorton was not in attendance.

The meeting was called to order at 8:30AM with the following persons present:

Lewis H. Entz, Chairman  
Phillip M. Lorton, Vice Chairman  
James H. Craft, Member  
O. John Kuenhold, County Attorney  
Marjorie A. Guipre, County Clerk  
Mary B. Sparrow, Secretary of the Board

Chairman Entz and Commissioner Craft reviewed with Commissioner Lorton all that was discussed with the Council the previous evening, and their conclusion that the Sales Tax Issue based on the 1% would not get the support of the City, whereas the 2% issue, with the City rescinding their 1% sales tax contingent upon the passage of the 2% would have the wholehearted support of the City Council. The matter was discussed at some length, and after coming to a meeting of minds as to what percentage of the 2% county-wide tax would go to Alamosa, Hooper and the County of Alamosa, the Board adjourned temporarily while the County Attorney and Secretary prepared the amended resolution for adoption. A time of 11:00 AM was set to reopen the special meeting. At 11:05AM the meeting was reopened with the above mentioned present, as well as reporters from the Chieftain and Courier.

It was moved by Commissioner Lorton, seconded by Commissioner Craft to adopt Resolution F-7, rescinding Resolution F-6, adopted by the Board of Commissioners on April 3, 1978. Motion carried unanimously.

It was moved by Commissioner Craft, seconded by Commissioner Lorton to adopt Resolution (1) Referring to the Qualified Electors of Alamosa County a Proposal for a County-Wide Two Per Cent (2%) Sales Tax to be Imposed upon the Sale of Tangible Personal Property At Retail and Upon the Furnishing of Services as Provided by Law, and (2) Providing for the Imposition, Collection and Distribution of Such Tax if the Proposal is Approved by a Majority of The Qualified Electors Voting Thereon. Motion carried by majority vote, Commissioners Entz and Craft voting yes, Commissioner Lorton voting no.

There being no further business, the meeting was adjourned shortly before noon.

LEWIS H. ENTZ  
Chairman

PHILLIP M. LORTON  
Vice Chairman

JAMES H. CRAFT  
Member

ATTEST:

MARJORIE A. GUIPRE  
Clerk of the Board

MARY B. SPARROW  
Secretary of the Board

Minutes of the Regular Meeting of the Board of Alamosa County Commissioners, held on April 27, 1978 at 8:00AM in the Commissioners' Room, Alamosa County Office Building, Alamosa, Colo.

An Executive Session was held at 8:00AM with the County Attorney, with all three Commissioners present and the Secretary of the Board.

At approximately 8:20AM the Executive Session was completed and the regular meeting was called to order by the Chairman, with the following present:

Lewis H. Entz, Chairman  
Phillip M. Lorton, Vice Chairman  
James H. Craft, Member  
Marjorie A. Guipre, County Clerk  
O. John Kuenhold, County Attorney  
Stella Mai Foster, County Treasurer  
Dorothy M. Yeater, County Assessor  
Mary B. Sparrow, Secretary of the Board  
Pam Wilson, Valley Courier

At this time the Chairman made the following statement:

"I believe the action taken by this Board on April 19, 1978 violated no law. The Board met in open Public Session at the Commissioners Room in the Alamosa County Office Building during normal business hours.

Reporters of both the Valley Courier and the Pueblo Chieftain were present at the time we rescinded the 1% sales tax proposal and enacted Resolution 78 F-8 providing for a special election concerning a county-wide 2% sales tax.

Nevertheless, because the special election is scheduled for June 13, 1978, and because publication of the Notice of Special Election will begin immediately, and because the passage of the 2% sales tax is necessary in order to provide tax relief to the property owners of Alamosa County, I want to clear the air of any misgivings and misunderstandings. I therefore propose we ratify the previous action of this Board taken April 19, 1978 by affirming the rescission of Resolution 78 F-6 and readopting Resolution 78 F-8, providing for a special election concerning a 2% County-wide Sales tax."

A motion was then made by Commissioner Lorton, seconded by Commissioner Craft: "I would move the affirmation of the rescission of the Resolution 1978F-6, for the proposal of a 1% sales tax". Motion carried by unanimous roll call vote.

Commissioner Craft moved for re adoption of Resolution 78 F-8 concerning the 2% Sales Tax. Motion seconded by Commissioner Lorton and carried by roll call vote, two in favor, Commissioner Lorton voting

# Abstract of Votes Cast at a SPECIAL Election held in Alamosa County, Colorado,

on Tuesday, the 13<sup>th</sup> day of JUNE, 1978

NAMES OF CANDIDATES	OFFICE VOTED FOR	POLITICAL PARTY	NOS. OF PRECINCTS											AND VOTES CAST IN EACH											Total N Votes	A.V. Polling Place							
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22			23	24	25	26	27	28	29

ALAMOSA COUNTY SALES TAX PROPOSAL

YES  
NO

97 86 100 82 56 80 70 79 89 48 98  
41 26 28 40 31 44 36 48 60 58 29

81 22 43 47 72  
30 52 39 30 49

26 117  
6 64