

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN
VILLAGE, COLORADO, CONDITIONALLY APPOINTING DIRECTORS TO THE
SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION PENDING THE
RESULTS OF THE NOVEMBER 8, 2016 ELECTION**

RESOLUTION NO. 2016- 1020-14

RECITALS:

WHEREAS, pursuant to title 43, article 4, part 6, Colorado Revised Statutes, as amended (the Colorado “Regional Transportation Authority Law”), Colorado counties and municipalities are authorized to establish, by contract, regional transportation authorities, which are authorized to finance, construct, operate and maintain regional transportation systems; and,

WHEREAS, the process leading to the possible formation of a regional transportation authority originally began with the San Miguel County Transit Advisory Committee formed in July of 2010 to provide regional transit coordination and planning, and has been pursued in various forms since that time; and

WHEREAS, in its most recent effort, over the past fourteen (14) months the Town of Mountain Village, Colorado (the “Town”) has been meeting with other elected officials representing the Town of Telluride, Colorado and San Miguel County, Colorado with regard to the possible formation of the San Miguel Authority for Regional Transportation (“SMART”) for the purpose of financing, constructing, operating and maintaining regional transportation systems; and,

WHEREAS, pursuant to the Regional Transportation Authority Law, C.R.S. § 43-4-603(3) “No municipality, county, or special district shall enter into a contract establishing an authority without holding at least two public hearings thereon in addition to other requirements imposed by law for public notice”; and,

WHEREAS, the Town held public hearings on June 16, 2016, and July 21, 2016, properly noticed as required by the Regional Transportation Authority Law, to receive public comment on an intergovernmental agreement between the Town, the Town of Telluride and San Miguel County governing SMART (the “IGA”), subject to voter approval; and,

WHEREAS, the Town Council voted to approve the SMART IGA at its August 18, 2016, regular meeting;

WHEREAS, Section 3.02 of the IGA states that the Board of Directors (as defined in the IGA) of SMART “shall be composed of two regular Directors appointed by each Member from the Town of Telluride, Town of Mountain Village and San Miguel County”; and

WHEREAS, Section 3.03 of the IGA states that “each Member shall appoint one Alternate Director;” and

WHEREAS, Section 3.04 of the IGA states that “Directors and Alternate Directors shall be both elected officials of the Governing Body of each Member and shall be appointed as a Director or Alternate Director by the election officials of the Governing Body of such a member;” and

WHEREAS, the establishment of SMART will be subject to approval by both a majority of the registered electors residing within the Town voting on the establishment of SMART, a majority of the resident and nonresident registered electors of the Town voting on funding of SMART, and a majority of the registered electors of at least one (1) of the Town of Telluride’s registered electors or the unincorporated area of San Miguel County’s registered electors voting to establish and fund SMART at the November 8, 2016 general election; and

WHEREAS, if the registered electors of the Town, Town of Telluride and San Miguel County vote to approve the establishment and funding of SMART as described above, the SMART Board of Directors will need to take several immediate actions in order to impose the appropriate tax beginning in 2017; and

WHEREAS, the Town of Mountain Village has determined that in order to meet such deadlines it is in the best interests of its constituents to appoint two (2) Directors to the SMART Board and one (1) Alternate Director at its October 20, 2016 regular meeting, which appointments shall be specifically conditioned on the results of the November 8, 2016, election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

1. The Town Council hereby appoints Laila Benitez and Dan Caton as Directors to the Board of Directors of SMART, and Bruce MacIntire as the Alternate Director to the Board of Directors of SMART, which appointments are specifically conditioned on the Town of Mountain Village resident electors voting in favor of the establishment and funding of SMART, the nonresident registered electors voting in favor of the funding of SMART, and any other conditions of the establishment of SMART being met as further set forth in the IGA.
2. It is expressly understood that the appointments described in Section 1 above shall be of no force and effect if the Town of Mountain Village resident electors do not vote in favor of the establishment and funding of SMART, the nonresident registered electors do not vote in favor of funding SMART, and any other conditions of the establishment of SMART are not met.

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ADOPTED AND APPROVED by the Town Council of the Town of Mountain Village, Colorado, at a regular meeting held on the 20th day of October, 2016.



TOWN OF MOUNTAIN VILLAGE, COLORADO, a
home rule municipality

By: *Daniel J Jansen*
Dan Jansen, Mayor

ATTEST:

By: *Jackie Kennefick*
Jackie Kennefick, Town Clerk

APPROVED AS TO FORM:

By: *James Mahoney*
James Mahoney, Assisatant Town Attorney