

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
MOUNTAIN VILLAGE, COLORADO,  
CONDITIONALLY APPROVING THE SAN MIGUEL AUTHORITY FOR REGIONAL  
TRANSPORTATION (SMART) INTERGOVERNMENTAL AGREEMENT BY AND  
AMONG THE TOWN OF MOUNTAIN VILLAGE, COLORADO, THE TOWN OF  
TELLURIDE, COLORADO AND SAN MIGUEL COUNTY, COLORADO, SUBJECT  
TO VOTER APPROVAL AT THE GENERAL ELECTION SCHEDULED FOR  
NOVEMBER 8, 2016**

**NO. 2016-0721-08**

**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**, over the past twelve (12) months the Town of Mountain Village, Colorado 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**, public transportation is a critical part of the solution to the nation’s economic, energy, and environmental challenges and regional transportation services enhance and support San Miguel County socially and economically, providing affordable or free transit to the region’s visitors and employee base, and conversely benefit local employers with a reliable workforce; and,

**WHEREAS**, every segment of American society including individuals, families, communities and businesses, benefits from public transit, helping to bring a better quality of life to communities; and,

**WHEREAS**, in the spirit of regional cooperation the Town of Mountain Village, Colorado wishes to join and coordinate efforts with the Town of Telluride, Colorado and San Miguel County, Colorado to manage and improve public transit, increasing efficiencies in the short and long term, enhancing reliability and safety, and changing to meet future demand; and,

**WHEREAS**, stated goals of all jurisdictions in the region are to improve air quality, reduce greenhouse gas emissions, reduce traffic and congestion, and enhance safety on the limited highway access in the region and in these communities; and,

**WHEREAS**, transit services promote independent living for the elderly and the disabled by providing essential links to medical, social and other services, and the region recognizes the need to improve mobility options for all segments of the population; 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 of Mountain Village held a public hearing on June 16, 2016, properly noticed as required by the Regional Transportation Authority Law, to receive public comment on the possible formation of SMART, subject to voter approval; and,

**WHEREAS**, on July 21, 2016 the Town of Mountain Village held its second required public hearing, as required by the Regional Transportation Authority Law, to receive public comment on the possible formation of SMART, subject to voter approval; and,

**WHEREAS**, on November 8, 2016 during the scheduled General Election it is anticipated that the Towns of Mountain Village and Telluride along with San Miguel County will submit to their electorate the question of the formation of SMART along with tax increase questions, pursuant to the terms of Article X, Section 20 of the Colorado Constitution; and

**WHEREAS**, it is the intent and outcome of this Resolution of the Town Council of the Town of Mountain Village, Colorado to approve the San Miguel Authority for Regional Transportation Intergovernmental Agreement expressly conditioned on electorate approval during the November 8, 2016 General Election as required by C.R.S. § 43-4-603(4), which states that “no contract establishing a [regional transit] authority...shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the proposed authority”; and

**WHEREAS**, approval of the SMART IGA will be subject to approval by both a majority of the registered electors residing within the Town voting on the establishment of SMART and a majority of the resident and nonresident registered electors of the Town voting on funding of SMART at the November 8, 2016 general election; and

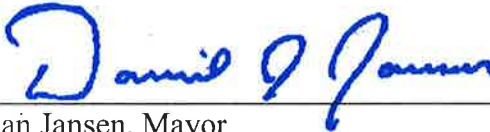
**WHEREAS**, such funding would authorize SMART to impose both a sales tax of 0.25% on taxable sales and an ad valorem property tax mill levy of 0.75 mills on taxable real and personal property located within the Town of Mountain Village, Town of Telluride and that portion of unincorporated San Miguel County located within the proposed boundaries of SMART, respectively.

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

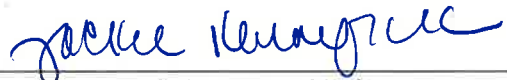
1. The Recitals of this Resolution, as set forth above, are hereby incorporated into this Resolution as findings of fact and conclusions of law of the Town Council.
2. The Town Council approves the San Miguel Authority for Regional Transportation Intergovernmental Agreement as depicted in Exhibit A, attached hereto and incorporated herein by reference, expressly conditioned on resident electorate approval during the November 8, 2016 General Election as required by C.R.S. § 43-4-603(4), which states that “no contract establishing a [regional transit] authority...shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the proposed authority,” and resident and nonresident electorate approval during the November 8, 2016 General Election as required by C.R.S. § 43-4-612, which states that “no action by an authority to establish or increase any tax authorized by this part 6 shall take effect unless first submitted to a vote of the registered electors of that portion of the combination in which the tax is proposed to be collected.”

**ADOPTED AND APPROVED** by the Town Council of the Town of Mountain Village, Colorado, at a regular meeting held on the 21st day of July, 2016.

TOWN OF MOUNTAIN VILLAGE, COLORADO, a  
home rule municipality

By:   
Dan Jansen, Mayor

ATTEST:

By:   
Jackie Kennefick, Town Clerk

APPROVED AS TO FORM:

By:   
James Mahoney, Assistant Town Attorney