

RESOLUTION NO. 2011-94

CONCERNING THE CREATION OF THE BOULDER COUNTY MOUNTAINS FOREST IMPROVEMENT DISTRICT, REFERRING TO THE VOTERS OF THE PROPOSED DISTRICT A BALLOT ISSUE CONCERNING ITS CREATION, AND APPROVING A BALLOT TITLE FOR THE ISSUE.

WHEREAS, this Board has created a Community Wildfire Protection Plan Core Team (hereinafter, the "Core Team"), consisting of representatives from Boulder County departments, offices and agencies as well as the Colorado State Forest Service, and the United States Forest Service, and a representative of the mountain Boulder County fire protection districts to develop a Boulder County Community Wildfire Protection Plan (hereinafter, the "Plan") for consideration and adoption by the Board; and

WHEREAS, this Board has created a 16-member Citizen Advisory Team to recommend policies to the Core Team and this Board for inclusion in the Plan; and

WHEREAS, on May 3, 2011, the Citizen Advisory Team made its recommendations concerning the proposed Plan, and specifically included a recommendation for the creation of a forest improvement district, as statutorily authorized in the Forest Improvement District Act (hereinafter the "Act"), Section 32-18-101, *et seq.*, Colorado Revised Statutes, as amended; and

WHEREAS, the Core Team will present a proposed Boulder County Community Wildfire Protection Plan to this Board in a public hearing to be held on September 6, 2011; and

WHEREAS, after due consideration, this Board expects to adopt a final version of the Plan in early fall, 2011; and

WHEREAS, state law, including the Act, provides significant authority to a forest improvement district to Plan and implement forest improvement projects in wild land-urban interface areas, including projects to reduce hazardous fuels and protect communities; establish financial incentives for private landowners to mitigate wildfire risks on their property, including reimbursement of expenses; establish incentives for local wood products industries to improve the use of or add value to small-diameter or beetle-infested trees; match state and federal grants for bioheating conversion and infrastructure support for biomass collection and delivery; and assist the state forest service in ensuring that all communities at risk of wildfire within the district have adopted a community wildfire protection plan and are using appropriate planning, education, and outreach tools; and

WHEREAS, due to the impending deadline for certification of ballot issues and titles for the November 1, 2011 election on September 2, 2011, and also due to the Act's requirement for a two-election process for creation of, and then authorization of funding for, a forest improvement district, this Board finds that it is in the best interests of the citizens of Boulder County, including those residents and landowners whose land is located within the proposed boundaries of the district, to refer to the eligible electors of the proposed district the question of creation of the district; and

WHEREAS, Section 32-18-103(1)(d), C.R.S., as amended, provides that a ballot issue for creation of a forest improvement district may be referred by this Board to the voters of the proposed District "...at a general or special election...", and this Board desires to refer this question to the voters at the November 1, 2011 odd-year election and to call a special election in accordance with such statute and Section 32-1-103(21), C.R.S., as amended, in order to conduct the election on this question as part of the coordinated election to be held on that date; and

WHEREAS, Section 32-18-104(1) requires that this Board, via this Resolution, specify the number of directors of the district, with a minimum of seven (7) directors, and to state the manner of appointment and removal of said directors; and

WHEREAS, as provided in Section 32-18-106, this Board finds that a future board of directors of the District may propose to the eligible electors of the District the question of the approval of one or more taxes to fund the projects and programs of the District, including but not limited to a sales tax levied pursuant to the Act, subject to the limitations of Art. X, Sec. 20, Colo. Const., and/or an *ad valorem* property tax levied pursuant to Section 32-1-1101, subject to the limitations of part 3 of article 1 of title 29, C.R.S., as amended, except as may be authorized by the board of directors of the District and by majority of the eligible electors voting thereon at an authorized election of the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Boulder County, State of Colorado, does hereby take the following actions:

1. Proposes the creation of a forest improvement district formed pursuant to the provisions of the Forest Improvement District Act, Section 32-18-101 *et seq.*, Colorado Revised Statutes, as amended.
2. Names the proposed district the Boulder County Mountains Forest Improvement District.
3. The proposed district boundaries are as set forth in Exhibit A, attached hereto and incorporated herein by this reference.
4. Directors of the District shall number no fewer than seven (7) and shall be appointed and removed as follows:
 - a. For appointment of those directors who represent applicable governmental organizations except the Colorado State Forest Service, as set forth in Section 32-18-104(1), C.R.S., as amended, each such organization shall nominate a representative from their organization to serve as a director on the board, and this Board will appoint such nominated persons where it, in its discretion, finds the nominee acceptable for the position. If not, the organization(s) shall be asked to substitute a new nominee.
 - b. This Board shall solicit from the Colorado State Forester the appointment of a director to serve at the pleasure of the State Forester.
 - c. For appointment of a director to represent an environmental protection organization, as set forth in Section 32-18-104(1), C.R.S., as amended, each qualified organization located in Boulder County may nominate a person to serve as a director of the District, and this Board shall appoint one nominee where it, in its discretion, finds a nominee acceptable for the position. If not, the organizations shall be asked to substitute a new nominee.

- d. This Board shall also appoint one representative of the County government to serve as a director of the District, and may appoint one or more representatives of fire protection districts whose jurisdictions are located within the District.
 - e. This Board shall solicit applications from citizens residing within the District for appointment as a director of the District to fill out the remaining board of directors' positions, and from such applications shall appoint applicants, where the Board, in its discretion, finds nominee(s) acceptable for the position. If not, the County shall solicit new applications.
 - f. The initial board of directors of the District shall consist of no fewer than seven directors appointed as provided in this paragraph 4. However, as provided in Sections 32-18-103 and 32-18-104, C.R.S., as amended, in the future, one or more municipalities may seek to add their incorporated area to the boundaries of the District, and if successful, they shall appoint one Director to the board of directors, and said board is hereby authorized to expand to include the additional municipally-appointed director(s).
 - g. Directors of the district serve at-will, and may be removed with or without cause by this Board, excepting only the director appointed by the Colorado State Forester. Where removed, the respective appointing authority shall then nominate a new person to fill the vacant director position.
5. As provided in Sections 32-18-103(1)(d), and Section 32-1-103(21), C.R.S., as amended, calls a special election for November 1, 2011 to be held as part of the coordinated odd-year election in Boulder County, and refers to the eligible electors of the proposed district to be approved by a majority of those voters voting thereon, the question whether the Boulder County Mountains Forest Improvement District shall be approved, to appear on the election ballot by title as certified to the ballot by this Board.

BE IT FURTHER RESOLVED that, upon certification that a majority of the eligible electors voting thereon at the November 1, 2011 election have approved the referred ballot issue for creation of the district, the Boulder County Mountains Forest Improvement District shall commence its existence, and this Board shall forthwith proceed to solicit nominations of prospective members of the board of directors of the District and to appoint such directors.

BE IT FURTHER RESOLVED that this Board held a public hearing to discuss the proposed ballot title for the ballot issue noted below was held on August 11, 2011 after proper public notice, pursuant to Section 31-11-111, C.R.S., by the Board of County Commissioners; and this Board has reviewed the proposed ballot title set forth below according to the following guidelines as set forth in section 31-11-111(3), C.R.S.: consider the public confusion that might be caused by a misleading title; avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear; no conflict with titles selected for any other measure that will appear on the County ballot in the same election; and the title shall correctly and fairly express the true intent and meaning of the measure; and the Board finds that the ballot title set forth below meets the statutory guidelines, and, therefore, the ballot title set forth below, subject to amendment prior to final certification to the ballot, is hereby set for placement on the November 1, 2011 election ballot for this issue:

TITLE OF DISTRICT-WIDE BALLOT ISSUE FOR CREATION OF THE BOULDER COUNTY MOUNTAINS FOREST IMPROVEMENT DISTRICT:

SHALL THE BOULDER COUNTY MOUNTAINS FOREST IMPROVEMENT DISTRICT BE CREATED FOR THE PURPOSES OF IMPROVING FOREST HEALTH AND REDUCTION OF WILDFIRE HAZARDS, AS WELL AS OTHER PURPOSES AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO THE COLORADO FOREST IMPROVEMENT DISTRICT ACT, AS MORE PARTICULARLY DESCRIBED IN BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2011-94?

ADOPTED this ____ day of August, 2011.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, COLORADO



Ben Pearlman, Chair



Cindy Domenico, Vice-chair



Will Toor, Commissioner

ATTEST:



Clerk to the Board



EXHIBIT A
(to Resolution No. 2011-94, Boulder County Mountains Forest Improvement District)

Proposed District Boundary

Boundary of Proposed Forest Improvement District

All areas generally west of, or on the left side of, the continuous boundary line described below while traveling south to north:

Beginning at the intersection of the southerly Boulder County line and State Highway 93. Following State Highway 93 to the point where it intersects the City of Boulder municipal boundary. Then following along the City of Boulder municipal boundary as it travels in a westerly direction, northerly direction, and easterly direction to the point at which it intersects U.S. Highway 36 at the SW corner of Section 6, T1N R70W. Then following U.S. Highway 36 northerly to its intersection with the southern municipal boundary of the Town of Lyons (excluding the Town of Lyons from the proposed District). Then traveling northwest and continuing on following the perimeter of the Town of Lyons to its terminus at approximately the eastern boundary of S20 T3N R70W. Then following U.S. 36 south easterly with the proposed district to the north of U.S. 36. Then following North 53rd Street northerly to its intersection with the northern boundary of S21 T3N R70W. Then traveling easterly following the northern boundaries of S21, S22, S23, 24 T3N R70W, the district again to the north of that line. Then following the western boundaries of S18 S7, S6 T3N R69 W north to the Larimer County line. From this point the boundary follows the northern, western and southern Boulder County boundaries back to the point of beginning.

Until one or more municipalities obtain approval to add the incorporated areas of their jurisdictions into the District, properties within the incorporated areas located within the above-described District boundary shall be excluded from the District's boundary.