

## **SPECIAL MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on December 19, 2019, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Debbie Bell	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Absent

### **PLEDGE OF ALLEGIANCE**

Those present cited the Pledge of Allegiance to the flag of the United States of America.

### **APPROVAL OF AGENDA**

**Commissioner Bell** moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### **NEW BUSINESS**

1. Resolution summarizing expenditures for each fund and adopting a budget for the County of Fremont, Colorado, for the calendar year beginning on the first day of January 2020, and ending on the last day of December 2020

**County Manager Bryant** gave a brief explanation.

**Commissioner Payne** moved to approve Resolution #36. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

2. Resolution levying General Property Taxes for the year of 2019, to help defray the costs of government for the County of Fremont, Colorado, for the 2020 Budget Year

**County Manager Bryant** gave a brief explanation.

**Commissioner Bell** moved to approve Resolution #37. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purposes set forth below, of the County of Fremont, Colorado, for the 2020 Budget Year beginning January 1, 2020, and ending December 31, 2020

**Commissioner Payne** moved to approve Resolution #38. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Certification of Levies and Revenue

**County Manager Bryant** said that all certifications were received and none are missing.

**Commissioner Bell** moved to approve the certification of levies and revenues. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner Bell**, aye; **Commissioner Payne**, aye; **Commissioner McFall**, aye. The motion carried by unanimous consent.

5. Resolution of the Board of County Commissioners of Fremont County, Colorado authorizing the execution and delivery of an amended and restated ground and improvement lease agreement, an amended and restated lease purchase agreement, and related documents by the county; approving the forms of related documents; and providing for other matters relating thereto  
Representative: Alan Matlosz, Stifel Public Finance

**Alan Matlosz**, of Stifel Public Finance, explained that this is a refinancing of Fremont County's assets to one lease agreement with BB&T Bank.

**Commissioner Payne** moved to approve Resolution #39. **Commissioner Bell** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner Bell**, aye; **Commissioner McFall**, aye. The motion carried by unanimous consent.

**Commissioner McFall** adjourned the meeting at 9:42 a.m.

  
Clerk and Recorder



RESOLUTION NO. 36, SERIES OF 2019

**A RESOLUTION SUMMARIZING EXPENDITURES FOR EACH FUND AND  
ADOPTING A BUDGET FOR THE COUNTY OF FREMONT, COLORADO,  
FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF  
JANUARY, 2020, AND ENDING ON THE LAST DAY OF DECEMBER, 2020**

WHEREAS, the Board of County Commissioners of the County of Fremont has appointed Sunny Bryant, County Manager, to submit a proposed budget to said governing body at the proper time; and

WHEREAS, a proposed budget was submitted to this governing body on October 14, 2019, for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place and displayed on the County web-site, a public hearing was held on November 12, 2019, and interested taxpayers were given the opportunity to file or register any objections or comments to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Fremont, Colorado:

1. That Estimated Expenditures, Revenues, and Balances for each fund are as follows:

GENERAL FUND	\$ 12,717,647
SHERIFF'S FUND	\$ 10,559,892
DEPARTMENT OF TRANSPORTATION	\$ 4,547,363
PUBLIC HEALTH & ENVIRONMENT	\$ 820,417
WASTE DISPOSAL FUND	\$ 119,925
LODGING TAX FUND	\$ 315,707
AIRPORT FUND	\$ 1,249,158
CAPITAL EXPENDITURES FUND	\$ 501,000
PUBLIC BUILDING MAINT FUND	\$ 300,000
PILT FUND	\$ 1,260,489
SALES AND USE TAX FUND	\$ 1,541,113
HUMAN SERVICES FUND	\$ 9,099,167
CONSERVATION TRUST FUND	\$ 99,009
SELF-FUNDED GROUP INSURANCE FUND	\$ 4,058,818
MARIJUANA ENFORCEMENT FUND	\$ 83,161
WEED FUND	\$ 171,240
RESTRICTED FUNDS	<u>\$ 465,079</u>
<b>TOTAL ALL FUNDS</b>	<u><u>\$ 47,909,185</u></u>

2. That Estimated Revenues and Balances for each fund are equal to Estimated Expenditures.
3. That the budget as submitted, amended, and herein above summarized by fund, hereby is approved and adopted as the budget of the County of Fremont for the 2020 Budget Year.
4. That the budget hereby approved and adopted shall be signed by the Board of County Commissioners and made part of the public records of the County of Fremont, Colorado.

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: Dec 19<sup>th</sup>, 2019

D. McFall  
Chairman

Attest:

[Signature]  
County Clerk and Recorder



RESOLUTION NO. 37, SERIES OF 2019

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2019, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF FREMONT, COLORADO, FOR THE 2020 BUDGET YEAR.**

**WHEREAS**, the Board of County Commissioners of the County of Fremont has adopted the annual budget in accordance with the Local Government Budget Law, on December 19, 2019, and

**WHEREAS**, the amount of revenue necessary from property taxes to balance the budget for each fund is as follows:

<b>GENERAL FUND</b>	<b>\$ 4,071,257</b>
<b>REFUNDS &amp; ABATEMENTS</b>	<b>\$ 43,287</b>
<b>DEPARTMENT OF TRANSPORTATION</b>	<b>\$ 410,896</b>
<b>HUMAN SERVICES FUND</b>	<b>\$ 1,305,683</b>
<b>AIRPORT FUND</b>	<b>\$ <u>155,174</u></b>
<b>TOTAL PROPERTY TAX REVENUE</b>	<b>\$ <u>5,986,297</u></b>

**AND WHEREAS**, the 2019 valuation for assessment for the County of Fremont (for 2020 Budget Year) is certified by the County Assessor to be \$ 483,407,382.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Fremont, Colorado:

1. That for the purpose of meeting all expenditures of the various funds, as listed above, during the 2020 budget year, there is hereby levied a General Property Tax Rate of 12.384 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2019 (payable in 2020), distributed as follows:

<b>GENERAL FUND</b>	<b>8.422 MILLS</b>
<b>REFUNDS &amp; ABATEMENTS</b>	<b>.090</b>
<b>DEPT OF TRANSPORTATION</b>	<b>.850</b>
<b>HUMAN SERVICES FUND</b>	<b>2.701</b>
<b>AIRPORT FUND</b>	<b><u>.321</u></b>
<b>TOTAL MILL LEVY</b>	<b><u>12.384 Mills</u></b>

2. That the Board of County Commissioners hereby certify to the County Commissioners of Fremont County, Colorado, the mill levies for the County of Fremont as herein above determined and set.

Commissioner Bell moved for adoption of this Resolution, with a second by  
Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: Dec 19<sup>th</sup>, 2019

D. M. 24  
Chairman

Attest:

[Signature]  
County Clerk and Recorder



RESOLUTION NO. 38, SERIES OF 2019

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW, OF THE COUNTY OF FREMONT, COLORADO, FOR THE 2020 BUDGET YEAR BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020

WHEREAS, the Board of County Commissioners of Fremont County has adopted the annual budget in accordance with the Local Government Budget Law, on December 19, 2019, and

WHEREAS, the Board of County Commissioners has made provision, therein, for the revenues and balances to be equal, or greater, than the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues and balances provided in the budget, to and for the purposes described below, so as not to impair the operations of the County.

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

That the following sums are hereby appropriated, by fund, from the revenue and balances of each Fund, for the 2020 Budget Year:

GENERAL FUND	\$ 12,717,647
SHERIFF'S FUND	\$ 10,559,892
DEPARTMENT OF TRANSPORTATION	\$ 4,547,363
PUBLIC HEALTH & ENVIRONMENT	\$ 820,417
WASTE DISPOSAL FUND	\$ 119,925
LODGING TAX FUND	\$ 315,707
AIRPORT FUND	\$ 1,249,158
CAPITAL EXPENDITURES FUND	\$ 501,000
PUBLIC BUILDING MAINT FUND	\$ 300,000
PILT FUND	\$ 1,260,489
SALES AND USE TAX FUND	\$ 1,541,113
HUMAN SERVICES FUND	\$ 9,099,167
CONSERVATION TRUST FUND	\$ 99,009
SELF-FUNDED GROUP INSURANCE FUND	\$ 4,058,818
MARIJUANA ENFORCEMENT FUND	\$ 83,161
WEED FUND	\$ 171,240
RESTRICTED FUNDS	\$ 465,079
TOTAL ALL FUNDS	<u>\$ 47,909,185</u>

Commissioner Payne moved for adoption of this Resolution, with a second by  
Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: Dec 19<sup>th</sup>, 2019

Dug McFall  
Chairman

Attest:

[Signature]  
County Clerk and Recorder





FREMONT COUNTY, COLORADO  
RESOLUTION NO. 39

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED GROUND AND IMPROVEMENT LEASE AGREEMENT, AN AMENDED AND RESTATED LEASE PURCHASE AGREEMENT, AND RELATED DOCUMENTS BY THE COUNTY; APPROVING THE FORMS OF RELATED DOCUMENTS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, Fremont County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has the power, pursuant to Sections 30-11-101(b) and (c) and 30-11-104.1, of the Colorado Revised Statutes, as amended, to lease, as lessor or as lessee, real and personal property, together with any facilities thereon, and to enter into lease-purchase agreements for the purpose of financing County buildings or equipment used or to be used for governmental purposes; and

WHEREAS, the Board of County Commissioners of the County (the "Board") has previously determined, and does hereby determine, that it was and remains in the best interest of the County and its inhabitants and in furtherance of the County's governmental functions and operations to cause the execution and delivery of the below-defined 2016 Certificates for the purposes of: (a) acquiring and equipping certain improvements and upgrades to the County jail, including the kitchen facilities, laundry facilities and security system; and (b) paying the costs of executing and delivering the Certificates (collectively, the "2016 Project"); and

WHEREAS, the Board has determined, and does hereby determine, that it is also in the best interest of the County and its inhabitants and in furtherance of the County's governmental functions and operations to cause the execution and delivery of the below-defined 2019 Certificates for the purposes of (a) refinancing the outstanding 2012 Certificates (as defined in the below defined Lease); and (b) paying the costs of executing and delivering the 2019 Certificates (collectively, the "2016 Project," and together with the 2019 Project, the "Project"); and

WHEREAS, to accomplish the Project, the County has determined to lease certain parcels of land (as more particularly described in Exhibit A attached to the below described Ground and Improvement Lease, the "Land") and the buildings located thereon (as more particularly described in Exhibit B attached to the below described Ground and Improvement Lease, the "Buildings," and together with the Land, the "Leased Property") to the Trustee pursuant to an Amended and Restated Ground and Improvement Lease dated as of December 1, 2019 (the "Ground and Improvement Lease"), which amends and restates in its entirety a Ground and Improvement Lease dated as of June 1, 2016 (the "2016 Ground and Improvement Lease"), between the County

and the Trustee, and simultaneously sublease the Leased Property back from the Trustee pursuant to an Amended and Restated Lease Purchase Agreement dated as of December 1, 2019 (the "Lease"), which amends and restates in its entirety a Lease Purchase Agreement dated as of June 1, 2016 (the "2016 Lease"), between the Trustee and the County; and

WHEREAS, the County's obligation under the Lease to pay Base Rentals and Additional Rentals (both as defined in the Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect; and

WHEREAS, an Indenture of Trust dated as of January 1, 2016 (the "2016 Indenture"), was previously executed by the Trustee and, pursuant thereto, certain Certificates of Participation, Series 2016 (the "2016 Certificates"), were executed and delivered representing assignments of the right to receive certain revenues pursuant to the 2016 Lease; and

WHEREAS, there has been presented at this meeting of the Board the form of an Amended and Restated Indenture of Trust dated as of December 1, 2019 (the "Indenture"), to be entered into by the Trustee, which amends and restates the 2016 Indenture in its entirety; and

WHEREAS, pursuant to the Indenture, the Trustee will recognize the prior execution and delivery of the 2016 Certificates and deliver certain Certificates of Participation, Series 2019 (the "2019 Certificates," and collectively, the "Certificates"), representing assignments of the right to receive certain revenues pursuant to the Lease, in order to finance the balance of the Project; and

WHEREAS, Branch Banking and Trust Company (the "Purchaser") has agreed to purchase the 2019 Certificates; and

WHEREAS, there are on file in the offices of the County Clerk and Recorder (the "Clerk") the form of each of the following: (a) the Ground and Improvement Lease; (b) the Lease; (c) the Indenture; (d) a Notice and Agreement Regarding Applicable Legal Entity in Legal Documents, by the County, and (e) a Wire Transfer Agreement between the County and the Purchaser, relating to the wire transfer of certain funds required in connection with the execution and delivery of the 2019 Certificates; and

WHEREAS, Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the "Supplemental Act"), provides that a public entity, including the County, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board, or the officers or agents of the Board or the County, relating to the leasing and the subleasing of the Leased Property and the financing of the Project is hereby ratified, approved and confirmed.

Section 2. Leasing of Leased Property. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado that the leasing and the subleasing of the Leased Property to and from the Trustee under the terms and provisions set forth in the Ground and Improvement Lease and the Lease, respectively, is necessary, convenient and in furtherance of the governmental purposes of the County and is in the best interests of the County and its inhabitants; and the Board hereby authorizes such leasing and subleasing of the Leased Property under the terms and provisions of the Ground and Improvement Lease and the Lease, respectively. The Board hereby further finds and determines that the Project serves a governmental purpose and is advantageous to and in the best interests of the County and its inhabitants because the improvements and equipment being financed are necessary and useful to the County's continuing governmental operations.

Section 3. Supplemental Act; Parameters. The Board hereby elects to apply all of the Supplemental Act to the Lease and, in connection therewith, delegates to each of the Chair of the Board (the "Chair") or the County Manager/Budget and Finance Officer (the "Manager") the authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i) of the Supplemental Act in relation to the Ground and Improvement Lease and the Lease, and to execute a sale certificate (the "Sale Certificate") setting forth such determinations, including, without limitation, the term of the Ground and Improvement Lease, the rental amount to be received by the County pursuant to the Ground and Improvement Lease, the rental amount to be paid by the County pursuant to the Lease, the maximum amount of Base Rentals payable by the County pursuant to the Lease in any fiscal year, and the term of the Lease, subject to the following parameters and restrictions: (a) the term of the Ground and Improvement Lease shall end no later than December 31, 2041; (b) the amount of rental payments to be received by the County pursuant to the Ground and Improvement Lease shall not be less than \$10,780,000 (\$5,105,000 of which was previously received upon the execution of the 2016 Ground and Improvement Lease); (c) the aggregate principal amount of the Base Rentals payable by the County pursuant to the Lease shall not exceed \$10,870,000 (\$2,110,000 of which has already been paid pursuant to the 2016 Lease); (d) the maximum amount of Base Rentals payable by the County pursuant to the Lease in any fiscal year shall not exceed \$1,200,000; (e) the Lease Term (as defined in the Lease) shall end no later than December 31, 2031; and (f) the maximum net effective interest rate on the interest component of the Base Rentals payable pursuant to the Lease shall not exceed 3.00%.

Section 4. Approval of County Documents. The Ground and Improvement Lease and the Lease (collectively, the "County Documents"), in substantially the forms presented to the Board and on file with the County, are in all respects approved, authorized and confirmed, and the Chair or the Manager is hereby authorized and directed for and on behalf of the County to execute and deliver the County Documents in substantially the forms and with substantially the same contents as those presented to the Board and on file with the County, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry

out the purposes of this resolution. The signature of the Chair or the Manager on the County Documents shall evidence the County's approval and authorization of the same.

Section 5. Approval of Indenture. The Board hereby approves the execution and delivery by the Trustee of the Indenture, in substantially the form and with substantially the same content as presented to the Board and on file with the County.

Section 6. Authorization to Execute Collateral Documents. The Clerk or Deputy County Clerk and Recorder (the "Deputy Clerk") are each hereby authorized and directed to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution and to place the seal of the County on any document authorized and approved by this resolution. The Chair and the Clerk or Deputy Clerk and other appropriate officials or employees of the County are hereby authorized to execute or attest, as applicable, and deliver, for and on behalf of the County, any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution. The appropriate officers of the County are authorized to execute on behalf of the County agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this resolution, and are specifically authorized and directed hereby to invest such funds in Permitted Investments as are defined and provided in the Indenture. The execution of any instrument by the aforementioned officers or members of the Board shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof and thereof.

Section 7. No General Obligation Debt. No provision of this resolution, the County Documents, the Indenture or the Certificates (collectively, the "Transaction Documents") shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory provision, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the then current fiscal year. The County shall have no obligation to make any payment with respect to the Certificates except in connection with the payment of the Base Rentals and certain other payments under the Lease, which payments may be terminated by the County in accordance with the provisions of the Lease. Neither the Lease nor the Certificates shall constitute a mandatory charge or requirement of the County in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the County within the meaning of any constitutional or statutory debt limitation and shall not constitute a multiple fiscal year direct or indirect County debt or other financial obligation whatsoever. No provision of the Transaction Documents shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the County within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. None of the Transaction Documents shall directly or indirectly obligate the County to make any payments beyond those budgeted and appropriated for the County's then current fiscal year.

Section 8. Reasonableness of Rentals. The Board hereby determines and declares that the Base Rentals, as set forth in the Lease, do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the Leased Property pursuant to the Lease. The Board hereby determines and declares that the period

during which the County has an option to purchase the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Board hereby further determines and declares that the amount of rental payments to be received by the County from the Trustee pursuant to the Ground and Improvement Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Ground and Improvement Lease.

Section 9. County Representative. The Board hereby determines that the person designated as the County Representative, as defined and as further provided in the Lease, shall be Sunny Bryant, the Manager. The County Representative may be changed by resolution hereafter adopted by the Board.

Section 10. Bank Qualification. The County hereby designates the payments required under the Lease relating to the 2019 Certificates as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 11. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the County acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of, redemption premiums, if any, and interest with respect to the Certificates. Such recourse shall not be available either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such Certificate specifically waives any such recourse.

Section 12. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the County during the Lease Term and provisions for the conveyance of the Leased Property to the County under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 13. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or resolution of the County, or part thereof, heretofore repealed.

Section 14. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this December 19, 2019.



(SEAL)

Attest:

  
County Clerk

  
Chair of the Board of  
County Commissioners

The motion for the adoption of the resolution was then made. The question being upon the adoption of the resolution, the roll was called with the following result:

Those Voting Yes:

Timothy Payne  
Debra Bell  
Dwayne McFall

Those Voting No:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

The presiding officer thereupon declared that a majority of the members of the Board had voted in favor of the resolution, and that the motion was carried and that the resolution had been adopted.

Other business not concerning the financing of the Project was thereupon considered.

There being no further business, upon motion duly made, seconded and unanimously carried, the Board adjourned.

Dwayne McFall

Chair of the Board of  
County Commissioners



(SEAL)

Attest:

By:

[Signature]  
County Clerk

STATE OF COLORADO            )  
  ) SS.  
COUNTY OF FREMONT         )

I, the undersigned County Clerk and Recorder of Fremont County, Colorado, do hereby certify that the foregoing pages 1 through 8, inclusive, are a true, correct and complete copy of the record of proceedings of the Board of County Commissioners of Fremont County, Colorado, insofar as such proceedings relate to the resolution contained therein, had and taken at a lawful, special meeting of said Board held at the County Courthouse, in Cañon City, Colorado, on December 19, 2019, commencing at the hour of 9:30 a.m., as recorded in the regular official book of the proceedings of the County kept in my office; that said proceedings were duly had and taken as therein shown; that the meeting therein shown was duly held and was open to the public at all times; and that the persons therein were present at said meeting as therein shown.

Attached hereto as Exhibit A is a true and correct copy of the notice of the meeting which was duly given and posted in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this December 19, 2019.



(SEAL)

  
County Clerk



EXHIBIT A

(Attach copy of notice given prior to the December 19, 2019 meeting)

