

Commissioner Fishes moved adoption
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2012-48

**RESOLUTION AMENDING RESOLUTION NO. 2004-15 SO AS TO RESTRUCTURE
THE OPEN SPACE ADVISORY COMMITTEE AND APPOINTING INTERIM
MEMBERSHIP OF THE RESTRUCTURED COMMITTEE EFFECTIVE MAY 1, 2012**

WHEREAS, on November 5, 2002, the voters of Eagle County approved County Ballot Referendum 1H, which provides for an increase in County taxes (“the Open Space Tax”) to establish earmarked funding for the purpose of acquiring, maintaining, or permanently preserving Open Space in Eagle County; and

WHEREAS, the purpose of Referendum 1H includes goals such as preserving wildlife habitat, protecting working farms and ranches, conserving scenic landscapes and vistas, protecting wetlands and floodplains, and providing public access points to rivers and streams and servicing future voter approved debt for the above stated purpose; and

WHEREAS, Referendum 1H provides that all proceeds of the Open Space Tax and investment income thereon shall be expended by the Eagle County Board of Commissioners (the “Board”) for open space preservation purposes after considering the recommendations of a Citizens’ Advisory Committee (“OSAC”); and

WHEREAS, on August 19, 2003, the Board adopted Resolution No. 2003-97 providing for the establishment of the Eagle County Open Space Program (the “Program”), the Eagle County Open Space Fund (the “Fund”) and OSAC was adopted by the Board; and

WHEREAS, on February 3, 2004, in order to correct an error in Resolution 2003-97 and clarify certain provisions of such Resolution, Resolution 2003-97 was amended and restated by Resolution 2004-15 (“the 2004 Resolution”); and

WHEREAS, experience with implementation of the Program since its inception has revealed a need to restructure OSAC so as to assure that its membership provides a range of skills and expertise in evaluating prospective open space opportunities and maintaining and preserving open space acquired with monies from the Fund; and

WHEREAS, the County Open Space Director (the “Director”), based on many months working with OSAC, has concluded that a smaller OSAC would be more effective in fulfilling the functions of OSAC; and

WHEREAS, the Director, as part of his responsibilities, will be able to serve as a liaison between OSAC, the Board and the several other governmental or quasi-governmental entities that in the past have provided nominees to OSAC so as to assure that such entities' perspectives on the Program are included in the operation of the Program; and

WHEREAS, Section 1.C. of the 2004 Resolution provides that "The Board may amend or modify this Resolution or any condition or provision contained herein if the Board determines and declares that amending or modifying this Resolution is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.

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

THAT, effective May 1, 2012, the membership of OSAC shall be seven (7) persons appointed by the Board on the recommendation of the Director, and that in making such recommendations and appointments, respectively, the Director and the Board shall endeavor to select residents of Eagle County with a strong interest in the Program and with one of more of the skill sets outlined in the OSAC Membership Guidelines attached to this Resolution as Appendix A; and

THAT, effective May 1, 2012, the Board appoints to membership on OSAC the individuals identified on Appendix B hereto and recommended by the Director as having the appropriate mix of skill sets, to serve until such time as they shall resign or be replaced on the recommendation of the Director and with the approval of the Board; and

THAT, the Director shall keep the leadership of the above-mentioned governmental and certain quasi-governmental entities within Eagle County apprised of the work of the Program and seek their input into the appropriate priorities of the Program; and

THAT, the new OSAC structure, and the initial membership of the restructured OSAC, shall be reviewed by the Board at or near the end of its first year of operation in order to determine whether, in the Board's view and that of the Director, the new structure and membership have shown themselves to be effective, following which review the Board shall either confirm the continuation of the new structure and membership or make such further changes therein as it finds appropriate; and

THAT, this Resolution is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 24 day of April, 2012.

COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS

ATTEST:

By: [Signature]
Clerk to the Board of County Commissioners



By: [Signature]
Peter F. Runyon
Chairman

By: [Signature]
Jon Stavney
Commissioner

By: [Signature]
Sara J. Fisher
Commissioner

Commissioner Stavney seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Runyon	<u>[Signature]</u>
Commissioner Stavney	<u>[Signature]</u>
Commissioner Fisher	<u>[Signature]</u>

This Resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado

OSAC Membership Guidelines

To establish a high functioning Open Space Advisory Committee, the Open Space Program recommends that membership consist of seven people with a mix of relevant skills, knowledge and aptitude. The Open Space Program will benefit from a smaller committee comprised mainly of people with relevant skills, professional background, and personal experience. The following criteria is not an exhaustive list, but outlines the basic mix to create a smooth functioning and constructive organizational culture that makes substantive and positive contributions to the program. The Open Space Program recognizes that each member will not necessarily represent all skill sets, but rather, intends to develop a broad range of backgrounds and aptitudes.

Real estate:

Land conservation projects fundamentally involve real estate transactions. Complex concepts such as contracts, options, conservation easements, appraisals, potential environmental issues, surveys, land valuation, and landowner relations are critical aspects to a successful Open Space Program. At least one person on OSAC should have significant professional experience in real estate.

Local Business Owner:

The Open Space Program has potentially significant implications for local businesses and economic development. Guides, outfitters and others specifically involved in outdoor recreation have unique perspectives on conservation, open space, protected area management and foreseeable trends in recreation. Their insights in to acquisition, use and management of open space may be particularly helpful.

Land Conservation:

Land conservation is a unique and discreet professional field involving complex transactions, conservation easements, appraisals, public/private partnerships, estate planning, federal and state tax benefits, and occasionally complex funding arrangements and partnerships. An understanding of land trusts, conservation planners, public land management, water rights, GOCO, private landowners, and the Colorado Division of Wildlife is important and beneficial to the Open Space Program and will help the committee work through difficult transactional scenarios.

Ranching/ Agriculture:

Ranchers and large-acreage landowners face unique challenges. They must have an understanding of effective land management strategies, private property rights, water rights, agriculture, land valuation, economics, and finance. Many ranchers also have strong emotional ties to their land.

Having an OSAC member who understands and relates to these issues will be very helpful to gaining insights into the motivations and interests of ranchers for the committee.

Local History:

Long-time area residents who are well-known and well regarded can provide unique input to land ownership, key relationships, geography, history, economics, politics, and recreation. This type experience within the Eagle County community can be beneficial to the Open Space Program in many ways, some of which are difficult to quantify. Members with strong and long-standing histories in the community can be instrumental in building a successful program.

Wildlife and Natural Resources:

Wildlife conservation is a key goal of the Open Space Program. At least one OSAC member should have a professional background in wildlife conservation of natural resource conservation to provide insight into the positive or negative implications of proposed projects and associated land management strategies.

Community Development:

Land use planning has serious impacts to natural resource conservation. Background in how land uses processes may be used to protect land or could negatively impact the Open Space Program's mission is another criteria in establishing a positive constructive open space advisory committee.

Roaring Fork Valley:

Eagle County extends into the Roaring Fork Valley, mainly around Basalt and El Jebel. Given the geographic separation from the majority of Eagle County, an open space advisory committee member from that area could be instrumental in representing the conservation and recreation issues facing that unique portion of Eagle County.

Education/Interpretation/Outreach:

The Eagle County Open Space Program is working to engage the public in many ways, from interpretive signage, to education and outreach, to user compliance. In this regard, someone with a background in natural resource or science education could be helpful to the Open Space Program by providing keen insights, strategies, and

Geographic Representation:

There will be at least one member from each County Commissioner District.

Appendix B

OSAC membership as of May 1, 2012

Chupa Nelson

Tom Edwards

Josh Lautenberg

Ann Luark

Otto Andl

Barb D'Autrechy

Bill Heicher