

RESOLUTION NO. 14-03

BOARD OF DIRECTORS
GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT
GARFIELD COUNTY, COLORADO

RESOLUTION NO. MCFML 2014-01

BOARD OF DIRECTORS
MESA COUNTY FEDERAL MINERAL LEASE DISTRICT
MESA COUNTY, COLORADO

JOINT RESOLUTION TO THE SPECIAL DISTRICT ASSOCIATION OF COLORADO REQUESTING REGULAR MEMBER STATUS FOR COLORADO'S FEDERAL MINERAL LEASE DISTRICTS.

TO THE BOARD OF DIRECTORS OF THE SPECIAL DISTRICT ASSOCIATION OF COLORADO, FROM THE BOARDS OF DIRECTORS OF THE GARFIELD AND MESA COUNTY FEDERAL MINERAL LEASE DISTRICTS, WE SEND GREETINGS:

- A. WHEREAS, in 2011 the Colorado General Assembly passed the Colorado Federal Mineral Lease District Act, C.R.S. § 30-20-1301, *et seq.*, (2013) ("the Act"), establishing federal mineral lease districts in Colorado; and
- B. WHEREAS, the purpose of a federal mineral lease district is to distribute funding received through the federal Mineral Leasing Act of February 25, 1920, as amended ("Federal Act"), which requires leaseholders to remit a portion of profits generated from the leasing of minerals on federal lands to the local communities impacted by those leasing activities; and
- C. WHEREAS, the Federal Act and corresponding state statutes specify the funding must be distributed to eligible entities, in this case political subdivisions of the State of Colorado, and for eligible purposes, limited to (1) planning, (2) the construction or maintenance of public facilities, and (3) the provision of public services (*See* 30 U.S.C. § 191); and
- D. WHEREAS, a federal mineral lease district is an independent public body politic and corporate and a public instrumentality, not an agency of a county or state government and not subject to administrative direction by any department, commission, board, or agency of a county or the state, C.R.S. § 30-20-1305.5(1) (2013); and
- E. WHEREAS, the Garfield and Mesa County Federal Mineral Lease Districts ("FML Districts") were formed in 2011, two of eight formed at the time; and

- F. WHEREAS, the Garfield County Federal Mineral Lease District has been an Associate Member of the Special District Association of Colorado (“SDA”) since 2012; and
- G. WHEREAS, federal mineral lease districts resemble other types of special districts eligible for Regular Member status with the SDA whose members are appointed rather than elected (library districts, cemetery districts)¹; and
- H. WHEREAS, the Garfield County Federal Mineral Lease District has two employees, and the Mesa County Federal Mineral Lease District will soon hire employees of its own, and Regular Member status would benefit the districts and their employees through access to all SDA programs; and
- I. WHEREAS, in every grant program since and including Fall, 2012, the Garfield County Federal Mineral Lease District has awarded substantial grants to special districts including but not limited to the Battlement Mesa Metropolitan District, Parachute/Battlement Mesa Park & Recreation District, Garfield County Public Library District, and others. Likewise, the Mesa County Federal Mineral Lease District has awarded grants to various political subdivisions including the Clifton Sanitation District, Lower Valley Fire Protection District, Clifton Fire Protection District, DeBeque Fire Protection District; and
- J. WHEREAS, a logical nexus exists between the SDA’s current Regular Members and Colorado’s federal mineral lease districts, and the SDA is the most logical professional and educational association for federal mineral lease districts to join.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. On behalf of Colorado’s federal mineral lease districts, the Board of Directors of the Garfield County Federal Mineral Lease District and the Board of Directors of the Mesa County Federal Mineral Lease District jointly and respectfully request the Board of Directors of the Special District Association of Colorado allow Colorado’s federal mineral lease districts as Regular Members of the SDA.
2. The FML Districts respectfully request that the SDA bylaws be amended at Art. III, § 3.01 by amending subsection iv. from “Part 8 of Article 20 of Title 30” to “Parts 8 and 13 of Article 20 of Title 30” and that the matter be brought before the SDA Membership for consideration at its 2014 Annual Meeting.

¹ The board of directors of a federal mineral lease district may also be elected at the option of the county forming the district. C.R.S. § 30-20-1306(1)(a)(II) (2013). Once formed, however, a federal mineral lease district is no longer under the control of the creating county. Only the FML district board, not the county, can vote to dissolve the district. C.R.S. § 30-20-1304(5) (2013).

DONE THIS 9th day of April, 2014, at Grand Junction, Colorado.

Voting:

Director Justman: aye
Director Ludlam: aye
Director Springer: aye

BOARD OF DIRECTORS MESA COUNTY
FEDERAL MINERAL LEASE DISTRICT

By: _____
President

ATTEST: _____
Secretary

DONE THIS 16th day of April, 2014, at Glenwood Springs, Colorado.

Voting:

Director Rippy: aye
Director Samson: aye
Director Schmela: aye

BOARD OF DIRECTORS GARFIELD COUNTY
FEDERAL MINERAL LEASE DISTRICT

By: _____
President

ATTEST: _____
Secretary

EXECUTED AS DUPLICATE ORIGINALS.