

INTERGOVERNMENTAL AGREEMENT
COMPREHENSIVE VALLEY TRANSPORTATION PLAN

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement"), is made and entered into as of this 14th day of September, 1993, by and among the CITY OF ASPEN, Colorado, a home-rule municipal corporation ("City"), THE TOWN OF SNOWMASS VILLAGE, Colorado, a home-rule municipal corporation ("Town"), and the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PITKIN, Colorado, a body corporate and politic ("County").

WITNESSETH:

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18, of the Colorado Constitution and Section 29-1-201, *et seq.*, of the Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually; and

WHEREAS, the Aspen City Council, the Town Council of the Town of Snowmass Village, and the Pitkin County Board of County Commissioners adopted Joint Resolution No. 61 (Attached hereto as Exhibit "A") which:

- Adopted a Comprehensive Valley Transportation Plan ("Plan") establishing a framework for a comprehensive mass transportation strategy for the Roaring Fork River Valley, appended hereto as Exhibit "B";
- Set forth procedural steps to be taken by the parties to implement the Plan, including the execution of this intergovernmental agreement; and
- Set forth the parties' mutual understanding for a specific process for funding the Plan and other mass transportation elements; and

WHEREAS, the Aspen City Council, the Town Council of the Town of Snowmass Village, and the Pitkin County Board of County Commissioners adopted Joint Resolution No. 62 (Attached hereto as Exhibit "C") which adopted specific elements to be funded from the proceeds of transportation revenue bonds as issued at such times and in such amounts as the parties may from time to time agree, subject to the approval by the electorate of all proposed bonds at a county-wide election(s); and

WHEREAS, in accordance with said Joint Resolution No. 61 the County has submitted to the Pitkin County electorate a proposed county-wide one-half (1/2) cent sales tax and one-half (1/2) cent use tax to fund the Plan and other mass transportation elements to be voted upon at a county-wide election to be held on November 2, 1993 (a copy of the ballot question is appended hereto as Exhibit "D" and by this reference incorporated herein); and

WHEREAS, in accordance with said Joint Resolution No. 61 the County has submitted to the Pitkin County electorate a ballot question at the November 2, 1993, election seeking authority

to increase County debt by a principal amount of up to \$13,650,000.00 by the issuance of revenue bonds for the purpose of financing improvements in the public mass transportation system within the Roaring Fork River Valley consistent with the Plan (a copy of the ballot question is appended hereto as Exhibit "E" and by this reference incorporated herein.)

WHEREAS, the City and Town have urged and will continue to urge their respective constituent electors to vote in favor of the above referenced ballot questions; and

WHEREAS, the parties hereto wish to further define and clarify the method and process by which the implementation of the Plan will be funded.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements of the parties, and other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the parties agree as follows:

Purpose.

1. This Intergovernmental Agreement is designed and intended to define and clarify the method and process by which the parties have agreed to fund and implement the Plan.

Comprehensive Valley Transportation Plan.

2. The parties hereby reaffirm and incorporate herein as Exhibit "B" the Comprehensive Valley Transportation Plan for addressing mass transportation problems and issues in the Roaring Fork River Valley.

3. The parties hereby agree to conduct regular public meetings of representatives of the three jurisdictions and other invited members of the public to continue to refine and agree upon proposed projects and transportation elements consistent with or complementary to the Plan, as may be amended from time to time.

4. The parties further agree that the amount of all expenditures and all projects to be funded with revenues derived from the county-wide one half (1/2) cent sales and one half (1/2) cent use tax as described in paragraphs 7 & 8 below shall be agreed upon by all three parties in advance of any such expenditure and/or project as evidenced by a resolution duly adopted by the governing bodies of each party.

5. Amendments to the Plan shall become effective only upon the adoption of a joint resolution approved by each of the governing bodies of the parties to this Agreement formally amending relevant portions of Joint Resolutions No. 61 and 62.

6. The parties hereto agree to utilize their best efforts to seek and obtain funding from local, state, federal, and private sources to finance the various elements of the Plan. These efforts shall include, when deemed necessary, seeking voter approval for increased sales and use taxes as well as bonding authority for specific projects as they are developed and agreed upon by unanimous consent of the parties hereto.

Approval of One-Half Cent Sales and Use Taxes.

7. In the event that the county-wide one-half (1/2) cent sales tax and use tax increase is approved by the electors of Pitkin County at the November 2, 1993, election, the County, with the advice and consent of the City and Town, hereby agree to annually fund or finance from sales tax revenues the following elements of the Plan:

- a. Improvement and enhancement both of hours and frequency of down-valley bus transportation by the purchase and operation of five (5) additional buses (2 buses for Aspen to Snowmass and 3 buses for down-valley commuter service (the B-line identified in the Plan)).
- b. Construction and operation (including associated design, engineering and feasibility studies) of a separate, dedicated transit-way between downtown Aspen and the airport (the A-line identified in the Plan), and between the Aspen and Snowmass (the C-line identified in the Plan).
- c. Acquisition and operation of park-n-ride or intercept lots in the general area of the Brush Creek intersection with Highway 82 and the Airport/Buttermilk Ski area.
- d. Any additional elements of the Plan as identified by the unanimous consent of the parties following a regular public meeting as contemplated by Section 3 hereinabove.

8. In the event that the above referenced county-wide one-half (1/2) cent sales tax and use tax increase is approved by the electors of Pitkin County at the November 2, 1993, election, the County, with the advice and consent of the City and Town, hereby agrees to annually fund or finance from use tax revenues the following elements of the Plan:

- a. Any share attributable to the City, the Town, and the County, for the purchase of the Denver & Rio Grande right-of-way for trails or other mass transportation purposes.
- b. Any additional elements of the Plan as identified by the unanimous consent of the parties following a regular public meeting as contemplated by Section 3 hereinabove.

Annual Renewal and Termination.

9. This Intergovernmental Agreement may not be terminated unless and until such time as both the one-half (1/2) cent sales and use taxes referenced above have been rescinded, whereupon any party may terminate the agreement upon ninety (90) days written notice to the other parties.

Miscellaneous.

10. This Intergovernmental Agreement may be modified only by written amendment approved by all parties acting separately.

11. Nothing contained in this Agreement shall mean or be construed to mean that an individual party to this Agreement may not independently fund or implement a specific element of the Plan or some other transportation related project without the consent of the other parties.

12. If any provision of this Agreement or the application thereof to any person, entity, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provisions or application, and to this end the provisions of this Agreement are declared to be severable.

13. This Intergovernmental Agreement is not intended to create any right in or for the public, or any member of the public, including any contractor, supplier or any other third party, or to authorize anyone not a party to this Intergovernmental Agreement to maintain a suit to enforce or take advantage of its terms. The duties, obligations and responsibilities of the parties with respect to third parties shall remain as imposed by law.

14. Each party represents that it has the specific power and authority to enter into and consummate this Agreement according to law and that it has followed the proper legal procedures to authorize those persons whose names are subscribed below to execute this Agreement and obligates that party to perform this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement on the day and year first above written.

CITY OF ASPEN, COLORADO:

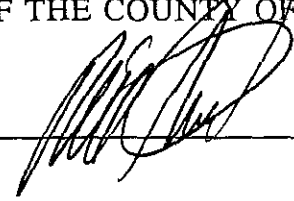
By: _____

ATTEST:

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF PITKIN:

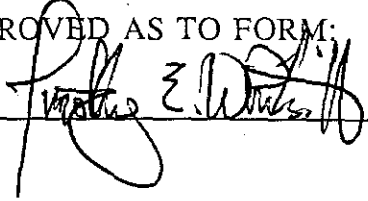
By: _____



ATTEST:



APPROVED AS TO FORM:



TOWN OF SNOWMASS VILLAGE:

By: _____

ATTEST:

APPROVED AS TO FORM:

TAXES.IGA

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, THE TOWN COUNCIL OF SNOWMASS VILLAGE, COLORADO, AND THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO APPROVING A COMPREHENSIVE VALLEY TRANSPORTATION PLAN AND ENDORSING A ONE-HALF (1/2) CENT SALES TAX AND ONE-HALF (1/2) CENT USE TAX TO FUND ELEMENTS OF SAID TRANSPORTATION PLAN.

Resolution # 61

RECITALS

1. The Aspen City Council ("Aspen"), the Pitkin County Board of County Commissioners ("County"), and the Town Council of Snowmass Village ("TOSV"), are working together to solve common transportation problems; and

2. Aspen, TOSV and County have previously adopted a joint resolution identifying a conceptual framework for a comprehensive transportation strategy for the Roaring Fork Valley, a copy of which is attached hereto as Exhibit "A"; and

3. Aspen, TOSV and County have continued to work cooperatively to further refine short and long-term county-wide strategies addressing transportation problems; and

4. Aspen, TOSV and County now wish to set forth their mutual understanding for a Comprehensive Valley Transportation Plan and the process for funding and implementing the plan; and

5. Aspen, TOSV and County have agreed to submit to Pitkin County voters a county-wide one-half (1/2) cent sales tax and one-half (1/2) cent use tax measure at a November 2, 1993 county-wide election, the revenues from which would fund implementation of the elements of the Comprehensive Valley Transportation Plan as set forth below.

NOW, THEREFORE, BE IT RESOLVED by Aspen, TOSV and County that Exhibit "B" as attached hereto shall be and is hereby adopted as the Comprehensive Valley Transportation Plan for addressing transportation problems and issues in the Roaring Fork Valley.

BE IT FURTHER RESOLVED THAT:

i. Revenues from the one-half (1/2) cent sales tax shall be used only for the following general elements of the Comprehensive Valley Transportation Plan:

(a) To improve and enhance both hours and frequency of down-valley bus transportation by purchasing and operating five additional buses (2 buses for Aspen

to Snowmass and 3 buses for down-valley commuters (the B-line);

- (b) For construction and operational costs (including associated design, engineering and feasibility studies) of a separate, dedicated transit-way between downtown Aspen and the airport (the A-line) and between Aspen and Snowmass (the C-line);
- (c) To fund operational and/or acquisition costs of park-and-ride/intercept lots at both Brush Creek and the Airport/Buttermilk area;
- (d) To undertake such other projects which fit within the general framework of the overall comprehensive plan and which are approved by amendment to this Resolution.

2. Revenues from the one-half (1/2) cent use tax shall be used first for the Aspen, TOSV and County share of the purchase of the Denver & Rio Grande right-of-way for trails and/or transportation purposes.

BE IT FURTHER RESOLVED THAT the following steps shall be taken to implement the Comprehensive Valley Transportation Plan by the parties:

1. The execution of an intergovernmental agreement between Aspen, TOSV and County prior to the November 2, 1993 county-wide election that shall, at a minimum, mandate that all revenues derived from the one-half (1/2) cent sales/use taxes be spent only on those transportation projects or services as agreed upon by all three jurisdictions;

2. Obtain voter approval of the one-half (1/2) cent county-wide sales/use taxes for transportation;

3. Conduct regular public meetings of representatives of the three jurisdictions and other invited parties so as to continue to refine and agree upon proposed projects as well as to pursue additional funding from local, private, state and federal sources to supplement the one-half (1/2) cent sales/use tax revenues;

4. Seek and obtain, if necessary, voter approval for bonding for specific projects as they are developed and agreed upon;

5. In the event the one-half (1/2) cent sales/use taxes do not pass, the parties shall continue to work together to pursue alternate funding sources necessary to implement the plan and shall

proceed with implementation of those elements of the plan as can be supported from existing or other future revenue sources.

AND BE IT FURTHER RESOLVED AND DECLARED THAT Aspen, TOSV and County strongly endorse and urge passage by the Pitkin County electorate of the proposed county-wide one-half (1/2) cent sales and use taxes to fund mass transportation as to be voted upon at a county-wide election on November 2, 1993.

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE PITKIN COUNTY BOARD OF COMMISSIONERS ON THIS 14th DAY OF Sept, 1993.

BOARD OF COUNTY COMMISSIONERS
PITKIN COUNTY, COLORADO

Jeanette Jones
Deputy County Clerk

By: William Tufts, Chairman

MANAGER APPROVAL:

Reid Haughey
County Manager

APPROVED AS TO FORM:

Tim Whitsitt
County Attorney

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE TOWN COUNCIL OF SNOWMASS VILLAGE, COLORADO, ON THIS 4th DAY OF October, 1993.

SNOWMASS VILLAGE TOWN COUNCIL

Trudy Worline
Trudy Worline, Town Clerk

James H. Hooker
James H. Hooker, Mayor

MANAGER APPROVAL:

Gary Suiter
Gary Suiter, Town Manager

APPROVED AS TO FORM:

Steve Conner, Town Attorney

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE ASPEN CITY COUNCIL, COLORADO, ON THIS _____ DAY OF _____, 1993.

Kathryn S. Koch
Kathryn S. Koch, City Clerk

John S. Bennett
John S. Bennett, Mayor

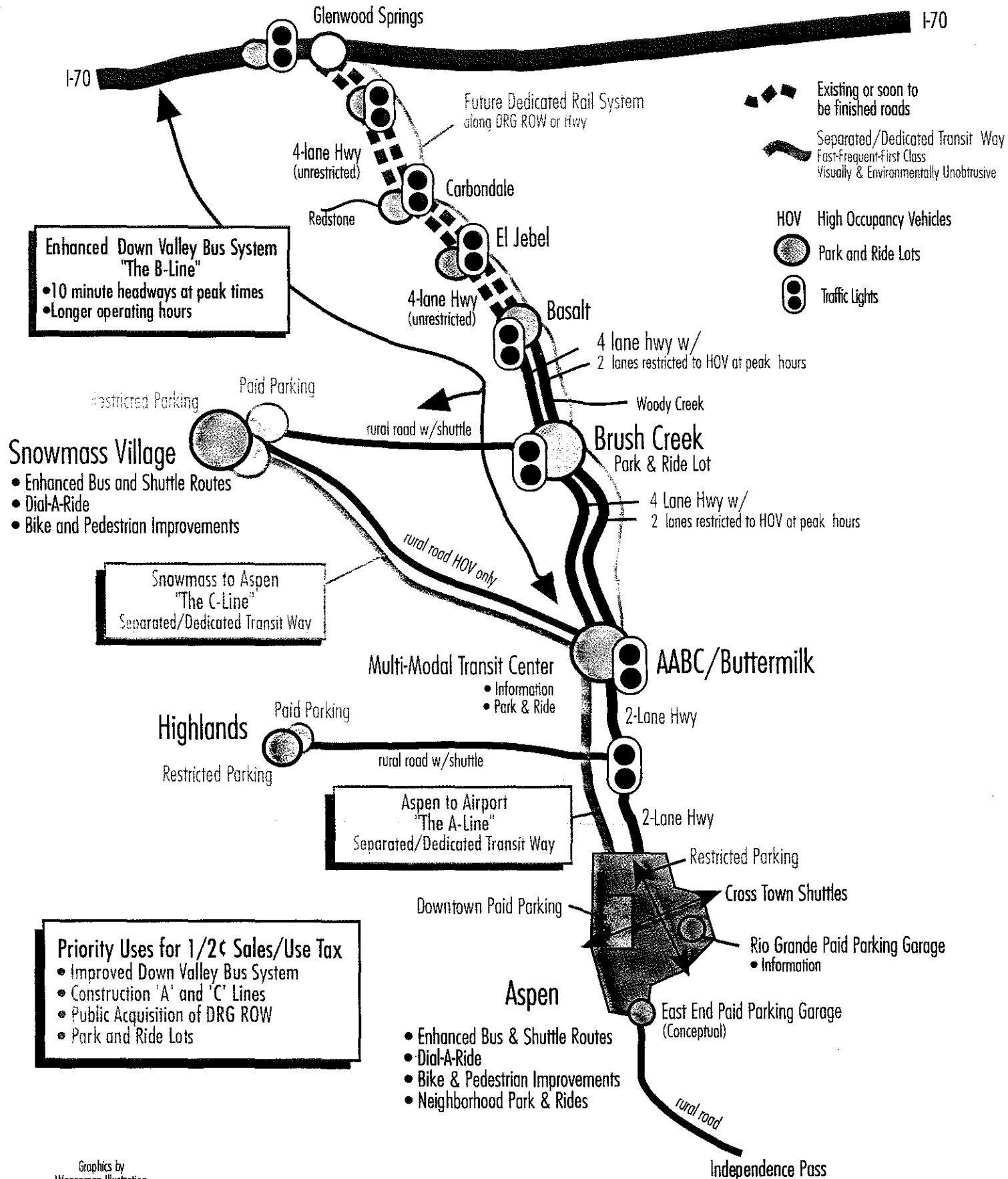
MANAGER APPROVAL:

APPROVED AS TO FORM:

Amy Margerum
Amy Margerum
City Manager

Edward M. Caswall
Edward M. Caswall
City Attorney

Comprehensive Valley Transportation Plan



A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, COLORADO, THE TOWN COUNCIL OF SNOWMASS VILLAGE, COLORADO, AND THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, CONFIRMING THE TRANSPORTATION PROJECTS DESIGNATED TO BE FUNDED FROM THE PROCEEDS OF TRANSPORTATION REVENUE BONDS.

Resolution # 62

RECITALS

1. The Aspen City Council ("Aspen"), the Pitkin County Board of County Commissioners ("County"), and the Town Council of Snowmass Village ("TOSV"), have jointly agreed to work together to solve common transportation problems; and

2. Aspen, TOSV and County have previously adopted joint resolutions to: 1) identify a conceptual framework for a comprehensive transportation strategy for the Roaring Fork Valley, and 2) approve a comprehensive valley transportation plan and endorse one-half (1/2) cent county-wide sales/use taxes to fund elements of said plan; and

3. It is the intent of Aspen, TOSV and County to maximize other revenue sources prior to issuing public debt; and

4. Local public funding will be supplemented to the greatest extent possible by additional federal, state, and private funding for transportation improvements within the Roaring Fork Valley; and

5. The Roaring Fork Transit Agency ("RFTA") will continue to aggressively pursue federal grant revenues; and

6. RFTA fare structure, operating schedules and/or routes will continue to be evaluated and revised to maximize cost efficiency and effectiveness.

NOW, THEREFORE, BE IT RESOLVED by Aspen, TOSV and County that the following project list (Exhibit A) shall be adopted as those designated projects to be funded from the proceeds of transportation revenue bonds as issued at such times and in such amounts as the parties hereto may from time to time agree, subject to the approval by the electorate of all proposed bonds at a county-wide election(s).

TRANSPORTATION REVENUE BONDS: POTENTIAL PROJECTS

<u>1993 Projects</u>	<u>Estimated Cost</u>	<u>Bond Size(1)</u>	<u>Annual Debt Service (2)</u>	<u>Repayment Funding Source</u>
5 replacement buses & spare engine	1,290,000	1,498,000	170,000 (12)	existing 1% sales tax
5 replacement buses	1,235,000	1,434,000	162,000 (12)	new, to be determined
5 new buses for d.v & s.v.	1,235,000	1,434,000	162,000 (12)	new 1/2% sales tax
3 new buses for lot shuttle	741,000	860,000	97,000 (12)	new parking revenues
Rio Grande ROW	5,000,000	5,805,000	532,000 (20)	new 1/2% use tax for \$200,000 remndr from state & dv govts.
	9,501,000	11,031,000	1,123,000	
2 park-and-ride lots	2,250,000	2,612,000	239,000 (20)	state or private, otherwise to be determined
	11,751,000	13,643,000	1,362,000	

1994 Projects

<u>Separate Dedicated Transit Way (A-Line and C-Line)</u>	<u>Estimated Cost</u>	<u>Bond Size</u>	<u>Debt</u>	<u>Source</u>
	?	?	?	- New 1/2% sales tax
				- Federal State
				- Fare box
				- Private

EXHIBIT A

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE PITKIN COUNTY BOARD OF COMMISSIONERS ON THIS 14th DAY OF Sept, 1993.

BOARD OF COUNTY COMMISSIONERS
PITKIN COUNTY, COLORADO

Jeanette Jones
Jeanette Jones
Deputy County Clerk

By: William Tuite
William Tuite, Chairman

MANAGER APPROVAL:

APPROVED AS TO FORM:

Reid Haughey
10/1/93
Reid Haughey
County Manager

Tim Whitsitt
Tim Whitsitt
County Attorney

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE TOWN COUNCIL OF SNOWMASS VILLAGE, COLORADO, ON THIS 27th DAY OF October, 1993.

SNOWMASS VILLAGE TOWN COUNCIL

Trudy Worline
Trudy Worline, Town Clerk

James H. Hooker
James H. Hooker, Mayor

MANAGER APPROVAL:

APPROVED AS TO FORM:

Gary Suiter
Gary Suiter, Town Manager

Steve Conner
Steve Conner, Town Attorney

APPROVED AND ADOPTED AT THE REGULAR MEETING OF THE ASPEN CITY COUNCIL, COLORADO, ON THIS 1 DAY OF September, 1993.

Kathryn S. Koch
Kathryn S. Koch, City Clerk

John S. Bennett
John S. Bennett, Mayor

MANAGER APPROVAL:

APPROVED AS TO FORM:



Amy Margerum
City Manager



Edward M. Caswall
City Attorney