

**RESOLUTION  
OF THE BOARD OF DIRECTORS  
OF  
THE HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT**

At a special meeting of the Board of Directors (Board) of the Horizon Drive Association Business Improvement District (District), called pursuant to proper notice and held on September 23, 2009, the Board unanimously resolved to take the actions below:

A. The District was formed on April 21, 2004 by ordinance of the City Council of the City of Grand Junction, pursuant to a petition signed by electors within the boundaries of the District (Petition), for the purpose of improving and investing in the District's community and representing the interests of the District's community.

B. The Petition authorized the District to levy and collect "reasonable ad valorem tax on and against all commercial property, as defined in section 31-25-1203(2) within the boundaries of the District, such tax not to exceed .05% without election within the District."

C. The Board believes it was the original intent of the electors of the District to subject commercial property within the District to an annual ad valorem tax of five (5) mills to achieve the goals and objectives of the District without need for further approval of the electors.

D. It has come to the Board's attention that the District is subject to the limitations on tax revenues provided for in the Colorado Taxpayer's Bill of Rights, Colo. Const. Art. X, section 20, (TABOR), and may be subject to the limitations on tax revenues provided for in section 29-1-301, C.R.S. (5.5% Limit).

E. After consultation with counsel, the City of Grand Junction and a certified public accountant, the Board determined that the District has levied Two Hundred Six Thousand Six Hundred Five and 05/100 Dollars (\$206,605.05) in tax revenues in excess of the amounts allowed under TABOR. The Board further determined that the limitations on tax revenue provided for in TABOR are more restrictive than the limitations on tax revenue provided for in the 5.5% Limit.

F. The District has the option of either holding an election seeking approval of the District's electors to retain the excess revenue or effecting a temporary mill levy rate reduction pursuant to section 39-1-111.5, C.R.S. to refund the excess revenue.

THEREFORE, IT IS RESOLVED, that the District effect a temporary mill levy rate reduction of one and one-half (1.5) mills for the 2009 tax year, collected in 2010, which will temporarily reduce the District's effective mill levy rate to three and one-half (3.5) mills, in order to comply with TABOR tax revenue limitations.

IT IS FURTHER RESOLVED, that it is in the District's best interests, and in keeping with the goals and objectives of the District to effect an additional temporary mill levy rate reduction of three and one-half (3.5) mills for the 2009 tax year, collected in 2010, which will temporarily reduce the District's effective mill levy rate to zero (0.0) mills, and tax revenues to No Dollars (\$0.00) in 2010 in order to refund the excess revenue as quickly as possible.

IT IS FURTHER RESOLVED, that unless and until the electors of the District approve an increase of the tax revenue limitations of TABOR, the 5.5% Limit, or both, or revisions to the limitations currently in place through the aforementioned TABOR and 5.5% Limit occur, that the District will, in each subsequent year, observe the most restrictive tax revenue limitations of TABOR and the 5.5% Limit by making an appropriate temporary mill levy rate reduction for the tax year, if such is necessary to comply with Colorado law.

This Resolution is adopted effective this 23<sup>rd</sup> day of September, 2009, by and among all members of the Board, as evidenced by their signatures below.

\_\_\_\_\_  
Dale Reece, President

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Clark Atkinson, Vice President

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Chuck Keller, Secretary

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Eileen Blanchard, Treasurer

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Richard Tally

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Bill Milius

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Jan Rohr