



Colorado Springs El Paso County Manitou Springs Green Mountain Falls Ramah Calhan

**RESOLUTION OF THE BOARD OF DIRECTORS OF
PIKES PEAK RURAL TRANSPORTATION AUTHORITY
REGARDING THE REQUEST BY THE CITY OF FOUNTAIN TO JOIN THE
PIKES PEAK RURAL TRANSPORTATION AUTHORITY**

At a regular meeting of the Board of Directors of the Pikes Peak Rural Transportation Authority, held at 1:30 P.M., on Wednesday, June 14, 2023, at the PPACG Lower-Level Conference Room at 15 S. 7th Street, Colorado Springs, Colorado 80905 and <https://ppacg.zoom.us/j/95524861427?pwd=dFhRWUhKbzdLbmluSC9GQXhCSGM3Zz09> Dial-in Number: +1 346 248 7799, Meeting ID: 955 2486 1427, Passcode: 981112, at which a quorum was present, the following resolution was adopted:

WHEREAS, Pikes Peak Rural Transportation Authority (the “PPRTA”) is a political subdivision and body corporate of the State of Colorado organized pursuant to the Regional Transportation Authority Act, Part 6 of Article 4 of Title 43, C.R.S, (the “Act”) after approval of the registered electors of the PPRTA and issuance of a certificate by the director of the division of local government in the department of local affairs; and

WHEREAS, the PPRTA is governed by the Fifth Amended and Restated Intergovernmental Agreement Among El Paso County, Colorado, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, the Town of Ramah, and the Town of Calhan For Creation of the Pikes Peak Rural Transportation Authority (the "Establishing IGA"); and

WHEREAS, the Establishing IGA and C.R.S. §§ 43-4-603(1)(h) and 43-4-605(2) control how new territory and participants members may be added to the PPRTA; and

WHEREAS, the City of Fountain adopted Resolution 23-023 on May 23, 2023, attached hereto as **Exhibit A** and incorporated herein by this reference (the “Fountain Resolution”); and

WHEREAS, the Fountain Resolution, among other things, (1) affirms in accordance with Section 12.1 of the Establishing IGA that the City is a municipality as defined by § 31-1-101(6), C.R.S that may request to become a party to the Establishing IGA and a member of the PPRTA, (2) requests in accordance with Section 12.2 of the Establishing IGA, that the City to be added as a new member of the PPRTA, a party to the Establishing IGA, and seeking inclusion of the territory within the City limits into the boundaries of the PPRTA, and (3) consents in accordance with C.R.S. § 43-

4-605(2)(a) to the inclusion of the territory within the City limits being included into the boundaries of the PPRTA; and

WHEREAS, the Fountain Resolution also requested confirmation from the Board of Directors of the PPRTA that it intends to cooperate in the addition of the City as a new member of the PPRTA, a party to the Establishing IGA, and to have the territory within the City limits included into the boundaries of the PPRTA; and

WHEREAS, the Board of Directors of the PPRTA (the “PPRTA Board”) wishes to express its present intention regarding the City’s request and refer the matter for consideration to the existing parties to the Establishing IGA;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PIKES PEAK RURAL TRANSPORTATION AUTHORITY THAT:

1. The PPRTA Board hereby acknowledges receipt of the Fountain Resolution in satisfaction of Section 12.1 of its Establishing IGA and partial satisfaction of Section 12.2 of its Establishing IGA.

2. The PPRTA Board recognizes that Section 12.2 requires that prior to the City being added as a party to the Establishing IGA and its corporate boundaries being added to the territory of the Authority, the City shall place the matter of joining the PPRTA on the ballot at any general or special election for approval of a majority of the voters residing in its boundaries. As such, any formal determination by the PPRTA Board regarding addition of the City as a party the Establishing IGA and/or inclusion of its territory into the boundaries of the PPRTA will be subject to prior receipt of certification from the City that it has fulfilled all legal requirements related to such addition and inclusion and that a majority of the voters residing in its boundaries have voted in favor thereof at a general or special election held by the City in accordance with all applicable laws.

3. The PPRTA Board further recognizes that Section 12.3 of its Establishing IGA requires that the City may only become a party to the Establishing IGA if the current parties to the Establishing IGA unanimously consent to such addition of a new party as determined by a majority vote of the governing bodies of each existing party. As such, the PPRTA Board hereby refers to the governing bodies of El Paso County, Colorado, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, the Town of Ramah, and the Town of Calhan for consideration of the matter of adding the City as a party to the Establishing IGA and requests that each governing body take action on such matter on or before August 2, 2023.

4. The PPRTA Board hereby confirms that its present intent is to cooperate in the addition of the City as a new member of the PPRTA, a party to the Establishing IGA, and to have the territory within the City limits included into the boundaries of the PPRTA, subject to City’s receipt of voter approval by a majority vote regarding such matters, provided that all legal requirements therefore are met, and provided the necessary unanimous consent from all of the present parties to the Establishing IGA is obtained.

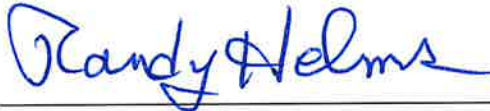
5. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers, agents and employees of the PPRTA and directed toward the purposes stated herein are hereby ratified, approved and confirmed.

6. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

7. This Resolution shall take effect on the date and at the time of its adoption.

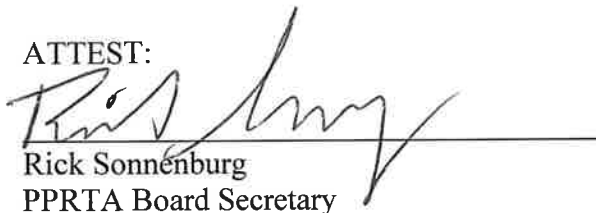
WHEREUPON, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS 14th day of June, 2023



Randy Helms, City of Colorado Spring Councilmember
PPRTA Chairperson

ATTEST:



Rick Sonnenburg
PPRTA Board Secretary

EXHIBIT A

City of Fountain Resolution



RESOLUTION 23-023

A RESOLUTION REQUESTING INCLUSION INTO THE PIKES PEAK RURAL TRANSPORTATION AUTHORITY

WHEREAS, the City of Fountain (the “City”) desires to join the Pikes Peak Rural Transportation Authority (the “PPRTA”), a regional transportation authority organized pursuant to C.R.S. § 43-4-601, *et seq.*;

WHEREAS, the PPRTA is governed by the Fifth Amended and Restated Intergovernmental Agreement Among El Paso County, Colorado, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, the Town of Ramah, and the Town of Calhan For Creation of the Pikes Peak Rural Transportation Authority (the “Establishing IGA”);

WHEREAS, the Establishing IGA and C.R.S. §§ 43-4-603(1)(h) and 43-4-605(2) control how new territory and members may be added to the PPRTA;

WHEREAS, before the City can be added to the PPRTA, voters within the City will need to approve the City becoming a member of the PPRTA, including the territory within the City limits within the boundaries of PPRTA, and imposing the PPRTA sales and use tax within the City;

WHEREAS, if approved by the PPRTA members, the City expects to place a ballot question on the ballot at the Colorado Coordinated Election on November 7, 2023;

WHEREAS, also before the City can be added to the PPRTA, the Establishing IGA may need to be amended to include the City as a party; and

WHEREAS, the City desires to take the preliminary step of requesting being added as a party to the Establishing IGA and having its territory included into the PPRTA boundaries.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, as follows:

Section 1. In accordance with Sections 12.1 and 12.2 of the Establishing IGA, the City hereby states that it is a municipality as defined by C.R.S. § 31-1-101(6) and formally requests to be added as a new member of the PPRTA, a party to the Establishing IGA, and to have the territory within the City limits included into the boundaries of the PPRTA.

Section 2. In accordance with C.R.S. § 43-4-605(2)(a) the City Council hereby consents to the inclusion of the territory within the City limits being included into the boundaries of the PPRTA.

Section 3. If determined necessary by the Board of Directors of the PPRTA or one of the current parties to the Establishing IGA, the City hereby requests an amendment to the Establishing IGA to effectuate its addition as a party to the Establishing IGA and member of the PPRTA.

Section 4. The City Council further requests confirmation from the Board of Directors of the PPRTA that it intends to cooperate in the addition of the City as a new member of the PPRTA, a party to the Establishing IGA, and to have the territory within the City limits included into the boundaries of the PPRTA, subject to City voter approval and provided that all legal requirements therefore are met and provided the necessary unanimous consent from all of the present members of the PPRTA is obtained as required by Section 12.3 of the Establishing IGA.

Section 5. The Mayor and City staff are hereby authorized to take such additional steps as may be necessary to pursue addition of the City as a new member of the PPRTA, a party to the Establishing IGA, and to have the territory within the City limits included into the boundaries of the PPRTA.

Done this 23rd day of May 2023.

Sharon Thompson

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman

Silvia Huffman, City Clerk

