

VAIL HOMEOWNERS ASSOCIATION



The November Ballot Issue

The Importance of I-70 Wildlife Crossings

October 5, 2020

Updates

COVID. The Vail Valley continues to do well; there is little community spread and total cases remain relatively low. But with COVID continuing to spiral out of control in large parts of the U.S., deaths over 200,000, cases topping 7 million and half the states reporting rising numbers of cases, the effects of the pandemic are going to be around for a long time. Vaccines still await approval and, given the complexities of administration, it will be well into 2021 before there will be control of the virus. Indeed, Vail Resorts has already announced it expects visitation declines this winter. As a result, even though Vail Valley is still doing well from a public health standpoint, there will be economic impacts from the pandemic into 2021 that will affect the tourist industry and the recovery of TOV revenues, especially sales and lift taxes, is still a long way off.

Donovan Park Middle Bench. On Friday, October 9, the Open Space Trustees will meet to determine how they will process the VHA's request that the Middle and Upper Benches of Donovan Park be declared to be "Designated Open Space." Apparently, it has been so long since the Trustees have considered such a request that the procedures from earlier (many years ago) requests no longer exist. Issues that will be "on the table" include whether the meetings will or should be public, who can provide input and how a decision is to be made. The VHA urges that, if not for any other reason than the integrity of the process, the meetings should be public, and there should be a means for public input. That may take a little longer but the benefits of community involvement cannot be underestimated.

Booth Heights Land Swap. Sources inform VHA that new, revised MOUs are in the final drafting stages. Reportedly, there will now be two MOUs, one with Vail Resorts and the other with Triumph Development. A third MOU with the Children's Garden Center of Learning has already been approved by the Town Council. While this process has taken longer than anticipated, these documents are critical in the process of converting the Booth Heights property into open space habitat for wildlife, and the details are important. As soon as the draft MOUs are available, VHA intends to review them and report back.

In the meantime, in this report we address two other issues of importance: the TOV ballot issue and VHA's recommendation and new information about the importance of wildlife crossings.

The November Ballot Issue



Vote YES on TOV Ballot Issue 2G. Ballots for the November 3 election will be mailed to all Vail voters on Friday, October 9. This year Vail voters will face a huge ballot. Aside from elective offices, there are 11 state-wide propositions, and Eagle County, the School District and the Colorado River District all have issues to be voted on. Near the end of that ballot is the TOV Ballot Issue 2G which seeks permission to “de-Gallagherize” the TOV’s portion of local property taxes. If approved, it will allow the Town to maintain property taxes at their current level; it will not allow any increase in property taxes. If it is not approved, property taxes will continue to decline with the consequences that will bring for maintaining current services. For more on the proposal, [see Eagle County Blue Book](#). It should also be noted that Eagle County and the state itself are seeking similar relief.

Here is the TOV ballot question:

Municipal Measures
Town of Vail Ballot Issue 2G - Sustaining Existing Levels of Town Revenue from Future State Imposed Reductions in Residential Assessed Valuation Rates Due to Article X, Section 3 of the Colorado Constitution (Gallagher Amendment) or Similar State Action
WITHOUT RAISING THE MILL LEVY FOR THE 2021 TAX COLLECTION YEAR, SHALL THE VAIL TOWN COUNCIL HAVE THE AUTHORITY TO ADJUST THE TOWN OF VAIL'S MILL LEVY RATE THEREAFTER AS NEEDED FOR THE SOLE PURPOSE OF MAINTAINING REVENUES THAT MAY OTHERWISE BE LOST AS A RESULT OF STATE IMPOSED REDUCTIONS IN THE RATIO OF ASSESSED PROPERTY TAX VALUATIONS SO THAT THE ACTUAL TAX REVENUES GENERATED BY THE TOWN'S MILL LEVIES ARE THE SAME AS THE REVENUES THAT WOULD HAVE BEEN GENERATED HAD THE STATE NOT IMPOSED SUCH REDUCTIONS, IN ORDER TO ALLOW THE TOWN TO SUSTAIN SERVICES TO THE VAIL COMMUNITY?
<input type="radio"/> YES/FOR
<input type="radio"/> NO/AGAINST

The Town finds itself having to ask for this relief because of the effects of the Gallagher Amendment. Despite the good intentions of the Gallagher proponents in 1982, changing times have created a situation in which Gallagher is having a profound effect on the ability of local governments to provide services. Gallagher dictated that the ratio of residential property taxes to non-residential taxes be maintained at 45/55 percent.

However, actual property values, on which taxes are calculated, have not matched that ratio (residential property values have generally grown faster than non-residential values), resulting in the assessed value of residential property having to be lowered to maintain the ratio. The current residential assessed value is now at an all-time low of 7.15%. Over time this has caused residential property taxes to continually decline.

TABOR, enacted in 1992, further compounded the Gallagher effects by preventing governments from making up the difference by raising millage rates without a vote of the people. It was intended to limit the size of government by restraining government spending, but taken to its ultimate end in combination with Gallagher, local governments could be squeezed to the breaking point. And these considerations become especially important in the COVID era where the TOV has already been forced to scale back services, furlough workers, postpone capital improvements and cut its operations to an austerity, crisis-level budget.

Those impacts have now reached a reality checkpoint and pose the fundamental question: to what extent are citizens willing to fund government activities? That becomes an even more critical question in a community like Vail where the economic lifeblood is tourism which depends on maintaining Vail's status as a premier international destination resort. Maintaining that cache, and the economy that goes with it, requires government expenditures to provide services, not just for the usual municipal services like police and fire departments but also for such amenities as free buses, snow removal, pedestrian walkways and flowers in the summer. If the community wants to continue in that fashion, with the same economy and job levels, then that will require forgoing some future property tax decreases. The alternative is to rethink what Vail will be in a non-resort world. On balance, the VHA believes that it is not in the best interest of the community to force the TOV to reduce services or change course. For that reason, the VHA recommends a "Yes" vote on the TOV Ballot Issue 2G.

The Importance of I-70 Wildlife Crossings



Location of a proposed East Vail wildlife overpass

East Vail is the site of an historic migration corridor that is used by wildlife for north/south passage through the Vail Valley. It is one of only two such corridors, the other being in Dowd Junction, although the Dowd Junction is of much less importance or use by wildlife. The East Vail corridor is also the winter habitat of bighorn sheep which desperately needs fencing to stop the sheep from wandering on Frontage Road and I-70 (three were killed last year by vehicle impacts). While the VHA supports fencing to protect the sheep, it has also proposed that as a matter of public safety, as well as to protect wildlife, a safe wildlife crossing should be constructed in conjunction with the fencing, so that the migration corridor will be maintained. [See 9/12/20 VHA Report.](#)

The recent plans that were just announced by CDOT for adding a third lane to I-70 on the west side of Vail Pass underscores the importance of the VHA recommended wildlife overpass in East Vail. A core value driving the plans for the I-70 expansion is wildlife safety just like stewardship of the natural environment is a core value of the TOV. To that end, the I-70 project will have multiple safe wildlife crossings, although all are too far east to benefit wildlife that is trying to move through East Vail. But the important point is the recognition of the necessity of maintaining connectivity between the north and south side of I-70.

As that project recognizes, an interstate highway like I-70 presents a physical and psychological barrier to wildlife that results in habitat loss and population reduction. In East Vail, the barrier is even more formidable because of the presence of Frontage Road, and the wildlife fencing that is now under consideration will only compound that barrier effect. It's no surprise that wildlife populations in Eagle County have already seen major declines.

In recent years, the importance of habitat connectivity has become a matter of increasing concern, and Colorado has been a leader in the field. Last year Gov. Polis issued an Executive Order directing state agencies to collaborate on habitat conservation and safe wildlife passages, and in 2016, CDOT completed the State Highway 9 wildlife safety improvement project which was hugely successful in allowing a myriad of species to migrate across State Highway 9.

The VHA urged that the TOV take the lead on promoting an East Vail overpass (because of topography an underpass is not feasible) because projects like this need a public advocate. Taking a leadership role is consistent with the TOV's core value of being a steward of the environment. It will probably require a number of years to get an overpass approved, but every journey begins with a first step. Besides, if plans could be developed so that the project was "shovel ready," Vail would be positioned to take advantage of any funding that might be made available as part of infrastructure improvements or otherwise.

This is one of a series of continual reports on matters of community interest. If you value our work, we invite you to join VHA or become a subscriber to our reports. Your support will ensure that the VHA can continue to bring such matters to the community's attention and, by doing so, make a difference for the good and the future of our community. It is you, our members and subscribing readers, [who](#) sustain our efforts with financial and vocal support.

For further membership or subscriber information, please send an email to vailhomeownersassoc@gmail.com and specify if your interest is as a member or subscriber.

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