

Baca Grande - Why Become a Town?

By Desiree Marceau, Lisa Cyriacks and the Baca Grande Committee

Nothing in the Baca Grande will ever change, except growth without infrastructure to support it, unless the Baca Grande becomes a town.

1. What is the process of incorporation?

The Colorado Revised Statutes governing incorporation is Title 31 – Government Municipal. The process begins with inhabitants of an area that is not already part of a town to file a petition to incorporate with the district court. In this case the court is in Saguache County.

A petition asking the court's permission to hold an election on the matter of incorporation was circulated this summer, signatures were collected, and the petition was filed with the district court on August 8, 2022. The petition merely asks the court's permission to hold an election on the matter of incorporation. If the court finds the petition matches the criteria set forth by the statutes, it grants the election. The criteria are based on the size of the area, the number of residents, the number of petitioners, and that adequate notification to property owners has been made based on county ownership records.

The ballot question is simple. A vote “For incorporation” or “Against incorporation”. While this is not the first time the idea of becoming a town has been discussed, this is the first time the question will be presented for the residents to vote on the question of becoming a town.

2. Why not annex to the town of Crestone?

This option has been widely discussed and researched. Two past studies have been done – one in 2003 and one in 2008. In both instances the committees studying the question decided against proceeding. In 2003 becoming a town was not an option due to insufficient population. In 2008, the study determined that the impact on the Town of Crestone by annexation would be too great. Like any other process, annexation has limitations and challenges. An example of a limitation would be the number of square miles that can be annexed at one time – extending the process of annexing the entire Baca Grande by possibly up to 6 years.

3. Who would conduct the election for incorporation and what rules would be followed?

At the time of the court's determination that the criteria to form a town has been met, there is a Court order issued to allow the election. The court will appoint election commissioners, who consent to serve by affidavit agreeing to abide by the requirements found in the Colorado Municipal Code for Elections. Adherence to Colorado election statutes will ensure a fair and transparent process of counting the votes, resulting in a decision reflective of the will of residents of the Baca Grande. Registered voters who reside within the proposed town boundary would be eligible to vote.

4. Who determines the mission and community vision of the town? How would the first governing body of trustees be selected?

Once the election is held and the majority vote For Incorporation, another election will be held to vote on the town Board of Trustees and the town Mayor. The future trustees and mayor, together with voters, would determine which revenue streams and how the funds would be best utilized.

5. What makes a municipal structure more equitable?

It's important to note that all matters in the formation of the Charter of the town including taxes, development, growth, land use, regulation, etc. are all required by state statute to be voted on by the citizens residing within the town limits; including both property owners and renters who are registered to vote. The result is transparency and that everyone's voice counts.

Municipalities are extremely complex organizations, but, at the same time, their operation is closer to direct democracy than any other form of governance.

6. Will my taxes go up?

A town structure requires that the residents of the community vote and approve the mill levies required for property taxes, approve taxing certain retail transactions including sales and lodging taxes. Town residents could also have a voice in identifying and prioritizing which services they consider to be important and how they are funded.

If you are concerned about taxes, consider your vote for future leadership. Consider a role on the town board. Become involved and learn what options might best shape the future you envision for yourself and our community.

7. How does that compare with our current structure of funding the community – the Baca Grande Property Owners Association (BGPOA)?

One long-term concern of residents of the Baca Grande is the current inequitable dues structure. Neither the BGPOA nor its governing documents is structured to address this ongoing concern. Over the years the BGPOA board has explored the possibility of using a tax assessment model. It is not possible due to the limitations of a nonprofit structure and the governing documents. The only option the BGPOA has presented to date is continued increases of dues across the board regardless of the size or development of lots to cover increasing costs, while reducing services and amenities.

Under a municipal structure, property tax assessments will vary with the value of the property. Revenue required to cover expenditures would be generated more equitably than currently under the one lot/one due/one vote system.

8. Are there other sources of revenue available to the town to offset costs for infrastructure?

Yes. A town, as a political subdivision of the state, is eligible to receive intergovernmental funding for roads, bridges, transportation development, apportionment of taxes from motor vehicle registrations, conservation trust funds, franchise fees from public utilities, revenue from building permits, license fees for retail operations, grants from the Colorado Department of Transportation and the Colorado Department of Local Affairs to assist with infrastructure.

A feasibility study is being researched and drafted to explore ways to control costs while maintaining services. Additional funding generated by new revenue streams would be determined by the future town council and citizens of the Baca Grande. As per statute, once the municipality is formed, current services will be continued for a period of time until the funding streams are in place for the new town.

9. What about our shared values as a community?

The existing Crestone Baca Sub-Area Master Plan codified in Article XVI of the Saguache County Code contains many of these shared values. These documents could be the foundation for a community vision and the corresponding regulations. Various studies over the years show that as a community we continue to affirm the same values:

- minimize impacts to the environment,
- protect dark skies
- open space,
- maintain sense of small community,
- infrastructure serves all segments of the community,
- spirituality is honored,
- wildness is respected,
- governance is participative, democratic and encourages vision.

As we move forward, we can decide questions of growth, how to protect our resources, what infrastructures we need, and what our identity as a town is.

10. How would a municipality handle growth?

Statutory municipalities are granted zoning and planning powers that are similar to those granted to counties. The town would take over regulating construction permits and licensing business activities. Currently these costs are duplicated on multiple levels among the county, the BGPOA and Baca Water & Sanitation, driving up costs of construction.

Rather than growth driven by the amount of revenue generated as the BGPOA currently does, growth could be paced to match what the infrastructure can support. There are serious long-term concerns to be addressed such as climate change, stewardship of our natural resources, evacuation and public safety planning - especially in the area of road maintenance and accessibility.

Examples of land use controls that would be exercised solely by the town are: energy conservation and the promotion of solar energy utilization, the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence and other purposes. Source: CRS 31-23-301.

11. What is the status of the petition to incorporate?

The petition is still in the district court. The BGPOA has filed multiple Motions to Dismiss requesting that the petition be disqualified and the election cancelled. This delay is costly. The BGPOA is utilizing membership dues to fund the litigation, forcing the volunteers to also personally pay the costs to defend the people's right to vote.

12. I'm interested. How can I help?

- Information used in this article can be found on our website:
<https://townofbacagrande.info>.
- Complete the survey using the link on the website.
- Volunteers will be needed to assist with both elections – first for the question of incorporation and second for the election of town trustees and Mayor.
- Funds are need to defend the petition in court, pay for election costs, matching funds to complete a feasibility study. Donations are accepted through our website.
- If you have questions, please contact us through our website at:
citizensfortownofbacagrande@gmail.com
- VOTE