

TOWN OF MOFFAT, COLORADO

RESOLUTION NO. 2017-4

A RESOLUTION AUTHORIZING THE SUBMISSION OF A BALLOT QUESTION TO THE VOTERS OF THE TOWN OF MOFFAT CONCERNING A REFERRED MEASURE TO DEBRUCE THE TOWN'S REVENUES AND SPENDING

QUESTION TO BE SUBMITTED

WHEREAS, the Town of Moffat has a sales tax in place in the amount of 2.0%, applicable to all sales conducted in the Town of Moffat; and

WHEREAS, revenue from the sales tax varies from year to year dependent upon economic circumstances that, in such a small town, are not dependent, or at least not consistently and solely dependent, upon the inflation and population growth limitations on revenue and spending contained in Article X, Section 20, of the Colorado Constitution, known as the Taxpayers Bill of Rights, or "TABOR;" and

WHEREAS the Town of Moffat is, from time to time, eligible to receive grants from the State of Colorado and other taxpayer funded entities for specific projects, which grants are included within the TABOR limitations on revenue and spending; and

WHEREAS, Article X, Section 20 of the Colorado Constitution provides for local determination of opting out of the revenue and spending limits it sets forth upon affirmative vote of the electors of a local governmental entity; and

WHEREAS, it appears that a ballot question for electing exemption from the TABOR revenue and spending limits was approved by the voters in 1998, but the Town cannot find evidence of the results of the election; and

SELECTION OF ELECTION PROCEDURES

WHEREAS, the Town Board has authority pursuant to C.R.S. § 31-11-111(2) to refer ballot questions to the voters of the Town of Moffat; and

WHEREAS the Town hereby elects to utilize the requirements and procedures of the *Uniform Election Code of 1992*, Article 1 to 13 of Title 1, C.R.S, in lieu of the *Municipal Election Code of 1965*, and as an alternative thereto; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to conduct a coordinated election pursuant to the *Uniform Election Code of 1992*, for the election scheduled for November 7, 2017;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Board of the Town of Moffat, Colorado:

1. An election shall be held as a coordinated election with the regular election on Tuesday, November 7, 2017, at which election there shall be submitted to the eligible electors of the Town the following ballot issue. The ballot issues shall be in substantially the following form:

Ballot Title and Text of Ballot Issue 1 (de-Brucing question)

WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES, AND AS ENVISIONED BY THE PROVISIONS OF TABOR, SHALL THE TOWN OF MOFFAT BE PERMITTED TO RETAIN AND SPEND TOWN REVENUES DERIVED FROM ANY AND ALL SOURCES IN EXCESS OF THE SPENDING OR OTHER LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW, BEGINNING WITH REVENUES RECEIVED IN 2017 AND FOR ALL FUTURE YEARS?

2. The Town Clerk is hereby directed to act as the Town's Election Official and participate in the preparation for the election with the Saguache County Clerk and Recorder; and to take all necessary actions to conduct the special municipal election with the Saguache County Clerk and Recorder; and to take all necessary actions to conduct the special Municipal Election in accordance with the *Uniform Election Code of 1992*, and all applicable laws.

3. The election shall be conducted as a coordinated mail ballot election in Saguache County pursuant to the provisions of articles 1 to 13 of title 1, Colorado Revised Statutes (the "Uniform Election Code"). The election shall also be conducted pursuant to the provisions of the Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and the Saguache County Clerk and Recorder, concerning the conduct of the election as a coordinated mail ballot election under the Uniform Election Code.

4. All acts required or permitted by the Uniform Election Code relevant to voting which are to be performed by the designated election official, shall be performed in the Town by the Saguache County Clerk and Recorder.

5. For purposes of § 1-11-203.5, Colorado Revised Statutes, the ballot titles for the ballot issues contained in this Resolution are hereby determined to be the text of the ballot issues themselves.

6. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

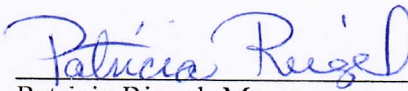
7. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Town Board and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

8. All prior resolutions or orders, or parts thereof, by the Town Board in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any resolution or order, or part thereof, heretofore repealed.

9. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a Ballot Issue or Ballot Question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

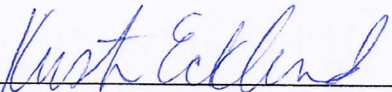
10. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution,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

READ, PASSED AND ADOPTED this 5th day of September, 2017.



Patricia Riegel, Mayor

Attest:



Kristin Ecklund, Town Clerk

