

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 65, SERIES 2016**

**A RESOLUTION APPROVING THE COORDINATION
OF THE NOVEMBER 8, 2016 ELECTION
OF THE TOWN OF TIMNATH, COLORADO**

WHEREAS, the Town of Timnath (the “**Town**”) is a home rule municipality operating under the Timnath Home Rule Charter (the “**Charter**”) adopted on November 7, 2006 and the Town’s Municipal Code (the “**Code**”). Pursuant to the Charter, the Code, and C.R.S. § 31-15-103, the Town has the power to pass resolutions; and

WHEREAS, the members of the Town Council (the “**Council**”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, known as the Tax Payer’s Bill of Rights (“**TABOR**”), requires voter approval for any new tax, any tax rate increase, the creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever, and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, the Town intends to participate in the statewide election to be held on November 8, 2016 (the “**Election**”), and pursuant to § 1-7-116(1)(a), C.R.S., to coordinate the Election with the Larimer County Clerk and Recorder; and

WHEREAS, pursuant to § 1-7-116(5) the Town must take formal action to participate in an election that will be coordinated by the county clerk and recorder and shall notify the county clerk and recorder in writing not less than one hundred days prior to the election; and

WHEREAS, the Larimer County Clerk and Recorder will require the Town enter into an intergovernmental agreement to manifest the coordinated Election (the “**Intergovernmental Agreement**”); and

WHEREAS, this Resolution shall authorize the Town to notify the Larimer County Clerk and Recorder of the intent to participate in a coordinated Election on November 8, 2016 and to enter into the Intergovernmental Agreement; and

WHEREAS, the Council is familiar with the proposed Election and associated actions, and finds them to be in the best interest of the Town, its residents, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO as follows:

Section 1. Designated Election Official.

The Town Clerk is hereby appointed as the Designated Election Official for the Town for the purposes of performing acts required or permitted by law in connection with the Election. November elections must be county-coordinated under § 1-7-116, C.R.S., which requires the county clerk and recorder to coordinate elections when more than one overlapping political subdivision holds an election on the same day in November. See also, § 1-1-104(6.5), C.R.S. Colorado State elections overlap on November 8, 2016, therefore pursuant to § 1-7-116, C.R.S., the Town Clerk will coordinate the November 8, 2016 election with the Larimer County Clerk and Recorder.

Section 2. Notice of Intent to Coordinate Election.

The Town Attorney has provided written notice to the Larimer County Clerk and Recorder of the Town's intent to coordinate the November 8, 2016 election.

Section 3. Intergovernmental Agreement.

The Town will participate in the Election in accordance with the terms and conditions of the Intergovernmental Agreement. The Town Clerk is hereby authorized to enter into and execute the Intergovernmental Agreement with Larimer County for conduct of the Election, pursuant to § 1-7-116(2) C.R.S. The Intergovernmental Agreement is hereby approved in substantially the form attached hereto as Exhibit A.

Section 4. Conduct of Election.

The Council hereby directs the Town Clerk to oversee the general conduct of the Election and authorizes the Town Clerk as the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Town Council in conducting the Election, including, but not limited to the following: appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.

Section 5. Ratification.

All actions heretofore taken (consistent with the provisions of this Resolution) by or on behalf of the Town, the Town Attorney, and the officers thereof directed toward the November 8, 2016 election, and the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 6. Severability.


If any section, subsection, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this Resolution, the intent being that the same are severable.

Section 7. Inconsistency.

All orders, resolutions, ordinances, or regulations of the Town, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON AUGUST 9, 2016.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk

