

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 68, SERIES 2016**

**A RESOLUTION AUTHORIZING A TABOR ELECTION
ON NOVEMBER 8, 2016, FIXING THE BALLOT TITLE
AND QUESTION, AND SETTING FORTH OTHER
DETAILS RELATING THERETO**

WHEREAS, the Town of Timnath, Larimer County, Colorado (the “Town”), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the Town of Timnath, Colorado Home Rule Charter (the “Charter”); and

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

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax and for the spending of 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, Section 4.9 of the Charter requires that special elections be called by resolution of the Council at least thirty (30) days in advance of such election; and

WHEREAS, November 8, 2016, is one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the Council hereby determines that it is necessary to conduct a special election to be held on November 8, 2016, and to submit to the electors of the Town, at the election, the question of increasing taxes to finance (a) capital projects, including but not limited to streets, parks and recreation, stormwater and municipal facilities; (b) the costs of operating and maintaining such projects; and (c) general municipal purposes; and

WHEREAS, the Town Clerk (the “Clerk”) will conduct the election in coordination with the Larimer County Clerk and Recorder as a coordinated mail ballot election (the “election”); and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOW:

All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 1.

Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”) and Title 31, Article 10, C.R.S., as amended (the “Municipal Election Code”).

Section 2.

Pursuant to Section 31-10-102.7, C.R.S., the Council elects to utilize certain provisions of the Uniform Election Code with regard to the conduct of the special election. The Council hereby determines that the special election shall be conducted as a mail ballot election pursuant to Article 7.5 of the Uniform Election Code; however, to the extent that procedures for the election are not provided in Article 7.5 of the Uniform Election Code, the Municipal Election Code shall apply. The Council further determines that at the special election there shall be submitted to the eligible electors of the Town the question set forth in Section 4 hereof. Because the election will be held as independent coordinated mail ballot election, the Council determines that the Town Clerk shall conduct the election in coordination with the Larimer County Clerk and Recorder .

Section 3.

The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot title which is set pursuant to 31-11-111, C.R.S.:

TOWN OF TIMNATH BALLOT QUESTION 1A: SHALL TOWN OF TIMNATH TAXES BE INCREASED \$4,128,500 ANNUALLY IN THE FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2017, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY:

- INCREASING THE CURRENT TOWN SALES TAX RATE ON THE SALE OF TANGIBLE PERSONAL PROPERTY AT RETAIL OR THE FURNISHING OF SERVICES AND THE CURRENT TOWN USE TAX RATE FROM 3.00% TO 4.35% AND EXPANDING THE TRANSACTIONS TO WHICH THE USE TAX APPLIES BY IMPOSING THE USE TAX ON THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THE TOWN ANY ARTICLES OF TANGIBLE PERSONAL PROPERTY PURCHASED AT RETAIL AND FOR WHICH THE TOWN SALES TAX WAS NOT PAID; AND
- INCREASING THE CURRENT TOWN SALES TAX RATE ON THE PURCHASE OF FOOD FOR HOME CONSUMPTION FROM 2.25% TO 3.60%,

FOR THE PURPOSE OF FINANCING (1) CAPITAL PROJECTS, INCLUDING BUT NOT LIMITED TO STREETS, PARKS AND RECREATION, STORMWATER AND MUNICIPAL FACILITIES, (2) THE COSTS OF OPERATING AND MAINTAINING SUCH PROJECTS, AND (3) GENERAL MUNICIPAL PURPOSES; AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE AND ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4.

The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 5.

If a majority of the votes cast on the question to levy taxes submitted at the election shall be in favor of levying taxes as provided in such question, the Town, acting through the Council, shall be authorized to proceed with the necessary action to levy taxes in accordance with such questions.

Any authority to levy taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 6.

Pursuant to Section 31-10-1308(2), C.R.S. and Section 1-11-203.5, C.R.S., 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.

Section 7.

The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 8.

If any section, 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, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 9.

All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10.

The effective date of this resolution shall be immediately upon adoption.

Section 11.

The ballot issue, certified in substantially the form set forth above, is hereby approved subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Legal Counsel and other applicable staff or consultants.

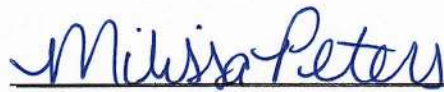
INTRODUCED, MOVED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ON AUGUST 23, 2016.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, CMC
Town Clerk



STATE OF COLORADO)
 COUNTY OF LARIMER) SS.
 TOWN OF TIMNATH)

I, Milissa Peters, the Town Clerk of the Town of Timnath, Colorado (the "Town"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on August 23, 2016.

2. The Resolution was duly introduced, moved, seconded and passed on at the regular meeting of August 23, 2016, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Jill Grossman-Belisle, Mayor	X			
Bryan Voronin, Mayor Pro Tem	X			
Aaron Pearson	X			
Bill Neal	X			
Paul Steinway	X			

3. The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 23, 2016, in the form attached hereto as Exhibit A was posted at the Town's designated posting place not less than twenty-four hours prior to the meeting in accordance with law.



Milissa Peters

 Milissa Peters, Town Clerk