

EXHIBIT A

Sec. 15.8 -Preserving the Environment, Nature, Wildlife, and Character of the Town of Timnath by Prohibiting the Annexation of Areas Used for Mining Until Reclamation of Those Areas Is Complete

5.8.1 The Colorado state legislature has recognized, through its enactment of Colorado's mined land reclamation statutes C.R.S. §§ 34-32-101 to 34-34-102, that, while mining activities play important economic roles in the state, such activities can have detrimental effects on the natural resources, wildlife, aquatic resources, and community planning and development in the state. Accordingly, the state legislature recognized that the proper reclamation of mined lands is important to protect and promote the health, safety, and general welfare of the people of the state. The people of the Town have similar concerns and hereby declare that; because mining activities can be harmful to the environment, nature, wildlife, and communities affected by such activities; because including mined areas in the Town that have not yet been properly reclaimed can result in detrimental effects to the Town and the people of the Town; and because there is good reason that state statutes and state regulatory authorities mandate and oversee the reclamation of mined areas to ensure proper reclamation of those areas before they are put to a different use; it is, therefore, important to prohibit the annexation of mined areas into the Town that have not been properly reclaimed. The people of the Town adopt this section 15.8 to protect and promote these interests; and to protect and promote the health, safety, and general welfare of the people of the Town.

15.8.2 The Town shall not annex into the Town any real property that is encompassed by a permit issued under Colorado's mined land reclamation statutes C.R.S. §§ 34-32-101 to 34-34-102, and any successor statutes thereto; and where reclamation of the property, as required by those same statutes and any state agencies responsible for administering those statutes, has not been fully completed. For purposes of clarity and by way of example, under the version of Colorado's mined land reclamation statutes effective at the time of this charter amendment, the reclamation of a property shall not be considered fully completed until the state agency overseeing the permit terminates or otherwise finally closes the permit, or modifies the permit to exclude fully reclaimed property from the permit; and the state agency releases the permittee from any further performance and financial warranties under the permit for property that was encompassed by the permit.

15.8.3 The people of the Town hereby declare that the interests of ensuring mined areas that have not been fully reclaimed are not annexed into the Town is an issue of local government concern. Accordingly, for purposes of this section 15.8 only, the people of the Town hereby declare that no person or legal entity has a vested right in any annexation proceedings that include real property encompassed by a permit issued under Colorado's mined land reclamation statutes

C.R.S. §§ 34-32-101 to 34-34-102, and any successor statutes thereto, where those annexation proceedings are not final and effective such that there are no legal routes remaining to challenge the annexation process. For purposes of clarity and by way of example, in applying this section 15.8 an annexation would not be considered final and effective where an annexation application has been submitted to the Town but no final decision has been made on annexation by the Town government; would not be considered final and effective where an annexation has been approved by the Town government but that decision is being challenged through the judicial process, including any applicable appeal routes and regardless of whether the annexation decision is stayed during those appeals; and would not be considered final and effective where an annexation has been approved by the Town government but is in the process of being put to a vote the people of the Town through the referendum process. Therefore in addition to this Section 15.8 applying to future annexations, this section shall also apply to any pending annexation proceedings encompassed by this subsection at the time this section becomes effective.

15.8.4 This section 15.8 shall become effective immediately upon voter approval by the people of the Town.

15.8.5 In addition to the Town government being able to enforce this section 15.8 pursuant to all powers the Town would normally have to enforce provisions of its charter; citizens and businesses of the Town shall also have private rights of action to enforce this section, including against the Town. Such private actions shall be limited to obtaining injunctive, declaratory, or equitable relief to stop an annexation or declare invalid an annexation that occurred in violation of this section 15.8.

15.8.6 If any part, section, subsection, sentence, clause, or phrase of this section 15.8 is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining parts, sections, subsections, sentences, clauses, or phrases of this section. The people of the Town hereby declare that they would have passed this section; including each part, section, subsection, sentence, clause, or phrase thereof; irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.