

**COLORADO CITY METROPOLITAN DISTRICT
RESOLUTION NO. 12 -2019**

**RESOLUTION REFERRING TO THE ELIGIBLE ELECTORS OF THE DISTRICT
FOR THE NOVEMBER 2019 ELECTION
A BALLOT ISSUE REGARDING THE DISTRICT'S AUTHORITY
TO COLLECT, RETAIN AND SPEND REVENUES
RECEIVED FROM STATE OR LOCAL GOVERNMENTS
NOTWITHSTANDING CONSTITUTIONAL OR STATUTORY LIMITATIONS**

WHEREAS, the Colorado City Metropolitan District ("District") is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, C.R.S. §§ 32-1-101, *et seq.* (the "Act"); and

WHEREAS, the members of the District's Board of Directors (the "Board") have been duly elected, chosen and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") limits annual increases in a local government's total fiscal year revenue and spending, but expressly allows local voters to approve the collection, retention and expenditure of revenue in excess of those limits; and

WHEREAS, November 5, 2019, is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the Board has determined to refer a ballot issue to the eligible electors of the District, which would authorize the District to collect, retain and spend for any lawful purpose all revenues from grants and other funds received from state or local governments, generated during fiscal year 2019 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution or any other law; and

WHEREAS, the Board hereby determines to hold a special election of the District's electors on November 5, 2019 (the "Election") to be held as part of the coordinated election being conducted by the County Clerk and Recorder (the "Clerk") of Pueblo County (the "County") pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. In accordance with the Uniform Election Code of 1992, the Board hereby determines that an election of the eligible electors of the District shall be held on November 5, 2019, which is the date of the state coordinated election. At that time, there will be submitted to the eligible electors of the District a ballot issue which would authorize the District to collect, retain and spend for any lawful purpose all revenues from grants and other funds received from state or local governments, generated during fiscal year 2019 and each

subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution or any other law. The ballot issue shall be in substantially the form shown on **Exhibit A** attached hereto and incorporated herein by this reference, and the Board hereby sets the ballot title as set forth in **Exhibit A**.

2. The election shall be conducted as a coordinated election in accordance with all relevant provisions of the Uniform Election Code of 1992.
3. The Board hereby designates James Eccher as the Designated Election Official (“DEO”) of the District. The DEO is hereby authorized and directed to proceed with any action necessary or appropriate, including contracting with the Clerk to conduct the Election, to effectuate the provisions of this Resolution, the Act, the Uniform Election Code of 1992, TABOR or other applicable laws.
4. If a majority of the votes cast on the ballot issue are in favor of authorizing the District to collect, retain and spend all revenues from grants and other funds from state or local governments, as provided in such ballot issue, the District, acting through the Board, is authorized to proceed with the necessary action to collect, retain and spend all revenues from such sources, in accordance with such ballot issue. Said authority, if conferred by the results of the election, is deemed and considered a continuing authority to collect, retain and spend all revenues from grants and other funds from state or local governments at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, may be considered as exhausting or limiting the full authority so conferred.
5. 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 (5) days after the title of the ballot issue or ballot question is set.
6. The Board intends that the provisions hereof are severable. Therefore, if any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not impair or invalidate the remaining provisions of this Resolution.
7. Any and all actions previously taken by the DEO or the President or Secretary of the Board or any other persons acting on their behalf concerning the subject matter of this Resolution, pursuant to the Act, Uniform Election Code of 1992, or other applicable laws, are hereby ratified and confirmed.
8. All acts, orders, and resolutions or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed only to the extent of such inconsistency or conflict.
9. The provisions of this Resolution shall take effect immediately.

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 13th day of August, 2019.

COLORADO CITY METROPOLITAN DISTRICT



President

ATTEST:



Secretary

COLORADO CITY METROPOLITAN DISTRICT BALLOT ISSUE _____

WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES, SHALL COLORADO CITY METROPOLITAN DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES FROM GRANTS OR FUNDS RECEIVED FROM A STATE, AGENCY OR POLITICAL SUBDIVISION OF A STATE, OR LOCAL GOVERNMENT IN FISCAL YEAR 2019 AND THEREAFTER AS VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____
NO _____

STATE OF COLORADO)
)
 COUNTY OF PUEBLO) ss.
)
 COLORADO CITY METROPOLITAN)
 DISTRICT)

I, Greg Collins, Secretary of Colorado City Metropolitan District, Pueblo County, Colorado (the "District"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a regular meeting held on August 13, 2019.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August 13, 2019, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Terry Kraus, Chairman	X			
Greg Collins, Secretary	X			
Harry Hochstetler, Treasurer	X			
Bob Cook, Director	X			

3. The members of the Board were present at such 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 President of the District, sealed with the District's seal, attested by the Secretary and recorded in the minutes.

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

6. Notice of the regular meeting of August 13, 2019, in the form attached hereto as **Exhibit A** was posted in at least three places within the limits of the District, and, in addition, such notice was posted in the office of the Pueblo County Clerk and Recorder not less than 72 hours prior to the special meeting in accordance with law.

WITNESS my hand and the seal of said District affixed this 13th day of August, 2019.

(SEAL)


 Secretary



**COLORADO CITY METROPOLITAN DISTRICT
PUBLIC NOTICE
BOARD OF DIRECTORS STUDY SESSION**

A study session for the Board of Directors of the Colorado City Metropolitan District will be held Tuesday, August 13, 2019 beginning at 6:00 p.m.

1. Discussion of candidates for empty Board seat
2. IGA for Election with County
3. Tabor Ballot issue Resolution 12-2019
4. Renting of Rec Center to Dist. -70

BOARD OF DIRECTORS REGULAR MEETING

A regular meeting of the Board of Directors of the Colorado City Metropolitan District will be held Tuesday, August 13, 2019 beginning at 6:15 p.m.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. MOMENT OF SILENT REFLECTION.
4. Nomination of Appointment of Board Member and Oath
5. QUORUM CHECK.
6. APPROVAL OF AGENDA.
7. APPROVAL OF MINUTES.

Study/Work Session July 30, 2019
Regular Meeting July 30, 2019

8. BILLS PAYABLE.
9. FINANCIAL REPORT.
10. OPERATIONAL REPORT.
11. READING BY CHAIRPERSON OF THE STATEMENT OF CONDUCT AND Demeanor.
12. CITIZENS INPUT.
13. AGENDA ITEMS.

Accepting and signing of IGA	Discussion/Action
Resolution 12-2019 Ballot for Tabor	Discussion/Action
Accepting and signing Rental agreement	Discussion/Action

14. ATTORNEYS REPORT.
15. EXECUTIVE SESSION Pursuant to § 24-6-402(4)(b), C.R.S. to receive legal advice on specific legal questions concerning investigations into financial activities by the former District Manager and public communication regarding such items.
16. OLD BUSINESS.
17. NEW BUSINESS.

[attach meeting notice]