

SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING AGENDA
AUGUST 16, 2010 CONTINUED
TO AUGUST 23, 2010

PLEASE NOTE THAT ALL TIMES ARE APPROXIMATE – ITEMS COULD START EARLIER OR LATER THAN THE STATED TIME

CALL TO ORDER AT 8:00 A.M.

Item No. 1: ROLL CALL

Item No. 2: PUBLIC NON-AGENDA ITEMS
(5 – Minute Time limit)

Item No. 3: RESOLUTION NO. 32, SERIES OF 2010 – A RESOLUTION SUBMITTING A BALLOT ISSUES QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION –*Droste Tax*
Increase 7 Yrs .81 mills
(Time: 20 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or deny
Resolution No. 32, Series of 2010
--Russ Forrest.....Page 1

Item No. 4: RESOLUTION NO. 33, SERIES OF 2010 – A RESOLUTION SUBMITTING A BALLOT ISSUES QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION –*Transportation*
Mill Levy 5 Yrs .81 Mills
(Time: 20 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or deny
Resolution No. 33, Series of 2010
--Russ Forrest.....Page 8

Item No. 5: RESOLUTION NO. 34, SERIES OF 2010 – A RESOLUTION SUBMITTING A BALLOT ISSUES QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION –*Droste Tax*
Increase 7 Yrs Fixed
(Time: 20 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or deny
Resolution No. 34, Series of 2010
--Russ Forrest.....Page 11

Item No. 6: RESOLUTION NO. 35, SERIES OF 2010 – A RESOLUTION SUBMITTING A BALLOT ISSUES QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION –*Transportation*
Mill Levy 5 Yrs Fixed
(Time: 20 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or deny
Resolution No. 35, Series of 2010
--Russ Forrest.....Page 14

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Cont to
08-23-10
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Item No. 7: ADJOURNMENT

NOTE: **Total time estimated for meeting: Approx 1.5 hours**
ALL ITEMS AND TIMES ARE TENTATIVE AND SUBJECT TO CHANGE
WITHOUT FURTHER NOTICE. PLEASE CALL THE OFFICE OF THE
TOWN CLERK AT 923-3777 ON THE DAY OF THE MEETING FOR ANY
AGENDA CHANGES.

To: Town Council
 From: Russ Forrest and Marianne Rakowski
 Date: August 23, 2010
 Re: 2010 Ballot Questions: Resolutions 32, 33, 34, 35

PURPOSE:

The purpose of continuing the Council meeting from August 16th to Monday, August 23rd is to further consider options for placing a ballot question on the November 2010 ballot. Two scenarios involving four Resolutions are provided for your consideration and discussion. A final decision in the form of approving or denying a specific ballot measure is requested at this time to meet the County's election schedule.

FAB RECOMMENDATION:

The Financial Advisory Board (FAB) met August 11, 2010 and discussed its recommendation on the ballot questions in light of the request from the County to help pay for the Droste property.

Based on that discussion, the FAB amended its original recommendation to the following:

- 1) Total mill levy increase cumulatively for all Snowmass Village ballot measures should not be more than .81 mills or be tax neutral.
- 2) The FAB is recommending two ballot questions (versus three) including:
 - Create a ballot question for a new mill levy to pay \$200,000 per year for 5 years (**without bonding**) for a total of \$1,000,000 to help pay for the Droste Property (Resolution No. 30).
 - Create a ballot question for a new mill levy dedicated to Transportation in the General fund to sunset in 5 years (Resolution 31).

The specifics of the recommendation are summarized below:

FAB Recommendation:		
* Dedicated to a specific purpose as specified below		
* <u>Would sunset in 5 years</u>		
Assume .81 mills	Annual Value	Mils
Droste Property	\$200,000	0.29
Remainder for Transportation in the General Fund	\$ 357,500	0.52
Total	\$ 557,500	0.81

BALLOT OPTIONS

Staff has provided two basic options based on the discussion from the August 16th Council meeting to cap a new property tax. The two options include:

- Option 1: Capping the cumulative tax mill levy on both measures to .81 mills.
- Option 2: Capping the cumulative tax revenues to the 2010 payment of \$557,000 (which is currently based on .81 mills).

Option 1

After further discussions at the August 16, 2010 Town Council meeting, the Droste ballot question required amending to achieve a \$2M pledge versus a \$1M pledge. Furthermore, the Council asked to ensure that funding for Droste was set/fixed at \$200,000 per year for the first 5 years and then at \$500,000 for years 6 and 7. In addition, the Council asked that the total mill levy for both items not exceed .81 mills. This solution is summarized below.

Option 1: Resolutions based on Council Direction using .81 mills as a maximum cap				
		Property Tax	Estimated Amount	
<u>Resolution #</u>	<u>Purpose</u>	<u>Mill Levy</u>	<u>Funded Annually</u>	<u>Length (yrs)</u>
32	Droste Open Space (no debt)	Mill Levy would fluctuate to maintain payment of \$200,000/year for 5 years, but no greater than .81 mills including the Transportation question if approved	\$ 200,000	Years 1-5
	Droste Open Space (no debt)	Mill Levy would fluctuate to maintain payment of \$500,000/year for years 6 and 7, but no greater than .81 mills	\$ 500,000	Years 6-7
33	Transportation Funding	Would fluctuate based on the mills required by Droste to fund \$200K/yr, but would be limited to a cap of .81 mills in total including Droste.	\$ 357,000	5
TOTALS		.81	\$ 557,000	

In reviewing the above proposed ballot questions (Resolutions 32 and 33), it became clear that in order to remain within the .81 mill levy cap and provide predictable funding for Droste, that the questions would be become more complicated and interconnected. In order to craft the ballot

questions based on the .81 mill levy cap, our bond counsel created language that essentially makes the Transportation funding (Resolution #33) subordinate to the Droste funding within the first 5 years. In other words, if the assessed value goes down, the Droste property is funded first to pay a steady \$200,000 per year from the .81 mills. Therefore the funding for Transportation may be decreased making the funding for an essential Town service (Transportation) secondary to the funding of the Droste property. This implication may or may have not been clear to all on August 16th.

Option 2:

Therefore, staff asked Bond Counsel to prepare two additional resolutions for Council's consideration, to address both issues. Using a flat revenue rate is easier to understand and eliminates the adverse affects of either measure collecting less than what is needed or conversely, more than what is needed. Resolution #34 fixes the rate of property tax generation for funding the Droste acquisition at \$200,000 per year for five years and then at \$500,000 for years 6 and 7. Resolution #35 if approved would fix the Transportation revenue at \$357,000. It results in a flat tax bill of what a tax payer actually pays compared to 2010 (i.e. \$557,500). The actual math in the table below equates to \$557,000 (\$500 less than the 2010 value). This option may result in a mill levy increase of over .81 mills, but the property tax paid remains neutral compared to 2010.

The below chart summarizes the two additional resolutions that use a dollar ceiling versus a mill levy ceiling:

Option 2: Resolutions based on a maximum revenue figure per year				
Resolution #	Purpose	Property Tax Mill Levy	Estimated Amount Funded Annually	Length (yrs)
34	Droste Open Space (no debt)	fluctuates	\$ 200,000	Years 1-5
	Droste Open Space (no debt)	fluctuates	\$ 500,000	Years 6-7
35	Transportation Funding	fluctuates	\$ 357,000	Years 1-5
	TOTAL (1 st 5 Years)	Will be based on the new A.V. for 2010	\$557,000	

STAFF RECOMMENDATION:

Staff recommends approving Resolutions No. 34 and 35, which are based on the maximum dollar amount. Resolutions 34 and 35 are easier to understand for the voter and accomplishes a property tax revenue neutral amount and does not involve bonding. It also provides predictable funding for both Droste acquisition and Transportation operations if approved.

The FAB had previously discussed a dollar cap vs. a mill levy cap and were supportive of the dollar amount cap as Rick Griffin had reported at the July 19, 2010 Town Council meeting. This was re-verified by Fred Kucker this week.

Attachments:

Resolution 32: Droste Open Space using .81 as a cap and funding \$200,000 for 5 years & \$500,000 for 2 yrs.

Resolution 33: Transportation funding subordinated to Droste for 5 years to ensure both measures do not exceed .81 mills

Resolution 34: Droste Open Space funding \$200,000 for 5 years & \$500,000 for 2 yrs.

Resolution 35: Transportation funding generating \$357,000 for 5 years

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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 32
SERIES OF 2010**

A RESOLUTION SUBMITTING A BALLOT ISSUE QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION.

WHEREAS, the Town of Snowmass Village, is a municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and laws of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, hereinafter referred to as "TABOR", requires the Town to submit certain questions to the electorate in the manner prescribed therein; and

WHEREAS, November 2, 2010, 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, pursuant to Section 2.2 of the Town Charter, the November 2, 2010 is a regular election date of the Town; and

WHEREAS, pursuant to Section 2.1 of the Town Charter, all elections of the Town are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the Town to participate in the coordinated election being conducted by Pitkin County (the "County") on November 2, 2010; and

WHEREAS, the Council now determines it is necessary to submit to the electors of the Town, at the regular municipal election which will be held as a coordinated election with the County on November 2, 2010 a ballot issue question; and

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

WHEREAS, the Town Council finds that the adoption of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, as follows:

1. Ballot Question. Pursuant to the Town Charter, the Colorado Municipal Election Code of 1965 and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, a regular municipal election shall be held on November 2, 2010, and there shall be submitted to the eligible electors of the Town the question set forth as follows:

SHALL TOWN OF SNOWMASS VILLAGE TAXES BE INCREASED \$200,000 ANNUALLY, COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS OF .81 MILLS ANNUALLY THEREAFTER FOR COLLECTION THROUGH DECEMBER 31, 2017 (PROVIDED THAT SUCH MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO ACCOUNT FOR CHANGES IN STATE LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO THAT TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES), \$200,000 OF THE REVENUES THEREFROM IN 2011 THROUGH 2015 INCLUSIVE AND \$500,000 OF THE REVENUES THEREFROM IN 2016 AND 2017 TO BE USED FOR THE PURPOSE OF FINANCING, TOGETHER WITH PITKIN COUNTY, COLORADO, THE ACQUISITION OF A COUNTY OPEN SPACE PARCEL KNOWN AS THE DROSTE PROPERTY OR TO REIMBURSE THE TOWN FOR AMOUNTS PREVIOUSLY EXPENDED FOR SUCH PURPOSES; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE IN CALENDAR YEARS 2011 THROUGH 2017 INCLUSIVE WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

2. Conduct of the Election. The Council hereby provides that the Town shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to the regular election and that such election shall be coordinated with and conducted by the County as provided therein.

3. Designated Election Official. The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers and authority granted to the Council may be exercised by the designated election official, including, but not limited to the power to appoint election judges.

4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the designated election official to certify to the County Clerk of the County, on or before September 3, 2010, the question in the form set forth in Section 1 hereof.

5. Direction to enter into Intergovernmental Agreements. The officers of the Town are authorized to enter into one or more intergovernmental agreements with the County Clerk of the County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified and approved.

6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the levy of ad valorem property taxes submitted at the election shall be in favor of incurring the

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levying ad valorem property taxes as provided in such question, the Town acting through the Council shall be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance with such question.

The authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the ad valorem 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.

7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and its officers directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

8. Direction to Town Staff. 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.

9. Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Resolution which can be given effect without the invalid provision or application, and, to this end, the provisions of this Resolution are severable.

10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore repealed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on August 16, 2010, upon the motion of Council Member _____, the second of Council Member _____ and upon a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

Attest:

Rhonda B. Coxon, Town Clerk

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 33
SERIES OF 2010**

**A RESOLUTION SUBMITTING A BALLOT ISSUE QUESTION TO THE ELECTORATE AT
THE TOWN'S REGULAR MUNICIPAL ELECTION.**

WHEREAS, the Town of Snowmass Village, is a municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and laws of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, hereinafter referred to as "TABOR", requires the Town to submit certain questions to the electorate in the manner prescribed therein; and

WHEREAS, November 2, 2010, 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, pursuant to Section 2.2 of the Town Charter, the November 2, 2010 is a regular election date of the Town; and

WHEREAS, pursuant to Section 2.1 of the Town Charter, all elections of the Town are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the Town to participate in the coordinated election being conducted by Pitkin County (the "County") on November 2, 2010; and

WHEREAS, the Council now determines it is necessary to submit to the electors of the Town, at the regular municipal election which will be held as a coordinated election with the County on November 2, 2010 a ballot issue question; and

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

WHEREAS, the Town Council finds that the adoption of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, as follows:

1. Ballot Question. Pursuant to the Town Charter, the Colorado Municipal Election Code of 1965 and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, a regular municipal election shall be held on November 2, 2010, and there shall be submitted to the eligible electors of the Town the question set forth as follows:

SHALL TOWN OF SNOWMASS VILLAGE TAXES BE INCREASED \$357,000 ANNUALLY, COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS OF .81 MILLS THEREAFTER THROUGH DECEMBER 31, 2015; PROVIDED, HOWEVER, THAT SUCH .81 MILL LEVY SHALL BE REDUCED IN ANY YEAR BY SUCH PORTION OF THE LEVY AS IS NECESSARY TO FINANCE THE TOWN'S PORTION OF THE ACQUISITION OF THE DROSTE PROPERTY BY PITKIN COUNTY OR REIMBURSED TO THE TOWN FOR SUCH ACQUISITION, IF ANY (PROVIDED THAT SUCH MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO ACCOUNT FOR CHANGES IN STATE LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO THAT TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES), THE REVENUES THEREFROM TO BE USED FOR FUNDING TRANSPORTATION SERVICES AND EQUIPMENT OF THE TOWN AS IS HEREAFTER AUTHORIZED BY THE TOWN COUNCIL, AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE IN CALENDAR YEARS 2011 THROUGH 2015 INCLUSIVE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

2. Conduct of the Election. The Council hereby provides that the Town shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to the regular election and that such election shall be coordinated with and conducted by the County as provided therein.

3. Designated Election Official. The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers and authority granted to the Council may be exercised by the designated election official, including, but not limited to the power to appoint election judges.

4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the designated election official to certify to the County Clerk of the County, on or before September 3, 2010, the question in the form set forth in Section 1 hereof.

5. Direction to enter into Intergovernmental Agreements. The officers of the Town are authorized to enter into one or more intergovernmental agreements with the County Clerk of the County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified and approved.

6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying ad valorem property taxes as provided in such question, the Town acting through the

Council shall be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance with such question.

The authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the ad valorem 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.

7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and its officers directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

8. Direction to Town Staff. 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.

9. Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Resolution which can be given effect without the invalid provision or application, and, to this end, the provisions of this Resolution are severable.

10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore repealed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on August 16, 2010, upon the motion of Council Member _____, the second of Council Member _____ and upon a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

Attest:

Rhonda B. Coxon, Town Clerk

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 34
SERIES OF 2010**

A RESOLUTION SUBMITTING A BALLOT ISSUE QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION.

WHEREAS, the Town of Snowmass Village, is a municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and laws of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, hereinafter referred to as "TABOR", requires the Town to submit certain questions to the electorate in the manner prescribed therein; and

WHEREAS, November 2, 2010, 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, pursuant to Section 2.2 of the Town Charter, the November 2, 2010 is a regular election date of the Town; and

WHEREAS, pursuant to Section 2.1 of the Town Charter, all elections of the Town are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the Town to participate in the coordinated election being conducted by Pitkin County (the "County") on November 2, 2010; and

WHEREAS, the Council now determines it is necessary to submit to the electors of the Town, at the regular municipal election which will be held as a coordinated election with the County on November 2, 2010 a ballot issue question; and

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

WHEREAS, the Town Council finds that the adoption of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, as follows:

1. Ballot Question. Pursuant to the Town Charter, the Colorado Municipal Election Code of 1965 and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, a regular municipal election shall be held on November 2, 2010, and there shall be submitted to the eligible electors of the Town the question set forth as follows:

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SHALL TOWN OF SNOWMASS VILLAGE TAXES BE INCREASED \$200,000 ANNUALLY, COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY \$200,000 IN CALENDAR YEARS 2011 THROUGH 2015 INCLUSIVE AND \$500,000 IN CALENDAR YEARS 2016 AND 2017, BY THE IMPOSITION OF A MILL LEVY SUFFICIENT TO GENERATE SUCH AMOUNTS; SUCH TAXES TO BE USED FOR THE PURPOSE OF FINANCING, TOGETHER WITH PITKIN COUNTY, COLORADO, THE ACQUISITION OF A COUNTY OPEN SPACE PARCEL KNOWN AS THE DROSTE PROPERTY OR TO REIMBURSE THE TOWN FOR AMOUNTS PREVIOUSLY EXPENDED FOR SUCH PURPOSES; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE IN CALENDAR YEARS 2011 THROUGH 2017 INCLUSIVE WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

2. Conduct of the Election. The Council hereby provides that the Town shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to the regular election and that such election shall be coordinated with and conducted by the County as provided therein.

3. Designated Election Official. The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers and authority granted to the Council may be exercised by the designated election official, including, but not limited to the power to appoint election judges.

4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the designated election official to certify to the County Clerk of the County, on or before September 3, 2010, the question in the form set forth in Section 1 hereof.

5. Direction to enter into Intergovernmental Agreements. The officers of the Town are authorized to enter into one or more intergovernmental agreements with the County Clerk of the County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified and approved.

6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying ad valorem property taxes as provided in such question, the Town acting through the Council shall be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance with such question.

The authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the ad valorem 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.

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7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and its officers directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

8. Direction to Town Staff. 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.

9. Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Resolution which can be given effect without the invalid provision or application, and, to this end, the provisions of this Resolution are severable.

10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore repealed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on August 16, 2010, upon the motion of Council Member _____, the second of Council Member _____ and upon a vote of __ in favor and __ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

Attest:

Rhonda B. Coxon, Town Clerk

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 35
SERIES OF 2010**

A RESOLUTION SUBMITTING A BALLOT ISSUE QUESTION TO THE ELECTORATE AT THE TOWN'S REGULAR MUNICIPAL ELECTION.

WHEREAS, the Town of Snowmass Village, is a municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and laws of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, hereinafter referred to as "TABOR", requires the Town to submit certain questions to the electorate in the manner prescribed therein; and

WHEREAS, November 2, 2010, 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, pursuant to Section 2.2 of the Town Charter, the November 2, 2010 is a regular election date of the Town; and

WHEREAS, pursuant to Section 2.1 of the Town Charter, all elections of the Town are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the Town to participate in the coordinated election being conducted by Pitkin County (the "County") on November 2, 2010; and

WHEREAS, the Council now determines it is necessary to submit to the electors of the Town, at the regular municipal election which will be held as a coordinated election with the County on November 2, 2010 a ballot issue question; and

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

WHEREAS, the Town Council finds that the adoption of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Snowmass Village, Colorado, as follows:

1. Ballot Question. Pursuant to the Town Charter, the Colorado Municipal Election Code of 1965 and the Uniform Election Code, and all laws amendatory thereof and

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supplemental thereto, a regular municipal election shall be held on November 2, 2010, and there shall be submitted to the eligible electors of the Town the question set forth as follows:

SHALL TOWN OF SNOWMASS VILLAGE TAXES BE INCREASED \$357,000 ANNUALLY, COMMENCING IN 2010 FOR COLLECTION IN CALENDAR YEARS 2011 THROUGH 2015 INCLUSIVE, BY THE IMPOSITION OF A MILL LEVY SUFFICIENT TO GENERATE SUCH AMOUNT; THE REVENUES THEREFROM TO BE USED FOR FUNDING TRANSPORTATION SERVICES AND EQUIPMENT OF THE TOWN AS IS HEREAFTER AUTHORIZED BY THE TOWN COUNCIL, AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE IN CALENDAR YEARS 2011 THROUGH 2015 INCLUSIVE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

2. Conduct of the Election. The Council hereby provides that the Town shall utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to the regular election and that such election shall be coordinated with and conducted by the County as provided therein.

3. Designated Election Official. The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers and authority granted to the Council may be exercised by the designated election official, including, but not limited to the power to appoint election judges.

4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the designated election official to certify to the County Clerk of the County, on or before September 3, 2010, the question in the form set forth in Section 1 hereof.

5. Direction to enter into Intergovernmental Agreements. The officers of the Town are authorized to enter into one or more intergovernmental agreements with the County Clerk of the County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified and approved.

6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying ad valorem property taxes as provided in such question, the Town acting through the Council shall be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance with such question.

The authority to levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the ad valorem 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.

7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and its officers directed toward the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.

8. Direction to Town Staff. 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.

9. Severability. If any provision of this Resolution or application hereof to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of this Resolution which can be given effect without the invalid provision or application, and, to this end, the provisions of this Resolution are severable.

10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore repealed.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on August 16, 2010, upon the motion of Council Member _____, the second of Council Member _____ and upon a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

Attest:

Rhonda B. Coxon, Town Clerk