

## MEMORANDUM

TO: Town Council

FROM: Russ Forrest, Town Manager  
Marianne Rakowski, Finance Director

DATE: August 16, 2010

SUBJECT: Ballot Questions – Resolution No. 27; Resolution No. 28; and Resolution No. 29, all resolutions calling a Special Election and submitting a ballot issue question to the electorate.

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### **I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:**

At the August 2, 2010 Town Council meeting, staff was directed to prepare three ballot questions and corresponding resolutions for Council's consideration at the August 16, 2010 meeting.

Action Required: Consider each resolution and vote yes or no on each.

### **II. BACKGROUND**

Attachment D summarizes the background information provided at the August 2<sup>nd</sup> Town Council meeting. The FAB's recommendation is summarized below. The below mentioned FAB recommendation would help address the \$763,000 shortfall in the general fund budget in 2011 based on preliminary numbers and our conservative outlook on revenue. Revenues in the General Fund continue to decline due to the slow economic recovery. Sales Tax revenues have decreased by 20% since 2008. Planning and Building revenues are down 88% since 2008 and Transportation parking revenue is down by 19%. Expenditures have also decreased, but in order to maintain acceptable service levels, the Town has used some of the unappropriated fund balance to supplement the declining revenues. This of course, is unsustainable in the future. It should be noted that FAB has a meeting on August 11<sup>th</sup>.

The Financial Advisory Board, at the Town Council's request, reviewed the potential for a November ballot question and recommended that the Town pursue a ballot initiative with certain parameters summarized below:

**FAB Recommendation:**

- \* Dedicated to a specific purpose as specified below
- \* Use a slightly lower number than .81 mills
- \* Sunset tax in 4 years

Assume .80 mills	Annual Value	Mils
60% for Transportation in the General Fund	\$ 330,094	0.48
40% for Parks and Recreation	\$ 220,063	0.32
Total	\$ 550,157	0.8

The FAB's primary concern was that the Town work within the .81 mills that are retiring and that any ballot initiative for funding be specific for a use and sunset after 4 years. There was also significant interest by the FAB in helping to ensure that service reductions would be lessened if a funding measure was approved by voters.

### **III. DISCUSSION ISSUES**

#### **TRANSPORTATION AND RECREATION MILL LEVY**

The Town has two bonds retiring at the end of 2010. The mill levy that pays for these bonds is currently set at .81 mills and generates \$559,091 from property taxes. Based on the current assessed valuation for the Town, residential property paid \$64.68 per \$1M of market value and commercial property paid \$234.90 per \$1M of market value in 2010. In 2011, this mill levy will not be assessed.

In the most recent draft of the 2011 General Fund budget, expenditures exceed revenues by \$763,000 and the total fund balance drops below the \$5M goal of both the Financial Advisory Board and the Town Council.

Revenues projected for 2011 have dropped by 19% or \$2.7M since 2008 when the economy first saw the beginning of the recession. Expenditures are projected to exceed revenues from 2010 through 2015 by an estimated \$500,000, which is unsustainable. Staff has done an incredible job of trying to maintain service levels and cutting in areas that wouldn't have a major impact felt by most of the public. There are many examples over the last year of how staff has improved efficiency, reduced costs and provided a comparable level of service to the public (i.e., reduced landscaping team still has maintained primary landscape areas, significant utility reductions have been realized, reorganization in the Town Hall has covered functions as the result of staff cuts in 2009. To provide a plan that creates a balanced budget, service cuts are now required that the public will now see and feel.

Staff anticipates bringing Council service cuts as part of the 2011 budget discussion that will be significant to attain a balanced budget over the next five years. What does this mean to the public? It means that in addition to the cuts that were made for the 2010 budget, more changes will need to be made for the 2011 – 2015 budgets in service levels. The main cuts will be felt throughout the General Fund in the areas of

Transportation (bus service), Administration (Town Hall), and other Town functions. Since government is primarily a service industry, cuts in service levels means cuts in staff.

Recreation and Landscaping programs were both significantly cut during the 2010 budget season, but the Real Estate Transfer Tax continues to subsidize these programs on an annual basis at a time when RETT has seen a decrease in revenues since 2008 of 66%. In order to maintain minimal landscaping and the reduced hours at the Recreation Center, the Town has had to use some of the contingency funds and continues to do so through 2015.

Even with the approval of the attached resolutions for the Transportation mill levy and the Recreation mill levy, there will still need to be continued cuts in service levels for financial sustainability until the economy picks up again.

Resolution No. 27, allows for a ballot question to ask the electorate to vote to impose .48 mills of property tax to apply towards Transportation services and equipment. .48 mills currently generates \$330,094. The property tax for residential property and commercial property per \$1M of market value will be \$38.21 and \$139.20 respectively.

Resolution No. 28, allows for a ballot question to ask the electorate to vote to impose .32 mills of property tax to apply towards Parks and Recreation. .32 mills currently generates \$220,063. The property tax for residential property and commercial property per \$1M of market value will be \$25.47 and \$92.80 respectively.

#### **DROSTE PROPERTY MILL LEVY**

At the August 2<sup>nd</sup> Town Council meeting, Council directed staff to prepare ballot language that would allow for a property tax increase to fund \$2,000,000 towards the Pitkin County Open Space purchase of the Droste Property. The \$2,000,000 would be funded through a bond issue (or similar debt instrument) over a period of 20 years.

Resolution No. 29, allows for a ballot question to ask the electorate to vote to impose an increase in property taxes and to allow for the issuance of debt to apply towards the purchase of the Droste property. If the bonds were issued today, the total repayment cost would be approximately \$2.9M, with annual payments at \$147K. The ballot question allows for some protection against an increase in interest rates by using a repayment amount of \$3.2M and annual payments of \$162K. The property tax for residential property and commercial property per \$1M of market value (using the amounts in the ballot question) will be \$18.79 and \$68.44 respectively

#### **IV. STAFF RECOMMENDATIONS AND FINDINGS**

Additional revenue in the General Fund provides the Town with the greatest flexibility to support and maintain basic town services. Dedicating additional revenue to a specific purpose such as Transportation may be more palatable to voters. Additional revenue in RETT, which has seen the most dramatic decreases in funding, would help support recreation, trails and open space maintenance. Neither of these questions makes the Towns financial situation go away, but the funding will certainly help minimize service

cuts. As mentioned in the supplemental materials for the August 2, 2010 Council meeting, staff expressed concern over multiple ballot questions, particularly three. There most likely will be other funding questions by other taxing jurisdictions all competing for support of the Town's tax payers. Particularly in this economic climate, obtaining voter approval for a mill levy change will be challenging.

We are now faced with the challenge of how to continue to provide basic functions in the Town with the continued economic down- turn. Staff would recommend that maintaining basic services is the most important priority. The Droste Open Space is a strategic open space acquisition and will have significant value for recreation. The contribution to Droste could occur in 2011 based on the phasing of the acquisition of the property. Respectfully, staff's concern is that by asking for multiple ballot questions it potentially increases the likelihood that operational funding for transportation which staff recommends is the highest priority, is not supported. Without funding support for particularly Transportation in the general fund, specific bus routes will be recommended for elimination along with other service cuts.

**Attachments:**

- A. Resolution 27
- B. Resolution 28
- C. Resolution 29
- D. Supplemental Materials from the August 2 Meeting

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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 27  
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:

52 SNOWMASS VILLAGE DEBT QUESTION – DROSTE PROPERTY

53 SHALL TOWN OF SNOWMASS VILLAGE DEBT BE INCREASED \$2,045,000 WITH A  
54 REPAYMENT COST OF \$3,200,000 (MAXIMUM TOTAL PRINCIPAL AND INTEREST), AND  
55 SHALL TAXES BE INCREASED \$162,000 ANNUALLY FOR THE PURPOSE OF FINANCING,  
56 TOGETHER WITH PITKIN COUNTY, COLORADO, THE ACQUISITION OF A COUNTY OPEN  
57 SPACE PARCEL KNOWN AS THE DROSTE PROPERTY; AND SHALL THE MILL LEVY BE  
58 INCREASED IN ANY YEAR, WITHOUT LIMITATION OF RATE AND IN AN AMOUNT SUFFICIENT  
59 TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY  
60 REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT), SUCH DEBT TO BE  
61 EVIDENCED BY THE ISSUANCE OF GENERAL OBLIGATION BONDS, INSTALLMENT SALES  
62 AGREEMENTS, LEASE PURCHASE AGREEMENTS OR OTHER MULTIPLE-FISCAL YEAR  
63 FINANCIAL OBLIGATIONS; SUCH BONDS TO BE SOLD IN ONE SERIES OR MORE, FOR A  
64 PRICE ABOVE OR BELOW THE PRINCIPAL AMOUNT OF SUCH SERIES, ON TERMS AND  
65 CONDITIONS, AND WITH SUCH MATURITIES AS PERMITTED BY LAW AND AS THE TOWN  
66 MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE BONDS PRIOR TO  
67 MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM; AND SHALL THE TOWN BE  
68 AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION,  
69 PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL  
70 OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION  
71 DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND  
72 PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE TOWN PURSUANT TO THIS  
73 QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS  
74 AUTHORIZED IN THIS QUESTION; AND SHALL SUCH TAX REVENUES AND THE EARNINGS  
75 FROM THE INVESTMENT OF SUCH BOND PROCEEDS AND TAX REVENUES BE COLLECTED,  
76 RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X,  
77 SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

78 2. Conduct of the Election. The Council hereby provides that the Town shall utilize the  
79 requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of  
80 Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to  
81 the regular election and that such election shall be coordinated with and conducted by the County as  
82 provided therein.  
83

84 3. Designated Election Official. The Town Clerk is hereby appointed as the designated  
85 election official of the Town for the purposes of performing acts required or permitted by law in  
86 connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers  
87 and authority granted to the Council may be exercised by the designated election official, including,  
88 but not limited to the power to appoint election judges.  
89

90 4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the  
91 designated election official to certify to the County Clerk of the County, on or before September 3,  
92 2010, the question in the form set forth in Section 1 hereof.  
93

94 5. Direction to enter into Intergovernmental Agreements. The officers of the Town are  
95 authorized to enter into one or more intergovernmental agreements with the County Clerk of the

96 County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election  
97 Code. Any such intergovernmental agreements heretofore entered into in connection with the  
98 election are hereby ratified and approved.  
99

100 6. Authority Upon Approval. If a majority of the votes cast on the question to authorize  
101 general obligation indebtedness and the levy of ad valorem property taxes submitted at the election  
102 shall be in favor of incurring general obligation indebtedness and levying ad valorem property taxes  
103 as provided in such question, the Town acting through the Council shall be authorized to proceed  
104 with the necessary action to incur general obligation indebtedness and levy ad valorem property  
105 taxes in accordance with such question.  
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107 The authority to contract general obligation indebtedness or to levy ad valorem property  
108 taxes, if conferred by the results of the election, shall be deemed and considered a continuing  
109 authority to contract the general obligation indebtedness and levy the ad valorem taxes so  
110 authorized at any one time, or from time to time, and neither the partial exercise of the authority so  
111 conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so  
112 conferred.  
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114 7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the  
115 provisions of this resolution) by the Town and its officers directed toward the election and the objects  
116 and purposes herein stated are hereby ratified, approved and confirmed.  
117

118 8. Direction to Town Staff. The officers and employees of the Town are hereby authorized  
119 and directed to take all action necessary or appropriate to effectuate the provisions of this  
120 Resolution.  
121

122 9. Severability. If any provision of this Resolution or application hereof to any person or  
123 circumstance is held invalid, the invalidity shall not affect any other provision or application of this  
124 Resolution which can be given effect without the invalid provision or application, and, to this end, the  
125 provisions of this Resolution are severable.  
126

127 10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this  
128 Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This  
129 repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore  
130 repealed.  
131

132 READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village,  
133 Colorado on August \_\_, 2010, upon the motion of Council Member \_\_\_\_\_, the second of  
134 Council Member \_\_\_\_\_ and upon a vote of \_\_ in favor and \_\_ opposed.  
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137 TOWN OF SNOWMASS VILLAGE  
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141 Bill Boineau, Mayor

10-27  
Resolution  
Page 4 of 4

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Rhonda B. Coxon, Town Clerk

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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 28  
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 \$220,063 ANNUALLY,

52 COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER  
53 ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS  
54 OF .32 MILLS THEREAFATER THROUGH DECEMBER 31, 2014 (PROVIDED THAT SUCH  
55 MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO ACCOUNT FOR CHANGES IN  
56 STATE LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED  
57 PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO THAT TO THE EXTENT POSSIBLE,  
58 THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE  
59 NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES), THE  
60 REVENUES THEREFROM TO BE USED FOR THE PURPOSE OF FUNDING PARK AND  
61 RECREATION SERVICES AND IMPROVEMENTS OF THE TOWN AS HEREAFTER APPROVED  
62 BY THE COUNCIL, AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT  
63 INCOME THEREON BE COLLECTED AND SPENT BY THE DISTRICT AS A VOTER-APPROVED  
64 REVENUE CHANGE IN CALENDAR YEARS 2011, 2012, 2013 AND 2014, WITHOUT REGARD  
65 TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN  
66 ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

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

72  
73 3. Designated Election Official. The Town Clerk is hereby appointed as the designated  
74 election official of the Town for the purposes of performing acts required or permitted by law in  
75 connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers  
76 and authority granted to the Council may be exercised by the designated election official, including,  
77 but not limited to the power to appoint election judges.

78  
79 4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the  
80 designated election official to certify to the County Clerk of the County, on or before September 3,  
81 2010, the question in the form set forth in Section 1 hereof.

82  
83 5. Direction to enter into Intergovernmental Agreements. The officers of the Town are  
84 authorized to enter into one or more intergovernmental agreements with the County Clerk of the  
85 County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election  
86 Code. Any such intergovernmental agreements heretofore entered into in connection with the  
87 election are hereby ratified and approved.

88  
89 6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the  
90 levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying  
91 ad valorem property taxes as provided in such question, the Town acting through the Council shall  
92 be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance  
93 with such question.

94  
95 The authority to levy ad valorem property taxes, if conferred by the results of the election,  
96 shall be deemed and considered a continuing authority to levy the ad valorem taxes so authorized at

97 any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor  
98 any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.  
99

100 7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the  
101 provisions of this resolution) by the Town and its officers directed toward the election and the objects  
102 and purposes herein stated are hereby ratified, approved and confirmed.  
103

104 8. Direction to Town Staff. The officers and employees of the Town are hereby authorized  
105 and directed to take all action necessary or appropriate to effectuate the provisions of this  
106 Resolution.  
107

108 9. Severability. If any provision of this Resolution or application hereof to any person or  
109 circumstance is held invalid, the invalidity shall not affect any other provision or application of this  
110 Resolution which can be given effect without the invalid provision or application, and, to this end, the  
111 provisions of this Resolution are severable.  
112

113 10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this  
114 Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This  
115 repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore  
116 repealed.  
117

118 READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village,  
119 Colorado on August 16, 2010, upon the motion of Council Member \_\_\_\_\_, the second of  
120 Council Member \_\_\_\_\_ and upon a vote of \_\_\_ in favor and \_\_\_ opposed.  
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123 TOWN OF SNOWMASS VILLAGE  
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127 Bill Boineau, Mayor  
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129 Attest:  
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133 Rhonda B. Coxon, Town Clerk

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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 29  
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 \$330,094 ANNUALLY, COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER

52 ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS  
53 OF .48 MILLS THEREAFTER THROUGH DECEMBER 31, 2014 (PROVIDED THAT SUCH  
54 MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO ACCOUNT FOR CHANGES IN  
55 STATE LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED  
56 PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO THAT TO THE EXTENT POSSIBLE,  
57 THE ACTUAL TAX REVENUES GENERATED BY THE MILL LEVY, AS ADJUSTED, ARE  
58 NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH CHANGES), THE  
59 REVENUES THEREFROM TO BE USED FOR FUNDING TRANSPORTATION SERVICES AND  
60 EQUIPMENT OF THE TOWN AS IS HEREAFTER AUTHORIZED BY THE TOWN COUNCIL, AND  
61 SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE  
62 COLLECTED AND SPENT BY THE DISTRICT AS A VOTER-APPROVED REVENUE CHANGE IN  
63 CALENDAR YEARS 2011, 2012, 2013 AND 2014, WITHOUT REGARD TO ANY SPENDING,  
64 REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20  
65 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

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

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

77  
78 4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the  
79 designated election official to certify to the County Clerk of the County, on or before September 3,  
80 2010, the question in the form set forth in Section 1 hereof.

81  
82 5. Direction to enter into Intergovernmental Agreements. The officers of the Town are  
83 authorized to enter into one or more intergovernmental agreements with the County Clerk of the  
84 County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election  
85 Code. Any such intergovernmental agreements heretofore entered into in connection with the  
86 election are hereby ratified and approved.

87  
88 6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the  
89 levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying  
90 ad valorem property taxes as provided in such question, the Town acting through the Council shall  
91 be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance  
92 with such question.

93  
94 The authority to levy ad valorem property taxes, if conferred by the results of the election,  
95 shall be deemed and considered a continuing authority to levy the ad valorem taxes so authorized at

96 any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor  
97 any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.  
98

99 7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the  
100 provisions of this resolution) by the Town and its officers directed toward the election and the objects  
101 and purposes herein stated are hereby ratified, approved and confirmed.  
102

103 8. Direction to Town Staff. The officers and employees of the Town are hereby authorized  
104 and directed to take all action necessary or appropriate to effectuate the provisions of this  
105 Resolution.  
106

107 9. Severability. If any provision of this Resolution or application hereof to any person or  
108 circumstance is held invalid, the invalidity shall not affect any other provision or application of this  
109 Resolution which can be given effect without the invalid provision or application, and, to this end, the  
110 provisions of this Resolution are severable.  
111

112 10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this  
113 Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This  
114 repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore  
115 repealed.  
116

117 READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village,  
118 Colorado on August 16, 2010, upon the motion of Council Member \_\_\_\_\_, the second of  
119 Council Member \_\_\_\_\_ and upon a vote of \_\_ in favor and \_\_ opposed.  
120

121  
122 TOWN OF SNOWMASS VILLAGE  
123

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126 \_\_\_\_\_  
127 Bill Boineau, Mayor

128 Attest:  
129

130  
131 \_\_\_\_\_  
132 Rhonda B. Coxon, Town Clerk

**2010 Ballot Question Options**

**Supplemental Materials for Item No. 7 in the August 2, 2010 Council Packet**

**1) Purpose**

The purpose of this supplement is to inform Council that:

- a.) The County is under the contract for the Droste property and are requesting funding assistance from the Town to complete the purchase (see attached letter), and to
- b.) Provide additional information to consider options for a ballot question(s) in November of 2010.

**2) Retiring Bonds**

The following summarizes the existing bonds that are retiring in 2010:

<b>Retiring Bonds</b>		<b>Mills</b>
Road Bonds	\$37,485	
Operations Facility	\$521,606	
<b>Total</b>	\$559,091	.81 mills

**3) FAB Recommendation**

The Financial Advisory Board, at the Town Council's request, reviewed the potential for a November ballot question and recommended that the Town pursue a ballot initiative with certain parameters summarized below:

<b>FAB Recommendation:</b>		
* Dedicated to a specific purpose as specified below		
* Use a slightly lower number than .81 mills		
* Sunset tax in 4 years		
<b>Assume .80 mills</b>	<b>Annual Value</b>	<b>Mills</b>
60% for Transportation in the General Fund	\$ 330,094	0.48
40% for Parks and Recreation	\$ 220,063	0.32
<b>Total</b>	\$ 550,157	0.8

The above mentioned FAB recommendation would help address the \$611,000 shortfall in the general fund budget in 2011 based on preliminary numbers and our conservative outlook on revenue. Revenues

in the General Fund continue to decline due to the slow economic recovery. Sales Tax revenues have decreased by 20% since 2008. Planning and Building revenues are down 88% since 2008 and Transportation parking revenue is down by 19%. Expenditures have also decreased, but in order to maintain acceptable service levels, the Town has used some of the unappropriated fund balance to supplement the declining revenues. This of course, is unsustainable in the future. The Town is therefore facing additional service cuts in order to bring the expenditures in under revenues. The Recreation Center budget has also been reduced in the last year and its financial sustainability is being managed by controlling hours of operation and managing other costs. The FAB recommendation may require two ballot questions addressing the two purposes for which the tax increase is being requested.

**4) Droste/Pitkin County Acquisition/Request for Town Assistance**

Pitkin County on Thursday July 29<sup>th</sup>, confirmed that they were under contract to purchase the Droste Property totaling 742 acres. The intended use of this site is for open space and non- winter trail usage. The County is requesting that the Town support this purchase. The City of Aspen is also being requested to support this purchase. The contract amount is \$18 million. The County open space staff has the following assumptions on how to pay for the land purchase:

<b>Anticipated Sources for the Purchase of the Droste Property</b>		
	<b>Low</b>	<b>High</b>
Pitkin County	\$ 10,000,000	\$ 10,000,000
GOCO	\$ 2,500,000	\$ 3,500,000
City of Aspen	\$ 1,000,000	\$ 2,000,000
Town of Snowmass Village	\$ 1,000,000	\$ 2,000,000
Private Sources	\$ 3,500,000	\$ 500,000
<b>Total</b>	<b>\$ 18,000,000</b>	<b>\$ 18,000,000</b>

Staff has reviewed all applicable funds to determine if the Town could make cash contribution. However, staff can not recommend paying cash with our current and projected fund balances in either the RETT or General Fund, particularly in these uncertain economic times. If the Council wants to help in this purchase, staff would only recommend that a ballot question be put to the voters to request funding to pay for the Town's share with a property tax. The following provides a summary of options for financing between \$1 million- \$2 million. The final option of "0% interest" assumes the Town would ask voters to consider a mill levy and the Town would pay that value on an annual basis to the County for a 10 year period. The County has not stated that they could finance the Town's contribution and, in the event the County will not, the ballot question will have to authorize a bond issue as well.

Bonding Value	Period (Years)	Cost/year	Mills	Funded By
<b>10 Year Bonding at 2.75% interest</b>				Property Tax
\$ 2,000,000	10	\$ 236,565	0.344	
\$ 1,500,000	10	\$ 177,535	0.258	
\$ 1,000,000	10	\$ 119,095	0.173	
<b>20 Year Bonding at 3.59% interest</b>				Property Tax
\$ 2,000,000	20	\$ 146,239	0.213	
\$ 1,500,000	20	\$ 109,893	0.160	
\$ 1,000,000	20	\$ 73,164	0.106	
<b>10 Year - 0% interest (No Bonding/County Finances)</b>				Property Tax
\$ 2,000,000	10	\$ 200,000	N/A	
\$ 1,500,000	10	\$ 150,000	N/A	
\$ 1,000,000	10	\$ 100,000	N/A	

**5) Options for a November Election**

It appears along with the various state ballot questions, there will be local ballot questions from the School District and Wildcat Fire District. The FAB recommendation may require two questions and the Droste would require a third question. A simple rule of thumb for considering a funding ballot questions is:

- 1) Is it essential for funding a critical public project or operation?
- 2) Do the elected officials feel passionate enough to publically support (consistent with state law) the ballot measure?
- 3) Is there a reasonable expectation that there will be public support for a ballot measure?

Multiple funding questions on a ballot are problematic in terms of expecting a successful result. Only asking for the most essential questions is recommended. The Town has significant budget issues with operations. We have had to cut personnel and we began to cut services in the last year with the elimination of route 7 bus service. The Recreation Center and the Green Team reduced expenditures to reflect an 85% reduction in the RETT budget in 2009. The Droste property is also a strategic piece of open space that has significant recreational and open space value. The Town is being requested (see letter from Pitkin County) to support this purchase. The following are options for the Council's consideration of potential ballot measures. These options may also lead to a discussion on other ballot question ideas. However, it is critical that the Town staff receive direction at the August 2<sup>nd</sup> meeting so that ballot language could be presented to the Council for approval via a resolution on August 16<sup>th</sup>. The following are options and considerations for each:

- A. **No Question(s): Don't pursue any funding questions:** This is a difficult economic year for everyone and finding support for any governmental spending proposal will be difficult. On the other hand, the Town has worked to cut costs in a way that minimizes impact to our public services. If the economy does not improve further cuts most likely will be required that will impact our public services. In addition, Pitkin County would need to find alternative funding for the Droste property.
- B. **Three Questions:** Develop three ballot questions that *includes* the 2 ballot questions recommended by the FAB and 1 ballot question that would authorize a property tax and bonding to support \$1-\$2 million in funding for the Droste property. This option gives the most options to the community to precisely choose what voters may want to support. It's also most likely that the community will not support all three ballot questions. Staff would recommend that the highest priority for a ballot initiative is to maintain the Town's economic sustainability and ability to provide public services.
- C. **Two Questions:** If the Council wanted to support the Droste property it could also ask for a Parks and Recreation mill levy along with a mill levy for transportation. The Parks and Recreation mill levy could also be used for assisting in the purchase of the Droste property (This was not contemplated by the FAB). The Town could request that the County finance the Town's contribution to avoid paying interest on bonding. If there was a windfall with RETT transactions (say from a Base Village transaction) after replenishing the contingency fund in RETT, the Town could pay off any commitment to the acquisition of the Droste contribution if it chooses. This option is not approved by the County. It should be noted, that the Town would not have the available funds to augment operations at the Recreation Center in this scenario. The Town could also create two ballot questions as the FAB recommended and consider a 2011 question for support of the Droste property as described below.
- D. **One Question:** Staff would recommend that additional funding for transportation operations has the greatest positive impact to the Town (particularly at .80 mills). The Town could consider asking for voter approval of that one question. In an effort to keep to one question in 2010, the Town could commit to asking a ballot question in November 2011 for the Droste property. The County is assuming that there will be three phases for the purchase of the property with final phase and payment for that phase not coming until December 15, 2011.

Attachment: Letter from Pitkin County with attachments



July 30, 2010

Town Council of Snowmass Village  
PO Box 5010  
Snowmass Village Colorado  
81615

RE: Request for Participation in Open Space Acquisition

Dear Council Members:

I am writing to request your financial participation in Pitkin County's effort to secure the 742 acre centerpiece of an open space system that we have all been building for nearly two decades. As chronicled the attached timeline, Snowmass Village launched a series of open space acquisitions with North Mesa in 1991. Since that time, we have joined you, along with the City of Aspen, in acquiring outright over 1500 acres of open space lands between the Town and Cozy Point, along with another 662 acres in conservation easements. We now have an opportunity to tie all of this investment together. (See attached Map) Contemporaneously with this letter, we have also submitted a grant to Great Outdoors Colorado, and a funding request to the City of Aspen, each requesting \$2.5 million.

This Wednesday, Peter and Bruce Droste signed a contract agreeing to the phased conveyance of 742 acres along the Brush Creek ridgeline to the Pitkin County Open Space Program and its partners. As you may know, this land recently received approvals for development of 9 large homes, serviced by a three mile long access road to wind up the ridge from Brush Creek. Our contract would secure the entire approved PUD for community open space at a total price of \$18,000,000.00, below an appraisal we received commissioned this March from Hunsperger and Weston Ltd.

Because the magnitude of this purchase is outside our capacity to "go alone," the phasing of the contract is designed to allow us maximum opportunity to raise the outside funds needed to secure the whole. In Phase I, Pitkin County will acquire 108 acres referred to as the "Airport Parcel" for \$500,000, and an equestrian trail easement parallel to the existing Brush Creek bike trail. This "Airport Parcel" will expand our existing "Cozy Point South" Open Space up and over the ridge, providing a summer trail connection between the Brush Creek and Owl Creek

Open Space & Trails Program  
530 E. Main, Suite 301  
Aspen, Colorado 81611  
(970) 920-5232

drainages. This payment also secures option for sequential closings on the balance. In Phase II, which must close by on December 15, 2010, an additional \$9.5 million will be due in exchange for 5 of 9 approved ridgetop lots in the subdivision totaling of 335 acres, and a small additional portion of the Brush Creek equestrian easement. We also have the ability to accelerate closing on two of the lots. Finally, in Phase III, the remaining 4 lots may be acquired for \$8 million, a total of 327 acres, if funds are available by December 15, 2011.

The public value of this property can hardly be overstated. The Drostes' ridge lies in the center of the Brush Creek corridor, the front door to Snowmass Village. This ridgeline is visible from many points in the upper Roaring Fork Valley, including Snowmass Village, Aspen's west end, and along several miles of both the Rio Grande Trail (GOCO Legacy Project), from many points on your single track system, and not to mention State Highway 82. Conversely, the views from this property are truly extraordinary. The Director Aspen's Parks Department, Jeff Woods, stated that the ridgeline is the "most powerful open space land I have ever visited." If successful, our acquisition will afford seasonal public access for equestrians, mountain bikes, hikers, photographers, and more, while tying together a trail system into a world class whole.

We are proposing to call the property the "Wapiti Ridge Mountain Park", in recognition of the Rocky Mountain Elk which rely on this area as their winter migration route. The land also hosts an intact native plant community that is seldom seen in such an aboriginal state. Purchasing this property would be a crowning achievement for the Town's Comprehensive Plan, which states that "The Town values the separation afforded by the undeveloped open space along Highline, Brush Creek, and Owl Creek Roads, and wants to preserve the sequence of open views that unfold along Brush Creek Road."

We understand that you will be discussing possible funding mechanisms at your upcoming meeting, which could include participation in this landmark open space purchase. I am very cognizant of the fiscal challenges faces by all towns this year, and I appreciate the opportunity to discuss this at further your meeting.

Best Regards



Dale Will  
Director

Cc: Russ Forrest, Manager, Snowmass Village  
Board of County Commissioners of Pitkin County  
Jeff Woods, Manager, Aspen Parks and Recreation  
Tim McFlynn, Chair, Pitkin County Open Space and Trails Board

## TIMELINE OF CONSERVATION EVENTS IN THE BRUSH CREEK VALLEY

- 1991 TOSV acquires **North Mesa**: 649 acres from Snowmass Land Company in conjunction with development approvals for the Horse Ranch Subdivision.  
**TOTAL ACREAGE CONSERVED - 649**
- 1994 TOSV acquires **Hidden Valley**: 213 acres from Snowmass Land Company in conjunction with development approvals.  
**TOTAL ACREAGE CONSERVED - 862**
- 1995 POST acquires **Seven Star Ranch I**: 145 acres in fee and 60 acres under conservation easement for \$1,400,000. For the 15 years following acquisition, POST has transformed the property from a thistle patch to native dryland vegetation.  
**TOTAL ACREAGE CONSERVED - 1,067 (1,007 Fee/60 CE)**
- 1996 POST acquires **Droste I Conservation Easement**: 99 acres for \$480,000 in our first attempt to protect the Droste Ranch.  
**TOTAL ACREAGE CONSERVED - 1,166 (1,007 Fee/159 CE)**
- 1999 TOSV and POST acquire the **Droste II Conservation Easement**: 503 acres of the Brush Creek Ranch (421 acres of this CE is included in the proposed acquisition) for \$7,500,000. TOSV negotiated this acquisition to protect the valley floor, and passed a bond to fund their portion of the purchase.  
City of Aspen purchased **Cozy Point Ranch**; 168 acres for \$2,700,000. The property hosts a City run equestrian facility (the only public owned equestrian facility in the valley) and a public archery range. The land is leased for cattle grazing and hay production. Fronting two miles of State Highway 82, the property is a key component to the pastoral setting in the upper Roaring Fork valley.  
**TOTAL ACREAGE CONSERVED - 1,837 (1,175 Fee/662 CE)**
- 2004 POST acquires **Seven Star II**: 232 acres, for \$5,345,000 with assistance from a GOCO open space grant. A conservation easement to the benefit of AVL T overlays the property. Since purchasing the property, the valley floor has been transformed from an abandoned hayfield to wetlands, with the help of some beavers. POST even employed the assistance of a beaver whisperer, who installed a "beaver deceiver", to help manage the return of beavers to the valley without disrupting the operations of the ditch headgate that serves the downstream properties.  
**TOTAL ACREAGE CONSERVED - 2,069 (1,407 Fee/662 CE)**
- 2005 POST purchased **Cozy Point South**: 135 acres, for \$2,750,000 again with the help of a GOCO open space grant, as well as TOSV and City of Aspen. The property is encumbered by a conservation easement to AVL T. The valley floor is leased for hay production, consistent with its historical use.  
POST, Pitkin County, TOSV, Aspen partnered to stop the installation of an above ground transmission line up the Brush Creek Valley. Holy Cross Energy proposed 90 foot towers along the lands that these agencies worked so hard to preserve. Holy Cross ended up putting the line underground, preserving the scenic value of the corridor.  
**TOTAL ACREAGE CONSERVED - 2,204 (1,542 Fee/662 CE)**
- 2006 POST constructs the **Brush Creek Trail**, a long awaited connection between TOSV and the Rio Grande Trail. The trail provides public access along the frontage of many of these preserved lands.

# WAPITI RIDGE MOUNTAIN PARK EXISTING CONDITIONS

## NOTES:

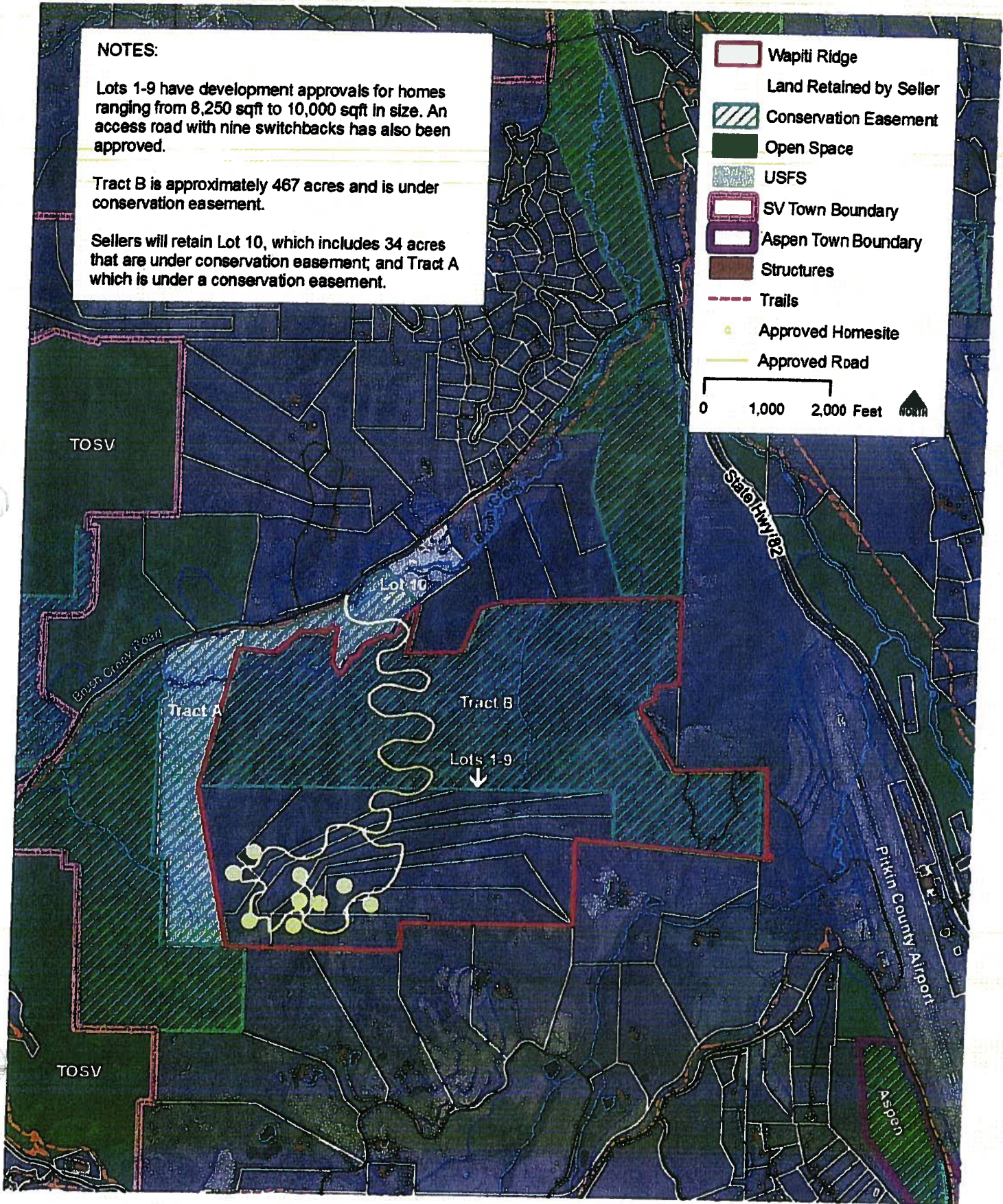
Lots 1-9 have development approvals for homes ranging from 8,250 sqft to 10,000 sqft in size. An access road with nine switchbacks has also been approved.

Tract B is approximately 467 acres and is under conservation easement.

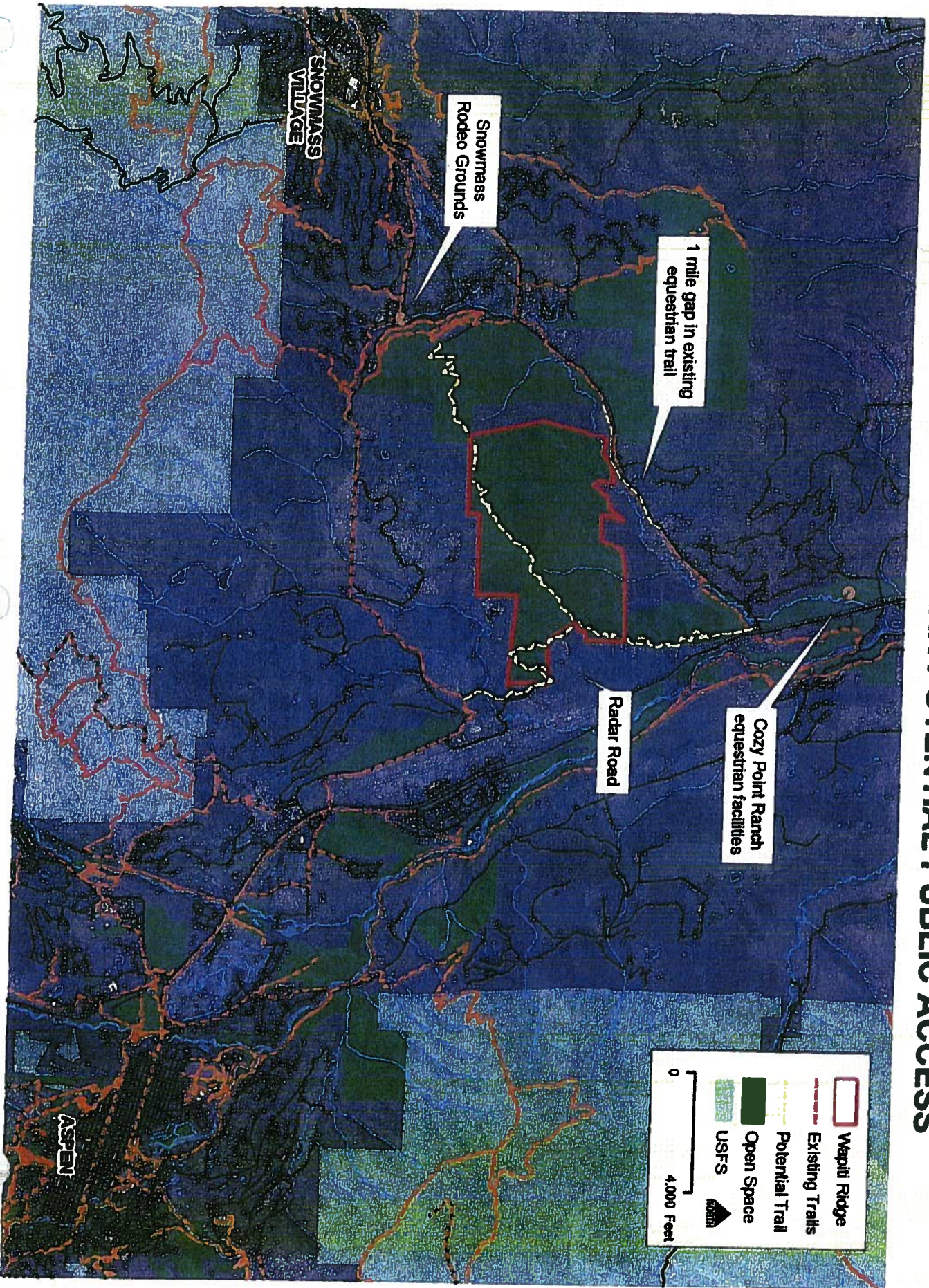
Sellers will retain Lot 10, which includes 34 acres that are under conservation easement; and Tract A which is under a conservation easement.

- Wapiti Ridge
- Land Retained by Seller
- Conservation Easement
- Open Space
- USFS
- SV Town Boundary
- Aspen Town Boundary
- Structures
- Trails
- Approved Homesite
- Approved Road

0 1,000 2,000 Feet



# WAPITI RIDGE MOUNTAIN PARK POTENTIAL PUBLIC ACCESS



To: Town Council  
 From: Russ Forrest and Marianne Rakowski  
 Date: August 13, 2010  
 Re: FAB Recommendations

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**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.
- 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:

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

All but one member approved of the recommendation. The one dissenting vote was to change the sunseting from 4 to 5 years.

## SUMMARY OF RESOLUTIONS

To help provide clarity in considering both the resolutions/ballot questions from the direction provided on August 2<sup>nd</sup> and the FAB recommendation provided from its meeting on August 11<sup>th</sup>, 2010 the following summary is provided:

Resolutions based on Council's direction on 8/2/10				
		Property Tax	Estimated Amount	
<u>Resolution #</u>	<u>Purpose</u>	<u>Mill Levy</u>	<u>Funded Annually</u>	<u>Length (yrs)</u>
27	Transportation Funding	0.48	\$ 330,094	4
28	Parks and Recreation Funding	0.32	\$ 220,063	4
29	Droste Open Space (inc debt)	0.24	\$ 162,000	20
	<b>TOTALS</b>	<b>1.04</b>	<b>\$ 712,157</b>	

Resolutions based on FAB recommendation from 8/11/10 FAB meeting				
		Property Tax	Estimated Amount	
<u>Resolution #</u>	<u>Purpose</u>	<u>Mill Levy</u>	<u>Funded Annually</u>	<u>Length (yrs)</u>
30	Droste Open Space (no debt)	0.29	\$ 200,000	5
31	Transportation Funding	0.52	\$ 357,500	5
	<b>TOTALS</b>	<b>0.81</b>	<b>\$ 557,500</b>	

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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 30  
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,

52 COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER  
53 ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS  
54 OF .29 MILLS ANNUALLY THEREAFTER FOR COLLECTION THROUGH DECEMBER 31, 2015  
55 (PROVIDED THAT SUCH MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO  
56 ACCOUNT FOR CHANGES IN STATE LAW OR THE METHOD BY WHICH ASSESSED  
57 VALUATION IS CALCULATED PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO  
58 THAT TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL  
59 LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH  
60 CHANGES), THE REVENUES THEREFROM TO BE USED FOR THE PURPOSE OF FINANCING,  
61 TOGETHER WITH PITKIN COUNTY, COLORADO, THE ACQUISITION OF A COUNTY OPEN  
62 SPACE PARCEL KNOWN AS THE DROSTE PROPERTY; AND SHALL THE PROCEEDS OF  
63 SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE  
64 TOWN AS A VOTER-APPROVED REVENUE CHANGE IN CALENDAR YEARS 2011, 2012, 2013,  
65 2014, AND 2015 WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER  
66 LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO  
67 CONSTITUTION, OR ANY OTHER LAW?

68 2. Conduct of the Election. The Council hereby provides that the Town shall utilize the  
69 requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of  
70 Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to  
71 the regular election and that such election shall be coordinated with and conducted by the County as  
72 provided therein.  
73

74 3. Designated Election Official. The Town Clerk is hereby appointed as the designated  
75 election official of the Town for the purposes of performing acts required or permitted by law in  
76 connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers  
77 and authority granted to the Council may be exercised by the designated election official, including,  
78 but not limited to the power to appoint election judges.  
79

80 4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the  
81 designated election official to certify to the County Clerk of the County, on or before September 3,  
82 2010, the question in the form set forth in Section 1 hereof.  
83

84 5. Direction to enter into Intergovernmental Agreements. The officers of the Town are  
85 authorized to enter into one or more intergovernmental agreements with the County Clerk of the  
86 County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election  
87 Code. Any such intergovernmental agreements heretofore entered into in connection with the  
88 election are hereby ratified and approved.  
89

90 6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the  
91 levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying  
92 ad valorem property taxes as provided in such question, the Town acting through the Council shall  
93 be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance  
94 with such question.  
95

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

100  
101 7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the  
102 provisions of this resolution) by the Town and its officers directed toward the election and the objects  
103 and purposes herein stated are hereby ratified, approved and confirmed.

104  
105 8. Direction to Town Staff. The officers and employees of the Town are hereby authorized  
106 and directed to take all action necessary or appropriate to effectuate the provisions of this  
107 Resolution.

108  
109 9. Severability. If any provision of this Resolution or application hereof to any person or  
110 circumstance is held invalid, the invalidity shall not affect any other provision or application of this  
111 Resolution which can be given effect without the invalid provision or application, and, to this end, the  
112 provisions of this Resolution are severable.

113  
114 10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this  
115 Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This  
116 repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore  
117 repealed.

118  
119 READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village,  
120 Colorado on August 16, 2010, upon the motion of Council Member \_\_\_\_\_, the second of  
121 Council Member \_\_\_\_\_ and upon a vote of \_\_\_ in favor and \_\_\_ opposed.

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124 TOWN OF SNOWMASS VILLAGE

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128 \_\_\_\_\_  
129 Bill Boineau, Mayor

130 Attest:

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133 \_\_\_\_\_  
134 Rhonda B. Coxon, Town Clerk

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**TOWN OF SNOWMASS VILLAGE  
TOWN COUNCIL**

**RESOLUTION NO. 31  
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 \$357,500 ANNUALLY,

52 COMMENCING IN 2010 FOR COLLECTION IN 2011, AND BY SUCH GREATER OR LESSER  
53 ANNUAL AMOUNT AS MAY BE DERIVED FROM AN AD VALOREM MILL LEVY NOT IN EXCESS  
54 OF .52 MILLS ANNUALLY THEREAFTER FOR COLLECTION THROUGH DECEMBER 31, 2015  
55 (PROVIDED THAT SUCH MAXIMUM MILL LEVY SHALL BE ADJUSTED UP OR DOWN TO  
56 ACCOUNT FOR CHANGES IN STATE LAW OR THE METHOD BY WHICH ASSESSED  
57 VALUATION IS CALCULATED PURSUANT TO STATE LAW OCCURRING AFTER 2010, SO  
58 THAT TO THE EXTENT POSSIBLE, THE ACTUAL TAX REVENUES GENERATED BY THE MILL  
59 LEVY, AS ADJUSTED, ARE NEITHER DIMINISHED NOR ENHANCED AS A RESULT OF SUCH  
60 CHANGES), THE REVENUES THEREFROM TO BE USED FOR FUNDING TRANSPORTATION  
61 SERVICES AND EQUIPMENT OF THE TOWN AS IS HEREAFTER AUTHORIZED BY THE TOWN  
62 COUNCIL, AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME  
63 THEREON BE COLLECTED AND SPENT BY THE DISTRICT AS A VOTER-APPROVED  
64 REVENUE CHANGE IN CALENDAR YEARS 2011, 2012, 2013, 2014, and 2015 WITHOUT  
65 REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED  
66 WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER  
67 LAW?

68 2. Conduct of the Election. The Council hereby provides that the Town shall utilize the  
69 requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of  
70 Colorado Revised Statutes as authorized pursuant to the Municipal Election Code with respect to  
71 the regular election and that such election shall be coordinated with and conducted by the County as  
72 provided therein.  
73

74 3. Designated Election Official. The Town Clerk is hereby appointed as the designated  
75 election official of the Town for the purposes of performing acts required or permitted by law in  
76 connection with the election. Pursuant to Section 1-1-111(2) Colorado Revised Statutes, all powers  
77 and authority granted to the Council may be exercised by the designated election official, including,  
78 but not limited to the power to appoint election judges.  
79

80 4. Direction to Certify the Ballot Issue. The Council hereby authorizes and directs the  
81 designated election official to certify to the County Clerk of the County, on or before September 3,  
82 2010, the question in the form set forth in Section 1 hereof.  
83

84 5. Direction to enter into Intergovernmental Agreements. The officers of the Town are  
85 authorized to enter into one or more intergovernmental agreements with the County Clerk of the  
86 County pursuant to Section 1-7-116 of Colorado Revised Statutes contained in the Uniform Election  
87 Code. Any such intergovernmental agreements heretofore entered into in connection with the  
88 election are hereby ratified and approved.  
89

90 6. Authority Upon Approval. If a majority of the votes cast on the question to authorize the  
91 levy of ad valorem property taxes submitted at the election shall be in favor of incurring the levying  
92 ad valorem property taxes as provided in such question, the Town acting through the Council shall  
93 be authorized to proceed with the necessary action to levy ad valorem property taxes in accordance  
94 with such question.  
95

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

100  
101 7. Ratification of Prior Action. All actions heretofore taken (not inconsistent with the  
102 provisions of this resolution) by the Town and its officers directed toward the election and the objects  
103 and purposes herein stated are hereby ratified, approved and confirmed.

104  
105 8. Direction to Town Staff. The officers and employees of the Town are hereby authorized  
106 and directed to take all action necessary or appropriate to effectuate the provisions of this  
107 Resolution.

108  
109 9. Severability. If any provision of this Resolution or application hereof to any person or  
110 circumstance is held invalid, the invalidity shall not affect any other provision or application of this  
111 Resolution which can be given effect without the invalid provision or application, and, to this end, the  
112 provisions of this Resolution are severable.

113  
114 10. Inconsistency. All acts, orders and resolutions, and parts thereof, inconsistent with this  
115 Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This  
116 repealer shall not be construed to revive any act, order or Resolution, or part thereof, heretofore  
117 repealed.

118  
119 READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village,  
120 Colorado on August 16, 2010, upon the motion of Council Member \_\_\_\_\_, the second of  
121 Council Member \_\_\_\_\_ and upon a vote of \_\_\_ in favor and \_\_\_ opposed.

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123  
124 TOWN OF SNOWMASS VILLAGE

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128 \_\_\_\_\_  
129 Bill Boineau, Mayor

130 Attest:

131  
132  
133 \_\_\_\_\_  
134 Rhonda B. Coxon, Town Clerk