

RESOLUTION 9 – SERIES 2010
A RESOLUTION SETTING BALLOT LANGUAGE FOR A
USE TAX ON THE NOVEMBER 2, 2010 EAGLE COUNTY
COORDINATED ELECTION AND PROVIDING OTHER
DETAILS RELATING THERETO.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

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

WHEREAS, pursuant to Article II, Section 2.1 of the Charter and Section 31-10-102.7, C.R.S., the Town may provide by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to any election; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, the Council has determined that it is in the best interest of the residents of the Town and public interest and necessity that the Town impose a Use Tax at a rate of 4% as further described herein; and

WHEREAS, Pursuant to TABOR and Article VIII Section 8.2 of the Charter, the Town is required to seek voter approval prior to the imposition of such tax; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 2, 2010, is one of the election dates at which ballot issues may be submitted to the Town's electors pursuant to TABOR; and

WHEREAS, the County Clerk of Eagle County (the "County Clerk") is conducting a coordinated election on November 2, 2010, pursuant to Section 1-7-116, C.R.S.; and

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

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

Section 1. 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, C.R.S., in lieu of the Colorado Municipal Election Code of 1965, Article 10 of Title 31, C.R.S., with respect to the

election.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104 C.R.S., and TABOR.

Section 3. Pursuant to the applicable laws of the State of Colorado, the Council hereby determines that a special election shall be held on November 2, 2010, at which special election there shall be submitted to the eligible electors of the Town the questions set forth in section 4 hereof. The officers of the Town are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116 of the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the Election are hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 3, 2010, the questions in substantially the forms hereinafter set forth:

BALLOT ISSUE ___: USE TAX INCREASE

SHALL TOWN OF MINTURN TAXES BE INCREASED \$100,000 ANNUALLY COMMENCING IN 2011 (FIRST FULL FISCAL YEAR) AND THEN ANNUALLY BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED THEREAFTER BY THE IMPOSITION OF A USE TAX UPON THE PRIVILEGE OF USING OR CONSUMING IN THE TOWN ANY CONSTRUCTION AND BUILDING MATERIALS PURCHASED AT RETAIL , SUCH TAX BEING AT THE RATE OF 4.00% OF THE PURCHASE PRICE THEREOF COMMENCING JANUARY 1, 2011, WITH SUCH TAX TO BE SUBJECT TO SUCH EXEMPTIONS, WAIVERS, CREDITS, AND COLLECTION AND ENFORCEMENT PROCEDURES, AS THE TOWN COUNCIL MAY PRESCRIBE; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN FOR THE PURPOSES: EIGHTY PERCENT (80%) FOR CAPITAL PROJECTS AND PURCHASES AND TWENTY PERCENT (20%) FOR GENERAL ADMINISTRATION?

Section 5. The Council hereby appoints the Town Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2) C.R.S., 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.

Section 6. If a majority of the votes cast on the question to impose a use tax submitted at the election shall be in favor of imposing such taxes as provided in such questions, the Town acting through the Council shall be authorized to proceed with the necessary action to impose such taxes in accordance with such questions. Any authority to impose use taxes or lodging taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to impose such taxes so authorized, and no lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 7. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 8. The officers of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

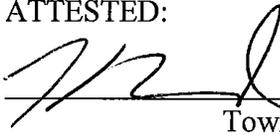
Section 9. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 10. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

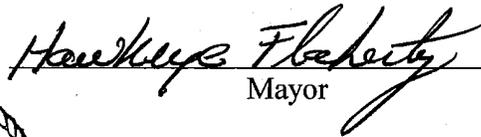
ADOPTED AND APPROVED this 21st day of July, 2010.

(S E A L)

ATTESTED:


Town Clerk




Mayor

STATE OF COLORADO)
)
 COUNTY OF EAGLE) SS.
)
 TOWN OF MINTURN)

I, Jay Brunvand, the duly elected, qualified, and acting Town Clerk of the Town of Minturn, Colorado (the "Town") do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted as a regular meeting of the Town Council of the Town (the "Council") on July 21, 2010. A quorum of the Council was in attendance at the meeting.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of July 21, 2010, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Hawkeye Flaherty, Mayor	X			
George Brodin, Mayor Pro Tem	X			
Earle Bidez, Councilman	X			
Jerry Bumgarner, Councilman	X			
Matt Scherr, Councilman	X			
Shelley Bellm, Councilwoman	X			
Aggie Martinez, Councilman			X	

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

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

5. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the City seal, attested by the City Clerk, and recorded in the minutes of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town, this 21st day of July, 2010.

(S E A L)


 Town Clerk

