

TOWN OF OPHIR

TAKING FORMAL ACTION TO PARTICIPATE IN THE
NOVEMBER 4, 2008 STATE GENERAL ELECTION

WHEREAS, Colorado Constitution, Article X, Section 20, (3)(a) states that ballot issues involving debt authorization, property tax increases, and retention of revenues shall be decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years; and

WHEREAS, the General Assembly of the Town of Ophir desires to refer a ballot question to the Ophir electorate seeking voter approval or disapproval for debt authorization and/or an increase in property tax as part of the November 4, 2008, state general election; and,

WHEREAS, Colorado Revised Statute §1-7-116(5) requires a political subdivision that desires to participate in a coordinated state general election to take formal action and notify the County Clerk and Recorder of such action to participate in a coordinated election;

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, that ~~the following~~:

SECTION 1. Formal Action on Coordinated Election. The General Assembly hereby takes formal action in accordance with C.R.S. §1-7-116(5) to participate in the state general election as a coordinated election with San Miguel County.

SECTION 2. Notice. The Town Clerk is hereby directed to provide notice along with a copy of this Resolution to the San Miguel County ~~County~~ Clerk and Recorder that the Town of Ophir has taken formal action to participate in the state general election as a coordinated election with San Miguel County. The Town of Ophir reserves the right to withdraw said notice not later than seventy days prior to the scheduled election.

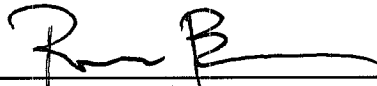
SECTION 3. Provisional Authorization to Sign Intergovernmental Agreement. The General Assembly hereby authorizes the Mayor and Town Clerk to enter into an intergovernmental agreement with the San Miguel County Clerk concerning the conduct of the coordinated election. The agreement shall be signed no later than seventy days prior to the scheduled election. The agreement shall include but not be limited to the following:

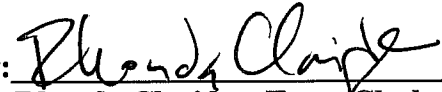
(a) Allocation of the responsibilities between the county clerk and recorder and the Town of Ophir for the preparation and conduct of the coordinated election; and

(b) Provision for a reasonable sharing of the actual cost of the coordinated election among the county and the political subdivisions, provided that the estimated actual costs shall not exceed \$ 5,000.00.

SECTION 4. Investigation of Alternative Election Options. The Town Clerk and Town Attorney and/or special counsel are directed to investigate and report at the next General Assembly meeting, the availability and potential cost of conducting an alternative mail ballot election to be conducted solely by the Town of Ophir. The intergovernmental agreement referenced in section 3, above shall not be signed prior to said report or if a motion to conduct an alternative election procedure is passed at the next General Assembly meeting.

Adopted this 15th day of July, 2008.

By: 
Randy Barnes, Mayor

Attest: 
Rhonda Claridge, Town Clerk