

**TOWN OF OPHIR**

**REFERRING A MILL LEVY INCREASE BALLOT QUESTION TO ELECTION**

**WHEREAS**, Colorado Constitution, Article X, Section 20, (3)(a) states that ballot issues involving property tax increases shall be decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years, and the state general election is scheduled for November 4, 2008, of this year; and

**WHEREAS**, Ophir Home Rule Charter, Article VIII TAXATION, Section 1, provides that the Town of Ophir shall not collect property tax revenues greater than the preceding year plus seven (7) percent unless approved by voters; and

**WHEREAS**, the General Assembly finds that the Town of Ophir's property tax revenues are not sufficient to pay for the expense of operations and maintenance, that the Town of Ophir has used real estate transfer tax revenues to pay for operations and maintenances, that real estate transfer tax revenues are not a stable, secure or predictable source of revenues, and that reliance on real estate transfer tax revenues for operations and maintenance may result in the financial inability of the Town of Ophir to meet basic operation and maintenance demands; and

**WHEREAS**, the General Assembly finds that increasing property tax revenues will provide a secure and stable source of revenues for basic operations and maintenance and will allow real estate transfer tax surplus to be available for capital improvements; 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 an increase in property tax for an election to be held on the November 4, 2008; and

**WHEREAS**, Colorado Revised Statute §31-11-111(2) authorizes the legislative body of a municipality to submit any question to a vote of the registered electors of the municipality; and

**WHEREAS**, Section 1., of Article II of the Ophir Home Rule Charter states that, "The General Assembly shall be the sole judge of Town elections . . . ."

**NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, that:**

**SECTION 1. Ballot Question Referred.** The General Assembly hereby approves the following ballot question and refers the following ballot question to a vote of the eligible electors of the Town of Ophir to an election to be held on November 4, 2008:

"SHALL THE TOWN OF OPHIR, COLORADO, TAXES BE INCREASED  
\$ \_\_\_\_\_ ANNUALLY (THE FIRST FULL FISCAL YEAR INCREASE)  
AND THEREAFTER IN SUCH AMOUNTS AS ARE RECEIVED EACH

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YEAR BY THE IMPOSITION OF AN ADDITIONAL MILL LEVY NOT TO EXCEED \_\_\_\_\_ MILLS UPON TAXABLE REAL PROPERTY WITHIN THE TOWN, THEREBY INCREASING THE TOTAL MILL LEVY RATE IMPOSED BY THE TOWN OF OPHIR TO \_\_\_\_\_, COMMENCING WITH TAX COLLECTION YEAR 2009, AND CONTINUING THEREAFTER, SUCH REVENUES TO BE COLLECTED, RETAINED, AND SPENT FOR THE PURPOSE OF DEFRAYING THE OPERATING EXPENSES OF THE TOWN OF OPHIR AND/OR OTHER LAWFUL MUNICIPAL PURPOSES, AS A VOTER APPROVED REVENUE CHANGE AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND REVENUES GENERATED FROM THE TOTAL MILL LEVY RATE OF \_\_\_\_\_ MILLS, INCLUDING EARNINGS ON INVESTMENTS, AS A VOTER APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY REVENUE OR EXPENDITURE RESTRICTION OR LIMITATION CONTAINED IN ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION, CONTAINED IN STATE STATUTES, OR CONTAINED IN THE OPHIR HOME RULE CHARTER?

YES ☐ NO ☐

**SECTION 2. Election Procedures.** The General Assembly hereby approves that the November 4, 2008, election shall be conducted as [**CHOOSE**: [1] a coordinated election with San Miguel County, Colorado, in accordance with Colorado Revised Statute §1-7-116, [2] a mail ballot election in accordance with Article 7.5, Title 1, of the Colorado Revised Statutes, or [3] a municipal election in accordance with the Colorado Municipal Election Code of 1965.]

**SECTION 3. Authorization of Town Clerk.** The Town Clerk, Town Treasurer, Town Attorney, Mayor, or their designees, are hereby authorized and directed to take all actions necessary and implied to [**CHOOSE**: [1] participate in the state general election as a coordinated election with San Miguel County, Colorado, including executing an intergovernmental agreement with San Miguel County, Colorado, to conduct a coordinated election, prepare notice materials required by the Article X, Section 20, of the Colorado Constitution, and perform such other duties as are prescribed by the Colorado Constitution, state statutes and Ophir Home Rule Charter, [2] conduct a municipal election in accordance with the Colorado Municipal Election Code of 1965, prepare notice materials required by the Article X, Section 20, of the Colorado Constitution, and perform such other duties as are prescribed by the Colorado Constitution, state statutes and Ophir Home Rule Charter, or [3] conduct a mail ballot election in accordance with Article 7.5 of Title 1 of the Uniform Election Code of 1992, prepare notice materials required by the Article X, Section 20, of the Colorado Constitution, and perform such other duties as are prescribed by the Colorado Constitution, state statutes and Ophir Home Rule Charter.]

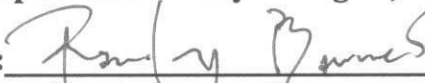
**SECTION 4. Other Revenues Not Impaired.** Nothing in this Resolution or the ballot title or question shall amend, alter, impair, or affect the prior voter approvals of, and permanent exemptions approved for, the Town's use tax, property tax, real estate transfer tax, or other revenues.

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**SECTION 5. Severability.** If any section, 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, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

**SECTION 6. Effective Date.** This resolution shall take effect immediately.

**Adopted this 19<sup>th</sup> day of August, 2008.**

By:   
Randy Barnes, Mayor

Attest:   
Rhonda Claridge, Town Clerk