

**TOWN OF OPHIR
RESOLUTION 2009-6**

**TAKING FORMAL ACTION TO PARTICIPATE IN THE NOVEMBER, 2009
COORDINATED SAN MIGUEL COUNTY 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 multiple ballot issues to the Ophir electorate seeking voter approval or disapproval for debt authorization and/or an increase in ad valorem property taxes as part of the November 3, 2009 coordinated county election; and

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

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

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 2009 San Miguel County coordinated election.

SECTION 2. Notice. The Town Clerk is hereby directed to provide a copy of this Resolution to the San Miguel County Clerk 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 cost shall not exceed \$5,000.00

Ophir Resolution 2009-6 – Taking formal action to participate in the November, 2009 coordinated San Miguel County election

RESOLVED, APPROVED AND ADOPTED by the Town of Ophir General Assembly at a public meeting on this 21st day of May, 2009.

Randy Barnes
by: Randy Barnes, Town Mayor

ATTEST:

Rhonda Claridge
Rhonda Claridge, Town Clerk

(SEAL)

APPROVED AS TO FORM:

Stephen B. Johnson
Stephen B. Johnson, Town Attorney