

RESOLUTION NO. 08-26

INTRODUCED BY:

Councilperson Clark
Councilperson Dooley

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH
CALLING FOR TWO QUESTIONS TO BE SUBMITTED TO A VOTE OF THE
REGISTERED ELECTORS, FIXING THE BALLOT TITLES AND PROVIDING FOR
UTILIZATION OF THE REQUIREMENTS AND PROCEDURES OF THE
UNIFORM ELECTION CODE WITH RESPECT TO THE
NOVEMBER 4, 2008 ELECTION**

WHEREAS, Section 31-11-111(2), C.R.S., states that the legislative body of any municipality may submit any question to a vote of the registered electors of the municipality; and

WHEREAS, the Taxpayer's Bill of Rights, Colo. Const. Art. X, Sec. 20, states that ballot issues 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 City Council of the City of Castle Pines North (the "City Council") wishes to submit a question to a vote of the registered electors of the City in the November 4, 2008 state general election; and

WHEREAS, pursuant to Section 31-11-111(2), C.R.S., the legislative body of the municipality shall fix a ballot title for the referred measure; and

WHEREAS, pursuant to Section 31-11-111(3), C.R.S., in fixing the ballot title the legislative body of the municipality shall consider the potential for public confusion that might be caused by a misleading ballot title and the ballot title shall correctly and fairly express the intent and meaning of the measure; and

WHEREAS, Section 31-11-111(3), C.R.S., states that the ballot title shall not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same elections; and

WHEREAS, the City Council wishes to fix a ballot title for the November 4, 2008 election; and

WHEREAS, Sections 31-10-102.7 and 1-1-102(1), C.R.S., allow a municipality to provide by ordinance or resolution that it will utilize the requirements and procedures of the "Uniform Election Code of 1992", articles 1 to 10 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 any election; and

WHEREAS, the City Council wishes to utilize the requirements and procedures of the Uniform Election Code of 1992 for the November 4, 2008 election; and

WHEREAS, the City Council finds that submitting a question with the ballot title provided herein to the registered electors of the City is in the best interest of the public welfare.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

Section 1. The City Council hereby calls an election to be held on November 4, 2008, for the purpose of submitting to a vote of the registered electors of the municipality two ballot issues, substantially in the form shown below, and fixing the ballot titles substantially as follows:

FIRST BALLOT ISSUE:

SHALL THE CITY OF CASTLE PINES NORTH, WITHOUT INCREASING AD VALOREM PROPERTY TAXES AUTHORIZED BY BALLOT QUESTION 2E APPROVED IN 2007 BY THE ELECTORS OF THE CITY OF CASTLE PINES NORTH, BE AUTHORIZED TO INSTITUTE A NEW AD VALOREM PROPERTY TAX, ON ALL PROPERTY TAXABLE BY LAW, RESULTING IN AN INCREASE TO THE CITY OF CASTLE PINES NORTH OF \$2,786,780 ANNUALLY (ESTIMATED FIRST FISCAL YEAR DOLLAR INCREASE), BEGINNING THE FIRST FISCAL YEAR OF 2009, AND BY WHATEVER ADDITIONAL AMOUNTS ARE PRODUCED EACH YEAR THEREAFTER, WITH SUCH REVENUES TO BE GENERATED FROM A PROPERTY TAX NOT TO EXCEED A RATE OF 19 MILLS, PROVIDED THAT THE CITY MAY IMPOSE SUCH TAX ONLY IN THE EVENT THAT THE CASTLE PINES NORTH METROPOLITAN DISTRICT REDUCES OR ELIMINATES ITS CURRENT MILL LEVY, THEN THE CITY MAY IMPOSE A MILL LEVY EQUAL TO THE AMOUNT OF REDUCTION FOR ANY AND ALL GENERAL MUNICIPAL PURPOSES, PROVIDED HOWEVER, THAT THE CITY MAY NEVER CHARGE ON ITS RESIDENTS A NON-UNIFORM TAX, AND THE CITY WILL NOT LEVY MORE THAN A TOTAL OF 19 MILLS, AND SHALL SUCH INCREASED TAXES CONSIST OF PROPERTY TAXES IMPOSED BY THE CITY THROUGH ORDINANCES ADOPTED FROM TIME TO TIME, SUCH ORDINANCES SUBJECT ONLY TO THE LIMITATIONS CONTAINED IN THE COLORADO AND U.S. CONSTITUTIONS; AND SHALL THE PROCEEDS OF SUCH TAXES AND ANY INVESTMENT INCOME THEREON BE COLLECTED, RETAINED AND SPENT BY THE CITY IN THE FISCAL YEAR 2009 AND IN EACH FISCAL YEAR THEREAFTER AS A VOTER-APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING, REVENUE-RASING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S. IN ANY YEAR, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE CITY'S REVENUES OR EXPENDITURES AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, ALL WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED, RETAINED AND SPENT BY THE CITY? _____

SECOND BALLOT ISSUE:

SHALL THE CITY OF CASTLE PINES NORTH BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND THE FULL AMOUNT OF ALL AD VALOREM PROPERTY

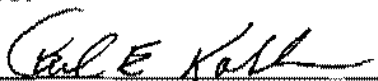
TAXES, ALL OTHER TAXES, TAX INCREMENT REVENUES, INVESTMENT INCOME, TAP FEES, PARK FEES, FACILITY FEES, SERVICE CHARGES, INSPECTION CHARGES, ADMINISTRATIVE CHARGES, GRANTS OR ANY OTHER FEE, RATE, TOLL, PENALTY, OR CHARGE AUTHORIZED BY LAW OR CONTRACT TO BE IMPOSED, COLLECTED OR RECEIVED BY THE CITY DURING 2009 AND EACH FISCAL YEAR THEREAFTER, SUCH AMOUNTS TO CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND BE COLLECTED, RETAINED AND SPENT BY THE CITY WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITS IMPOSED ON INCREASES IN PROPERTY TAXATION BY SECTION 29-1-301, C.R.S. IN ANY YEAR, OR ANY OTHER LAW WHICH PURPORTS TO LIMIT THE CITY'S REVENUES OR EXPENDITURES AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED, RETAINED AND SPENT BY THE CITY? _____

Section 2. The City Council hereby provides that it will utilize the requirements and procedures of the "Uniform Election Code of 1992", articles 1 to 10 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 November 4, 2008 election.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 27th day of August, 2008.

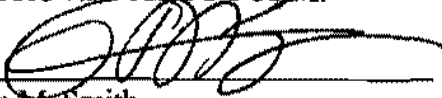

Maureen A. Shul, Mayor

ATTEST:



Carl E. Kollmar, City Clerk

APPROVED AS TO FORM:



Erin M. Smith
City Attorney