

TOWN OF MARBLE, COLORADO
ORDINANCE NO. 8
SERIES OF 1995

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE NOVEMBER 7, 1995, ELECTION A BALLOT ISSUE CONCERNING A VOTER-APPROVED REVENUE AND EXPENDITURE CHANGE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION.

WHEREAS, Article X, Section 20, of the Colorado Constitution, commonly referred to as Amendment 1, places annual limits upon the maximum permissible change in the Town's revenues and expenditures; and

WHEREAS, the Town of Marble, Colorado, is desirous of obtaining a state grant to be used for planning purposes; and

WHEREAS, the Board of Trustees finds and determines that current annual limits under Amendment 1 inhibit the Town's ability to collect, retain and expend such a state grant, and to collect, retain and expend those revenues required or used for municipal purposes; and

WHEREAS, the Board of Trustees finds and determines that it is in the best interests of the citizens of the Town of Marble that the Town have the ability to collect, retain, and expend each year the full amount of revenues generated from all of the Town's revenue sources, including, without limitation, non-federal grants, sales taxes, license fees, land use and development fees, and other revenue sources, without any increase in the property tax mill levy, the sales tax rates, and the rates of any other taxes imposed by the Town; and

WHEREAS, Amendment 1 authorizes the Town to refer to a vote of the registered electors of the Town the revenue and expenditure change ballot issue herein submitted; and

WHEREAS, on November 7, 1995, there will be an Amendment 1 ballot issue election, at which the Town may refer to a vote a revenue and expenditure change ballot issue; and

WHEREAS, HB 93-1255, adopted by the Colorado Legislature, amends the Uniform Election Code of 1992, to allow several governmental jurisdictions to coordinate their election operations and permit the voters to vote on all candidates and all ballot issues on one ballot; and

WHEREAS, the Town of Marble wishes to participate in a coordinated election on November 7, 1995, and C.R.S. §§ 1-1-102(1) and 31-10-102.7 permit the Town to adopt the Uniform Election Code of 1992, as amended, with respect to such election; and

WHEREAS, the Board of Trustees is of the opinion that the ballot issue herein submitted should properly be decided by the registered electors of the Town of Marble.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO ORDAINS THAT:

Section 1. The following ballot issue shall be submitted to the electors voting in the Amendment 1 ballot issue election to be held on November 7, 1995:

"SHALL THE TOWN OF MARBLE, COLORADO, BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND IN FISCAL YEAR 1995 AND IN EACH SUBSEQUENT YEAR THE FULL AMOUNT OF REVENUES GENERATED BY ALL OF THE TOWN'S REVENUE SOURCES, INCLUDING WITHOUT LIMITATION STATE GRANTS, SALES TAXES, LICENSE FEES, AND DEVELOPMENT FEES, WITHOUT ANY INCREASE IN THE PROPERTY TAX MILL LEVY; THE SALES TAX RATES, OR THE RATES OF ANY OTHER TAXES CURRENTLY IMPOSED BY THE TOWN, AND NOTWITHSTANDING ANY STATE LIMITATION ON REVENUES AND EXPENDITURES, INCLUDING THE LIMITATIONS OF ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

_____ Yes _____ No"

Section 2. At the ballot issue election, the official ballot, including absentee ballots, shall state the full text of the ballot issue to be voted upon, and the full text shall constitute the ballot title.

Section 3. If a majority of all the votes cast at the general election shall be for the ballot issue, the measure shall be deemed passed, and the Town of Marble shall be authorized to increase its revenue and expenditure limitations as stated in the ballot issue, without any increase in the property tax mill levy, the sales tax rates, or the rates of any other taxes imposed by the Town. The Town of Marble shall be further authorized to collect, retain and expend all revenues generated by the Town's revenue sources, notwithstanding any state limitation on revenues and expenditures, including the limitations of Article X, Section 20, of the Colorado Constitution.

Section 4. The Town Clerk shall provide notice of the election by publication and posting, as required by C.R.S. §1-5-205 and other applicable law. Pursuant to §1-5-206.5, ballot issue notices shall also be provided by mailing to "all registered voters" at each address within the Town of Marble at which a voter is registered, no sooner than twenty-five (25) days before the election and no later than fifteen (15) days before the election, a notice entitled "Notice of Election on a Referred Measure." This notice shall include only: (1) the election date and hours of voting; (2) the ballot title; (3) the text of the measure to be voted upon; (4) the

office address and telephone number of the local election office; and (5) two summaries, not more than 500 words each, one for and one against the ballot issue, of written comments filed with the Clerk no later than thirty (30) days before the election. Ballot issue notices shall be prepared and mailed in compliance with C.R.S. §1-7-901 et seq. and other applicable law.

Section 5. Written comments and summaries shall be prepared pursuant to Article X, Section 20 of the Colorado Constitution, C.R.S. §1-7-901 through -906, and all other applicable statutes. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the measure to be voted upon. The Town Clerk shall maintain on file and accurately summarize all relevant written comments.

Section 6. Pursuant to C.R.S. §1-1-102(1) and C.R.S. §31-10-102.7, the Town hereby adopts the Uniform Election Code of 1992, as amended, in lieu of the Colorado Municipal Election Code of 1965, as amended, for the purpose of participating in a coordinated election with Gunnison County to be held on November 7, 1995. The Town Clerk is hereby directed to work with the Gunnison County Clerk and Recorder and to take all actions necessary to coordinate the Town's ballot issue election in accordance with Article X, Section 20, of the Colorado Constitution, the Uniform Election Code of 1992, as amended, and other laws.

Read, adopted and ordered published by a vote of 4 to 0 this 5th day of August, 1995.

TOWN OF MARBLE, COLORADO

By

Mayor

ATTEST:

K. M. Bluehall
Town Clerk