

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2015 - 17

A RESOLUTION CALLING A SPECIAL TOWN ELECTION TO BE CONDUCTED ON NOVEMBER 3, 2015 AND REFERRING TO THE TOWN ELECTORS THE QUESTION OF WHETHER THE TOWN MAY BE AUTHORIZED TO COLLECT AND SPEND CERTAIN STATE GRANT FUNDS ON THE TOWN MAINTENANCE SHOP PROJECT NOTWITHSTANDING THE LIMITATIONS IMPOSED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR).

WHEREAS, the Town of Nederland, Colorado ("Town"), is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, as such, the Town is subject to Article X, Section 20 of the Colorado Constitution, also known as the Taxpayer's Bill of Rights, or TABOR; and

WHEREAS, TABOR imposes certain spending and revenue limitations on the Town which may only be exceeded with Town elector approval; and

WHEREAS, the Town recently applied for and was awarded a state Energy and Mineral Impact Assistance Fund grant award in the amount of eight hundred thousand dollars (\$800,000.00) for purposes of the Town maintenance shop project; and

WHEREAS, the revenue limitations of TABOR operate to prohibit the Town from accepting and using these state funds without Town elector approval; and

WHEREAS, TABOR authorizes local governments to refer TABOR ballot questions to voters at November odd-numbered year elections, one of which will be conducted on November 3, 2015; and

WHEREAS, C.R.S. § 31-10-108 authorizes the Town Board of Trustees ("Board") to call a special Town election on any Tuesday designated by resolution; and

WHEREAS, the Board finds that the above-referenced state grant funds would provide a great benefit to the Town in the form of financial assistance to the Town maintenance shop project and that it is desirable to ask Town electors for approval to collect and spend such funds, without regard to the limitations of TABOR, at a Town special election to be conducted on November 3, 2015, as a coordinated election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:

Section 1. The above and foregoing recitals are hereby incorporated herein as specific findings of the Board.

Section 2. There shall be a special Town of Nederland election conducted on November 3, 2015, to be conducted as a coordinated election pursuant to C.R.S. § 1-7-116, for purposes of referring to Town electors the question referred under Section 3 hereof.

Section 3. The following Ballot Issue shall be submitted to the qualified electors of the Town voting at the Special Municipal Election to be conducted on November 3, 2015:

“SHALL THE TOWN OF NEDERLAND BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE FULL AMOUNT OF THE EIGHT HUNDRED THOUSAND DOLLAR (\$800,000) STATE ENERGY AND MINERAL IMPACT ASSISTANCE GRANT FUNDS AWARDED TO THE TOWN ON AUGUST 5, 2015, FOR PURPOSES OF THE TOWN MAINTENANCE SHOP PROJECT, NOTWITHSTANDING ANY STATE SPENDING OR REVENUE LIMITATION, INCLUDING THOSE CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

_____ YES _____ NO”

Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

RESOLVED, APPROVED and ADOPTED this 1ST day of September, 2015.

TOWN OF NEDERLAND

By: 
Joe Gierlach, Mayor

ATTEST:


Laura Jane Baur, Town Clerk

