

**COLORADO CITY METROPOLITAN DISTRICT
RESOLUTION NO. 10-2016**

**RESOLUTION REFERRING TO THE ELIGIBLE ELECTORS OF THE DISTRICT
A BALLOT ISSUE REGARDING THE DISTRICT'S AUTHORITY
TO COLLECT, RETAIN AND SPEND ALL REVENUES
NOTWITHSTANDING CONSTITUTIONAL OR STATUTORY LIMITATIONS
FOR THE NOVEMBER 2016 ELECTION**

WHEREAS, the Colorado City Metropolitan District ("District") is a special district and political subdivision of the State of Colorado, acting pursuant to certain powers set forth in the Colorado Special District Act, C.R.S. § 32-1-101, *et seq.* (the "Act"); and

WHEREAS, the members of the District's Board of Directors (the "Board") have been duly elected, chosen and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") limits annual increases in a local government's total fiscal year revenue and spending, but expressly allows local voters to approve the collection, retention and expenditure of revenue in excess of those limits; and

WHEREAS, Title 29, Article 1, Part 3, Colorado Revised Statutes, limits annual increases in the amount of property tax revenue a local government may collect and retain, but expressly allows local voters to approve the collection, retention and expenditure of revenue in excess of the limit; and

WHEREAS, November 8, 2016, is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the Board has determined to refer a ballot issue to the eligible electors of the District, which would authorize the District to collect, retain and spend for any lawful purpose all revenues from all sources, including property taxes, generated during fiscal year 2016 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, C.R.S. § 29-1-301, or any other law; and

WHEREAS, the Board hereby determines to hold a special election of the District's electors on November 8, 2016 (the "Election") to be held as part of the coordinated election being conducted by the County Clerk and Recorder (the "Clerk") of Pueblo County (the "County") pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. In accordance with the Uniform Election Code of 1992, the Board hereby determines that an election of the eligible electors of the District shall be held on November 8, 2016, which is the date of the state general election. At that time, there will be submitted to the

eligible electors of the District a ballot issue which would authorize the District to collect, retain and spend for any lawful purpose all revenues from all sources, including property taxes, generated during fiscal year 2016 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, C.R.S. § 29-1-301, or any other law. The ballot issue shall be in substantially the form shown on **Exhibit A** attached hereto and incorporated herein by this reference.

2. The election shall be conducted as a coordinated election in accordance with all relevant provisions of the Uniform Election Code of 1992.
3. The Board hereby designates David Valdez as the Designated Election Official (“DEO”) of the District. The DEO is hereby authorized and directed to proceed with any action necessary or appropriate, including contracting with the Clerk to conduct the Election, to effectuate the provisions of this Resolution, the Act, the Uniform Election Code of 1992, TABOR or other applicable laws.
4. If a majority of the votes cast on the ballot issue are in favor of authorizing the District to collect, retain and spend all revenues from all sources, as provided in such ballot issue, the District, acting through the Board, is authorized to proceed with the necessary action to collect, retain and spend all revenues from all sources, in accordance with such ballot issue. Said authority, if conferred by the results of the election, is deemed and considered a continuing authority to collect, retain and spend all revenues from all sources at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, may be considered as exhausting or limiting the full authority so conferred.
5. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five (5) days after the title of the ballot issue or ballot question is set.
6. The Board intends that the provisions hereof are severable. Therefore, if any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not impair or invalidate the remaining provisions of this Resolution.
7. Any and all actions previously taken by the DEO or the President or Secretary of the Board or any other persons acting on their behalf concerning the subject matter of this Resolution, pursuant to the Act, Uniform Election Code of 1992, or other applicable laws, are hereby ratified and confirmed.
8. All acts, orders, and resolutions or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed only to the extent of such inconsistency or conflict.
9. The provisions of this Resolution shall take effect immediately.

BALLOT ISSUE NO. __

COLORADO CITY METROPOLITAN DISTRICT BALLOT ISSUE

SHALL COLORADO CITY METROPOLITAN DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM ALL SOURCES IN FISCAL YEAR 2016 AND THEREAFTER AS VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE 5.5% PROPERTY TAX REVENUE LIMITATION SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES OR ANY OTHER LAW?

YES
NO

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 9th day of August, 2016.

COLORADO CITY METROPOLITAN DISTRICT



President

ATTEST:



Secretary

STATE OF COLORADO)
)
 COUNTY OF PUEBLO) ss.
)
 COLORADO CITY METROPOLITAN)
 DISTRICT)

I, Susan Kalman, Secretary of Colorado City Metropolitan District, Pueblo County, Colorado (the "District"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a regular meeting held on August 9, 2016.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August 9, 2016, by an affirmative vote of a majority of the members of the Board as follows:

| Name | "Yes" | "No" | Absent | Abstain |
|------------------------------------|-------|------|--------|---------|
| Justin Hunter, Chairman | ✓ | | | |
| Susan Kalman, Secretary | ✓ | | | |
| Patti Wadlington, Treasurer | ✓ | | | |
| Terry E. Kraus, Director | ✓ | | | |
| Harry Hochstetler, Director | ✓ | | | |

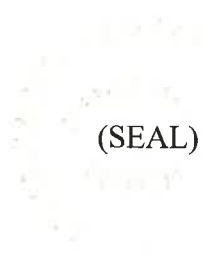
3. The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the President of the District, sealed with the District's seal, attested by the Secretary and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board that might prohibit the adoption of said Resolution.

6. Notice of the regular meeting of August 9, 2016, in the form attached hereto as **Exhibit A** was posted in at least three places within the limits of the District, and, in addition, such notice was posted in the office of the Pueblo County Clerk and Recorder not less than 72 hours prior to the special meeting in accordance with law.

WITNESS my hand and the seal of said District affixed this 9th day of August, 2016.



(SEAL)

Susan Kalman
Secretary