

RESOLUTION NO. 12-2016

MANCOS LIBRARY BOARD BALLOT QUESTION

WHEREAS, the County of Montezuma (the “County”) in the State of Colorado, is a county duly organized and existing under the Constitution (the “Constitution”) and the laws of the State of Colorado; and

WHEREAS, the members of the Board of County Commissioners of the County (the “Board”) have been duly elected, chosen and qualified; and

WHEREAS, pursuant to Section 24-90-112, C.R.S., on August 25, 2016, the Board of Trustees (the “Library Board”) of the Mancos Library District (the “District”) will consider a resolution requesting that the Board submit to the registered electors of the District a ballot question authorizing the County, on behalf of the District, to increase the mill levy to finance the costs of operation and maintenance of the District; and

WHEREAS, due to scheduling conflicts, holidays, and election deadlines, the Library Board is not able to consider its resolution prior to consideration of this resolution by the Board; and

WHEREAS, the District’s Library Director has requested that the Board approve the submission of the proposed election question to the registered electors of the District, contingent upon the approval of the election question by the Library Board prior to submission; and

WHEREAS, Article X, Section 20 of the Constitution (“TABOR”) requires voter approval for a mill levy above that for the prior year, increasing property tax revenues above certain limits, and spending certain moneys above limits; and

WHEREAS, November 8, 2016 is one of the election dates at which tax, revenue and spending questions may be submitted to the registered electors of the District pursuant to TABOR; and

WHEREAS, the County Clerk of the County (the “Clerk”) is conducting a coordinated election on November 8, 2016 (the “Election”) pursuant to the Uniform Election Code of 1992 (the “Code”); and

WHEREAS, it is necessary to submit to the registered electors of the District at the Election the ballot question described herein authorizing the County, on behalf of the District, to increase the mill levy to finance the costs of operation and maintenance of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, IN THE STATE OF COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the County, directed towards the Election is ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in 1-1-104, C.R.S.

Section 2. Pursuant to the Code and Section 24-90-112(1)(b)(III), and all other applicable laws of the State of Colorado, the Board hereby determines to submit to the registered electors of the District the question set forth in section 3 hereof at the Election.

Section 3. The following question shall be submitted to the registered electors of the District at the Election in substantially the following form:

SHALL MONTEZUMA COUNTY TAXES FOR SUPPORT OF THE MANCOS LIBRARY DISTRICT BE INCREASED BY \$95,000 IN 2016 FOR COLLECTION IN 2017, AND BY SUCH AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN ADDITIONAL MILL LEVY NOT TO EXCEED 2 MILLS (FOR A TOTAL DISTRICT MILL LEVY NOT TO EXCEED 8 MILLS), FOR GENERAL FUND PURPOSES, WHICH MAY INCLUDE, WITHOUT LIMITATION:

- PROVIDING ONGOING SUPPORT OF LIBRARY OPERATING SERVICES, COLLECTIONS AND PROGRAMS;

AND SHALL THE MILL LEVY AUTHORIZED BY THIS QUESTION BE INCREASED OR DECREASED FROM YEAR TO YEAR AS DETERMINED BY THE BOARD SO LONG AS THE MILL LEVY NEVER EXCEEDS THE MAXIMUM OF 8 MILLS; AND SHALL THE COUNTY AND THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES FROM SUCH TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH REVENUES AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SECTION 29-1-301, C.R.S. OR ANY OTHER LAW?

Section 4. Lee Hallberg, the Executive Director of the District, is hereby appointed as the designated election official for purposes of performing acts required or permitted by law in connection with the Election. The designated election official is authorized to take all action necessary to carry out this resolution and is authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Notwithstanding any other provision in this resolution, the designated election official shall not submit the election question described in Section 3 to the County Clerk for placement on the ballot unless the Library Board adopts a resolution approving such election question on August 25, 2016.

Section 5. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

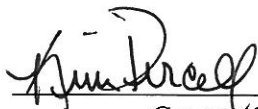
Section 6. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

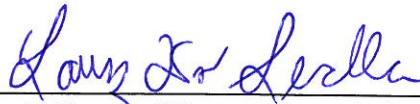
ADOPTED AND APPROVED this August 29, 2016.

(SEAL)

ATTEST:



County Clerk



Chair, Board of County Commissioners,
Montezuma County

STATE OF COLORADO)
) SS. CERTIFICATE OF COUNTY CLERK
COUNTY OF MONTEZUMA)

I, Kim Percell, the Clerk and Recorder of Montezuma County, Colorado (the "County"), do hereby certify as follows:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of County Commissioners of the County (the "Board") at a regular meeting held on August 29, 2016.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of August 29, 2016, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Larry Don Suckla	XX			
James Lambert	X			
Keenan Ertel	XX			

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

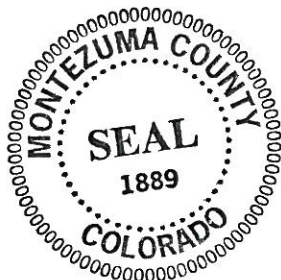
4. The Resolution was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the County Clerk and recorded in the minutes of the Board.

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

6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting on August 29, 2016, which notice was posted at least 24 hours before such meeting as provided by law.

WITNESS my hand and the seal of the County affixed this 29th day of August, 2016.

(SEAL)



Clerk and Recorder
Montezuma County, Colorado

EXHIBIT A

(Attach copy of notice given prior to the August 29, 2016 meeting)

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AGENDA

Montezuma County
Board of County Commissioners
109 West Main, Room 306
Cortez, CO 81321

August 29, 2016

County Commissioners: Larry Don Suckla
James Lambert
Keenan G. Ertel
County Administrator: Melissa Brunner
County Attorney: John C. Baxter
County Clerk & Recorder: Kim Percell

- 9:00 A.M. Minutes
- 9:10 A.M. Montezuma Land Conservancy Support of GOCO Grant – Jon Leibowitz/Jack Burk
- 9:20 A.M. Mancos Public Library Ballot Resolution
- 9:30 A.M. Award for the RFP from Bonding Companies for Financing the Broadband Project
- 9:40 P.M. Fleet Policies Acceptance
- 9:55 A.M. July Accounts Payable
July Financial Statements
- 10:00 A.M. Review and determination of a Notice to Proceed for High Impact Permit on property owned by Montezuma Water Co., Agent Steve Bowman, located at 28024 Road T, Dolores, CO, consisting of 5 acres, more or less, situated west of Hwy 145, south of Road T, located in S.20, T.37N., R.15W., N.M.P.M.
- Final Plat for Single Lot Development consisting of 3 acres, more or less, on property owned by the Hancock Family Trust, Agent, John Hancock, 19244 Road 16, Yellow Jacket, CO, consisting of 333.19 acres, more or less located in Sec. 5, located south of Road W, east of Road 16, T.37N., R.17W., N.M.P.M.
- 10:15 A.M. County Vacant Building Options (once New Courthouse is Complete)
- 11:15 A.M. Possible Tour of the Goodman Point Road Project

*County Attorney Report

*Natural Resources, Planning and Public Lands Report