

RESOLUTION NO. 09062016 R002

A RESOLUTION SUBMITTING A CITIZEN INITIATED QUESTION FOR THE NOVEMBER 8, 2016 GENERAL ELECTION SEEKING THE ORGANIZATION OF A SCIENTIFIC AND CULTURAL FACILITIES DISTRICT AND LEVY AND COLLECTION OF A SALES AND USE TAX.

WHEREAS, C.R.S. §32-13-108 authorizes citizens to initiate a ballot question seeking formation of a scientific and cultural facilities district ("SCFD") and levy and collection of a sales tax for a period up to 10 years by petition; and

WHEREAS, C.R.S. §32-13-108 directs citizens to file such petition with the board of county commissioners of the county in which the SCFD is proposed to be located; and

WHEREAS, on July 20, 2016, a petition signed by registered electors of Larimer County was filed with the Larimer County Clerk and Recorder for verification of signatures, and said petition seeks to initiate the formation of a SCFD and levy a .1 of 1% sales and use tax beginning January 1, 2017 and expiring on December 31, 2026 (the "Petition"); and

WHEREAS, on August 8, 2016, the Larimer County Clerk and Recorder issued a Statement of Sufficiency pursuant to C.R.S. 31-11-109, confirming the Petition has a sufficient number of valid signatures; and

WHEREAS, if a petition satisfies the SCFD formation requirements in C.R.S. §32-13-108; and the sales tax proposal contains the provisions listed in C.R.S. §29-2-104 and §29-2-105, the affected board of county commissioners shall submit the question of organization of the SCFD at the next general election; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval of the proposed county-wide sales and use tax; and

WHEREAS, it appears to this Board that the Petition satisfies the requirements specified in C.R.S. §32-13-108, and the sales tax proposal includes the mandatory provisions listed in C.R.S. §29-2-104 and §29-2-105, and therefore the Board is charged with submitting the question to the voters of Larimer County at the November 8, 2016 general election.

NOW, THEREFORE, BE IT RESOLVED by the Larimer County Board of County Commissioners that:

1. The question seeking organization of a SCFD and levy of a .1 of 1% sales and use tax, as set forth in the Petition attached hereto as Exhibit A, is hereby submitted to the voters of Larimer County, Colorado, at the general election to be held on November 8, 2016.
2. As set forth in the Petition, the ballot question shall be as follows:

SHALL TAXES BE INCREASED \$6,646,028 ANNUALLY (ESTIMATED IN THE FIRST YEAR) OR SUCH GREATER AMOUNT AS IS RAISED IN SUBSEQUENT YEARS WITHIN LARIMER

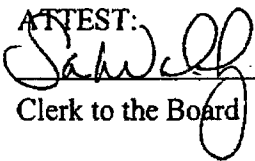
COUNTY, COLORADO BY AN INCREASE OF A ONE-TENTH OF A CENT SALES AND USE TAX GENERATED ON ALL TAXABLE ITEMS; SAID TAX INCREASE TO COMMENCE JANUARY 1, 2017 AND TO EXPIRE ON DECEMBER 31, 2026; AND SHALL THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT ("DISTRICT") BE ESTABLISHED PURSUANT TO SECTION 32-13-101 AND FOLLOWING, COLORADO REVISED STATUTES, WHICH DISTRICT SHALL RECEIVE PROCEEDS FROM SAID TAX, AND SHALL SAID DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH ADDITIONAL REVENUE GENERATED BY SAID TAX, ALONG WITH ALL OTHER AVAILBLE REVENUE, NOTWITHSTANDING ANY APPLICABLE LIMITATIONS ON REVENUES AND EXPENDITURES INCLUDING THE LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITATIONS IN SECTION 29-1-301, COLORADO REVISED STATUTES OR ANY OTHER LAW IN YEARS 2017 THROUGH 2026?

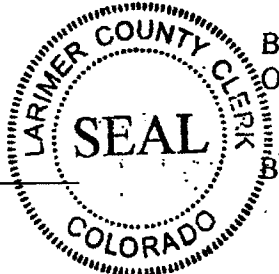
3. Election Official.

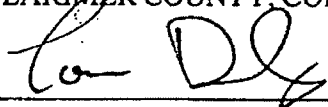
- a. The Larimer County Clerk and Recorder is designated as the County's "Designated Election Official" as defined in Section 1-1-104(8), C.R.S., as the person responsible for running the election; and shall undertake all measures necessary to comply with and conduct the election in accordance with the applicable provisions of the Colorado Uniform Election Code of 1992, as amended, and any other general election laws of the State of Colorado.
- b. Pursuant to Section 29-2-104(5), C.R.S., the Larimer County Clerk and Recorder shall publish the text of the Proposal four separate times, a week apart, in the official newspaper of Larimer County and each city and incorporated town within Larimer County.
- c. The Larimer County Clerk and Recorder shall cause to be published, at least twenty (20) days before the election, the notice required by Section 1-5-205, C.R.S. Such notice shall be in the form and contain the information required by law. The notice shall also be posted at least ten (10) days before the election as required by Section 1-5-203(1.3), C.R.S.
- d. The Larimer County Clerk and Recorder shall undertake all other measures necessary to comply with applicable election responsibilities.

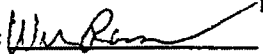
4. Election Costs. Pursuant to 29-2-104, C.R.S., the cost of the election related to this Proposal shall be paid from the general fund of Larimer County.

APPROVED AND ADOPTED THIS 6th DAY OF September, 2016.

ATTEST: 
Clerk to the Board

 BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY, COLORADO

By: 
Chairperson

Approved as-to Legal Form: 
Deputy County Attorney

Page 2 of 2

COUNTY, COLORADO BY AN INCREASE OF A ONE-TENTH OF A CENT SALES AND USE TAX GENERATED ON ALL TAXABLE ITEMS; SAID TAX INCREASE TO COMMENCE JANUARY 1, 2017 AND TO EXPIRE ON DECEMBER 31, 2026; AND SHALL THE LARIMER COUNTY SCIENTIFIC AND CULTURAL FACILITIES DISTRICT ("DISTRICT") BE ESTABLISHED PURSUANT TO SECTION 32-13-101 AND FOLLOWING, COLORADO REVISED STATUTES, WHICH DISTRICT SHALL RECEIVE PROCEEDS FROM SAID TAX, AND SHALL SAID DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH ADDITIONAL REVENUE GENERATED BY SAID TAX, ALONG WITH ALL OTHER AVAILBLE REVENUE, NOTHWITHSTANDING ANY APPLICABLE LIMITATIONS ON REVENUES AND EXPENDITURES INCLUDUING THE LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE LIMITATIONS IN SECTION 29-1-301, COLORADO REVISED STATUTES OR ANY OTHER LAW IN YEARS 2017 THROUGH 2026?

3. Election Official.

- a. The Larimer County Clerk and Recorder is designated as the County's "Designated Election Official" as defined in Section 1-1-104(8), C.R.S., as the person responsible for running the election; and shall undertake all measures necessary to comply with and conduct the election in accordance with the applicable provisions of the Colorado Uniform Election Code of 1992, as amended, and any other general election laws of the State of Colorado.
- b. Pursuant to Section 29-2-104(5), C.R.S., the Larimer County Clerk and Recorder shall publish the text of the Proposal four separate times, a week apart, in the official newspaper of Larimer County and each city and incorporated town within Larimer County.
- c. The Larimer County Clerk and Recorder shall cause to be published, at least twenty (20) days before the election, the notice required by Section 1-5-205, C.R.S. Such notice shall be in the form and contain the information required by law. The notice shall also be posted at least ten (10) days before the election as required by Section 1-5-203(1.3), C.R.S.
- d. The Larimer County Clerk and Recorder shall undertake all other measures necessary to comply with applicable election responsibilities.

4. Election Costs. Pursuant to 29-2-104, C.R.S., the cost of the election related to this Proposal shall be paid from the general fund of Larimer County.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY, COLORADO

ATTEST:

Clerk to the Board

By: _____
Chairperson

Approved as-to Legal Form:  Page 2 of 2
Deputy County Attorney