AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution Re: Library District Ballot Issue

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Consideration of a Resolution Approving The Referral Of A Ballot Issue For the November 5, 2019 Coordinated Election That Would Impose An Ad Valorem Property Tax For The Gunnison County Library District Of 1.9 Mills. Such Increase In Taxes To Be Used For Capital Construction And

Fiscal Impact:

Submitted by: Lauren Hibbard **Submitter's Email Address:** lhibbard@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns. ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 7/3/2019

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 7/1/19

Reveiwed by: Discharge Date: 7/2/2019 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/11/2019

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: 15

Agenda Date: 7/16/2019

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2019- _____

A RESOLUTION APPROVING THE REFERRAL OF A BALLOT ISSUE FOR THE NOVEMBER 5, 2019 COORDINATED GENERAL ELECTION THAT WOULD IMPOSE AN AD VALOREM PROPERTY TAX FOR THE GUNNISON COUNTY LIBRARY DISTRICT OF 1.9 MILLS, SUCH INCREASE IN TAXES TO BE USED FOR CAPITAL CONSTRUCTION AND GENERAL OPERATING PURPOSES, AND FOR ANY OTHER PURPOSE ALLOWABLE BY LAW

WHEREAS, the Gunnison County Library District (the "District") is a Library District as defined in the Colorado Library Law, § 24-90-101, *et seq.*, of the Colorado Revised Statutes ("C.R.S."); and

WHEREAS, the District is a publicly supported library that is principally supported by monies derived from ad valorem property taxes levied by Gunnison County, Colorado (the "County"); and

WHEREAS, the District provides library services for all of Gunnison County, with the exception of [_____]; and

WHEREAS, on [_____], 2019, the Board of Trustees for District (the "Trustees") adopted a resolution requesting the Board of County Commissioners (the "Board") place an issue on the November 5, 2019 election ballot requesting voter approval to impose an ad valorem property tax levy of 1.9 mills for the support of the District, a copy of which is attached hereto and incorporated herein as "Exhibit A"; and

WHEREAS, pursuant to § 24-90-112(1)(b)(III), C.R.S., upon request by the Trustees, the Board must submit to a vote of the registered electors residing within the library's boundaries a proposition containing the desired maximum tax levy specified in the request.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Gunnison, State of Colorado:

1. Without taking any position for or against the proposition, pursuant to § 1-5-203(3), C.R.S., the Board hereby authorizes and directs that the following ballot issue be certified herewith to the Gunnison County Clerk and Recorder ("Clerk and Recorder") for submission to the registered electors within the District to be included on the ballot for the November 5, 2019 coordinated general election:

BALLOT ISSUE NO. _____

[_____]

2. This Resolution shall serve to set the ballot title and text of the ballot issue.

3. The election shall be conducted by the Gunnison County Clerk and Recorder ("Clerk and Recorder") in accordance with the Uniform Election Code, C.R.S §1-1-101, *et. seq.*, and other laws and regulations of the State of Colorado, including without limitation, the requirements of article X, section 20 of the Colorado Constitution (hereinafter "TABOR").

4. The Clerk and Recorder shall cause all acts required or permitted by the Uniform Election Code and the Rules relevant to be performed by the Clerk and Recorder or designees.

5. The Clerk and Recorder shall cause a notice of election to be published in accordance with the laws of the State of Colorado, including but not limited to, the Uniform Election Code and TABOR.

6. The Clerk and Recorder shall mail a TABOR notice package to all active registered voter households within the District, pursuant to Colo. Const., art. X, § 203(3)(b), which shall include the ballot issue adopted herein.

7. Pursuant to §§ 24-90-112(1)(b)(I) and 24-90-103(12), C.R.S., as amended, the Clerk and Recorder is directed to publish the text of this Resolution once a week for two consecutive weeks in a newspaper of general circulation within the District or in more than one newspaper if no single newspaper is generally circulated throughout the District. Not less than seven days, excluding the day of the first publication but including the day of the last publication, shall intervene between the first and the last publications.

8. All prior acts, others or resolutions, or parts thereof, by the County inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

9. If any section, paragraph, clause or provision of this Resolution shall be adjudged invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

10. This Resolution shall take effect immediately upon its passage.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this ____ day of July, 2019.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

By: _____
John Messner, Vice Chairperson

By: _____
Roland Mason, Commissioner

ATTEST:

_____
Deputy County Clerk

ELECTION RESOLUTION

WHEREAS, Gunnison County Library District, Gunnison County, Colorado (the "District"), is a duly organized and existing library district under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Section 24-90-112, C.R.S., the Board of Trustees of the District (the "Board") is authorized to request that the Board of County Commissioners (the "BOCC") of Gunnison County, Colorado (the "County") submit to a vote of the registered electors residing within the District a ballot issue regarding the imposition of ad valorem taxes for the payment of the operation and maintenance expenses of the District; and

WHEREAS, pursuant to Section 24-90-112.5(2.5), C.R.S., the Board may submit the question of a tax increase for District purposes to a vote of the registered electors residing within the District; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax and for spending certain moneys above limits established by TABOR; and

WHEREAS, November 5, 2019, 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, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, the Board elects to utilize the provisions of the Uniform Election Code of 1992 (the "Code") in order to conduct a coordinated election with the County Clerk of the County on November 5, 2019 (the "Election"); and

WHEREAS, the Board has determined that the interest of the District and the public interest and necessity require that: (1) the Board request that the BOCC submit to the registered electors of the District the issue of authorizing the County, on behalf of the District, to increase the mill levy to finance the cost of the District's provision of library services and facilities; and (2) the Board request that the BOCC submit to the registered electors of the District the proposition of permitting the District to increase its mill levy to offset possible revenue losses resulting from changes to the percentage of actual valuation used to determine assessed valuation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF GUNNISON COUNTY LIBRARY DISTRICT, IN THE COUNTY OF GUNNISON AND STATE OF COLORADO:

Section 1. All action heretofore taken by the Board and the officers of the District and the County in connection with the Election (not inconsistent with the provisions of this resolution), be, and the same action hereby is, ratified, approved and confirmed.

Section 2. The Board has determined, and hereby determines, that the interest of the District and the public interest and necessity demand and require that the Board request that the BOCC submit to the registered electors of the District the ballot question described herein authorizing the County, on behalf of the District, to increase the mill levy to finance the cost of the District's provision of library services and facilities.

Section 3. The Board has additionally determined, and hereby determines, that the interest of the District and the public interest or necessity demand and require that the District have the ability to increase its mill levy to offset possible revenue losses resulting from changes to the percentage of actual valuation used to determine assessed valuation.

Section 4. Pursuant to Section 24-90-112(1)(b)(III), the District hereby requests that the BOCC call an election in and for the District, to be held on Tuesday, November 5, 2019, as part of the County coordinated election, at which election there shall be submitted to the registered electors of the District a question in substantially the following form:

[SHALL GUNNISON COUNTY PROPERTY TAXES FOR THE SUPPORT OF THE GUNNISON COUNTY LIBRARY DISTRICT BE INCREASED $1,150,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF 1.9 MILLS, PROVIDED THAT THE TOTAL MILL LEVY MAY BE ADJUSTED TO OFFSET REVENUE LOSSES FROM REFUNDS, ABATEMENTS, AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION, FOR THE PROVISION OF LIBRARY SERVICES AND FACILITIES, AND SHALL ALL REVENUES FROM THE MILL LEVY BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?]

Section 5. The Election shall be held and conducted in accordance with all applicable provisions of the Uniform Election Code of 1992. The polling places and precincts for the Election shall be those established by the County.

Section 6. Andrew J. Brookhart, the Executive Director of the District, shall be the designated election official for purposes of performing acts required or permitted by law in connection with the Election and is authorized by the Board to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S., in connection with the Election.

Section 7. The officers and employees of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, without limitation, delivery of a copy of this resolution to the BOCC pursuant to Section 24-90-112.5(2.5)(b), C.R.S.

Section 8. All acts, orders or resolutions, or parts thereof, in conflict with this resolution are repealed.

Section 9. If any provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this resolution.

ADOPTED AND APPROVED this July 8, 2019.

GUNNISON COUNTY LIBRARY DISTRICT

President

ATTEST:

Treasurer

STATE OF COLORADO)
)
COUNTY OF GUNNISON) SS.
)
GUNNISON COUNTY LIBRARY)
DISTRICT)

I, the duly chosen, qualified and acting Treasurer of Gunnison County Library District (the "District"), Gunnison County, Colorado, do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Trustees (the "Board") of the District at a regular meeting of the Board held on July 8, 2019.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of July 8, 2019, by an affirmative vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Bruce Bartleson	X			
Cindy McKee	X			
Sally Hays	X			
Kerry Lefebvre	X			
Sheryl Peterson	X			
Doris Kuiper			X	

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, attested by the Treasurer and recorded in the minutes of the Board.

5. All members of the Board were given due and proper notice of the meeting.

6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting on July 8, 2019, which notice was posted at least 24 hours before such meeting as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand this July 8, 2019.

Sally Hays
Treasurer

(SEAL)

EXHIBIT A

(Attach copy of notice given prior to the July 8, 2019 meeting)

Legal Notice

Notice of a Public Meeting

of Gunnison County Library District Board of Trustees

Gunnison County, Colorado

Date: Monday July 8, 2019

Time: 3:00pm MST

Location: Gunnison Public Library

Address: 307 North Wisconsin

Gunnison, CO 81230

Agenda:

1. Call meeting to order
2. Acknowledge Quorum
3. Public comments (public comments are limited to 3 minutes per member of the public)
4. Approve Agenda
5. Approve minutes of previous meeting
6. Director's Report
   a) Review pro-forma budget for Library District operations based on a new mill levy for library services and facilities.
   b) Review of the financial impacts of two potential ballot questions.
7. New Business
   a) Discussion and possible action on the selection of ballot question language.
   b) Discussion and possible action on an election resolution.

Pursuant to Section 24-90-112, C.R.S., the Board of Trustees of the District (the "Board") is authorized to request that the Board of County Commissioners (the "BOCC") of Gunnison County, Colorado (the "County") submit to a vote of the registered electors residing within the District a ballot issue regarding the imposition of ad valorem taxes for the payment of the operation and maintenance expenses of the District;

8. Set next meeting date
9. Adjournment

SHALL GUNNISON COUNTY PROPERTY TAXES FOR THE SUPPORT OF THE GUNNISON COUNTY LIBRARY DISTRICT BE INCREASED $1,150,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF 1.9 MILLS, PROVIDED THAT THE TOTAL MILL LEVY MAY BE ADJUSTED TO OFFSET REVENUE LOSSES FROM REFUNDS, ABATEMENTS, AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION, FOR THE PROVISION OF LIBRARY SERVICES AND FACILITIES, AND SHALL ALL REVENUES FROM THE MILL LEVY BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?