

**TOWN OF ORCHARD CITY
RESOLUTION NO. 2018-01**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF ORCHARD CITY, COLORADO, SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF ORCHARD CITY, COLORADO, AT THE MUNICIPAL ELECTION TO BE HELD ON APRIL 3, 2018, CONCERNING WHETHER THE TOWN OF ORCHARD CITY PROPERTY TAXES SHOULD BE INCREASED BY THE IMPOSITION OF A MILL LEVY OF 6.5 MILLS.

WHEREAS, the Town of Orchard City (the “Town”), in the County of Delta and State of Colorado, is a statutory town duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, tax rate increases, mill levy above that for the prior year, and the creation of any debt and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electors on limited election days; and

WHEREAS, April 3, 2018, the Town’s next biennial municipal election is one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the interest of the Town and the public interest and necessity require an increase and imposition of the Town’s property mill levy to 6.5 mills for the purpose of creating a Public Safety and Health Fund (the “Fund”); and

WHEREAS, the Fund will be used for the purposes contained within the ballot question, including road maintenance and construction within the Town and for funding law enforcement services within the Town; and

WHEREAS, the Board of Trustees of the Town finds that it necessary and appropriate to submit a ballot issue to a vote of the registered electors of the Town of Orchard City at the municipal election to be held on April 3, 2018, concerning the imposition of a property tax within the Town at 6.5 mills for the purposes of creating the Fund; and

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

Section 1. The following ballot issue, or something substantially similar, shall be submitted to a vote of the registered electors of the Town of Orchard City at the municipal election to be held on April 3, 2018:

“Mill levy increase to 6.5 mills”

SHALL THE TOWN OF ORCHARD CITY TAXES BE INCREASED \$130,000.00 ANNUALLY BEGINNING IN 2019 FOR COLLECTION OF TAXES COMMENCING ON JANUARY 1, 2020, AND BY SUCH OTHER AMOUNT AS MAY BE RAISED ANNUALLY IN EACH YEAR THEREAFTER, BY IMPOSITION OF A PROPERTY TAX MILL LEVY OF SIX AND ONE HALF (6.5) MILLS ON REAL PROPERTY IN ORCHARD CITY, WITH

REVENUES DIRECTED TO A PUBLIC SAFETY AND HEALTH FUND FOR THE FOLLOWING PURPOSES:

- 1) FUNDING ROAD CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, EXPANSION, REHABILITATION AND RENOVATION OF EXISTING AND PLANNED STREETS, INCLUDING BUT NOT LIMITED TO ARTERIAL, COLLECTOR AND LOCAL STREETS, CURBS, GUTTERS, SIDEWALKS, SHOULDERS, AND MEDIAN, AND FOR PUBLIC WORKS OPERATIONS EQUIPMENT, AND
- 2) FUNDING LAW ENFORCEMENT SERVICES, SUCH AS CONTRACTING WITH A SEPARATE AGENCY FOR LAW ENFORCEMENT SERVICES (INCLUDING BUT NOT LIMITED TO THE DELTA COUNTY SHERIFF'S DEPARTMENT), AS WELL AS LAW ENFORCEMENT OPERATIONAL EXPENSES, SUPPLIES, EQUIPMENT AND CAPITAL EXPENDITURES RELATING TO PUBLIC SAFETY;

WITH THIS PUBLIC SAFETY AND HEALTH FUND OPERATING MILL LEVY RATE SUBJECT TO ADJUSTMENT TO OFFSET REFUNDS, ABATEMENTS AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION; AND SHALL ALL DISTRICT REVENUES BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY REVENUE LIMITS PROVIDED BY LAW, THE REVENUE FROM SUCH TAXES AND ANY EARNINGS ON SUCH TAXES CONSTITUTING A PERMANENT VOTER-APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND AN EXCEPTION TO THE LIMITATIONS SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES, AND ANY OTHER LAW?

Yes:

No:”

Section 2. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved, and confirmed.

Section 3. The officers and employees of the Town are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this resolution. As applicable, the Board hereby appoints Melissa Oelke, the Town Administrator, as the Designated Election Official, and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this resolution and of Colorado statutory law, constitutional law, or other applicable laws.

READ AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Orchard City, Colorado, this 10th day of January 2018.

Ken Volgamore, Mayor

Melissa Oelke, Town Clerk