

RESOLUTION NO. 27

SERIES 2016

RESOLUTIONS OF THE CRESTED BUTTE TOWN COUNCIL CALLING FOR A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR PURPOSES OF SUBMITTING TO THE REGISTERED ELECTORS THE QUESTION OF WHETHER THE TOWN MAY INCUR A DEBT OF NOT MORE THAN \$2,110,000 FOR THE PURPOSE OF PREVENTING MINING ACTIVITY ON MT. EMMONS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION.

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the Home Rule Charter of the Town of Crested Butte, Colorado (the "**Charter**") on November 5, 1974;

WHEREAS, the members of the Town Council of the Town of Crested Butte (the "**Council**") have been duly elected and qualified;

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

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electors on limited election days before action can be taken on such ballot issues;

WHEREAS, Section 2.2 of the Charter requires that special elections may be called by resolution or ordinance of the Council at least thirty (30) days in advance of such election;

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

WHEREAS, the Council hereby determines that it is necessary to conduct a special election to be held on November 8, 2016, and to submit to the electors of the Town, at the election, the question of increasing debt for the purpose of preventing mining activity on Mt. Emmons;

WHEREAS, the Gunnison County Clerk and Recorder (the "**County Clerk**") is conducting a coordinated election pursuant to the Uniform Election Code of 1992, being Articles 1 to 13 of Title 1, C.R.S. (the "**Uniform Election Code**") on November 8, 2016;

WHEREAS, pursuant to C.R.S. §1-1-102 and C.R.S. §31-10-102.7, the Council may elect to utilize the provisions of the Uniform Election Code in order to participate in the coordinated election on November 8, 2016;

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, RESOLVES:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code.

Section 3. The Council hereby calls a special election on November 8, 2016. Pursuant to C.R.S. §31-10-102.7, the Council elects to utilize certain provisions of the Uniform Election Code with regard to the conduct of the special election. The Council hereby determines that the special election shall be conducted by the County Clerk as part of the coordinated election. The Council further determines that at the election there shall be submitted to the eligible electors of the Town the question set forth in Section 4 hereof.

Section 4. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot title which is set pursuant to C.R.S. §31-11-111:

SHALL TOWN OF CRESTED BUTTE DEBT BE INCREASED \$2,110,000, WITH A TOTAL REPAYMENT COST OF \$2,785,000 AND MAXIMUM ANNUAL REPAYMENT COST OF \$250,000, SUBJECT TO THE FOLLOWING:

THE DEBT SHALL BE ISSUED FOR THE PURPOSE OF PREVENTING MINING ON MT. EMMONS;

THE DEBT MAY BE EVIDENCED BY THE ISSUANCE OF BONDS OR OTHER FINANCIAL OBLIGATIONS PAYABLE FROM ANY LEGALLY AVAILABLE TOWN REVENUES AS DETERMINED BY THE TOWN COUNCIL TO BE IN THE BEST FINANCIAL INTEREST OF THE TOWN AND MAY BE SOLD IN ONE SERIES OR MORE ON SUCH TERMS AND CONDITIONS AS THE TOWN COUNCIL MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

THE REVENUES FROM THE TOWN'S REAL ESTATE TRANSFER TAX MAY BE SPENT FOR THE PURPOSES OF PREVENTING MINING ON MT. EMMONS, INCLUDING, BUT NOT LIMITED TO, PAYING DEBT SERVICE ON ANY DEBT ISSUED PURSUANT TO THIS QUESTION, NOTWITHSTANDING ANY LIMITATIONS ON THE USE OF SUCH REVENUES IN ORDINANCE NO. 12, SERIES 1991 APPROVED BY THE VOTERS IN 1991;

THE PROCEEDS OF SUCH DEBT AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS MAY BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 5. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 6. If a majority of the votes cast on the question to incur debt submitted at the election shall be in favor of incurring debt as provided in such question, the Town, acting through the Council, shall be authorized to proceed with the necessary action to incur debt in accordance with such question.

Such authority shall be deemed and considered a continuing authority to incur the debt so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. 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 days after the title of the ballot issue or ballot question is set.

Section 8. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 9. 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 in no manner affect any remaining provisions of this resolution.

Section 10. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 11. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Crested Butte, Colorado, on September 6, 2016.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

(SEAL)



STATE OF COLORADO)
)
 COUNTY OF GUNNISON) SS.
)
 TOWN OF CRESTED BUTTE)

I, Lynelle Stanford, the Town Clerk of the Town of Crested Butte, Colorado (the "**Town**"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "**Resolution**") passed and adopted by the Town Council (the "**Council**") of the Town at a regular meeting of the Council held on September 6, 2016.

2. The Resolution was duly introduced, moved, seconded and passed on at the regular meeting of September 6, 2016, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Glenn Michel, Mayor	✓			
Roland Mason, Mayor Pro Tem	✓			
Jim Schmidt	✓			
Chris Ladoulis	✓			
Paul Merck	✓			
Erika Vohman	✓			
Laura Mitchell	✓			

3. The members of the Council were present at the 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 Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

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

6. Notice of the regular meeting of September 6, 2016, in the form attached hereto as Exhibit A was posted at the Town Hall not less than twenty-four hours prior to the meeting in accordance with law.



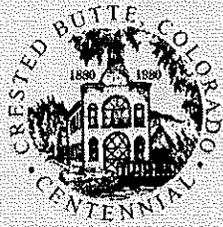
Lynelle Stanford, Town Clerk

(SEAL)



EXHIBIT I
(Attach Notice of Meeting)

32566375v3



Critical to our success is an engaged community and knowledgeable and experienced staff.

Town Council Values

- *Preserve our high quality of Life*
- *Resource Efficiency/ Environmental Stewardship*
- *Support a sustainable and healthy business climate*
- *Maintain a "real" community*
- *Fiscally Responsible*
- *Historic Core*

AGENDA

Town of Crested Butte
Regular Town Council Meeting
Tuesday, September 6, 2016
Council Chambers, Crested Butte Town Hall

6:00 WORK SESSION

Presentation by Parks and Recreation Director Janna Hansen and by Members of the Weed Advisory Board Regarding the Amended Weed Plan.

7:00 REGULAR COUNCIL MEETING CALLED TO ORDER BY MAYOR OR MAYOR PRO-TEM

7:02 APPROVAL OF AGENDA

7:04 CONSENT AGENDA

- 1) August 12, 2016 Special Town Council Meeting Minutes.
- 2) August 15, 2016 Regular Town Council Meeting Minutes.
- 3) August 18, 2016 Special Town Council Meeting Minutes.
- 4) August 27, 2016 Special Town Council Meeting Minutes.
- 5) August 29, 2016 Special Town Council Meeting Minutes.
- 6) Crested Butte to Carbondale Trail Great Outdoors Colorado (GOCO) Connect Initiative Trail Planning Grant Letter of Support.

The listing under Consent Agenda is a group of items to be acted on with a single motion. The Consent Agenda is designed to expedite Council business. The Mayor will ask if any citizen or council member wishes to have any specific item discussed. You may request that an item be removed from Consent Agenda at that time, prior to the Council's vote. Items removed from the Consent Agenda will be considered under New Business.

7:06 PROCLAMATION FOR OUTGOING BOZAR CHAIRPERSON LIZ SAWYER

7:12 PUBLIC COMMENT

Citizens may make comments on item not scheduled on the agenda. Those commenting should state their name and physical address for the record. Comments may be limited to five minutes.

7:20 STAFF UPDATES

7:35 PUBLIC HEARING

- 1) Ordinance No. 7, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 4, Block 80, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Trevor Main for the Sale Price of \$75,000.00.
- 2) Ordinance No. 8, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 3, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Warren Seekatz and Heather Allyn for the Sale Price of \$30,000.00.
- 3) Ordinance No. 9, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 12, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Kent Cowherd for the Sale Price of \$30,000.00.
- 4) Ordinance No. 10, Series 2016 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 15, Block 79, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado To Beth Goldstone for the Sale Price of \$60,000.00.

7:50 NEW BUSINESS

- 1) Appointment of BOZAR Member.

- 8:00** 2) Presentation and Possible Request for Support by Kari Commerford, Director of Gunnison County Substance Abuse Prevention Project (GCSAPP), on Healthy Youth Development.
- 8:10** 3) Discussion and Possible Approval of Vinotok Special Event Application and Special Event Liquor Permit for September 23, 2016 in the 100 Block of Elk Avenue, Closure from 6AM on September 23 to 6AM on September 24 and September 24, 2016 in the 200 Block of Elk, Closure Starting at 5AM Throughout the Day, Then Rolling Closure on Elk During the Processional Starting at 7:00PM, and the Chamber Parking Lot Closed All Day September 23 Until the Clean Up is Concluded on September 24.
- 8:30** 4) Resolution No. 27, Series 2016 - Resolutions of the Crested Butte Town Council Calling for a Special Election on November 8, 2016 for Purposes of Submitting to the Registered Electors the Question of Whether the Town May Incur a Debt of Not More than \$2,110,000.00 for the Purposes of Preventing Mining Activity on Mt. Emmons by Mount Emmons Mining Company, its Successor and Assigns; Setting Forth the Ballot Title; and Providing for the Conduct of the Election.
- 8:50** 5) Possible Contract Approval with New Town Manager.

9:05 LEGAL MATTERS

9:15 COUNCIL REPORTS AND COMMITTEE UPDATES

9:30 OTHER BUSINESS TO COME BEFORE THE COUNCIL

9:45 DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, September 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 3, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 17, 2016 - 6:00PM Work Session - 7:00PM Regular Council

9:50 ADJOURNMENT