

RESOLUTION NO. 5

RESOLUTION ESTABLISHING THE NORTHERN SAGUACHE COUNTY LIBRARY DISTRICT AND FOR CALLING AN ELECTION FOR THE MILL LEVY THEREFORE TO BE SUBMITTED TO THE VOTERS AT THE NOVEMBER 2, 2010 GENERAL ELECTION

WHEREAS, pursuant to the Colorado Library Law, Section 24-90-101, et seq., C.R.S. as amended, the Board of County Commissioners for Saguache County ("BOCC") is committed to making available publicly-supported, free library services providing information accessible to users regardless of age, physical or mental health, or economic status; and

WHEREAS, the Friends of the Saguache County Library and the BOCC for Saguache County agree that in order to provide appropriate library services for Northern Saguache County, the library must secure stable and sufficient funding; and

WHEREAS, converting the existing public library in Saguache and the Baca Grande community library to a library district, pursuant to Section 24-90-101 *et seq.*, C.R.S., would allow the library district to be funded through its own mill levy and not as part of the county's general fund; and

WHEREAS, pursuant to Section 24-90-107(1), C.R.S., the BOCC is authorized to establish a library district upon providing adequate notice and a public hearing; and

WHEREAS, pursuant to Sections 24-90-103(12) and 107(2)(a), C.R.S., as amended, notice has been given of the public hearing held this date concerning establishing a library district; and

WHEREAS, the Board of County Commissioners of the County of Saguache received a petition for the establishment of the Northern Saguache County Library District more than ninety days prior to the November 2, 2010 general election; and

WHEREAS, the Saguache County Clerk and Recorder has determined that the petition contains the signatures of more than One Hundred (100) registered electors residing within the proposed Library District; and

WHEREAS, the BOCC finds that the petition complies with the requirements of Section 24-90-107(3)(a) and (b), C.R.S.; and

WHEREAS, pursuant to Section 24-90-107(3)(d), C.R.S. the Board of County Commissioners shall upon receipt of a petition, establish the library district and submit the question of funding the district with an *ad valorem* property tax mill levy of 5 mills on all property within the proposed district to a vote of the registered electors residing in the proposed library's legal service area, as the electors of the library district must approve any amount of tax levy not previously approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY:

Section 1. A library district, as defined and provided for under the Library Law, shall be established and known as the "Northern Saguache County Library District ("NSCLD");" provided, however, such establishment is contingent upon the passage of the mill levy ballot question to provide funding for NSCLD. Should the mill levy ballot question not be passed by the voters in November of 2010, this resolution shall be considered void at such time, and NSCLD will not be in existence.

Section 2. Concomitant with the establishment of NSCLD, the Saguache County Library shall be fully merged into and become a part of NSCLD.

Section 3. NSCLD shall be a "public library," as defined under Section 24-90-103(13)(a), C.R.S. as amended, and shall be operated and maintained for the free use of the public residing within its legal service area, shall be operated and maintained in whole or in part with money derived from local taxation.

Section 4. Pursuant to the applicable laws of the State of Colorado, the Board hereby calls an election to be held on Tuesday, November 2, 2010 ("election"), at which there shall be submitted to the eligible electors of the proposed Northern Saguache County Library District in a combined election with other governmental entities, the question set forth in Section 6.

Section 5. The proposed library district's service area shall be all property currently within the boundaries of the Mountain Valley School District and the Moffat School District as depicted on Exhibit A.

Section 6. The question shall be submitted in the following form:

**MILL LEVY FOR THE
NORTHERN SAGUACHE COUNTY LIBRARY DISTRICT**

Shall the Northern Saguache County Library District taxes be set at \$205,000 annually for collection commencing in 2011 and by such additional amounts raised annually thereafter by an ad valorem property tax mill levy imposed at a rate of 5 mills, to be deposited in the Library District's general fund to provide services such as maintaining, improving and expanding library services and facilities; and shall the Library District be authorized to collect, retain and spend, for the Library District's purposes, all revenues generated from this mill levy, as voter-approved revenue and spending changes and an exception each year beginning in 2011 and thereafter, to any limitation or restriction on revenue or spending now contained in any constitutional limits, including Article X, Section 20 of the Colorado Constitution, and any statutory limits, including Section 29-1-105 *et seq.*, C.R.S., that would otherwise apply?

_____ YES

_____ NO

Section 7. Marjorie Hoglin, Representative of the Petitioners, is hereby appointed as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Sandy Thomas of Seter & Vander Wall, PC is appointed as the Assistant Designated Election official to assist the D.E.O with all duties delegated to her.

Section 8. Pursuant to §1-5-205, C.R.S., not less than ten days prior to the election, the County Clerk is hereby instructed to give or cause to be given notice of the election, by printed notice of the election published at least one time in a legal newspaper of general circulation in the County. Such notice shall also be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the County Clerk.

Section 9. The County Clerk shall cause the notice required by Section 20(3)(b) Article X of the Colorado Constitution to be delivered to the registered electors within the County as provided by law.

Section 10. 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 11. All action taken (not inconsistent with the provisions of this resolution) by the County, directed towards the election are ratified, approved and confirmed. Unless otherwise defined, terms used herein shall have the meanings specified in §1-1-104, C.R.S.

Section 12. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby replaced.

Section 13. If any section, paragraph, clause or provisions of this resolution shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph clause or provision shall not affect any of the remaining provisions of this resolution.

Section 14. The approval of this resolution shall be considered the Final Action for purposes of §1-11-203.5, C.R.S.

ADOPTED AND APPROVED this 8th day of June, 2010.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF SAGUACHE COUNTY**

Jane Whitten
Deputy Clerk

Nscl\FORMATION\cnty res\Jcm182

By: San Ram

Chair

