

7-12-00

RESOLUTION NO. 200-149

A RESOLUTION DESCRIBING A PETITION TO ESTABLISH THE RED FEATHER MOUNTAIN LIBRARY DISTRICT BY A BALLOT ISSUE ESTABLISHING THE BOUNDARIES OF SUCH LIBRARY DISTRICT, A PROPERTY TAX TO FUND THE LIBRARY DISTRICT, AUTHORIZATION FOR THE LIBRARY DISTRICT TO COLLECT, RETAIN, AND TO EXPEND REVENUE IN EXCESS OF CONSTITUTIONAL AND STATUTORY LIMITS; REFERRING SUCH BALLOT ISSUE TO THE 2000 GENERAL ELECTION; CALLING ELECTION; CERTIFYING BALLOT TITLE.

WHEREAS, the County of Larimer (the "County") in the State of Colorado is a county duly organized and existing under the Colorado Constitution (the "Constitution") and the laws of the State of Colorado; and

WHEREAS, the members of the Board of County Commissioners (the "Board") have been duly elected, chosen and qualified; and

WHEREAS, section 24-90-107, C.R.S. provides for establishment of a library district upon petition of one hundred registered electors residing in the proposed library district addressed to the boards of county commissioners in each county in the proposed library district and approval by the electors of any tax levy not previously established; and

WHEREAS, a Petition has been presented to the Board entitled "PETITION SEEKING ESTABLISHMENT OF RED FEATHER MOUNTAIN LIBRARY DISTRICT"; which petition requests that the Board create such Library District within a certain proposed service area and levy a property tax of 2.5 mills to support the activities of such Library District; and

WHEREAS, the Larimer County Clerk and Recorder has provided certification that the Petition has been signed by at least one hundred registered electors residing in the proposed Red Feather Mountain Library District; and

WHEREAS, section 24-90-107, C.R.S. provides that upon receipt of such a petition, the Board shall either establish the library district by resolution or ordinance or submit the question of establishment of the library district to a vote of the registered electors residing in the proposed library district service area; and

WHEREAS, the Board finds that the petition has been formally filed with the Board and it is appropriate to submit the question of establishment of the library district to a vote of the registered electors residing in the proposed library district service area; and

WHEREAS, section 24-90-107, C.R.S. requires a bond to be filed with the county sufficient to pay all expenses connected with the organization of the library district if such organization is not effected unless such bond is waived by the Board, as well as addressing payment of the costs of the election for the proposed library district; and

WHEREAS, the Board finds that it is in the public interest to waive the bonding requirement and, with the consent of the board of trustees of an existing library as required by section 24-90-107, C.R.S., pay for the costs of the election for the proposed Red Feather Mountain Library District, subject to reimbursement by the Library District if such Library District is formed; and

WHEREAS, section 24-90-112, C.R.S. authorizes the Board, upon approval of a tax levy by the electors, to levy the tax for the establishment, operation, and maintenance of library districts; and

WHEREAS, Section 20 of Article X of the Colorado Constitution and Article 1 of Title 29 of the Colorado Revised Statutes (C.R.S.), as amended, place limitations on revenue collection, retention, and expenditure by governments; and

WHEREAS, the Petition submitted to the Board requests exclusion of the revenues received from the Red Feather Mountain Library District from such constitutional and statutory limitations; and

WHEREAS, section 29-90-107, C.R.S. requires that a petition for establishment of a library district contain certain provisions and the Petition and this Resolution are intended to conform to said section; and

WHEREAS, the Board determines that the question of establishment of the Red Feather Mountain Library District should be submitted to the registered electors of the proposed Library District at the election to be held on November 7, 2000, along with the establishment of a tax levy for the establishment, operation, and maintenance of such Library District and the approval of such levy as a voter-approved revenue change under the Constitution and laws of the State of Colorado.

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

Section 1. Election called. It is hereby determined that an election shall be held on November 7, 2000, for the purposes of submitting to the registered electors residing in the proposed Red Feather Mountain Library District in Larimer County the question set forth hereafter. The conduct of the election shall conform, so far as practicable, to the general election laws of the State of Colorado.

Section 2. Election Official. The Larimer County Clerk and Recorder is hereby 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 is directed and authorized to take any action as may be necessary to conduct the election in accordance with applicable law.

Section 3. Ballot Title. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself. The ballot title shall be as follows and is hereby certified to the Larimer County Clerk and Recorder for submission to the registered electors residing in the proposed Red Feather Mountain Library District in Larimer County:

**ESTABLISHMENT OF THE RED FEATHER MOUNTAIN LIBRARY DISTRICT, IMPOSITION OF A PROPERTY TAX WITHIN SUCH LIBRARY DISTRICT, AND AUTHORIZATION FOR RETENTION, EXPENDITURE AND COLLECTION OF REVENUE BY SUCH DISTRICT IN EXCESS OF THE LIMITATIONS SET BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION AND ARTICLE 1, TITLE 29 OF THE COLORADO REVISED STATUTES.**

SHALL TAXES BE INCREASED \$84,457.00 ANNUALLY WITHIN THE BOUNDARIES OF THE PROPOSED RED FEATHER MOUNTAIN LIBRARY DISTRICT BY IMPOSITION OF A PROPERTY TAX LEVY OF 2.5 MILLS ON ALL OF THE TAXABLE PROPERTY WITHIN SUCH PROPOSED LIBRARY DISTRICT FOR THE PURPOSE OF THE ESTABLISHMENT, OPERATION, MAINTENANCE, CAPITAL IMPROVEMENTS, AND ALL OTHER EXPENDITURES OF SUCH PROPOSED LIBRARY DISTRICT; SHALL THE RED FEATHER MOUNTAIN LIBRARY DISTRICT BE ESTABLISHED; SHALL SUCH LIBRARY DISTRICT BE AUTHORIZED TO COLLECT AND KEEP AND EXPEND ALL REVENUES RECEIVED, INCLUDING INTEREST AND ANY EARNINGS ON THE INVESTMENT THEREOF, AND TO CONTINUE TO LEVY ALL ITS MILL LEVIES IN 2000 AND EACH YEAR THEREAFTER, ALL AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION WHICH IS COMMONLY KNOWN AS AMENDMENT ONE OR THE TABOR AMENDMENT AND, IF APPLICABLE, THEREBY EXCEED THE 5.5% TAX REVENUE GROWTH LIMITATION CONTAINED IN SECTION 29-1-301, COLORADO REVISED STATUTES AND ANY OTHER TAX REVENUE LIMITATION CONTAINED IN THE LAWS OF THE STATE; ALL IN ACCORDANCE WITH THE "PETITION SEEKING ESTABLISHMENT OF RED FEATHER MOUNTAIN LIBRARY DISTRICT" ON FILE AT THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER?

YES \_\_\_\_\_

NO \_\_\_\_\_

Section 4. Bonding Requirement and Costs of Election. The bonding requirement in section 24-90-107, C.R.S. is hereby waived as provided in such section. Upon consent by the board of trustees of an existing library as required by section 24-90-107, C.R.S., the costs of the election shall be paid by Larimer County, subject to reimbursement by the Red Feather Mountain Library District if such Library District is formed.

Section 5. Notices of Election. The Larimer County Clerk and Recorder shall cause notices to all eligible electors of the County to be mailed in accordance with Article X, Section 20(3)(b) of the Colorado Constitution, section 1-5-205, C.R.S., and other applicable laws. Such notices shall be in the form and contain the information required by law. In addition, such other notices of the election as shall be required by law or deemed by the County Clerk and Recorder to be necessary or appropriate shall be given in the time, form, and manner required by law.

Section 6. Severability, Interpretation and Declaration of Intent. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable. By this Resolution, the Board intends to act under the authority of Article X, Section 20 of the Colorado Constitution and Section 30-11-103.5, C.R.S., and this Resolution shall be interpreted to carry out this authority.

Section 7. Recordation. This Resolution, immediately upon its passage, shall be recorded in the Book of Resolutions of the County kept for that purpose and shall be authenticated by the signatures of the Chairperson of the Board of County Commissioners and the County Clerk and Recorder.

ADOPTED this 12 day of July, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LARIMER

By: *Chris Olson*  
Chairperson

ATTEST:

*Janet K. ...*  
Deputy Clerk of the Board

Date: 7/11/2000  
APPROVED AS TO FORM

*Nathan F. ...*  
ASSISTANT COUNTY ATTORNEY

libdir1.doc

