

RESOLUTION NO. 2013-64

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY CALLING AN ELECTION ON NOVEMBER 5, 2013 AUTHORIZING (I) THE FORMATION OF THE BOULDER COUNTY SUBDIVISION PAVING PUBLIC IMPROVEMENT DISTRICT, (II) THE ISSUANCE OF BONDS FOR ROAD REHABILITATION PURPOSES AND (III) THE IMPOSITION OF A MILL LEVY WITHIN THE DISTRICT TO PAY SUCH BONDS AND THE COSTS OF ROAD REHABILITATION IN THE DISTRICT; AND SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE

WHEREAS, Part 5, Article 20, Title 30, Colorado Revised Statutes, as amended, provides that a public improvement district may be formed for the imposition of a district-wide ad valorem property tax and the issuance of bonds upon approval of a majority of the registered electors of the district on such question; and

WHEREAS, a petition has been filed with the office of the clerk of the Board of County Commissioners (the "Board") which, among other things, requests the organization of the "Boulder County Subdivision Paving Improvement District" for the rehabilitation of roads located within the district; and

WHEREAS, there are approximately 150 miles of paved roads in nearly 120 subdivisions in unincorporated Boulder County that are in poor or deteriorating condition and need to be rehabilitated, and if no action is taken these roads will continue to get worse and become more expensive to fix; and

WHEREAS, the Board recognizes that subdivision roads often provide access for non-subdivision traffic and also provide access to regional destinations such as schools, trailheads and places of worship and as a result the Board has committed to contribute 20% of the initial cost of rehabilitating subdivision roads; and

WHEREAS, allowing roads to further deteriorate will increase the costs of rehabilitating these roads, and it is more cost-effective to rehabilitate the roads now by issuing the bonds that will enable that to happen; and

WHEREAS, Boulder County will continue to provide the routine maintenance and services it currently provides on subdivision roads to address the immediate safety needs of the public, such as snow removal, street sweeping, patching of potholes, asphalt patching, crack filling, road grading, cleaning culverts, improving drainage, traffic signs and pavement markings; and

WHEREAS, a special fund shall be created within the Boulder County financial structure, into which all net proceeds of this mill levy and bond revenues shall be deposited, and this fund shall only be used for to pay the costs of rehabilitating roads in the district, and for no other purpose; and

WHEREAS, as required by the state budget laws, Article 1, Title 29, C.R.S., the district's financial statements shall be subject to an annual audit; and

WHEREAS, the Board desires to refer to the registered electors of the district, to be determined by a majority voting thereon, the question of whether such taxes and issuance of bonds shall be approved or disapproved; and

WHEREAS, the boundaries of the district include all parcels located in unincorporated Boulder County with drivable access on or to a Boulder County owned, paved road that is located within any of the subdivisions that have paved roads owned by Boulder County.* Parcels meeting this description are included in the district even if they are located outside the listed subdivisions. "Drivable access" means access by car to the driveway or street from which one enters the parcel, even if another access to the parcel exists. Property owners unclear as to whether or not their property is included in the district should go to www.bouldercounty.org/subdivisionpaving and click on "Cost Calculator," or call 720-407-4787.

*(in alphabetical order) ANHAWA MANOR, APOLLO ESTATES, ARROYO CAMPO, BARI-DON KNOLLS, BASELINE HEIGHTS, BENCHMARK, BIXLER RANCHETTES, BLUE SKY, BOULDER HEIGHTS, BOULDER HILLS, BOW MOUNTAIN, BRIGADOON GLEN, BROWNSVILLE, BRUNTWOOD ESTATES, CANTERBURY ACRES, CENTREBRIDGE, CHANCE ACRES, COPPERDALE LANE, COTTONWOOD HILLS, COTTONWOOD PARK WEST, COUNTRY CREEK, CRESTMOOR, CRESTVIEW ESTATES, DAVIDSON, EVERGREEN, FAIRVIEW ACRES, FAIRVIEW ESTATES, FAIRVIEW RIDGE, FAIRWAYS LIVING, FLINTLOCK, FOUNTAIN GREENS, FOX RUN, FOXHAVEN, GALE H SIMMONS, GAYNOR LAKE, GITHENS ACRES, GOLDBRANCH, GRACE MAR, GRAND VIEW ESTATES, GUNBARREL ESTATES, GUNBARREL GREEN, GUNBARREL RIDGE, HABITAT, HARSCH HEIGHTS, HEATHER HILLS, HEATHERWOOD, HILLCREST HEIGHTS, HOMESTEAD, HYGIENE HEIGHTS, INDIAN HILLS, JOHNSON FARM, JUHL, KNOLLWOOD, KUHLMANN HEIGHTS, LAKE SHORE ESTATES, LAKE VALLEY ESTATES, LARK MEADOWS, LEGEND RIDGE, LONGVIEW RANCHETTES, MAPLE GROVE, MCSORLEYS, MEADOWDALE, MESA VALLEY, MONARCH PARK, MORTON HEIGHTS, NICHOLAS ESTATES, NIWOT ESTATES, NIWOT HILLS, NIWOT MEADOW FARM, NORTH RIM, NORTHWEST ACRES, OLDE STAGE, ORANGE ORCHARD, ORIOLE ESTATES, OVERBROOK, PALO PARK, PANORAMA PARK, PARAGON ESTATES, PARK LAKE, PAUL NOR ESTATES, PEPPERTREE ESTATES, PINE BROOK HILLS, PLEASANT RIDGE, PONY ESTATES, RANCH AT CLOVER BASIN, RANGE VIEW, RED FOX HILLS, RIDGLEA HILLS, RUSTIC KNOLLS, SCHLAGEL, SHANNON ESTATES, SMITH MEADOW LANE, SOMBRERO RANCH, SOMERSET ESTATES, SOUTH MEADOW GUN BARREL GREEN, SOUTH VALE, SPANISH HILLS, SPRING LAKE HEIGHTS, SPRING VALLEY ESTATES, SPRINGHILL, STONEHENGE, SUBURBIA ACRES, SUMMERLIN, TALL TIMBERS, TWIN LAKES, VALHALLA, VALLE DEL RIO, WATERFORD, WATERFORD PARK, WHITE HAWK RANCH, WILLIS HEIGHTS, WILLOW GLEN, WILLOWS, WINTERVIEW, WOODBOURNE HOLLOW

WHEREAS, the election shall be conducted a coordinated election in Boulder County in accordance with Articles 1 to 13 of Title 1, Colorado Revised Statues (the "Uniform Election Code"); and

WHEREAS, the Clerk and Recorder of Boulder County (the "County Clerk") is the coordinated election official for the election pursuant to the Uniform Election Code, and is responsible for mailing the notice of election required by Article X, Section 20(3)(b) of the Colorado Constitution (the "TABOR Notice"); and

WHEREAS, the County will assist the County Clerk in providing necessary information and notices for the conduct of the election; and

WHEREAS, pursuant to the criteria for ballot titles required pursuant to §30-11-103.5, C.R.S. and set forth at §31-11-111, C.R.S., in fixing this ballot title, the Board finds that the title set forth in Appendix A is not misleading, clearly identifies the effect of a “yes” or “no” vote, does not conflict with title of any other measure that will appear on the Boulder County ballot, and correctly and fairly expresses the true intent and meaning of the measure; and

WHEREAS, the Board has determined to set the ballot title for the ballot issue to be submitted at the election called by this Resolution.

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

1. An election shall be held on Tuesday, November 5, 2013 (the “Election Date”) at which there shall be submitted to the eligible electors of the district the ballot issue which shall be in substantially the form attached hereto as Appendix A.

2. The cost of the election shall be paid from the general fund of the County.

3. The conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.

4. For purposes of §1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title for the ballot issue set forth in the appendix hereto. Appendix A is hereby incorporated into this Resolution as if set forth in full herein. The ballot title for the ballot issue attached hereto as Appendix A shall be the text of such ballot issue.

5. Michelle Krezek, Intergovernmental Relations Director and Administrative Deputy to the Board is hereby designated as the “Designated Election Official” responsible for the running of the election for the County. The Designated Election Official is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, Article X, Section 20 of the Colorado Constitution (“TABOR”) and other applicable laws and election rules; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters’ ballots, absentee ballots and emergency absentee ballots which are to be performed by the designated election official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code, TABOR and all other applicable laws.

6. Not later than 60 days before the Election Date (Friday, September 6, 2013) the Designated Election Official shall certify a copy of the ballot issue set forth in Appendix A hereto to the County Clerk in accordance with §1-5-203, C.R.S. If the County refers more than one ballot issue to the voters at the same election (whether by this Resolution or one or more other resolutions), the order of the ballot shall, as provided by the rules of the Secretary of State, be as follows: first, measures to increase taxes; second, measures to retain revenues in excess of the County’s fiscal year spending limit; third, measures to increase debt; fourth, citizen petitions; and fifth, other referred measures. If the County refers more than one ballot issue within any such category, the order within such category shall, unless otherwise determined by the County,

be the same as the order of the ballot issues in the resolution of the County that orders that such ballot issues be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).

7. No later than 42 days before the Election Date (Tuesday, September 24, 2013), the Designated Election Official shall submit the TABOR Notice to the County Clerk in the form, if any, specified by the County Clerk. Thereafter, at least 30 days before the Election Date (Friday, October 4, 2013) the County Clerk is to mail, at the least cost, the notice required by Article X, Section 20(3)(b) of the Colorado Constitution to the registered voters of the District.

8. No later than 20 days before the Election Date (Wednesday, October 16, 2013), the Designated Election Official shall ensure that the additional posting of financial notice is made on the County's website or, if the County does not maintain a website, at the County's chief administrative office in accordance with the requirements of C.R.S. § 1-7-908. Additionally, no later than 20 days before the Election Date the Designated Election Official shall cause a notice of election to be published (if not otherwise published by the County Clerk) in accordance with §1-5-205, C.R.S.

9. No later than 10 days before the Election Date (Friday, October 25, 2013) the Designated Election Official shall cause a notice of election to be posted in the office of the Designated Election Official in accordance with the §1-5-205, C.R.S.

10. As provided in §1-1-106, C.R.S., if the State Constitution or a State statute requires doing an act "no later than" or "at least" a certain number of days prior to the Election Date, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday or legal holiday.

11. If a majority of the votes cast on the ballot issue attached hereto as Appendix A submitted at the election shall be in favor of such ballot issue, the district acting through the Board shall be authorized to proceed with the necessary action to issue bonds and/or levy taxes in accordance with the approved ballot issue. Any authority to issue bonds and/or levy ad valorem property taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue bonds and/or levy the taxes 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.

12. 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.

13. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

14. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

15. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be 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.

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

ADOPTED AND APPROVED this 13th day of August, 2013.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, STATE OF
COLORADO

Handwritten signature of Cindy Domenico in blue ink.

Cindy Domenico, Chair

ATTEST:

Handwritten signature of Mike Ryder in blue ink, written over a horizontal line.

Clerk to the Board

Handwritten signature of Deb Gardner in blue ink, written over a horizontal line.

Deb Gardner, Vice-Chair

Handwritten signature of Elise Jones in blue ink, written over a horizontal line.

Elise Jones, Commissioner

**APPENDIX A
FORM OF BALLOT ISSUE**

Boulder County Ballot Issue 1A:

SHALL BOULDER COUNTY SUBDIVISION PAVING DISTRICT TAXES BE INCREASED UP TO \$___ MILLION ANNUALLY (SUCH DOLLAR AMOUNT REPRESENTING CALENDAR YEAR 2014 TAX COLLECTIONS) AND SHALL DISTRICT DEBT BE INCREASED UP TO \$30 MILLION WITH A MAXIMUM REPAYMENT COST OF UP TO \$___ MILLION, ALL FOR THE PURPOSE OF PAYING THE COSTS OF ROAD REHABILITATION THROUGH AN AD VALOREM PROPERTY TAX MILL LEVY IMPOSED AT A RATE NOT TO EXCEED 7.15 MILLS, WITH THE ANNUAL TAX REVENUES FROM SUCH MILL LEVY (REGARDLESS OF DOLLAR AMOUNT) ON AND AFTER CALENDAR YEAR 2014 TO BE USED SOLELY FOR PAYMENT OF THE COSTS OF ROAD REHABILITATION AND THE PAYMENT OF DEBT ISSUED FOR SUCH PURPOSE; SHALL SUCH DEBT BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 4.15% PER ANNUM AND BE ISSUED AND SOLD AT SUCH TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF DIRECTORS MAY DETERMINE; SHALL THE REVENUE FROM TAXES AUTHORIZED BY THIS BALLOT ISSUE CONSTITUTE VOTER-APPROVED REVENUE CHANGES; AND SHALL BOULDER COUNTY SUBDIVISION PAVING DISTRICT BE ORGANIZED, ALL AS MORE PARTICULARLY SET FORTH IN BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2013-64?

YES

NO