

NDDA RESOLUTION NO. 2019-10

A RESOLUTION CALLING FOR A NOVEMBER 5, 2019 INDEPENDENT MAIL BALLOT ELECTION AND AUTHORIZING AN ELECTION ON THE QUESTION OF EXTENDING THE EXPIRING MILL LEVY

WHEREAS, the Nederland Downtown Development Authority, in the Town of Nederland, State of Colorado (“Authority”), is a body corporate duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the members of the Board of Directors for the Authority (“Board”) have been duly appointed qualified; and

WHEREAS, the Board of Trustees for the Town of Nederland (“Board of Trustees”) has approved the Plan of Development (“Plan”) for the Authority; and

WHEREAS, the interest of the Authority and the public interest and necessity demand and require the financing of certain development projects described in the Plan (“Projects”); and

WHEREAS, the qualified electors of the Authority originally approved a general operating mill levy increase of 5.0 mills in November 1, 2005, and approved the extension of such mill levy rate on April 3, 2012, which current 5.0 mill levy rate will expire in 2019; and

WHEREAS, in order to continue the operations of the Authority, and finance the costs of the Projects, the Board hereby determines that it is necessary to extend the expiring 5.0 mill levy; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for the extension of an expiring tax levy; and

WHEREAS, Section 31-25-807(3)(b) C.R.S. further provides that such election shall be called by Resolution of the Authority and approved by the Board of Trustees; and

WHEREAS, by Resolution No. 2019-10, the Board of Trustees approved the conduct of the special election by the Authority and submission of a ballot issue to obtain approval of the Authority’s qualified electors to extend the expiring 5.0 mill levy; and

WHEREAS, the Board hereby determines that such question should be presented to the Authority’s qualified electors at the election to be conducted on November 5, 2019 (“Election”), in accordance with the provisions of Title 31, Article 25, Part 8, C.R.S. (“Act”), the Colorado Municipal Election Code of 1965 (“Code”), and TABOR (the Act, Code and TABOR being referred to jointly as the “Election Laws”).

NOW, THEREFORE, be it resolved by the Board of Directors of the Nederland Downtown Development Authority in the Town of Nederland, County of Boulder, State of Colorado that:

Section 1. The special election of the qualified electors of the Authority shall be held on November 5, 2019, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Election Laws, and other applicable laws. At such Election there shall be submitted to the qualified electors of the Authority the question substantially as stated in the form of ballot title attached hereto as Exhibit A hereafter set forth.

Section 2. The Election shall be conducted as an independent mail ballot election in accordance with all relevant provisions of the Election Laws, and hereby determines that Micki Mills, Collins Cockrel & Cole, shall conduct the Election on behalf of the Authority, and act as an Election Official. Ms. Mills is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and of the Election Laws or other applicable laws.

Section 3. If any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the Board's intention that the various provisions hereof are severable.

Section 4. Any and all actions previously taken by the Election Official, the Secretary of the Board, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, are hereby ratified and confirmed.

Section 5. All acts, orders, and resolutions, or parts thereof, of the Board which are inconsistent or in conflict with this Resolution are hereby repealed to the extent only of such inconsistency or conflict.

Section 6. The provisions of this Resolution shall take effect immediately.

ADOPTED this 14th day of August, 2019.

NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

By

Steve Karowe, Chairman

Hope Jordan, Executive Director

EXHIBIT A TO ELECTION RESOLUTION

TOWN OF NEDERLAND BALLOT ISSUE 1:

SHALL THE EXISTING TOWN OF NEDERLAND AD VALORUM PROPERTY TAX LEVY, WHICH IS DUE TO EXPIRE DECEMBER 31, 2019, BE EXTENDED THEREAFTER AT THE RATE OF NOT MORE THAN 5.0 MILLS ON TAXABLE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY; AND SHALL THE TOWN AND THE NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUE RECEIVED FROM SUCH PROPERTY TAX RATE AND ANY OTHER LAWFUL SOURCE, FOR THE PURPOSES SET FORTH IN TITLE 31, ARTICLE 25, PART 8, C.R.S., WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?