

# ABSTRACT OF VOTES CAST AND STATEMENT AND CERTIFICATION OF DETERMINATION – FINAL AFTER RECOUNT

AT A SPECIAL ELECTION HELD IN BERTHOUD COLORADO ON THE 10<sup>th</sup> DAY OF SEPTEMBER 2019.

QUESTION: Ordinance 1265

RE: Citizen Initiative Petition

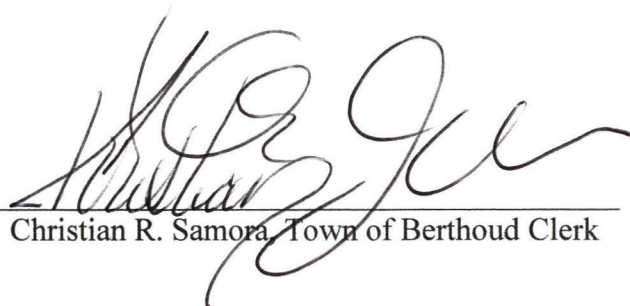
YES	<u>1216</u>
NO	<u>1218</u>

TOTAL BALLOTS CAST 2434

STATE OF COLORADO, COUNTIES OF LARIMER AND WELD

We, the undersigned canvassers of the election returns of the election held in Berthoud, in the State of Colorado on Tuesday, the 10<sup>th</sup> day of September 2019, for the election of the citizen-initiated Ordinance 1265 do hereby certify that the above and foregoing is a true and correct abstract of the votes cast at said election, as shown by the returns from the voting precinct in said Town of Berthoud.

Witness our hands and official seal this 24<sup>th</sup> day of September 2019.

  
\_\_\_\_\_  
Christian R. Samora, Town of Berthoud Clerk



  
\_\_\_\_\_  
William Karspeck, Town of Berthoud Mayor



**OFFICIAL BALLOT**  
**SPECIAL MUNICIPAL ELECTION**  
**TOWN OF BERTHOUD**  
**SEPTEMBER 10, 2019**

Ballot Type: 1

**Ballot Instructions:**

1. Mark your ballot with blue or black ink.
2. If you make a mistake, either request a replacement ballot from your Town Clerk, or cross-out any errors and add a note making very clear the voting choice you intend to vote.
3. Mark your choice by making a cross mark (X) in the oval next to your selection. Make no stray marks on the ballot. Do not use inks that soak through the paper.



**WARNING:** Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both.

**Ballot Measure**

**Town of Berthoud**

Shall the following Initiated Ordinance be Adopted and codified into the Berthoud Municipal Code?

**ORDINANCE NO. 1265 AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO LIMITING THE AUTHORITY OF THE BOARD OF TRUSTEES TO INCUR FINANCIAL OBLIGATIONS ON BEHALF OF THE CITIZENS IN EXCESS OF TWO MILLION DOLLARS WITHOUT AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE BOARD OF TRUSTEES AND BARRING ANY FINANCIAL OBLIGATIONS IF THE ELECTORATE HAS REJECTED A BOND ISSUE TO FINANCE THE SAME OR SIMILAR MATTER WITHIN THE PREVIOUS TWO YEARS.**

Be It Ordained by the Town of Berthoud, State of Colorado:

**Section 1. Purposes and Findings**

The Colorado Constitution provides that "[a]ll political power is vested and derived from the people," and "all government... originates from the people." Colo. Const. art. II, § 1. From this power, the people have reserved for themselves the power to legislate by way of initiative and referendum at both the state and municipal levels. Colo. Const. art. V, § 1.

The Town of Berthoud has a duty to manage its revenues and expenditures for the overall general health, safety and welfare of its citizens. Certificates of Participation are Financial Obligations between governmental entities and investors featuring long-term leases to provide for financing of major projects without a vote of the people. On November 6, 2018, the Berthoud electorate rejected a referred bond ballot issue proposed by the Board of Trustees for the construction of a recreation center. The Board of Trustees is investigating use of Certificates of Participation or other funding to accomplish the same goal of funding construction of a recreation center. At this time, Certificates of Participation do not require any further vote of the Berthoud electorate, and if approved, would defy the will of the people as expressed in the defeat of the bond ballot issue.

This initiative would prohibit the Board of Trustees from approving or funding Certificates of Participation or any other Financial Obligations in the future when the electorate has rejected the bond ballot issue for the same or similar purpose within the previous two years. Further, approval of or funding Certificates of Participation or other Financial Obligations over two million dollars would require an affirmative vote of at least three-fourths (six of the seven members) of the Board of Trustees of the Town of Berthoud.

**Section 2. Definition**

"Financial Obligations" includes any obligation with a term greater than one year set forth in certificates of participation, leases, capital leases, lease-purchases, bonds, mortgages, debts, notes, contracts, loans from or transfers from utility enterprise funds or any other fund to which impact fees are deposited, and/or all other non-pension monetary liabilities *whatsoever*, whether or not future payments are contingent, subject to annual appropriation, or made directly or indirectly.

**Section 3. Grant of Authority**

The Board of Trustees of the Town of Berthoud shall not enter into any contract requiring the expenditure of more than two million dollars for a project pursuant to certificates of participation ("COPs") or any other Financial Obligations, or make lease payments or any other periodic payments for COPs or any other Financial Obligations without an affirmative vote of at least three-fourths (six of the seven members) of the Board of Trustees; and in no event shall the Town enter into COPs or any other Financial Obligations or make lease payments or any other periodic payments under COPs or other Financial Obligations if a bond issue for the same or similar purpose has been rejected by the electorate in the previous two years.

The sections of this initiative petition are severable and any provision held to be impermissible shall not invalidate the remaining sections. This ordinance shall not impair any lawful existing contract and shall be liberally interpreted and strictly enforced. If judicial enforcement of this ordinance is necessary and successful, in whole or in part, the citizens shall be entitled to recover their legal fees. This ordinance may only be amended or repealed by a majority vote of the registered electors of the Town of Berthoud at a coordinated statewide general election held on even numbered years or in a regular municipal election.

- Yes
- No

**OFFICIAL BALLOT FOR THE TOWN OF BERTHOUD  
SEPTEMBER 10, 2019 SPECIAL MUNICIPAL ELECTION**

A handwritten signature in black ink, appearing to read 'Christian R. Samora', written in a cursive style.

**Christian R. Samora, Town Clerk**