

## **RESOLUTION NO. 13**

**(Series 2019)**

### **A RESOLUTION OF THE TOWN OF BERTHOUD, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE SPECIAL ELECTION TO BE HELD SEPTEMBER 10, 2019 A PROPOSED ORDINANCE INITIATED BY CITIZENS**

**WHEREAS**, the Town of Berthoud, Colorado ("Town"), is a statutory town; and,

**WHEREAS**, on February 5, 2019 the Town received notice of a proposed ordinance and initiative pursuant to CRS § 31-11-104; and,

**WHEREAS**, on April 4, 2019 the Town received a petition containing 402 signatures and was determined to be sufficient pursuant to CRS § 31-11-109; and,

**WHEREAS**, on May 14, 2019 the Town Board referred the proposed ordinance to the Electors of the Town of Berthoud, at an election to be held on Tuesday, September 10, 2019; and therefore,

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:**

Section 2. The following Ballot Question shall be submitted to the qualified electors of the Town voting at the Berthoud Municipal Election to be held on September 10, 2019:

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

Section 1. Pursuant to CRS § 31-10-401, the Clerk is authorized and responsible for appointing election judges as required by the Colorado Municipal Election Code of 1965.

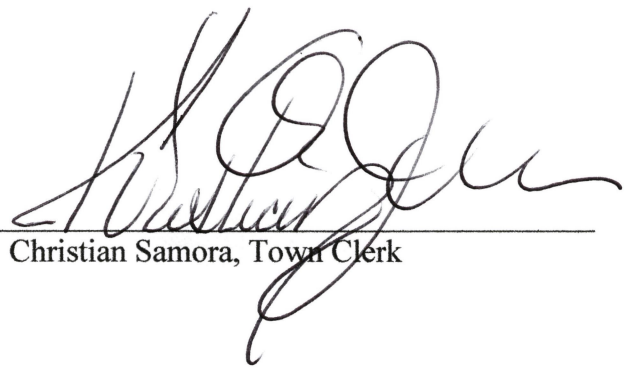
INTRODUCED, READ, PASSED, AND ADOPTED THIS 28 DAY OF AUGUST 2018.



TOWN OF BERTHOUD

  
By: William Karspeck, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Christian Samora", is written over a horizontal line. The signature is stylized with large, flowing loops and a long, sweeping tail that extends to the right and then curves back down.

Christian Samora, Town Clerk