

Town of Haxtun
August 16, 2021
SPECIAL MEETING

The Haxtun Town Council met in special meeting at 7:58 p.m. The meeting followed an open forum “Town Hall” meeting with community members in attendance.

The meeting was opened by Mayor Brandon Bieseemeier at the Haxtun Community Center. Roll call was taken with the following council members present: Bob Cionek, Mike Ensminger, Ryan Horton, Lori Lundgren, Rob Martinez and Tana Pope. Mayor Bieseemeier led the group in the Pledge of Allegiance.

Staff members present were Ron Carpenter, Town Superintendent, Kelsey Harms, Deputy Town Clerk, and Karie Wilson, Town Clerk/Treasurer.

After discussing the 2022 Street Project with the community, and then reading through the Resolution 2021-4, a motion was made by L. Lundgren and seconded by M. Ensminger, to adopt the following resolution, and motion passed.

RESOLUTION 2021-4

A RESOLUTION OF THE TOWN OF HAXTUN AUTHORIZING A TABOR ELECTION ON NOVEMBER 2, 2021, FIXING THE BALLOT TITLES AND QUESTIONS, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of Haxtun, Phillips County, Colorado (the “Town”), is a municipal corporation duly organized and existing as a statutory town under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the Board of Trustees of the Town (the “Board”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 2, 2021, is the date of the regular municipal election in the Town and one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the Board hereby determines that it is necessary to submit to the electors of the Town, at the regular election to be held on November 2, 2021, the question of increasing debt to finance the design, construction and maintenance of street improvements (the “Project”); and

WHEREAS, the electors of the Town previously approved a ballot issue authorizing the Town to use 0.5% of the Town’s current sales and use tax for the funding and maintenance of the Community Center; and

WHEREAS, the Board now determines that it is necessary to submit to the electors of the Town, at the election on November 2, 2021, a ballot question authorizing the expansion of the purposes for which the 0.5% of the Town’s current sales and use tax dedicated to the Community Center can be expended; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HAXTUN, COLORADO, AS FOLLOWS:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”) and Title 31, Article 10, C.R.S., as amended (the “Municipal Election Code”).

Section 3. Pursuant to TABOR and the Municipal Election Code of 1992, and all laws amendatory thereof and supplemental thereto, the Board hereby determines that a regular election shall be held within the Town on November 2, 2021 (the “election”), and that there shall be submitted to the eligible electors of the Town the questions set forth in Section 4 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk of Phillips County (the “County Clerk”) shall conduct the election on behalf of the Town. The officers of the Town are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The following ballot issue and question, certified in substantially the form set forth below, are hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot titles which are set pursuant to Section 31-11-111, C.R.S.:

BOND BALLOT ISSUE

WITH NO INCREASE IN THE TOWN'S CURRENT SALES AND USE TAX RATE, SHALL THE TOWN OF HAXTUN DEBT BE INCREASED UP TO \$1.5 MILLION, WITH A MAXIMUM REPAYMENT COST OF \$2.5 MILLION; AND SHALL THE TOWN'S EXISTING SALES AND USE TAX OF 1.0% APPROVED BY THE VOTERS IN 2010 FOR STREET IMPROVEMENTS BE USED FOR FINANCING ALL OR ANY PART OF THE COSTS OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF STREET IMPROVEMENTS, SUCH DEBT TO PAYABLE FROM SUCH TOWN SALES AND USE TAX REVENUES AS THE BOARD OF TRUSTEES OF THE TOWN MAY DETERMINE AND BE SOLD IN ONE SERIES OR MORE AT A PRICE ABOVE, BELOW OR EQUAL TO THE PRINCIPAL AMOUNT OF SUCH DEBT AND ON SUCH TERMS AND CONDITIONS AS THE TOWN MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF PREMIUM OF NOT TO EXCEED 3.0%; AND SHALL THE TOWN BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION AT A HIGHER OR LOWER RATE; AND SHALL THE REVENUES RAISED BY SUCH SALES AND USE TAX AND PROCEEDS OF SUCH DEBT, ANY OTHER REVENUE USED TO PAY SUCH DEBT, AND INVESTMENT INCOME THEREON, BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

SALES AND USE TAX PURPOSE BALLOT QUESTION

SHALL THE PURPOSES FOR WHICH THE TOWN OF HAXTUN 0.5% EXISTING SALES AND USE TAX DEDICATED TO THE FUNDING AND MAINTENANCE OF THE COMMUNITY CENTER BE CHANGED TO ALLOW FOR SUCH 0.5% SALES AND USE TAX TO BE USED FOR THE CONSTRUCTION AND MAINTENANCE OF STREET IMPROVEMENTS BEGINNING JANUARY 1, 2022 AND ENDING ON DECEMBER 31, 2026 ONLY, AFTER WHICH TIME THE 0.5% SALES AND USE TAX SHALL AGAIN BE UTILIZED FOR COMMUNITY CENTER PURPOSES AS PREVIOUSLY AUTHORIZED?

Section 5. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

Section 6. If a majority of the votes cast on the question to authorize indebtedness payable from the Town's sales and use tax submitted at the election shall be in favor of incurring indebtedness payable from the Town's sales and use tax as provided in such question, the Town, acting through the Board

shall be authorized to proceed with the necessary action to incur indebtedness payable from the Town's sales and use tax in accordance with such question.

Any authority to contract indebtedness payable from the Town's sales and use tax, if conferred by the results of the election, shall be deemed and considered a continuing authority to contract the indebtedness payable from the Town's sales and use tax 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.

Section 7. If a majority of the votes cast on the question to authorize indebtedness payable from the Town's sales and use tax as described above are in favor of such indebtedness, the Town intends to issue such indebtedness in the approximate aggregate principal amount of \$1.5 million to pay the costs of the Project, including the reimbursement of certain costs incurred by the Town prior to the execution and delivery of such bonds, upon terms acceptable to the Town, as authorized in an ordinance to be hereafter adopted, and to take all further action which is necessary or desirable in connection therewith. The officers, employees and agents of the Town shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution. The Town shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 8. If a majority of the votes cast on the question to authorize the Town's existing 0.5% sales and use tax dedicated to the funding and maintenance of the Community Center to be used for the construction and maintenance of street improvements submitted at the election shall be in favor of such expansion of uses as provided in such question, the Town, acting through the Board of Trustees, shall be authorized to proceed with the necessary action to allow the Town's existing 0.5% sales and use tax dedicated to the funding and maintenance of the Community Center to be used for the construction and maintenance of street improvements in accordance with such questions.

Section 9. Pursuant to Section 31-10-1308(2), C.R.S. and Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 10. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 11. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 12. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 13. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Haxtun, Colorado, on August 16, 2021.

TOWN OF HAXTUN, COLORADO

Brandon Bieseimer, Mayor

(S E A L)

ATTEST:

Karie Wilson, Town Clerk

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Notice of the meeting of August 16, 2021, in the form attached hereto as Exhibit A was posted not less than twenty-four hours prior to the meeting in accordance with law.

Karie Wilson, Town Clerk

(SEAL)

EXHIBIT A

(Attach Notice of Meeting)

After adopting the Resolution 2021-4, a motion was made by B. Cionek and seconded by R. Horton to adjourn. The meeting adjourned at 8:09 pm subject to the call of the Mayor.

Karie Wilson
Town Clerk/Treasurer