

**ORDINANCE 331**  
**TOWN OF RICO**

**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO SUBMITTING TO THE QUALIFIED ELECTORS OF THE TOWN OF RICO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF NOVEMBER 1997, THE QUESTION OF AUTHORIZING THE TOWN, COMMENCING IN 1998, TO RECEIVE AND SPEND THE FULL REVENUES FROM STATE AND FEDERAL GRANTS AND ALL OTHER NON-TAX REVENUES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN OF RICO, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE SPENDING LIMITATIONS WHICH MIGHT OTHERWISE APPLY; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.**

**WHEREAS**, in 1994 the voters of the Town of Rico approved a ballot issue authorizing the Town "to collect and spend all revenues, including state grants and taxes, sales and use taxes, and property taxes, generated in 1994 and for each subsequent year through 1997, regardless of any limitation contained in Article 10, Section 20 of the Colorado Constitution, and to thereafter utilize 1997 fiscal year spending and property tax revenue as bases upon which the subsequent year's spending and revenue shall be limited;" and

**WHEREAS**, under the limitations of Article X, Section 20 of the Colorado Constitution ("Article X, Section 20"), the Town must obtain voter approval to continue after 1997 to receive and spend grants and other funds which exceed the revenue and spending limitations under Article X, Section 20; and

**WHEREAS**, the Board of Trustees desires to receive state and federal grants and to spend those revenues for projects which benefit the Town's residents, including but not limited to, the proposed river trail corridor, the proposed municipal sewer system, and the hiring of a law enforcement official; and

**WHEREAS**, without voter approval, the Town may be prohibited from receiving and spending state and federal grant revenues for the benefit of the Town's residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:**

**Section 1**

At the general municipal election to be held at the polling place in the town on Tuesday, November 4, 1997, there shall be submitted to the vote of the qualified electors of the town the question set forth in Section 2 below.

**ORDINANCE 331**

**Section 2**

The official ballot and the official absentee ballot shall state the substance of the revenue change and spending approval to be voted on and so stated shall constitute the ballot title, designation and submission change, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

**QUESTION NO. B**

**SHALL THE TOWN OF RICO, COMMENCING IN 1998, BE AUTHORIZED TO RECEIVE AND SPEND THE FULL REVENUES FROM STATE AND FEDERAL GRANTS AND ALL OTHER NON-TAX REVENUES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN OF RICO, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE SPENDING LIMITATIONS WHICH WOULD OTHERWISE APPLY?**

**FOR THE MEASURE 27**

**AGAINST THE MEASURE 17**

**Section 3**

If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed, and it shall be lawful for the Board of Trustees to receive and spend state and federal grants in accordance with the measure approved.

**Section 4**

The election shall be conducted under the provisions of the Colorado Constitution, the statutes of the State of Colorado, the ordinances of the Town, and this ordinance.

**Section 5**

The town clerk of the Town of Rico shall give public notice of the election on each measure:

(a) By causing a notice to be published in the Dolores Star, a weekly newspaper of general circulation in the town, at least ten days before election day; and

## **ORDINANCE 331**

(b) By mailing to “All Registered Voters” at each address within the town at which a voter is registered at least 30 days before the election a notice entitled “NOTICE OF ELECTION ON A REFERRED MEASURE.” This notice shall include only:

(i) the election date and hours for voting, the ballot title and text of the measure by this ordinance submitted to the voters and the office address and telephone number of the town clerk;

(ii) two summaries, no more than five hundred words each, one for and one against the measure, of written comments filed with the town clerk no later than 45 days before the election. No summary shall mention the names of persons or private groups, nor any endorsements of or resolutions against the measure. The town attorney shall write this summary for the measure. The town clerk shall maintain on file and accurately summarize all other relevant written comments.

### **Section 6**

The notice of election shall include the ballot title.

### **Section 7**

The officers of the town are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

### **Section 8**

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

### **Section 9**

This ordinance is necessary to protect the public health, safety and welfare of the residents of the town, and covers matters of local concern.

### **Section 10**

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

ORDINANCE 331

**Section 11**

In order to comply with the time limits for certifying ballot measures to the County Clerk as part of a coordinated election, it is necessary that this ordinance be effective immediately. Accordingly, the Board of Trustees finds and declares that an emergency affecting the public peace, health, and property exists, and that this ordinance take effect immediately upon passage on second reading.

**INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED BY A THREE-FOURTHS VOTE OF THE BOARD to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 3rd day of September, 1997.**

TOWN OF RICO

ATTEST

By: Robert E Cummings  
Robert Cummings  
Mayor ~~Pro Tem~~

Linda Yellowman  
Linda Yellowman  
Town Clerk

**HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 3rd day of September, 1997.**

TOWN OF RICO

ATTEST

By: Robert E Cummings  
Robert Cummings  
Mayor ~~Pro Tem~~

Linda Yellowman  
Linda Yellowman  
Town Clerk