

**A RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO,
CALLING AN ELECTION ON NOVEMBER 5, 2013 FOR
AUTHORIZATION TO ISSUE GENERAL OBLIGATION BONDS AND
THE LEVY OF PROPERTY TAXES TO PAY SUCH BONDS; SETTING
THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; AND
PROVIDING OTHER MATTERS RELATING THERETO.**

**Town of Basalt, Colorado
Resolution No. 40-~~B~~
Series of 2013**

RECITALS

WHEREAS, the Town of Basalt, Colorado (the "Town") is a home rule municipality and political subdivision of the State of Colorado (the "State"), duly organized and operating under the State Constitution (the "Constitution") and The Charter of the Town of Basalt, Colorado (the "Charter"); and

WHEREAS, pursuant to Section 2.3 of the Charter special elections may be called by the Council by action taken at least 60 days in advance of the date of the election and pursuant to Section 2.7 of the Charter, Town elections are to be governed by the Colorado Municipal Election Code and the general election laws under the Colorado Revised Statutes ("C.R.S."), except as otherwise provided in the Charter or as the Town Council of the Town (the "Council") may otherwise provide by ordinance; and

WHEREAS, in order to provide for river restoration, floodplain mitigation, site redevelopment, public park improvements and street improvements as provided in the following reports and plans, the Council has determined that it is necessary to fund the costs related to such redevelopment, in part, from the issuance of general obligation bonds of the Town: Town of Basalt, Roaring Fork and Fryingpan Rivers, Multi-Objective Planning Project (1999); Town of Basalt, Evaluation of the Roaring Fork River, Reach II (2000); United States Geological Service (USGS), Bed-Material Entrainment Potential, Roaring Fork River at Basalt, Colorado (2002); Town of Basalt, Roaring Fork River Stewardship Master Plan (2002); Town of Basalt, Erosion Zone Mapping for the Town of Basalt (2002); United States Army Corp of Engineers (USACE), Ecosystem Restoration Project (2003); Town of Basalt, Roaring Fork River Stabilization Preliminary Design of Reach II (2005); and Town of Basalt, Master Plan (2007);; and

WHEREAS, pursuant to Section 10.2 of the Town Charter, as well as Article XI, Section 6 and Article X, Section 20 of the State Constitution, no bonds or other evidence of indebtedness payable in whole or in part from the proceeds of ad valorem taxes can be issued by the Town until the question of their issuance has been submitted to a vote of the electors of the Town and approved by a majority of those voting on the question; and

WHEREAS, the maximum repayment cost for the proposed bonds, and related town tax increase to pay the annual debt service for the proposed bonds, were calculated based upon a maximum net effective interest rate of 5.17%; and

WHEREAS, action of the Town Council to submit ballot issues is not required to be made by Ordinance in the Town Charter, Section 31-15-302(1)(d)(V), C.R.S., specifically permits submitting the question of contracting indebtedness by municipal resolution and, if approved by a majority of the Town electors voting on the ballot issue, the Town Council will act by ordinance to create the authorized indebtedness in accordance with Section 4.1 of the Town Charter; and

WHEREAS, the Council has determined to call an election to be held on November 5, 2013 and to set the ballot title for the ballot issue to be submitted at the election; and

WHEREAS, pursuant to the criteria for ballot titles set forth at Section 31-11-111, C.R.S., in fixing this ballot title, the Council finds that the title set forth in Appendix A is not misleading, clearly identifies the effect of a "yes" or "no" vote, does not conflict with title of any other measure that will appear on the ballot, and correctly and fairly expresses the true intent and meaning of the measure.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO:

1. At a special election of the Town to be held on Tuesday, November 5, 2013, there shall be submitted to the eligible electors of the Town a ballot issue authorizing the issuance of general obligation bonds and the levy of property taxes to pay such bonds, which ballot issue shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the Town acting through the Council shall be authorized to proceed with the necessary action to issue bonds and levy taxes in accordance with the ballot issue which has been so approved. Any authority to issue bonds or to levy taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue the bonds and levy the taxes 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.

3. For purposes of Section 1-11-203.5, C.R.S. and Section 31-11-111, C.R.S., this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Pursuant to Section 1-11-203.5, C.R.S., any contest by a person of the form or content of a ballot title must be filed within five days of the Council's final action concerning the ballot title.

4. The Town Clerk, as well as the appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the Town Clerk shall certify the order of the ballot and ballot content, arrange for the required notices of election, and direct that all other appropriate actions be accomplished.

5. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the Town acting through the Council shall be authorized to proceed with the necessary action to issue bonds and levy taxes in accordance with the ballot issue which has been so approved. Such authority to issue bonds and levy taxes shall be deemed and considered a continuing authority to issue the bonds and levy the taxes so authorized at any one time, or from time to time up to ten years from the date of this election, 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.

6. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

7. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

8. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

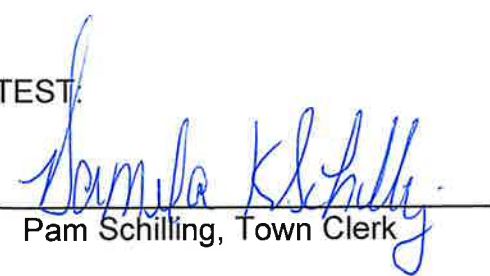
9. This Resolution shall take effect immediately upon its passage

READ AND ADOPTED on a vote of 6 to 0 this 27th day of August, 2013.

TOWN OF BASALT

By 
Jacques R. Whitsitt, Mayor

ATTEST:

By 
Pam Schilling, Town Clerk



APPENDIX A

BALLOT ISSUE __:

SHALL THE TOWN OF BASALT DEBT BE INCREASED UP TO \$5.0 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO \$6.5 MILLION, AND SHALL TOWN TAXES BE INCREASED UP TO \$650,000 ANNUALLY FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF

- REDEVELOPING THE PAN AND FORK TRAILER PARK AREA, INCLUDING BUT NOT LIMITED TO COSTS RELATING TO RIVER RESTORATION, FLOODPLAIN MITIGATION, CONSTRUCTION OF PARK AND STREET IMPROVEMENTS, AND SITE REDEVELOPMENT,

BY THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS, WHICH BONDS SHALL BEAR INTEREST AND MATURE, BE SUBJECT TO REDEMPTION (WITH OR WITHOUT PREMIUM), AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE TOWN COUNCIL MAY DETERMINE; AND, TO THE EXTENT THAT THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH BONDS IS NOT OTHERWISE PAID FROM REVENUES FROM THE TOWN'S PARKS, OPEN SPACE AND TRAILS (POST) 1% SALES TAX, AMOUNTS ON DEPOSIT IN THE TOWN'S GENERAL FUND OR OTHER AVAILABLE SOURCES, SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR TO PAY SUCH PRINCIPAL, PREMIUM AND INTEREST, WITHOUT LIMITATION AS TO RATE AND IN AN AMOUNT SUFFICIENT TO GENERATE THE AMOUNTS SET FORTH ABOVE?