

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO SETTING THE BALLOT ORDER OF CITY COUNCIL CANDIDATES FOR THE NOVEMBER 3, 2015 COORDINATED MAIL BALLOT ELECTION; SETTING FORTH TWO BALLOT TITLES AND BALLOT ISSUES FOR THE NOVEMBER 3, 2015 COORDINATED MAIL BALLOT ELECTION: (1) REFERRING A BALLOT ISSUE FOR A VOTER-APPROVED REVENUE CHANGE TO AUTHORIZE THE CITY TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM ALL SOURCES BEGINNING IN 2015, AND THEREAFTER, AND FOR THE FOUR YEARS PRIOR TO 2015; AND (2) REFERRING A BALLOT ISSUE FOR VOTER APPROVAL TO PROVIDE HIGH-SPEED INTERNET SERVICES (ADVANCED SERVICES) AND/OR TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES AS EXPRESSLY PERMITTED BY C.R.S. §§ 29-27-101 TO 304; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO. 2015-101

WHEREAS, the City of Brighton (“City”) is a Colorado home rule municipal corporation, duly organized and existing under the laws of the State of Colorado and the City of Brighton Charter (“Charter”); and

WHEREAS, the members of the City Council of the City (“City Council”) have been duly elected and qualified; and

WHEREAS, pursuant to Article III, Section 3.2 of the City of Brighton Charter, a regular municipal election shall be held on the first Tuesday after the first Monday in November of each odd numbered year; and

WHEREAS, pursuant to the City of Brighton Charter, the Colorado Constitution and Colorado Revised Statutes, the City Council has called for and there shall be held a coordinated mail ballot election on November 3, 2015; and

WHEREAS, pursuant to the City of Brighton Charter and Brighton Municipal Code, at the regular municipal election, the eligible electors will vote for one (1) candidate from each of the four (4) wards for a total number of four (4) members that serve on the City Council; and

WHEREAS, nomination petitions for the office of Councilmember were timely received and the signatures thereon verified by the City Clerk and the candidate positions on the ballot have been established by lot; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer’s Bill of Rights (“TABOR”), requires voter approval for the spending of certain funds above limits established by TABOR; and

WHEREAS, as a result of the recent positive growth and economic recovery experienced by the City, the revenues that the City is receiving are increasing, as well as the costs for the City to provide essential services and facilities; and

WHEREAS, without increasing taxes, this economic growth has allowed Brighton to become a regional commercial hub, with increased job opportunities, community amenities and commerce; and

WHEREAS, the City Council finds and determines that it is in the best interests of the City and its citizens, without increasing any tax rate or imposing any new tax, to refer a ballot question to the voters to allow the City to retain and spend this additional revenue to sustain, and, if necessary, expand its services to meet the needs of its citizens, especially in such areas as public safety, streets maintenance, parks and recreation, and general services; and

WHEREAS, Senate Bill 05-152, codified at C.R.S. Section 29-27-101 *et seq.*, prohibits local governments from providing cable, telecommunications or advanced services with limited exceptions; and

WHEREAS, with voter approval, Brighton would be exempted from the restrictions in SB 05-152 that otherwise limits the City from improving its broadband capabilities; and

WHEREAS, the City Council finds and determines that it is in the best interests of the City and its citizens, without increasing any tax rate or imposing any new tax, to refer a ballot question to the voters to authorize the City to provide high speed internet services (advanced services) and/or telecommunications services, and/or cable television services to residents, businesses, schools, nonprofits entities and other users of such service, either directly and/or indirectly with public and/or private section partners, as expressly permitted in SB 05-152; and

WHEREAS, the City Clerk, acting as the Designated Election Official for the City has presented the Intergovernmental Agreements to the Adams County Clerk and Recorder and the Weld County Clerk and Recorder to participate in the coordinated mail ballot election on November 3, 2015 and therefore, certifies and submits the following ballot content for the November 3, 2105 coordinated mail ballot election:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

1. The regular municipal election of the City to be held on November 3, 2015 shall be held and conducted as part of a coordinated mail ballot election to be conducted by the Adams County Clerk and Recorder and the Weld County Clerk and Recorder in accordance with the Uniform Election Code, as amended.
2. Pursuant to applicable provisions of the laws of the State of Colorado and the City of Brighton Home Rule Charter, the City Council submits to the registered electors of the City, at such

regular election to be held on November 3, 2015 (the "Election") the ballot issues set forth in paragraphs 3 and 4 below.

3. The following Ballot Title and Ballot Issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Brighton regular election to be held on November 3, 2015:

WITHOUT INCREASING ANY TAX RATE OR IMPOSING ANY NEW TAX AND IN ORDER FOR THE CITY TO CONTINUE TO PROVIDE SERVICES AND PUBLIC FACILITIES AND AMENITIES TO ITS CITIZENS, INCLUDING WITHOUT LIMITATION, PUBLIC SAFETY, SUPPORT SERVICES, STREETS, AND PARK AND RECREATION, SHALL THE CITY OF BRIGHTON, COLORADO, BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM ALL SOURCES, BEGINNING IN 2015 AND THEREAFTER, AND FOR THE FOUR YEARS PRIOR TO 2015, AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES _____
NO _____

4. The following Ballot Title and Ballot Issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Brighton regular election to be held on November 3, 2015:

WITHOUT INCREASING TAXES, SHALL THE CITY OF BRIGHTON BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET SERVICES (ADVANCED SERVICES) AND/OR TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES, INCLUDING ANY NEW AND IMPROVED HIGH BANDWIDTH SERVICES BASED ON FUTURE TECHNOLOGIES, EITHER DIRECTLY, AND/OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY §§ 29-27-101 TO 304, "COMPETITION IN UTILITY AND ENTERTAINMENT SERVICES," OF THE COLORADO REVISED STATUTES, WITHOUT LIMITING ITS HOME RULE AUTHORITY?

YES _____
NO _____

5. That the names of the candidates for Councilmember shall appear on the November 3, 2015 ballot in the following order:

COUNCILMEMBER – WARD 1 (Vote for One)
Kirby Wallin

COUNCILMEMBER – WARD 2 (Vote for One)
D. R. Dill
Mary Ellen Pollack

COUNCILMEMBER – WARD 3 (Vote for One)
Lynn Baca

COUNCILMEMBER – WARD 4 (Vote for One)
J.W. Edwards
Michele Romero-Lussier
Archie Demarest

6. The election shall be conducted as part of a coordinated mail ballot election. The City Clerk is hereby appointed as the designated election official of the City for the purposes of performing acts required or permitted by law in connection with the election.
7. Because the election will be held as part of the coordinated mail ballot election, the City Council hereby determines that the Adams County Clerk and Recorder and the Weld County Clerk and Recorder shall conduct the election on behalf of the City, to the extent and as provided in the Uniform Election Code, as amended. The officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk(s) pursuant to Section 1-7-116(2) C.R.S. Any such intergovernmental agreement heretofore enter into in connection with the election is hereby ratified, approved and confirmed.
8. Pursuant to Section 1-7.5-107(2.5)(a)-(b) C.R.S., no later than twenty days prior to the election, the designated election official of the City, or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of the election as described by Section 1-7.5-107(2.5)(a)-(b) C.R.S, which notice shall include the information required by said Section 1-7.5-107(2.5)(a)-(b) C.R.S. Because the City is submitting a TABOR ballot issue, a notice of the same containing the required TABOR information shall be posted on the City's website at least twenty days prior to the election.
9. Pursuant to Section 1-7-904 C.R.S., on or before the 42nd day prior to the election, the designated election official shall cause the notice required by Section 20(3)(b) of Article X of the Colorado Constitution to be prepared and delivered to the County Clerk(s).
10. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

ADOPTED THIS 1st DAY OF SEPTEMBER, 2015

CITY OF BRIGHTON, COLORADO

By: _____
Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney