

RESOLUTION NO. 2009-123

**CERTIFYING BALLOT TITLES TO THE NOVEMBER 3, 2009,
COUNTYWIDE ELECTION BALLOT**

WHEREAS, this Board has adopted Resolution No. 2009-104, approving ballot titles for the following proposals:

Extension of the existing county-wide 0.25% sales and use tax for the acquisition, construction, improvement, management, and maintenance of open space and trails, to issue up to \$50 million in new bonds, and obtain a voter-approved revenue change for such tax, bond and earnings proceeds, as more particularly set forth in Resolution No. 2009-100;

Authorization of the issuance of up to \$85 million in bonds to finance renewable energy and energy efficiency improvements for residential and commercial facilities, to be repaid from a pledge of revenues from the special assessments and other collections of the Boulder County Clean Energy Options Local Improvement District, as more particularly set forth in Resolution No. 2009-101;

Authorization of the issuance of up to \$6.1 million in bonds to finance energy conservation measures in County buildings and other County property, to be repaid from a pledge of monies in the County general fund and other legally available County funds, as more particularly set forth in Resolution No. 2009-102; and

Extending the term limits applicable to the District Attorney for the Twentieth Judicial District, County of Boulder, State of Colorado to permit an officeholder to be elected to up to three consecutive terms, as more particularly set forth in Resolution No. 2009-103.

WHEREAS, based upon the proposals for each of these ballot issues and ballot question, this Board considered and adopted appropriate ballot titles for each proposal in Resolutions Nos. 2009-104 and 2009-117; and

WHEREAS, this Board is required to certify these ballot issues and titles to the County Clerk and Recorder for publication on the ballots for the voters for the November 3, 2009, countywide election, on or before September 4, 2009; and

WHEREAS, subject to any amendments or modifications or additions that the Board desires to make and of which the County Clerk is notified prior to such deadline, the Board desires to proceed to certify these ballot issues according to their respective approved ballot titles to the County Clerk for placement on the ballot for the November 3, 2009, countywide election.

NOW, THEREFORE, BE IT RESOLVED that the aforementioned ballot issues, each of which is a referred measure, as represented by these ballot titles complete with submission clauses, shall be placed upon the November 3, 2009, countywide election ballot, and all other constitutionally and statutorily required matters shall be performed in order to effectuate the election on each of these issues.

COUNTY ISSUE 1A: [Open Space Countywide 0.25% Sales and Use Tax Extension and \$50M Bond Authorization Issue.]

SHALL BOULDER COUNTY DEBT BE INCREASED BY UP TO \$50,000,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$140,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, BY THE ISSUANCE OF REVENUE BONDS FOR THE PURPOSE OF OPEN SPACE ACQUISITION AND IMPROVEMENTS, WHICH BONDS SHALL BEAR INTEREST, 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 OTHER TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL THE COUNTY'S EXISTING 0.25% OPEN SPACE SALES AND USE TAX CURRENTLY SET TO EXPIRE IN 2019 BE EXTENDED FOR FIFTEEN YEARS, TO AND INCLUDING DECEMBER 31, 2034, AT THE RATE OF 0.25% FOR THE PURPOSES OF OPEN SPACE ACQUISITION AND IMPROVEMENTS, AND MANAGEMENT AND MAINTENANCE OF SUCH OPEN SPACE AND IMPROVEMENTS; SHALL SUCH BONDS BE REPAID FROM THE PROCEEDS OF SUCH EXTENDED TAX AND, TO THE EXTENT PROCEEDS FROM SUCH EXTENDED TAX ARE NOT SUFFICIENT FOR THE REPAYMENT OF SUCH BONDS, FROM OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, THE CONSERVATION TRUST FUND, THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS; SHALL THE COUNTY BE AUTHORIZED, IN ORDER TO PROVIDE FOR THE PAYMENT OF SUCH BONDS, TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO TRANSFER THE PROCEEDS OF SUCH EXTENDED TAX, OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, AND MONEYS FROM THE CONSERVATION TRUST FUND, THE GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO THE OPEN SPACE CAPITAL IMPROVEMENT TRUST FUND IN AN AMOUNT SUFFICIENT TO PAY THE DEBT SERVICE ON SUCH BONDS AND TO OTHERWISE COMPLY WITH THE COVENANTS OF THE RESOLUTION OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH TAX AND SUCH BONDS, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2009-100?

YES _____ NO _____

COUNTY ISSUE 1B: [ClimateSmart (CEOLID) \$85M Bond Authorization.]

SHALL BOULDER COUNTY DEBT (FOR CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT AND SIMILARLY SITUATED LOCAL IMPROVEMENT DISTRICTS IN OTHER COLORADO COUNTIES) BE INCREASED BY UP TO \$85,000,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$180,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, PROVIDED THAT AT LEAST \$45,000,000 OF SUCH DEBT AND AT LEAST \$95,000,000 OF SUCH MAXIMUM REPAYMENT COST

SHALL BE PAYABLE FROM SPECIAL ASSESSMENTS ON PROPERTIES IN SUCH OTHER COUNTIES AND OTHER AMOUNTS PAYABLE BY SUCH OTHER COUNTIES, RESULTING IN A NET OF \$40,000,000 OF DEBT AND \$85,000,000 OF MAXIMUM REPAYMENT COST PAYABLE FROM SPECIAL ASSESSMENTS IN BOULDER COUNTY, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, ACQUIRING AND INSTALLING SOLAR AND OTHER RENEWABLE ENERGY SYSTEMS OR ENERGY-EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN SUCH DISTRICTS BY ENTERING INTO A CONTRACT OR AGREEMENT FOR INCLUSION THEREIN, AND ANY COSTS NECESSARY OR INCIDENTAL THERETO, INCLUDING WITHOUT LIMITATION THE COST OF ESTABLISHING RESERVES TO SECURE THE PAYMENT OF SUCH DEBT, BY THE ISSUANCE OF SPECIAL ASSESSMENT BONDS PAYABLE FROM SPECIAL ASSESSMENTS IMPOSED AGAINST BENEFITED PROPERTIES FOR WHICH THE OWNERS THEREOF HAVE CONSENTED TO BE INCLUDED WITHIN SUCH DISTRICTS BY ENTERING INTO SUCH A CONTRACT OR AGREEMENT FOR INCLUSION, AND FROM OTHER FUNDS OF BOULDER COUNTY AND SUCH OTHER COUNTIES THAT MAY BE LAWFULLY PLEDGED TO THE PAYMENT OF SUCH BONDS, WHICH BONDS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 10%, SHALL BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, SHALL BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER, IN ONE OR MORE SERIES, AND SHALL CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL BOULDER COUNTY BE AUTHORIZED TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO ADVANCE AMOUNTS FOR PAYMENT OF A PORTION OF SUCH BONDS AND TO REIMBURSE ITSELF FOR SUCH ADVANCES BY COLLECTING UNPAID ASSESSMENTS AS PROVIDED IN SECTION 30-20-619(2), COLORADO REVISED STATUTES, AS AMENDED; AND SHALL THE REVENUES FROM SUCH SPECIAL ASSESSMENTS AND ANY EARNINGS THEREON AND FROM THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2009-101?

YES _____ NO _____

COUNTY ISSUE 1C: [\$6.1M Bond Authorization for Energy Conservation Projects.]

SHALL BOULDER COUNTY DEBT BE INCREASED BY UP TO \$6,100,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$8,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, FOR THE PURPOSE OF FINANCING ENERGY CONSERVATION IN COUNTY BUILDINGS AND OTHER COUNTY PROPERTY, BY THE ISSUANCE OF BONDS PAYABLE FROM MONEYS TRANSFERRED FROM THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO THE CAPITAL

IMPROVEMENT TRUST FUND TO BE ESTABLISHED IN CONNECTION WITH SUCH BONDS, WHICH BONDS SHALL BEAR INTEREST, 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 OTHER TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL THE COUNTY BE AUTHORIZED, IN ORDER TO PROVIDE FOR THE PAYMENT OF SUCH BONDS, TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO TRANSFER MONEYS FROM THE GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO SUCH CAPITAL IMPROVEMENT TRUST FUND IN AN AMOUNT SUFFICIENT TO PAY THE DEBT SERVICE ON SUCH BONDS AND TO OTHERWISE COMPLY WITH THE COVENANTS OF THE RESOLUTIONS OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2009-102?

YES _____ NO _____

COUNTY ISSUE 1D: [DA Term Limits Extension to Three Terms.]

SHALL THE TERM LIMITS IMPOSED BY STATE LAW AND IN ARTICLE XVIII, SECTION 11(2), OF THE COLORADO CONSTITUTION ON THE OFFICE OF DISTRICT ATTORNEY OF BOULDER COUNTY, TWENTIETH JUDICIAL DISTRICT, BE MODIFIED SO AS TO PERMIT AN ELECTED OFFICEHOLDER IN THAT OFFICE TO SEEK AND, IF THE VOTERS OF BOULDER COUNTY CHOOSE TO RE-ELECT THAT PERSON TO A THIRD TERM IN OFFICE, TO SERVE A THIRD CONSECUTIVE TERM?

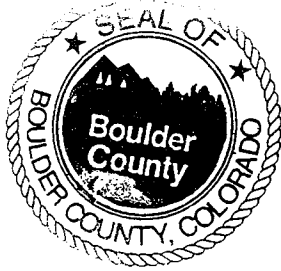
YES _____ NO _____

BE IT FURTHER RESOLVED THAT, upon approval of this Resolution, the County's designated Election Officer, Jana Petersen, BOCC Administrative Assistant and Clerk to the Board, shall forthwith, before the end of business today, transmit this Resolution to the Boulder County Clerk and Recorder, in both .pdf and MS Word formats, for placement of the foregoing ballot issues by title on the November 3, 2009 countywide election ballot.

This Resolution No. 2008-123 has been adopted this 1st day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, STATE OF
COLORADO

(SEAL)



Handwritten signature of Ben Pearlman in cursive script.

Ben Pearlman, Chair

Handwritten signature of Cindy Domenigo in cursive script.

Cindy Domenigo, Vice-Chair

ATTEST:

Handwritten signature of Jana Petersen in cursive script.

Jana Petersen,
Administrative Deputy
to the Board

Handwritten signature of Will Toor in cursive script.

Will Toor, Commissioner