

RESOLUTION NO. 2004-112

MODIFYING THE BALLOT TITLE FOR A PROPOSAL TO INCREASE DEBT IN THE ELDORADO SPRINGS LOCAL IMPROVEMENT DISTRICT FOR THE PURPOSE OF CONSTRUCTING A COMMUNITY WASTEWATER COLLECTION AND TREATMENT SYSTEM; RE-STATING COMMUNITY OBJECTIVES; AND PROVIDING THAT ONLY ELECTORS OF THE DISTRICT SHALL BE ELIGIBLE TO VOTE ON THE ISSUE.

WHEREAS, the Board of County Commissioners desires to modify the proposed ballot title for the ballot issue which it adopted August 3, 2004 by Resolution No. 2004-90; and

WHEREAS, on August 19, 2003, pursuant to §30-20-603(3)(a), C.R.S., a valid petition was presented requesting the formation of the Boulder County Eldorado Springs Local Improvement District for the purpose of funding a community wastewater collection and treatment system through special assessments imposed on benefited properties located in the district; and

WHEREAS, the Board of County Commissioners of Boulder County created the Boulder County Eldorado Springs Local Improvement District (hereinafter "District") on August 26, 2003 by Resolution No. 2003-113; and by Resolution No. 2003-112 referred a proposal for an increase in District-wide debt to fund the construction of a community wastewater system and collection lines to a vote of the registered electors in the District at the general election held Tuesday, November 4, 2003, which issue failed to pass by a margin of two votes; and

WHEREAS, the Eldorado Springs community has engaged in an ongoing effort since the 2003 election to address and resolve important issues relating to the treatment system, there appears to be sufficient support in the community to refer a new ballot issue to the voters in the November 2004 general election, and the Board has determined that it is in the best interests of the residents of the proposed district to be presented with the opportunity to vote on this issue; and

WHEREAS, Eldorado Springs community members have asked that the objectives of the project described in Resolution No. 2004-90 be re-stated and supplemented; and

WHEREAS, pursuant to C.R.S. §30-20-619(5), the Board deems it appropriate that only those registered electors of the district should be eligible to vote on this issue,

NOW, THEREFORE, BE IT RESOLVED, that the ballot title set forth below is hereby set for placement of the November 2, 2004 election ballot, and that only electors of the district shall be eligible to vote on the issue:

TITLE OF DISTRICT-WIDE BALLOT ISSUE TO INCREASE INDEBTEDNESS:

SHALL BOULDER COUNTY DEBT (FOR ELDORADO SPRINGS LOCAL IMPROVEMENT DISTRICT) BE INCREASED BY AN AMOUNT NOT TO EXCEED \$1,808,000, WITH A MAXIMUM REPAYMENT COST OF \$3,164,899, SUCH AMOUNTS TO BE REDUCED TO THE EXTENT PROJECTED COSTS OR LOAN RATES HAVE BEEN OVER-ESTIMATED, OR TO THE EXTENT ADDITIONAL SOURCES OF FUNDING, IF ANY, ARE SECURED; SUCH DEBT TO BE PAYABLE FROM SPECIAL ASSESSMENTS IMPOSED AGAINST BENEFITED PROPERTIES LOCATED WITHIN THE DISTRICT FOR THE PURPOSE OF CONSTRUCTING A COMMUNITY COLLECTION AND

WASTEWATER TREATMENT SYSTEM, INCLUDING COSTS INCIDENTAL THERETO AND THE ESTABLISHMENT OF RESERVES THEREFOR; AND SHALL THE REVENUES FROM SUCH SPECIAL ASSESSMENTS AND ANY EARNINGS THEREON AND FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT CONSTITUTE A VOTER-APPROVED REVENUE CHANGE WITHIN THE MEANING OF ART. X, SEC. 20 OF THE COLORADO CONSTITUTION, COMMONLY REFERRED TO AS THE TAXPAYERS' BILL OF RIGHTS OR "TABOR?"

YES: _____

NO: _____

2. THAT, except as set forth in paragraph 3, the wastewater system shall be as follows:

(a) Components will include watertight solids treatment tanks, pressurized blackwater collection piping (double-cased where necessary), centralized recirculating sand filter, and ground discharge if possible;

(b) All facilities, including tanks, small diameter piping, and in-ground recirculating sand filter with limited site access requirement, will be constructed and used in a manner that minimally impacts adjacent property owners;

(c) The centralized treatment system shall be located on the McCann property, and treatment shall occur in-ground (below grade).

3. THAT it is the intent of the Board to implement all of the criteria set forth in paragraph 2; however, new information or analyses may surface or events occur which may render full implementation of the above criteria infeasible, e.g. prohibitive cost, geologic/physical constraints; and the Board, with community input and guidance, retains its discretion to make necessary changes or adjustments to the system criteria set forth in 2(a) and (b). However, any changes to the criteria set forth in 2(c) will require a demonstration of majority support through a poll of all registered voters in the District conducted by the Board.

4. THAT it is the intent of the Board to call an election within the District to elect members of an advisory committee which will make recommendations to the Board of County Commissioners on all matters affecting the District, including the procurement, design, construction and maintenance of the wastewater system.

5. THAT the Board recognizes that property owners in the District are paying for the wastewater improvements, and that District residents and property owners will also be living with the constructed treatment system long-term. Therefore, decisions made by the Board should follow in spirit the majority view of the Eldorado Springs Local Improvement District residents and property owners, as expressed through the Eldorado Springs Wastewater Initiative, the elected advisory committee, or a poll of the community.

ADOPTED this 7th day of September, 2004, by the Board of County Commissioners of the County of Boulder, State of Colorado.

**BOARD OF COUNTY COMMISSIONERS OF
BOULDER COUNTY**

Paul D. Danish, Chair

(SEAL)

Ronald K. Stewart, Vice-Chair

Thomas A. Mayer, Commissioner

Attest:

_____ Clerk to the Board