

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 16-2010

TITLE: A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION FOR NOVEMBER 2, 2010, SETTING THE BALLOT QUESTION AND TITLE THEREFOR, AND AUTHORIZING THE SAME TO BE HELD AS A MAIL BALLOT ELECTION

WHEREAS, pursuant to Article III, Section 1, of the Black Hawk Home Rule Charter, a special municipal election must be called at least forty-five days prior to the election;

WHEREAS, pursuant to Article X, Section 20, of the Colorado Constitution, ballot issues seeking voter approval of a new tax must be submitted to voters in a state general election, a biennial local district election, or on the first Tuesday in November of odd-numbered years;

WHEREAS, November 2, 2010, is a state general election;

WHEREAS, according to C.R.S. § 1-7.5-104, the City's governing body must explicitly authorize a mail ballot election in order for such an election to be held; and

WHEREAS, the City desires to hold a special municipal election on Tuesday, November 2, 2010, for the purpose of deciding the ballot question set forth below, and it wishes to conduct the same as a mail ballot election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City hereby calls a special municipal election, which shall be conducted as a mail ballot election, to take place on Tuesday, November 2, 2010.

Section 2. At the November 2, 2010, special election, the following ballot question shall be submitted to the registered electors of the City of Black Hawk:

Ballot Question No. 1:

SHALL CITY OF BLACK HAWK TAXES BE INCREASED BY \$16,200 ANNUALLY IN THE FIRST FISCAL YEAR (2011), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY THE IMPOSITION OF A \$0.30 TAX PER YEAR COLLECTED QUARTERLY ON EACH SQUARE FOOT OF FLOOR SPACE THAT WAS LEASED, OWNED, OCCUPIED OR OTHERWISE MAINTAINED AS AN OFFICE OR PLACE OF BUSINESS WITHIN A COMMERCIAL ZONE DISTRICT WITHIN THE CITY AT ANY POINT ON OR AFTER JANUARY 1, 1991, WHICH RATE SHALL BE ADJUSTED ANNUALLY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX; PROVIDED THAT EVERY PERSON OR ENTITY THAT LEASES, OWNS, OCCUPIES OR OTHERWISE MAINTAINS AN OFFICE OR PLACE OF BUSINESS WITHIN THE REFERENCED COMMERCIAL ZONE DISTRICT AND HAS PAID WITHIN A PARTICULAR QUARTER CITY SALES TAX, USE TAX, OCCUPATIONAL TAX, DEVICE FEES, OR LODGING TAX SHALL BE EXEMPT FROM PAYMENT OF SUCH SQUARE FOOTAGE BUSINESS TAX IN THAT PARTICULAR QUARTER; AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH TAX REVENUES, INCLUDING FOR EACH YEAR, ANY INVESTMENT EARNINGS AND INTEREST ON SUCH REVENUES, AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Yes _____

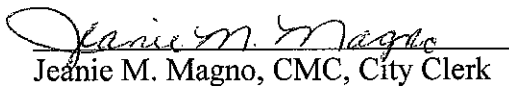
No _____

Section 3. The City Council hereby sets the ballot title for such question in the same form as the question set forth in Section 2 hereof.

RESOLVED AND PASSED this 25 day of August, 2010.


David D. Spellman, Mayor

ATTEST:


Jeanie M. Magno, CMC, City Clerk