

W-Y GROUNDWATER MANAGEMENT DISTRICT

RESOLUTION NO. 3 2023

**RESOLUTION CANCELLING THE NOVEMBER 2023 ELECTION ON
A BALLOT ISSUE REGARDING THE DISTRICT'S AUTHORITY
TO COLLECT, RETAIN, AND SPEND ALL REVENUES
NOTWITHSTANDING CONSTITUTIONAL OR STATUTORY LIMITATIONS**

WHEREAS, the W-Y Groundwater Management District (the "District") is a body corporate and governmental subdivision of the state of Colorado pursuant to § 37-90-118, *et seq.*, C.R.S.; and

WHEREAS, the members of the District's Board of Directors (the "Board") have been duly elected or appointed and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") limits annual increases in a local government's total fiscal year revenue and spending, but expressly allows local voters to approve the collection, retention, and expenditure of revenue in excess of those limits; and

WHEREAS, Title 29, Article 1, Part 3, Colorado Revised Statutes, limits annual increases in the amount of property tax revenue a local government may collect and retain, but expressly allows local voters to approve the collection, retention, and expenditure of revenue in excess of the limit; and

WHEREAS, the District Board previously approved, and has been pursuing, the referral of a ballot issue to the taxpaying electors of the District, which would authorize the District to collect, retain, and spend for any lawful purpose all revenues from all sources, including property taxes, generated during fiscal year 2023 and each subsequent year thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, C.R.S. § 29-1-301, or any other law (the "Pending Election"); and

WHEREAS, the Pending Election is scheduled to occur on November 7, 2023; and

WHEREAS, on October 12, 2023, the District received a letter from Colorado Department of Local Affairs, Division of Local Government ("DLG"), indicating that, in a 1999 election, the District's voters already approved waiving the above-referenced statutory property tax limitation; and

WHEREAS, also on October 12, 2023, upon request, the DLG provided the District the attached certification of election results from the District's 1999 election, demonstrating that the District has already eliminated the TABOR limits discussed above in a "de-Brucing" election; and

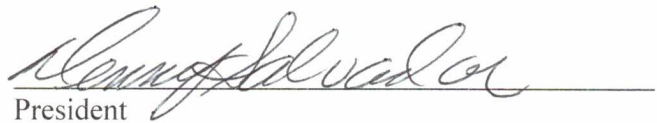
WHEREAS, as such, the Board has determined that the Pending Election is unnecessary and duplicative, and the Board has decided to cancel the Pending Election, the deadline for which is tomorrow, October 13, 2023, before 12 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board hereby determines that it shall cancel the Pending Election. In the event that it becomes necessary for any reason to hold an election for voter approval to eliminate the above-described statutory and/or TABOR limitations, the Board reserves the right to hold such an election in the future.
2. The Board intends that the provisions of this Resolution are severable. Therefore, if any part or provision of this Resolution is adjudged to be unenforceable or invalid, such judgment shall not impair or invalidate the remaining provisions of this Resolution.
3. All acts, orders, and resolutions, or parts thereof, of the Board that are inconsistent or in conflict with this Resolution are hereby repealed only to the extent of such inconsistency or conflict.
4. The District Manager and the President of the Board are hereby authorized to take all actions necessary to cancel the Pending Election, including but not limited to notifying the Washington and Yuma County Clerks in writing of the cancellation.
5. The provisions of this Resolution shall take effect immediately.


A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 13 day of October, 2023.

W-Y GROUNDWATER MANAGEMENT
DISTRICT



President

ATTEST:



Secretary

[SEAL]

