

**RESOLUTION NO. 10
SERIES 2006**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, URGING THE CITIZENS OF GUNNISON TO EDUCATE THEMSELVES AND THEN OPPOSE THE BALLOT ISSUE KNOWN AS “PETITIONS” AMENDMENT 38 TO THE COLORADO CONSTITUTION IN THE COLORADO GENERAL ELECTION ON NOVEMBER 7, 2006.

WHEREAS, an initiated constitutional amendment, Amendment 38, to the Colorado Constitution, has been certified for consideration by the voters of the State of Colorado, in the General Election to be held on November 7, 2006; and

WHEREAS, Amendment 38 proposes to supercede and overrule all conflicting provisions of the Colorado Constitution, Colorado Statutes and the Gunnison Municipal Home Rule Charter, to implement a new petitioning process in Colorado; and

WHEREAS, Amendment 38 proposes to change all existing law to have a jury make all findings of law, facts and damages – a dramatic change from existing law in which a jury makes findings of facts based on evidence and the judge makes all legal findings; and

WHEREAS, Amendment 38 proposes to delay the time before an ordinance takes effect from the Gunnison Charter-specified effective date upon passage by the City Council until 91 days after passage to allow for the proposed petition referendum signatures to be gathered. In addition it would allow for only one referendum election day each year, in November, thus causing the taxpayers of Gunnison to pay for extra elections in addition to the Regular Municipal election conducted in May of odd number of years; and

WHEREAS, Amendment 38 could cost the taxpayers additional money by forcing the taxpayers to pay for the printing and delivering of initiative or referendum petition forms to anyone who asks and force the taxpayers to pay for the distribution of a 1,000 word statement, written by the proponents, to every registered voter in the municipality, but not affording the opponents the same opportunity; and

WHEREAS, Amendment 38 disallows local government elected officials and employees from answering taxpayer questions about pending ballot issues and creates a personal financial liability for those individuals; and

WHEREAS, Amendment 38 would severely and negatively impact the operations of the City of Gunnison.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. The City Council of the City of Gunnison urges all citizens to educate themselves on Amendment 38 and to recognize the negative impacts this Amendment will have on both State and City of Gunnison government; and

Section 2. The City Council of the City of Gunnison urges Gunnison voters to vote against Amendment 38 in the November 7, 2006, Election.

INTRODUCED, READ, PASSED, AND ADOPTED at the regular meeting of the City Council of the City of Gunnison, Colorado, held this 12th day of September, 2006.

Mayor

(SEAL)

ATTEST:

City Clerk