

RESOLUTION NO. 740-08

A RESOLUTION TO REFER A BALLOT QUESTION FOR THE APRIL, 2008, ELECTION

WHEREAS, Article XVIII, Section 11 of the Colorado Constitution and C.R.S. section 31-11-111(2) et seq. authorized the Board of Trustees, hereinafter referred to as the "Trustees", of the Town of Fowler, Colorado, hereinafter referred to as the "Town", to refer the question contained herein and submit it to a vote of the registered electors of the Town of Fowler; and

WHEREAS, on the first Tuesday in April 2008, a town wide election will be conducted; and

WHEREAS, Article XVIII, Section 11 (1) of the Colorado Constitution prohibits members of the Fowler Board of Trustees from serving in office more than two consecutive four-year terms and the Fowler mayor from serving in office more than three consecutive two-year terms; and

WHEREAS, Article XVIII, Section 11 (2) of the Colorado Constitution provides that voters in a municipality may eliminate the limitations on the terms of office for members of the board of trustees and mayor; and

WHEREAS, the voters of the Town of Fowler have the power to control the length of the term of office when a member of the board of trustees or mayor stands for re-election; and

WHEREAS, term limits prohibits Fowler voters from weighing the merits of good service, retention of experience and institutional memory where term limits remain operative ; and

WHEREAS, the Trustees are of the opinion that such question should properly be decided by the registered electors of the Town.

NOW THEREFORE, BE IT RESOLVED as follows:

1. At the town wide election to be held on the first Tuesday of April, 2008, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the vote of the registered electors of the Town of Fowler the questions herein authorized.
2. At said election the official ballot, including absentee ballots, shall state the substance of the question to be voted upon and so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL TERM LIMITS FOR THE ELECTED OFFICES OF TRUSTEE OF THE TOWN OF FOWLER AND MAYOR OF THE TOWN OF FOWLER BE ELIMINATED?

YES _____

NO _____

3. If a majority of all votes cast at the election shall be for the measure, the measure shall be deemed passed, and the limitations on the term limits for the elected offices of trustee of the town of Fowler and mayor of the town of Fowler shall be eliminated.
4. The election shall be conducted under the provisions of the Colorado Election Code.
5. The Town Clerk of the Town of Fowler, Otero County, State of Colorado, or Clerk and Recorder of Otero County, as the case may be, shall give public notice of the election on the question hereby submitted by causing a notice to be published in the Fowler Tribune as provided by law, and by mailing to “all registered voters” at each address within the Town of Fowler, Colorado, at which a voter is registered, within such time limits as permitted by law, a notice entitled “Notice of Election on a Referred Measure”. The Notice shall include only (a) the election date and hours for voting, (b) the ballot title, (c) the text of the measure to be voted upon, (d) the office address and the telephone number of the Town Clerk, and (e) two summaries, not more than five-hundred words each, one for and one against the measure, of written comments filed with the Town Clerk no later than thirty days before the election. No summary shall mention names of persons or private groups, nor any endorsement of a resolution against the measure to be voted upon. The Town Clerk shall maintain on file and accurately summarize all relevant written comments.
6. The officers of the Town are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

DATED this 11th day of February, 2008.

Ray A. Wards, Mayor

ATTEST:

Twana Klinkerman
Deputy Town Clerk

BALLOT QUESTION NO. 1

The Town of Fowler Board of Trustees adopted a resolution on the _____ day of _____, 2008, authorizing the submission of the following ballot question to a vote of the people of the Town of Fowler at the town wide election to be held on April 8, 2008:

SHALL TERM LIMITS FOR THE ELECTED OFFICES OF TRUSTEE OF THE TOWN OF FOWLER AND MAYOR OF THE TOWN OF FOWLER BE ELIMINATED?

YES _____

NO _____

EFFECTIVE JUNE 1, 2008