

STATE OF COLORADO)
) ss
COUNTY OF ELBERT)

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 26th day of August A.D. 2009, there were present:

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| Hope Goetz | Commissioner Chairperson |
| John Shipper | Commissioner |
| Geri Scheidt | Deputy, Clerk to the Board |

When the following proceedings, among others were had and done, to wit:

RESOLUTION 09-44

A RESOLUTION DESCRIBING A PROPOSAL FOR THE ELIMINATION OF LIMITATIONS ON TERMS OF OFFICE FOR THE ELBERT COUNTY SHERIFF; AND REFERRING A BALLOT ISSUE TO THE 2009 GENERAL ELECTION BALLOT FOR THE APPROVAL OF SUCH PROPOSAL.

WHEREAS, Article XVIII Section 11 of the Colorado Constitution provides that no non-judicial elected official of Elbert County shall serve more than two (2) consecutive terms in office; and

WHEREAS, Subsection (2) of said Article XVIII Section 11 of the Colorado Constitution provides that the voters of any political subdivision may lengthen, shorten or eliminate the limitations on terms of office imposed by Article XVIII Section 11; and

WHEREAS, the Elbert County Board of County Commissioners believes that in the interest of better and more efficient government it is desirable to permit the Elbert County Sheriff to serve more than two terms; and

WHEREAS, the Elbert County Board of County Commissioners supports the placement on the ballot a question to refer to the voters of the County whether the limitations on terms of office for the Elbert County Sheriff should be eliminated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY that there shall be referred to the registered electors of the County the following proposal:

Section 1. THAT on Tuesday, November 3, 2009, in conjunction with the general election, the County shall submit to the registered electors of the County the question of whether the limitations on terms of office for the Elbert County Sheriff should be eliminated.

Section 2. THAT the ballot title and question that shall be referred to the registered electors of the County shall be as follows:

SHALL THE ELBERT COUNTY SHERIFF BE AUTHORIZED TO SERVE MORE THAN TWO CONSECUTIVE TERMS OF OFFICE, IN ACCORDANCE WITH THE POWERS GRANTED BY ARTICLE XVIII SECTION 11 OF THE COLORADO CONSTITUTION?

YES _____

NO _____

Section 3. THAT the conduct of the election shall conform, so far as practicable, to the general election laws of the State. The County hereby adopts the provisions of Section 1-11-203.5, Colorado Revised Statutes, as amended, as the exclusive procedure for protesting or contesting the content of the ballot title set forth above.

Section 4. THAT the cost of the election shall be paid from the general fund of the County.

Section 5. THAT the County Clerk and Recorder is hereby designated as the County's "Designated Election Official," as defined in Section 1-1-104(8), Colorado Revised Statutes, as amended, as the person responsible for running the election, and is directed and authorized to take such action as may be necessary to call, hold and canvass the election in accordance with law.

Section 6. THAT the County Clerk and Recorder shall cause to be published, at least ten days before the election and in the form and containing the information required by law, the notice required by Section 1-5-205, Colorado Revised Statutes, as amended. Such notice shall also be posted as required by Section 1-5-205(1.3), Colorado Revised Statutes, as amended.

Section 7. THAT the County is authorized to adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this proposal; and that the Board of County Commissioners or their authorized representatives are hereby empowered to enter into and execute on behalf of the County any agreements necessary for the administration and enforcement of this proposal.

Section 8. THAT if any provision of this proposal or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or applications of this proposal which can be given effect without the invalid provision or application and to this end, the provisions of this proposal are declared to be severable.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Hope Goetz AYE
HOPE GOETZ, CHAIRPERSON

John Shipper AYE
JOHN SHIPPER, COMMISSIONER

ATTEST: AMY L. FORDYCE
COUNTY CLERK

BY: Heidi Schmitt
DEPUTY, CLERK TO THE BOARD

