

RESOLUTION NO. 76-26

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF GRAND JUNCTION, COLORADO CONCERNING THE REPAIR OF THE ORCHARD MESA POOL, THE CREATION OF DEBT AND AN INCREASE IN TAXES TO PAY FOR THE SAME AND FOR THE ONGOING COSTS OF OPERATING AND MAINTAINING THE POOL, AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council hereby finds and determines that it is in the public interest to pose a certain question to the electors regarding the repair, renovation, and equipping of the Orchard Mesa Pool, the financing of that work, and the ongoing costs of operating and maintaining the pool; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires advance voter approval for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation without adequate present cash reserves, for any new tax or tax rate increase, and for spending certain moneys above the limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR and in Section 1-1-104(2.3), C.R.S.) to the City's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 3, 2026, is the date of the state general election and is therefore one of the election dates at which ballot issues may be submitted to the City's electors pursuant to Article X, Section 20(3)(a) of the Colorado Constitution; and

WHEREAS, Section 3 of Article II of the Charter provides that the General Municipal Election is held on the first Tuesday following the first Monday of November of each odd-numbered year and that all other municipal elections are Special Municipal Elections, and the election called by this resolution is therefore a Special Municipal Election; and

WHEREAS, Section 25 of Article II of the Charter requires that all municipal elections be conducted as coordinated elections and provides that the Mesa County Clerk shall have all statutory power and authority to conduct such elections in accordance with an intergovernmental agreement between Mesa County and the City; and

WHEREAS, the County Clerk of Mesa County (the "County Clerk") is conducting a coordinated election on November 3, 2026, pursuant to Section 1-7-116, C.R.S.; and

WHEREAS, the Council is of the opinion that the City should seek voter approval for the purposes provided in this resolution and in the resolution setting the ballot title and submission clause; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. Ratification and definitions. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104, C.R.S., and TABOR.

Section 2. Election called; participation in the coordinated election. Pursuant to the Uniform Election Code of 1992, the Charter, and all other applicable laws of the State of Colorado, the Council hereby determines that a Special Municipal Election shall be held on November 3, 2026, at which there shall be submitted to the registered electors of the City the ballot issue described in Section 3 hereof. The City shall participate in the coordinated election being conducted by the County Clerk on November 3, 2026. The officers of the City are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S., which agreement shall be signed no later than August 25, 2026, being the seventieth day before the election. The designated election official shall promptly provide the County Clerk written notice of the City's formal action to participate in the coordinated election as contemplated by Section 1-7-116(5), C.R.S. Any such intergovernmental agreements heretofore entered into in connection with the election are hereby ratified, approved, and confirmed.

Section 3. Ballot content and certification. The ballot issue to be submitted at the election shall concern the repair, renovation, and equipping of the Orchard Mesa Pool, the creation of debt or other financial obligation to finance that work, and an increase in taxes to pay such debt and the ongoing costs of operating and maintaining the pool, all as set forth in the separate resolution of the Council setting the ballot title and submission clause for the same. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 4, 2026, being the sixtieth day before the election, the order of the ballot and the ballot content in substantially the form of each resolution pertaining to the same, as required by Section 1-5-203(3)(a), C.R.S. The City shall be solely responsible for the accuracy of the information contained in the certification, as provided in Section 1-5-203(3)(c), C.R.S.

Section 4. Designated election official. The Council hereby appoints the City Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2), C.R.S., all powers and authority granted to the Council may be exercised by the designated election official, and the City may contract with the County Clerk to perform all or part of the duties required in conducting the election. Because the election is a coordinated election, the County Clerk is the coordinated election official pursuant to Section 1-7-116(1)(a), C.R.S., and shall appoint the election judges pursuant to Section 1-6-104(1), C.R.S.

Section 5. Ballot issue notice. The designated election official shall take the following actions with respect to the ballot issue notice required by Article X, Section 20(3)(b) of the Colorado Constitution:

(a) accept written comments concerning the ballot issue, which comments must be filed no later than noon on Friday, September 18, 2026, as provided in Section 1-7-901(4), C.R.S., and retain the filed comments as election records;

(b) obtain from the City Manager and the Finance Department, and include in the notice, the fiscal information required by Section 1-7-902, C.R.S.;

(c) summarize the filed comments in favor of and in opposition to the ballot issue as required by Section 1-7-903(1), C.R.S.; and

(d) prepare and deliver to the County Clerk the full text of the ballot issue notice no later than September 21, 2026, being the forty-third day before the election, as required by Section 1-7-904, C.R.S.

The ballot issue notice shall be prepared in substantial compliance with Article X, Section 20 of the Colorado Constitution, Part 9 of Article 7 of Title 1, C.R.S., and the rules of the Secretary of State, and shall be mailed by the County Clerk as coordinated election official at least 30 days before the election, pursuant to Sections 1-7-906(1), 1-7-907, and 1-40-125(2), C.R.S.

Section 6. Additional notice concerning the creation of a financial obligation. Because the ballot issue concerns the creation of debt or other financial obligation, the designated election official, with the assistance of the City Manager and the Finance Department, shall post the information required by Section 1-7-908, C.R.S., on the City's website no later than October 14, 2026, being the twentieth day before the election.

Section 7. Notice of election. Notice of the election shall be given by publication no later than October 14, 2026, being the twentieth day before the election. Publication by the County Clerk as coordinated election official satisfies the publication requirement for all political subdivisions participating in the coordinated election pursuant to Section 1-5-205(1) and (1.4), C.R.S. The designated election official shall

post a copy of the notice in the office of the City Clerk as provided in Section 1-5-205(1.3), C.R.S.

Section 8. Reservation of authority to withdraw the ballot issue. The Council reserves the authority to withdraw the ballot issue from the ballot by resolution no later than October 9, 2026, being the twenty-fifth day before the election, as provided in Section 1-5-208(2), C.R.S. Upon any such withdrawal, the City shall pay the costs attributable to the withdrawn ballot issue as provided in Section 1-5-208(5), C.R.S., and in the intergovernmental agreement.

Section 9. Canvass and abstract of votes. The canvass board shall be appointed in accordance with the intergovernmental agreement with the County Clerk, as provided in Section 1-10-202, C.R.S. The Council shall meet and canvass the returns within 14 days after the election, on or before November 17, 2026, as provided in Section 25 of Article II of the Charter, to the extent that duty is not performed by the canvass board under the intergovernmental agreement. The canvass board shall certify the official abstract of votes cast to the designated election official no later than the twenty-second day after the election, being on or before November 25, 2026, as provided in Section 1-10-203(1), C.R.S.

Section 10. Effect of the election. If a majority of the votes cast on the question are in favor, then the City shall be authorized to act as provided in the question, and if a majority of the votes cast on the question are opposed, then the City shall not be authorized to act.

Section 11. Election costs. The City shall pay its reasonable share of the actual costs of the coordinated election as provided in the intergovernmental agreement and Section 1-7-116(2)(b), C.R.S.

Section 12. Further authority. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 13. Severability. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ, APPROVED AND ADOPTED this 19th day of August, 2026.

Samuel Lutz

President of the Council

ATTEST:

Juliana Jaramal

City Clerk

