

RESOLUTION NO. 31-10

A RESOLUTION CONCERNING THE 2010 GENERAL ELECTION AND NOTIFICATION OF THE MESA COUNTY CLERK OF THE CITY'S POSSIBLE PARTICIPATION IN THAT ELECTION

RECITALS:

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 laws of the State of Colorado and the City Charter.

The City according to its laws, the state laws and the Colorado Constitution Article X, Section 20 of the Constitution ("TABOR") may submit questions to the City electorate at certain times and in certain ways. In accordance with the same this resolution serves to provide notice to the Mesa County Clerk that the City may submit a ballot question(s) for the November 2010 ballot.

Under the Colorado Medical Marijuana Code, 12-43.3-101 C.R.S. *et. seq.* a political subdivision of the State may *inter alia* act to preclude the operation of medical marijuana businesses in a community. The Grand Junction City Council has not yet decided if it will submit a ballot question(s) or if or how it may regulate medical marijuana businesses; however, it has decided to submit notice to the County Clerk that it may submit a question(s) for the November 2010 ballot. In order for the City to have a question(s) on the November 2010 ballot that election would have to be coordinated. According to Article 7, *Conduct of Elections, Uniform Election Code*, one hundred days before the election the political subdivision shall notify the county clerk and recorder in writing. 1-7-116(5) C.R.S. This Resolution serves to provide that notice.

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

Pursuant to the Uniform Election Code, 1-7-116(5) C.R.S. and all other applicable laws of the City of Grand Junction and the State of Colorado, the Council hereby provides notice that it may submit a ballot question(s) to an election to be held on November 2, 2010, at which there may be submitted to the registered electors of the City a question(s) regarding medical marijuana businesses as provided in House Bill 1284 now codified as the Colorado Medical Marijuana Code, 12-43.3-101 *et. seq.*

If the City develops and submits a ballot question(s), the question(s) shall be put to the electorate via a coordinated election being conducted by the County Clerk on November 2, 2010.

The officers of the City are authorized to secure and review an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116(2) C.R.S. of the Uniform Election Code. Any such intergovernmental agreement shall be ratified, approved and confirmed by the City Council prior to becoming effective.

The Council hereby authorizes and directs the City Clerk to notify the County Clerk as herein provided.

INTRODUCED, READ, APPROVED AND ADOPTED this 19th day of July, 2010.

/s/: Teresa A. Coons
President of the Council

ATTEST:

/s/: Stephanie Tuin
City Clerk



Office of the City Clerk
City of Grand Junction
250 N. 5th Street
Grand Junction, CO
81501

July 20, 2010

Janice Rich, County Clerk & Recorder
County of Mesa
P.O. Box 20,000-5009
Grand Junction, CO 81502

Dear Ms. Rich:

Pursuant to 1-7-116(5) C.R.S., I am notifying you that the City of Grand Junction by and through the City Council did adopt the attached resolution at its meeting on July 19, 2010. The resolution identifies the possibility that the City Council may participate in the November 2010 general election by submitting for consideration of the electorate a question(s) pertaining to medical marijuana.

At this time, the Council has not actually set the election/the question(s) but if they do, I would like to have an intergovernmental agreement ready for their approval for coordination of the election in accordance with the statute. Please send me a copy of your election IGA for our consideration.

The Grand Junction City Council has not determined the details of the election, if any, but in order to coordinate with you we are providing this notice.

Should you have any questions or if I may be of assistance to you on this or any other matter, please call.

Sincerely,

Stephanie Tuin
City Clerk

pc: Mayor Teresa Coons and Members of City Council
City Manager Laurie Kadrich
City Attorney John Shaver