

**RESOLUTION #2006-13**

**A RESOLUTION IN OPPOSITION TO THE 2006 BALLOT ISSUE KNOWN AS “PETITIONS,” AMENDMENT 38 TO THE COLORADO CONSTITUTION, THAT WOULD MAKE CHANGES TO THE PETITIONING PROCESS AND ADVERSELY IMPACT OPERATIONS OF THE TOWN OF PONCHA SPRINGS TO THE DETRIMENT OF THE CITIZENS OF PONCHA SPRINGS**

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

**WHEREAS**, Amendment 38 proposes to supercede and overrule all conflicting provisions of the Colorado Constitution, and Colorado Statutes 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, fact and damages, a dramatic change from existing law in which a jury makes findings as to facts based on evidence and the judge makes all legal findings; and

**WHEREAS**, Amendment 38 slows down the Town’s ability to act promptly to the needs of its citizens by tripling the time delay before a municipal ordinance may take effect, from the current 30 days after publication, to 91 days; and

**WHEREAS**, Amendment 38 forces taxpayers to pay for distributing a 1,000 word statement, exactly as written by the proponents, to every registered voter in the municipality, but opponents do not get equal treatment; and

**WHEREAS**, Amendment 38 permits referendum elections to occur on only one election day of each year, in November, precluding the citizens of Poncha Springs from putting referendums on their regular ballot in April; and

**WHEREAS**, Amendment 38 is a very bad choice for the citizens of Poncha Springs and the State of Colorado for all the reasons set forth above.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS**, that the Board of Trustees opposes the ballot question known as “Petitions,” Constitutional Amendment 38, that will appear on the November 7, 2006 coordinated election ballot.

Dated this 9<sup>th</sup> day of October, 2006.

ATTEST:

/s/ \_\_\_\_\_  
Mark F. Thonhoff, Mayor

/s/ \_\_\_\_\_  
Diana K. Heeney, CMC  
Clerk/Treasurer