

DRAFT FOR DISCUSSION PURPOSES ONLY

Commissioner _____ moved adoption of the following Resolution:

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

Resolution No. 2010-_____

A RESOLUTION PROVIDING FOR THE SUBMISSION, TO THE REGISTERED QUALIFIED ELECTORS OF EAGLE COUNTY, COLORADO, OF A QUESTION TO DETERMINE WHETHER EAGLE COUNTY ELECTORS ARE IN FAVOR OF ELECTED OFFICIALS ADOPTING REGULATIONS PROHIBITING MEDICAL MARIJUANA BUSINESSES IN UNINCORPORATED EAGLE COUNTY, COLORADO; SAID BALLOT QUESTION TO BE SUBMITTED AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2010; PRESCRIBING THE FORM OF BALLOT QUESTION FOR SUBMISSION AT SAID ELECTION; PROVIDING FOR CERTIFICATION OF THE ELECTION QUESTION TO THE COUNTY CLERK AND RECORDER; AND OTHERWISE PROVIDING FOR THE CONDUCT THEREOF.

WHEREAS, Eagle County, Colorado is a political subdivision of the State of Colorado, duly organized and existing pursuant to the laws and the Constitution of the State; and

WHEREAS, the voters in 2000 approved Article XVIII, Section 14 of the Colorado Constitution providing for the legal use of medical marijuana; and

WHEREAS, pursuant to 12-43.3-103(2)(a), C.R.S. enacted by House Bill 10-1284 and effective July 1, 2010, the Board of County Commissioners is authorized to adopt and enforce a resolution licensing, regulating or prohibiting the cultivation or sale of medical marijuana in unincorporated Eagle County; and

WHEREAS, 12-43.3-106, C.R.S. enacted by House Bill 10-1284 and effective July 1, 2010 establishes a local option allowing a county, through its board of county commissioners to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers' licenses (hereinafter "Medical Marijuana Businesses"); and

WHEREAS, the Board of County Commissioners desires to place before the registered electors of Eagle County the question of whether Eagle County electors are in favor of elected officials adopting regulations prohibiting Medical Marijuana Businesses in Unincorporated Eagle County, Colorado; and

WHEREAS, in the event the registered electors of Eagle County vote in favor of the ballot question, then the Board of County Commissioners shall consider the adoption of regulations prohibiting Medical Marijuana Business in Unincorporated Eagle County, Colorado; and

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WHEREAS, nothing herein shall limit the authority of Eagle County to implement regulations or licensing requirements for Medical Marijuana Businesses as permitted by law under its zoning, licensing, land use and other powers in the event the registered electors of Eagle County vote against prohibiting Medical Marijuana Businesses in unincorporated Eagle County; and

WHEREAS, pursuant to section 1-5-203(3), C.R.S., no later than sixty days before any election, the designated election official of each political subdivision that intends to conduct and election shall certify the order of the ballot and ballot content.

WHEREAS, such election shall be conducted by the Eagle County Clerk and Recorder in accordance with the “Uniform Election Code”, Articles 1 to 13, of Title 1, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO:

Section 1. Certification of Question to Clerk and Recorder for Election. The following question shall be presented at the General Election to be held on Tuesday, November 2, 2010. Said election shall be held in accordance with the provisions of the Uniform Election Code. The Board of County Commissioners hereby directs that a copy of this Resolution be certified and filed in the Office of the Clerk and Recorder before the close of business on September 3, 2010 and authorizes and directs the Clerk and Recorder to certify the ballot issue and ballot content as provided by law.

Section 2. Form of Title and Ballot Question. At the General election, there shall be submitted to a vote of the registered electors of the County the following question:

Are you in favor of the Eagle County Board of County Commissioners adopting regulations prohibiting Medical Marijuana Businesses in unincorporated Eagle County, Colorado?

Section 3. Setting the Title. Pursuant to the provisions of C.R.S. 1-5-203(3), the County Clerk, as the designated and coordinated Election Official shall certify the ballot.

Section 4. Severability. If any part, section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

Section 5. That the Board finds, determines and declares that this Resolution is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.

MOVED, READ AND ADOPTED, by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting, held this ___ day of August, 2010.

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COUNTY OF EAGLE, STATE OF COLORADO
By and through its BOARD OF COUNTY
COMMISSIONERS

ATTEST:

By: _____
Teak J. Simonton, Clerk to the Board
of County Commissioners

By: _____
Sara J. Fisher, Chairman

By: _____
Jon Stavney, Commissioner

By: _____
Peter F. Runyon, Commissioner

Commissioner _____seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Sara J. Fisher _____
Commissioner Jon Stavney _____
Commissioner Peter F. Runyon _____

This Resolution passed by ____ vote of the Board of County Commissioners of the County of Eagle, State of Colorado.