

Commissioner *Acuna* moved adoption of the following Resolution:

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

Resolution No. 2010- 104

A RESOLUTION PROVIDING FOR THE SUBMISSION, TO THE REGISTERED QUALIFIED ELECTORS OF EAGLE COUNTY, COLORADO, OF A QUESTION TO DETERMINE WHETHER EAGLE COUNTY ELECTORS SHALL ALLOW MEDICAL MARIJUANA BUSINESSES TO CONTINUE TO OPERATE IN UNINCORPORATED EAGLE COUNTY SUBJECT TO REGULATIONS AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS; 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 and sale of medical marijuana; and

WHEREAS, the cultivation and sale of medical marijuana includes the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana infused products manufacturers' licenses which shall hereinafter be referred to as "Medical Marijuana Businesses"; and

WHEREAS, the Board of County Commissioners desires to place before the registered electors of Eagle County the question of shall Medical Marijuana Businesses be allowed to continue to operate in unincorporated Eagle County subject to regulations as determined by the Board of County Commissioners; and

WHEREAS, nothing herein shall limit the authority of Eagle County to prohibit or implement regulations or licensing requirements for Medical Marijuana Businesses as permitted by law under its zoning, licensing, land use and other powers; 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 an 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 Ballot Question. At the General election, there shall be submitted to a vote of the registered electors of the County the following question:

Shall Medical Marijuana Businesses be allowed to continue to operate in unincorporated Eagle County subject to regulations as determined by the Board of County Commissioners?

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 21st day of August, 2010.

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

ATTEST:

By: *Teak J. Simonton* By: *Sara J. Fisher*
Teak J. Simonton, Clerk to the Board of County Commissioners Sara J. Fisher, Chairman



By: *Jon Stavney*
Jon Stavney, Commissioner

By: *Peter F. Runyon*
Peter F. Runyon, Commissioner

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

Commissioner Sara J. Fisher *ay*
Commissioner Jon Stavney *ay*
Commissioner Peter F. Runyon *ay*

This Resolution passed by *3/0* vote of the Board of County Commissioners of the County of Eagle, State of Colorado.