

DISTRICT COURT, PITKIN COUNTY, COLORADO 506 Main Street Aspen, Colorado 81611 Phone: 970.925.7635	▲ COURT USE ONLY ▲
<p>Plaintiffs: JEFFREY EVANS, COURTNEY KELLER, and CURTIS VAGNEUR</p> <p>v.</p> <p>Defendants: THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PITKIN; and JANICE K. VOS CAUDILL, in her official capacity as Clerk and Recorder for the County of Pitkin.</p>	
<p>Attorneys for Plaintiffs: Gary A. Wright, #10028 Wright & LaSalle, LLP 715 West Main Street, Suite 201 Aspen, Colorado 81611 Phone Number: (970) 925-5625 Fax Number: (970) 925-5663 E-mail: gaw@wrightlasalle.com</p> <p>Edward T. Ramey, #6748 Isaacson Rosenbaum P.C. 1001 17th Street, Suite 1800 Denver, Colorado 80202 Phone Number: (303) 256-3978 Fax Number: (720) 974-7932 E-mail: eramey@ir-law.com</p>	Case No. _____ Division _____
COMPLAINT FOR DECLARATORY RELIEF	

Plaintiffs Jeffrey Evans, Courtney Keller, and Curtis Vagneur, through their undersigned counsel, state as follows:

Jurisdiction and Venue

1. This Complaint is brought pursuant to the Colorado Uniform Declaratory Judgments Law, C.R.S. §13-51-101, *et seq.*, and C.R.C.P. 57, to obtain a declaration of the rights and legal relations of the parties regarding application to a proposed citizen initiative of various provisions of Article VII of the Pitkin County Home Rule Charter.

2. Venue is proper in Pitkin County pursuant to C.R.C.P. 98(b)(2) and (c)(1) as this is an action directed against public officers of Pitkin County, the claims arose in Pitkin County, and all parties reside in Pitkin County.

Parties

3. Plaintiff Jeffrey Evans ("Evans") resides in and is a registered elector of Pitkin County, Colorado.

4. Plaintiff Courtney Keller resides in and is a registered elector of Pitkin County, Colorado.

5. Plaintiff Curtis Vagneur resides in and is a registered elector of Pitkin County, Colorado.

6. Plaintiffs are the proponents of a citizen initiative seeking voter authorization for an increase in Pitkin County debt to fund the development of a specified transportation infrastructure within the county, together with authorization for an increase in the Pitkin County property tax to generate revenues for payment of the debt. A copy of the proposed initiative is attached hereto as Exhibit 1.

7. Defendant Board of County Commissioners of the County of Pitkin (the "Board") is the principal elective legislative authority for Pitkin County pursuant to Colo. Const. art. XIV, §16, and the Pitkin County Home Rule Charter. The Board is sued exclusively in its official capacity.

8. Defendant Janice K. Vos Caudill is the Clerk and Recorder for Pitkin County (the "Clerk and Recorder") and, as such, is primarily responsible under Art. VII of the Pitkin County Home Rule Charter for the administration of procedures pertinent to the exercise of the right of initiative by the electors of Pitkin County. The Clerk and Recorder is sued exclusively in her official capacity.

Factual Allegations

9. In November 2007, the Plaintiffs submitted a printer's proof of a petition form for their proposed initiative, as described in paragraph 6, above, to the Clerk and Recorder for her comments and approval pursuant to C.R.S. §31-11-106(1) as incorporated by C.R.S. §30-11-103.5.

10. By letter of November 26, 2007, the Clerk and Recorder advised Plaintiffs that, while their petition "correlates" with the proper format as established by the Colorado Secretary of State, she had been advised by the Pitkin County Attorney that the petition was

"nonconforming with [*sic*] Pitkin County Charter" – with specific reference to Article VII, paragraph 7.1.1 of the Charter.

11. Article VII, paragraph 7.1.1 of the Pitkin County Home Rule Charter provides as follows:

Initiative: The electors of the County shall have power to propose any resolution or ordinance to the Board in accordance with the provisions of this article of the Charter, except those concerning land use applications, the annual operating budget, annual appropriations budget, and levy of taxes. In the event the Board fails to adopt said proposed resolution or ordinance without any change in substance, the proposed resolution or ordinance shall be submitted to the electors at a County election for their acceptance or rejection.

12. In the wake of further discussion, the Clerk and Recorder reiterated by letter to Evans of February 20, 2008, that, while the format of the Plaintiffs' petition "required only a few adjustments," the petition had been reviewed by the County Attorney and the Board and, "based on the Pitkin County HRC, 7.1.1, the County Clerk and Recorder rejects your Initiative."

13. On September 4, 2009, the Plaintiffs approached the Clerk and Recorder about reviving their initiative efforts and submitted a printer's proof for a slightly revised version of their petition for her review. By letter of the same day, the Clerk and Recorder advised Evans that "my opinion has not changed" from the communications of two years earlier and that any further communications on the matter should be addressed to the Pitkin County Attorney.

14. Plaintiffs wish to proceed with their initiative at this time, though it is apparent that the Defendants will not permit them to do so due to their perception, apparently upon advice of the Pitkin County Attorney, that it does not conform with the requirements of Article VII, paragraph 7.1.1 of the Pitkin County Home Rule Charter.

15. Upon information and belief, the manner in which Defendants perceive Plaintiffs' proposed initiative as being "nonconforming" with Article VII, paragraph 7.1.1 of the Pitkin County Home Rule Charter is the initiative's inclusion of a proposal for an increase in property taxes – noting that the cited Charter provision excludes from the scope of permissible county initiatives measures proposing, among other substantive topics, the "levy of taxes."

16. As the Plaintiffs' ability to exercise the citizen right of initiative in Pitkin County is being directly impacted and curtailed by invocation by the Defendants of limitations set forth in the Pitkin County Home Rule Charter, the Plaintiffs seek a declaration of their rights pertaining to the validity of such Charter limitations under the Constitution and statutory laws of the State of Colorado as stated hereinafter.

First Claim
(Invalidity of Charter Restrictions Under
Colo. Const. art. XIV, §16 and C.R.S. §30-11-508)

17. Paragraphs 1 through 16, above, are incorporated herein by reference.
18. The registered electors of Colorado counties are permitted to adopt and operate under home rule charters pursuant to Colo. Const. art. XIV, §16.
19. Colo. Const. art. XIV, §16(1), requires county home rule charters to establish "the organization and structure of county government consistent with this article *and statutes enacted pursuant hereto*" (emphasis added). Colo. Const. art. XIV, §16(3) further provides that home rule counties "shall exercise all mandatory powers as may be required by statute."
20. Per the constitutional authorization described in paragraph 19, above, C.R.S. §30-11-501, *et seq.*, establishes requirements for the adoption and contents of county home rule charters in Colorado.
21. C.R.S. §30-11-508 provides: "Every charter shall contain procedures for the initiative and referendum of measures and for the recall of elected officers."
22. The right of initiative for which county home rule charter procedures are mandated pursuant to C.R.S. §30-11-508 is the equivalent of the substantive right as otherwise defined by Colo. Const. art. V, §1(9) for local governmental entities.
23. Neither Colo. Const. art. XIV, §16, C.R.S. §30-11-508, nor any other provision of Colorado law, permits home rule counties to narrow or exclude any substantive topic from the scope of the initiative right in such counties in a manner inconsistent with the right as defined and recognized under Colo. Const. art. V, §1(9).
24. The substantive scope of the local right of initiative as defined under Colo. Const. art. V, §1(9) includes "all local, special, and municipal legislation of every character."
25. The substantive provisions of the Plaintiffs' proposed initiative – including the proposed tax increase – are entirely "local legislation" and wholly within the scope of the right and power of the initiative as recognized and defined under Colo. Const. art. V, §1(9).
26. If and to the extent that the Pitkin County Home Rule Charter restricts or limits the substance of the Plaintiffs' initiative right in any manner inconsistent with the full substantive scope of that right as defined and recognized under Colo. Const. art. V, §1(9), such restriction or limitation is both unconstitutional and in violation of the statutory mandates applicable to county home rule charters.

27. Plaintiffs are entitled to a declaration regarding the validity of the substantive restrictions and limitations upon their rights of initiative as asserted by the Defendants under the Pitkin County Home Rule Charter.

Second Claim
(Invalidity of Charter Restrictions Under Colo. Const. art. X, §20)

28. Paragraphs 1 through 27, above, are incorporated herein by reference.

29. Colo. Const. art. X, §20(4) requires "districts" in the state of Colorado to obtain voter approval for any tax or debt increases.

30. Pitkin County is a "district" as defined in Colo. Const. art. X, §20(2)(b).

31. Voter approval of a tax or debt increase as required by Colo. Const. art. X, §20(4) is obtained through submission of a "ballot issue" as defined by Colo. Const. art. X, §20(2)(a).

32. Local government "ballot issues" include citizen initiatives pursuant to Colo. Const. art. X, §20(2)(a) and C.R.S. §1-41-103(1)(e).

33. If and to the extent that the Pitkin County Home Rule Charter restricts or limits the ability of electors to submit ballot issues by petition as envisioned by Colo. Const. art. X, §20 and C.R.S. §1-41-103, such restriction or limitation is invalid under those provisions as well as the enabling authorization of Colo. Const. art. XIV, §16 and C.R.S. §30-11-508.

34. Plaintiffs are entitled to a declaration regarding the validity of the substantive restrictions and limitations upon their rights of initiative as asserted by the Defendants under the Pitkin County Home Rule Charter.

Third Claim
(Invalidity of Charter Restrictions Under Colo. Const. art. V, §1(1))¹

35. Paragraphs 1 through 16, above, are incorporated herein by reference.

36. Pursuant to Colo. Const. art. V, §1(1), the "legislative power of the state" is vested in the Colorado General Assembly, subject to a reservation by the people to themselves of the rights of initiative and referendum, as further defined in Colo. Const. art. V, §1(2), (3).

¹ **Note:** This claim is contrary to current holdings by the Colorado Court of Appeals and non-dispositive discussion by the Colorado Supreme Court. The claim is presented here for development of the record and preservation of the issue for purposes of requesting modification or reversal of existing case law.

37. All counties in the state derive their legislative power exclusively by grant and devolution of that power by the General Assembly from the "legislative power of the state."

38. The grant of a portion of the "legislative power of the state" to counties within the state of Colorado is subject to the reservation of the people's right of initiative as specified in Colo. Const. art. V, §1(1).

39. If and to the extent that the Pitkin County Home Rule Charter restricts or limits the right of initiative as reserved to the people under Colo. Const. art. V, §1(1), such restriction or limitation is unconstitutional.

40. Plaintiffs are entitled to a declaration regarding the validity of the substantive restrictions and limitations upon their rights of initiative as asserted by the Defendants under the Pitkin County Home Rule Charter.

Request for Relief

Wherefore, Plaintiffs request a declaration of their rights pertaining to the validity under the Constitution and laws of the State of Colorado of such provisions of the Pitkin County Home Rule Charter, and particularly Article VII, paragraph 7.1.1 thereof, as are being asserted and applied by the Defendants to limit and restrict the substance of the initiative measures submitted by the Plaintiffs, together with their fees and expenses as may be allowable and such further relief as the Court may deem appropriate.

Respectfully submitted this 13th day of April, 2010.

WRIGHT & LASALLE, LLP

By: s/ Gary A. Wright
Gary A. Wright

ISAACSON ROSENBAUM P.C.

By: s/ Edward T. Ramey
Edward T. Ramey

ATTORNEYS FOR PLAINTIFFS

Plaintiffs' Addresses:

Jeffrey Evans
P.O. Box 324
Basalt, CO 81621

Courtney Keller
P.O. Box 941
Basalt, CO 81621

Curtis Vagneur
P.O. Box 1471
Aspen, CO 81612

1. TO SIGN A PETITION

- A. Read the warning at the top of the page.
- B. To sign a petition you must be a registered voter in Pitkin County, Colorado.
- C. No person may sign for another.
- D. The petition circulator may not assist a signer.
- E. If a signer is disabled and needs assistance, a third party should provide that assistance. The third party providing assistance shall sign his or her name and address and state that (s)he rendered assistance to the disabled elector.

2. HOW TO SIGN THE PETITION

- A. Print clearly.
- B. The petition form has two lines, both of which must be fully completed.
- C. Use black ink. Do not use ditto marks to provide information on a signature line.
- D. A signer must use the residence address where he or she is registered to vote.
- E. Do not use a post office box. Street name and number must be provided.
- F. The signer must complete all portions of a signature line.
- G. A signer must not place a zip code or birth date under "Signing Date".
- H. Corrections: If a small correction is made, the signer should initial the change. If a larger correction is required, the signer should completely cross out the incorrect information and proceed to use the next two blank lines.

3. TO CIRCULATE A PETITION

- A. Read the warning at the top of each page.
- B. There can only be one circulator for each petition section.
- C. A petition section may not be left on a table unattended or passed among potential signers if the circulator is not accompanying the petition section. The circulator must witness every signature as it is written.
- D. Do not take the petition section apart. If the original staples are removed the petition section will not count.
- E. Do not sign your own petition section.
- F. Make sure that all the required information is complete before a signer leaves your presence.

4. WHAT TO DO WHEN THE CIRCULATOR HAS FINISHED COLLECTING SIGNATURES

- A. Every valid signature counts. Signatures on partially completed petition sections may count.
- B. A petition section must be properly notarized. Take the petition to a notary public, who will then notarize the affidavit. Do not sign or date your affidavit before you appear before the notary.
- C. No additional signatures may be collected after the affidavit has been notarized.
- D. The notarized petition section should then be immediately returned in person or by mail to:

Jeffrey Evans Box 324, Basalt, CO 81621
Curtis Vagneur Box 1471, Aspen, CO 81612
Courtney Keller Box 941, Basalt, CO 81621

NOTE: This page is for information only, and should not be stapled to the petition section which follows. Additional laws pertaining to initiative circulators and signers are provided in Colorado Revised Statutes, Title 31, Article 11, and can be found at:

<http://www.leg.state.co.us/>

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

CITIZEN INITIATED RESOLUTION – ROAD IMPROVEMENT DEBT AND TAX INCREASE

Shall Pitkin County debt be increased by an amount not to exceed \$38,000,000.00 with a maximum repayment cost of \$60,000,000.00, and shall Pitkin County taxes be increased in an amount not to exceed \$4,600,000.00 annually, to be used first to improve State Highway 82 from Buttermilk Ski Area to 7th Street and Main Street as a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV), with or without a cut and cover tunnel, and with a transit envelope next to the highway lanes, as approved by Aspen citizen initiated ordinance; such debt and revenue not so encumbered being available for Pitkin County road and bridge improvement projects?

PETITION TO INITIATE

TO: BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY

IN ACCORDANCE WITH ARTICLE V, SECTION 1 (9), AND ARTICLE X, SECTION 20 OF THE COLORADO STATE CONSTITUTION, AND CERTAIN PROVISIONS OF ARTICLE VII OF THE PITKIN COUNTY HOME RULE CHARTER, WE, THE UNDERSIGNED REGISTERED VOTERS OF PITKIN COUNTY, RESPECTFULLY ORDER AND DEMAND THAT THE FOLLOWING INITIATED RESOLUTION BE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY, AND/OR THE PROPOSED QUESTION BE SUBMITTED TO THE LEGAL VOTERS OF THE COUNTY FOR THEIR ADOPTION OR REJECTION.

Each of the signers hereto says: I sign this petition in my own proper person only. I am a registered voter of Pitkin County, Colorado. My residence address and the date of my signing this petition are correctly written immediately after my printed name. I hereby designate the following persons to represent me in all matters affecting this petition:

Jeffrey Evans Box 324, Basalt, CO 81621
Curtis Vagneur Box 1471, Aspen, CO 81612
Courtney Keller Box 941, Basalt, CO 81621

CITIZEN INITIATED RESOLUTION

SUBMITTING A MATTER ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION TO THE PITKIN COUNTY ELECTORATE

Initiated Resolution # 10 - 01

RECITALS

1. Article V, Section 1 (9), of the Colorado State Constitution provides that the powers of initiative and referendum are “reserved to the registered electors of every city, town, and municipality as to all local, special, and

municipal legislation of every character in or for their respective municipalities”.

2. Pitkin County is organized and operated as a home rule county pursuant to Colorado State Constitution Article XIV, Section 16, and the Colorado County Home Rule Powers Act, C.R.S. Title 30, Article 35.
3. Colorado Revised Statute, 30-11-508, extends the power of initiative petition to the electors of a Home Rule County.
4. The provisions of Pitkin County Home Rule Charter paragraph 7.1.1 cannot be interpreted or applied in any manner which would infringe upon the constitutionally conferred right of home rule county electors to propose “municipal legislation of every character”.
5. Furthermore, Article X, Section 20, of the Colorado State Constitution supersedes “conflicting state constitutional, state statutory, charter, or other state or local provisions,” and establishes that circulation of a non-recall petition to increase taxes or debt is a state constitutional right.

NOW, THEREFORE, BE IT RESOLVED BY THE REGISTERED ELECTORS OF PITKIN COUNTY:

1. Increase of Debt. Pitkin County debt is authorized to be increased by an amount not to exceed \$38 million with a maximum repayment cost of \$60 million, calculated as the sum of the equal annual installments required to repay principal of \$38 million plus interest not to exceed 5% over a period not to exceed 20 years.

Such debt to consist of revenue bonds which shall bear interest, mature, be subject to redemption, with or without premium, and be issued, dated and sold (at, above or below par) in such a manner and containing such other terms, not inconsistent herewith, as the board of county commissioners of Pitkin County may determine.

2. Increase of Property Tax. Pitkin County is authorized to pay such bonds and to secure such payments from an ad valorem property tax increase not to exceed \$4,600,000 annually, initially collected at a rate not to exceed 1.7 mills¹.

3. Purpose. The debt and tax increase to first provide local funds to participate with the Colorado Department of Transportation for purposes including property acquisition, design, and construction of State Highway 82 from Buttermilk Ski Area to 7th Street and Main Street as a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV), with or without a cut and cover tunnel, and with a transit envelope next to the highway lanes, on property conveyed to CDOT by the City of Aspen, including the Marolt property, as approved by Aspen citizen initiated ordinance.

The principal amount of debt applied to the State Highway 82 improvement project shall first be reduced to the extent made possible by contributions from all other appropriate funds and revenues, whether local, state or federal.

¹ The initial mill levy shall be adjusted annually to provide the allowed tax increase, or less, as determined by the board of county commissioners of Pitkin County.

Debt and revenue not allocated to State Highway 82 may provide for Pitkin County road and bridge improvement projects as determined by the board of county commissioners of Pitkin County.

4. Reimbursement. Pitkin County is authorized to enter into contracts with the Colorado Department of Transportation for reimbursement of all or a portion of the local funds provided, with any such reimbursements to accrue to Pitkin County road and bridge improvement purposes.

5. Submission of Resolution to the Electorate. This Resolution shall become effective upon adoption by a majority of voters voting thereon. The question shall read substantially as follows:

ROAD IMPROVEMENT DEBT AND TAX INCREASE

SHALL PITKIN COUNTY DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$38,000,000.00 WITH A MAXIMUM REPAYMENT COST OF \$60,000,000.00, AND SHALL PITKIN COUNTY TAXES BE INCREASED IN AN AMOUNT NOT TO EXCEED \$4,600,000.00 ANNUALLY, TO BE USED FIRST TO IMPROVE STATE HIGHWAY 82 FROM BUTTERMILK SKI AREA TO 7th STREET AND MAIN STREET AS A FOUR LANE HIGHWAY CONFIGURATION CONSISTING OF TWO GENERAL HIGHWAY LANES AND TWO VEHICLE AND/OR TRANSIT LANES (HOV), WITH OR WITHOUT A CUT AND COVER TUNNEL, AND WITH A TRANSIT ENVELOPE NEXT TO THE HIGHWAY LANES, AS APPROVED BY ASPEN CITIZEN INITIATED ORDINANCE;

SUCH DEBT AND REVENUE NOT SO ENCUMBERED BEING AVAILABLE FOR PITKIN COUNTY ROAD AND BRIDGE IMPROVEMENT PROJECTS;

SUCH DEBT TO CONSIST OF REVENUE BONDS, WITH PITKIN COUNTY BEING AUTHORIZED TO PAY SUCH BONDS AND TO SECURE SUCH PAYMENTS FROM AN AD VALORUM PROPERTY TAX LEVY, INITIALLY COLLECTED AT A RATE NOT TO EXCEED 1.7 MILLS¹, AS MORE SPECIFICALLY SET FORTH IN INITIATIVE RESOLUTION 10-01;

AND SHALL PITKIN COUNTY BE AUTHORIZED TO ENTER INTO CONTRACTS WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF ALL OR PART OF THE LOCAL FUNDS PROVIDED, WITH ANY SUCH REIMBURSEMENTS TO ACCRUE TO PITKIN COUNTY ROAD AND BRIDGE IMPROVEMENT PURPOSES?

¹ THE INITIAL MILL LEVY SHALL BE ADJUSTED ANNUALLY TO PROVIDE THE ALLOWED TAX INCREASE, OR LESS, AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS OF PITKIN COUNTY.

6. Termination of tax increase. The property tax increase authorized by this resolution shall terminate upon repayment of any debt issued within ten years of adoption, or within twenty years of adoption if no debt is issued.

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Shall Pitkin County debt be increased by an amount not to exceed \$38,000,000.00 with a maximum repayment cost of \$60,000,000.00, and shall Pitkin County taxes be increased in an amount not to exceed \$4,600,000.00 annually, to be used first to improve State Highway 82 from Buttermilk Ski Area to 7th Street and Main Street as a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV), with or without a cut and cover tunnel, and with a transit envelope next to the highway lanes, as approved by Aspen citizen initiated ordinance; such debt and revenue not so encumbered being available for Pitkin County road and bridge improvement projects?

1	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
3	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
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	Printed Name	City/Town	Date of Signing
5	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
6	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
7	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
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10	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
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	Printed Name	City/Town	Date of Signing
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13	Signature	Residence Address (Street & Number)	County Pitkin
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14	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
15	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
16	Signature	Residence Address (Street & Number)	County Pitkin
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19	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
20	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
21	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
22	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
23	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
24	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
25	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
26	Signature	Residence Address (Street & Number)	County Pitkin
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Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

CITIZEN INITIATED RESOLUTION – ROAD IMPROVEMENT DEBT AND TAX INCREASE

Shall Pitkin County debt be increased by an amount not to exceed \$38,000,000.00 with a maximum repayment cost of \$60,000,000.00, and shall Pitkin County taxes be increased in an amount not to exceed \$4,600,000.00 annually, to be used first to improve State Highway 82 from Buttermilk Ski Area to 7th Street and Main Street as a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV), with or without a cut and cover tunnel, and with a transit envelope next to the highway lanes, as approved by Aspen citizen initiated ordinance; such debt and revenue not so encumbered being available for Pitkin County road and bridge improvement projects?

28	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
29	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
30	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
31	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
32	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
33	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
34	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
35	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
36	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

CITIZEN INITIATED RESOLUTION – ROAD IMPROVEMENT DEBT AND TAX INCREASE

Shall Pitkin County debt be increased by an amount not to exceed \$38,000,000.00 with a maximum repayment cost of \$60,000,000.00, and shall Pitkin County taxes be increased in an amount not to exceed \$4,600,000.00 annually, to be used first to improve State Highway 82 from Buttermilk Ski Area to 7th Street and Main Street as a four lane highway configuration consisting of two general highway lanes and two vehicle and/or transit lanes (HOV), with or without a cut and cover tunnel, and with a transit envelope next to the highway lanes, as approved by Aspen citizen initiated ordinance; such debt and revenue not so encumbered being available for Pitkin County road and bridge improvement projects?

37	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
38	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
39	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
40	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
41	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
42	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
43	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
44	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing
45	Signature	Residence Address (Street & Number)	County Pitkin
	Printed Name	City/Town	Date of Signing

LexisNexis File & Serve Transaction Receipt

Transaction ID: 30554417
Submitted by: Lynn Tumej, Isaacson Rosenbaum PC
Authorized by: Edward T Ramey, Isaacson Rosenbaum PC
Authorize and file on: Apr 13 2010 2:05PM MDT

Court: CO Pitkin County District Court 9th JD
Case Class: Civil
Case Type: Declaratory Judgment
Case Name: Jeffrey Evans v. The Board of County Commissioners of the County of Pitkin

Transaction Option: Originating Event
Billing Reference: 870173.000
Note to Clerk: Please add attorney Gary A. Wright, Wright & LaSalle, LLP as co-counsel for Plaintiffs. Thank you.

Documents List

3 Document(s)

Originating Document, 7 Pages Document ID: 29084477 [PDF Format](#) | [Original Format](#)

Document Type: Complaint **Access:** Public **Statutory Fee:** \$224.00 **Linked:**

Document title:
 Complaint for Declaratory Relief

Attached Document, 10 Pages Document ID: 29084512 [PDF Format](#) | [Original Format](#)

Related Document ID: 29084477

Document Type: Filing Other **Access:** Public **Statutory Fee:** \$0.00 **Linked:**

Document title:
 Exhibit 1 to Complaint

Attached Document, 1 Pages Document ID: 29084551 [PDF Format](#) | [Original Format](#)

Document Type: Civil Case Cover Sheet **Access:** Public **Statutory Fee:** \$0.00 **Linked:**

Document title:
 District Court Civil Cover Sheet (16.1 applies)

[Close All](#)

Sending Parties (3)

Party	Attorney	Firm
Evans, Jeffrey (pending)	Ramey, Edward T Isaacson	Rosenbaum PC
Keller, Courtney (pending)	Ramey, Edward T Isaacson	Rosenbaum PC
Vagneur, Curtis (pending)	Ramey, Edward T Isaacson	Rosenbaum PC

Case Parties

Party	Attorney	Firm
Board of County Commissioners of the County of Pitkin (pending)	Pro Se	Pro Se-
Evans, Jeffrey (pending)	Ramey, Edward T Isaacson	Rosenbaum PC
Keller, Courtney (pending)	Ramey, Edward T Isaacson	Rosenbaum PC
Vagneur, Curtis (pending)	Ramey, Edward T Isaacson	Rosenbaum PC
Vos Caudill, Janice K. (pending)	Pro Se	Pro Se-



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