

**ORDINANCE NO. 2  
SERIES OF 2016**

**(Property Tax Increase to Fund Capital Construction and Replacement Program)**

**AN ORDINANCE APPROVING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE TOWN OF CARBONDALE AT THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 5, 2016, THE QUESTION OF AUTHORIZING THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE TO IMPOSE AN ADDITIONAL MILL LEVY OF UP TO 3.0 MILLS FOR THE PURPOSE OF FUNDING A CAPITAL CONSTRUCTION AND REPLACEMENT PROGRAM; PROVIDING FOR THE AUTOMATIC REPEAL OF SAID MILL LEVY ON DECEMBER 31, 2026; GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS.**

WHEREAS, pursuant to C.R.S. § 31-20-101 an incorporated town in Colorado may levy and collect taxes upon taxable real property within the municipal limits, and increase the Town's mill levy by ordinance in accordance with state law, so long as such ordinance provides for the submission of any such tax proposal to an election by the registered electors of the town for their approval or rejection at a general election; and

WHEREAS, pursuant to the provisions of Article X, Section 20 of the Constitution of Colorado, voter approval at a general election is required for a property tax increase; and

WHEREAS, the next general election is scheduled to be held on April 5, 2016 at which time the ordinance may be approved or rejected by the registered electors of the Town; and

WHEREAS, the Board of Trustees desires to create a source of revenue for the construction and replacement of capital improvements, including public streets, streetscape, sidewalks, street lighting, bicycle and pedestrian trails, public parking, stormwater control features, public infrastructure associated with affordable housing development, and related improvements within the Town of Carbondale, by the imposition of an additional property tax mill levy of up to 3.0 mills for said purposes; and

WHEREAS, the Board of Trustees finds and determines that construction and replacement of said capital improvements within the Town of Carbondale will provide benefits to and improve quality of life for the citizens of the Town of Carbondale and users of such facilities, and that the electorate should consider authorizing the Town to collect additional property tax revenues for the purposes specified above.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, as follows:

Section 1. The foregoing recitals are incorporated herein as though set forth in full.

Section 2. The Board of Trustees hereby approves the imposition of up to an additional 3.0 mill property tax levy against all real property within the Town of Carbondale, subject to approval by the Town electorate.

Section 3. Before this ordinance becomes effective, it shall be submitted to and receive approval of the majority of the qualified electors of the Town of Carbondale at the general election to be held on April 5, 2016. The form of the ballot question shall be as follows:

SHALL TOWN OF CARBONDALE TAXES BE INCREASED BY \$425,000.00 ANNUALLY BEGINNING IN 2017, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FROM AN AD VALOREM TAX ASSESSED AT THE RATE OF UP TO 3.0 MILLS ON ALL TAXABLE PROPERTY WITHIN THE TOWN FOR THE PURPOSE OF CONSTRUCTING AND REPLACING CAPITAL IMPROVEMENTS, INCLUDING PUBLIC STREETS, STREETSCAPE, SIDEWALKS, BICYCLE AND PEDESTRIAN TRAILS, PUBLIC PARKING, STORMWATER CONTROL FEATURES, PUBLIC INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING DEVELOPMENT, AND OTHER RELATED IMPROVEMENTS, WITH THE TAX INCREASE TO AUTOMATICALLY EXPIRE ON DECEMBER 31, 2026, AND WITH THE RESULTING TAX REVENUES TO BE COLLECTED, RETAINED AND SPENT BY THE TOWN AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY APPLICABLE REVENUE OR SPENDING LIMITATION IMPOSED BY ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES/FOR \_\_\_\_\_

NO/AGAINST \_\_\_\_\_

Section 4. For the purposes of C.R.S. § 1-11-203.5, this ordinance shall serve to set the title and content of the ballot measure set forth herein, and the ballot title for such ballot measure shall be the text of the ballot measure itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Garfield County and a copy served on the Town Clerk within five days after publication of this ordinance.

Section 5. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this ordinance.

Section 6. If a majority of the votes cast on the ballot issue are in favor of the measure, the measure shall be deemed to have passed and shall be effective upon passage.

Section 7. At least thirty (30) days prior to the election, the Town Clerk, who may use the services of the Garfield County Clerk & Recorder, shall mail, at the least cost, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active

registered voters concerning the ballot measure referenced in this ordinance. The notice shall be entitled "NOTICE OF ELECTION TO INCREASE TAXES" and shall include all information required by Article X, Section 20(3)(b) of the Colorado Constitution (the "Taxpayer's Bill of Rights").

Section 8. This ordinance is necessary to protect the public health, safety and welfare of the residents of the Town, and covers matters of local concern.

Section 9. If this ordinance is approved by the registered electors of the Town voting at the regular election to be held on April 5, 2016, it shall become effective January 1, 2017. This ordinance shall remain in effect only until December 31, 2026, at which time the ordinance shall be automatically repealed.

Section 10. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable, the invalidity or unenforceability of each section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 11. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions hereof shall have no force or effect, and all other acts, orders or ordinances of the Town shall continue to be effective as if this ordinance was never adopted.

Section 12. Upon adoption, this ordinance shall be posted and published in accordance with the Home Rule Charter.

INTRODUCED, READ, AND PASSED this 13<sup>th</sup> day of January, 2016.

THE TOWN OF CARBONDALE

By: Stacey Berner  
Stacey Berner, Mayor



ATTEST:

Cathy Derby  
Cathy Derby, Town Clerk

POSTED: 1/14/16  
PUBLISHED:  
EFFECTIVE: