

**ORDINANCE NO. 1  
SERIES OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, APPROVING AN EXTENSION OF A CURRENT MILL LEVY OF 1.5 MILLS THAT WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2020 FOR THE PURPOSE OF CONTINUING A FUNDING SOURCE FOR PUBLIC STREETS, STREETScape, AND RELATED IMPROVEMENTS WITHIN THE TOWN, AND TO PROVIDE FOR THE AUTOMATIC REPEAL OF SAID MILL LEVY ON DECEMBER 31, 2030.**

WHEREAS, pursuant to § 31-20-101, C.R.S., 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 tax extension; and

WHEREAS, the next general election is scheduled to be held on Tuesday, April 3, 2018 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 continue a source of revenue for public streets, streetscape, pedestrian safety and related improvements within the Town of Carbondale by the extension of a 1.5 mill levy to real property taxes used for said purposes; and

WHEREAS, the maintenance, development and construction of said public street, streetscape, and related traffic or pedestrian safety 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;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the Board of Trustees hereby approves an extension of a 1.5 mill levy for all real property within the Town of Carbondale that would otherwise expire on December 31, 2020.

BE IT FURTHER ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that before this ordinance extending this mill levy 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 Tuesday, April 3, 2018. The form of the ballot question shall be as follows:

SHALL AN EXISTING MILL LEVY IN THE AMOUNT OF ONE AND FIVE TENTHS (1.5) MILLS UPON ALL OF THE TAXABLE REAL PROPERTY WITHIN THE TOWN OF CARBONDALE, COLORADO, THAT WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2020 BE EXTENDED THROUGH DECEMBER 31, 2030 SUCH THAT UP TO \$272,892 IN REVENUES COLLECTED IN 2021 AND SUCH AMOUNTS AS ARE RECEIVED BY THE TOWN ANNUALLY THEREAFTER, REGARDLESS OF AMOUNT, WILL CONTINUE TO BE COLLECTED, RETAINED, AND SPENT FOR THE PURPOSE OF CONSTRUCTING PUBLIC STREET, STREETScape, AND RELATED IMPROVEMENTS WITHIN THE TOWN, INCLUDING EXPANDED DOWNTOWN PARKING, PEDESTRIAN SAFETY, STREET LIGHTS AND BEAUTIFICATION AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION OR C.R.S. 29-1-201(1)?

YES \_\_\_  
NO \_\_\_

BE IT FURTHER ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, that:

1. This ordinance shall remain in effect only until December 31, 2030, at which time the ordinance shall be automatically repealed.
2. If this ordinance is approved by the registered electors of the Town voting at the regular election to be held on Tuesday, April 3, 2018, it shall become effective January 1, 2021.
3. 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.
4. If this ordinance becomes effective as provided herein, all other acts, orders, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this ordinance shall be repealed to the extent only of such inconsistency or conflict, such repeal to be effective as of the effective date of the mill levy extension.
5. 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. The repeal of any acts, orders, ordinances, or parts thereof by the terms hereof shall not have the effect of releasing, extinguishing, altering, modifying, or changing, in whole or in part, any penalty, forfeiture, or liability, either civil or criminal, which was incurred thereunder prior to such repeal, and such acts, order, ordinances, or parts thereof shall be deemed and held to be in full force and effect for the purpose of sustaining any actions, suits, proceedings, and prosecutions, either civil or criminal, for the enforcement of such penalty, forfeiture, or liability,

as well as for the purpose of sustaining any judgment, decree, or order which can or may be made in such actions, suits, proceedings, or prosecutions.

6. Upon adoption, this ordinance shall be authenticated by the corporate seal of the Town and the signature of the Mayor and the Town Clerk, shall be recorded in a book and kept for that purpose, and shall be published in a newspaper within the limits of the Town or, if there is none, in a newspaper of general circulation in the Town, all in accordance with § 31-16-105, C.R.S.

INTRODUCED, READ, AND PASSED this 9<sup>th</sup> day of January, 2018.

THE TOWN OF CARBONDALE

By:   
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk



POSTED: 1-10-18  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE: \_\_\_\_\_