

[0.16% EXTENSION]

CITY OF GREELEY, COLORADO

ORDINANCE NO. 40, 2018

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 6, 2018, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND, FOR SPECIFIED PURPOSES, THE 0.16% SALES AND USE TAX RATE CURRENTLY SCHEDULED TO EXPIRE ON DECEMBER 31, 2024 TO DECEMBER 31, 2044.

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution (“TABOR”), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurrence of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the City currently imposes a retail sales and use tax pursuant to Chapter 4.04 of the Greeley City Code; and

WHEREAS, the Council has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 6, 2018, coordinated election to vote “yes” or “no” with respect to the question of authorizing the Council to extend the 0.16% sales and use tax rate to December 31, 2044, for the purpose of financing capital projects and operating expenses as described in the ballot title set forth below; and

WHEREAS, it is the intent of the City to comply with Article X, Section 20 of the Colorado Constitution in submitting such sales and use tax extension question to the registered electors of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such sales and use tax extension question to the registered electors of the City, are hereby ratified, approved and confirmed.

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the sales and use tax extension question to the registered electors of the City as a ballot issue at the November 6, 2018 coordinated election, the ballot title for which shall be in substantially the following form:

WITHOUT INCREASING THE RATE OF ANY TAX, SHALL THE EXISTING 0.16% SALES AND USE TAX RATE SCHEDULED TO EXPIRE ON DECEMBER 31, 2024 BE

EXTENDED THROUGH DECEMBER 31, 2044 FOR PUBLIC SAFETY PURPOSES AS ORIGINALLY APPROVED AND, EFFECTIVE JANUARY 1, 2019, SHALL SUCH PURPOSES ALSO INCLUDE THE CONSTRUCTION, MAINTENANCE AND STAFFING OF PUBLIC SAFETY FACILITIES?

YES _____ NO _____

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and laws of the State of Colorado.

Section 3. If the ballot issue is approved, the Council shall be authorized to amend the City Code in a manner consistent with the ballot issue, to continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from such extended sales and use tax as described in such ballot title, including capital construction, capital maintenance, capital improvements, operating expenses and capital repairs, including, without limitation, the application and pledge of such revenues for principal, interest and other payments and as security for presently outstanding and future bonds and other capital financing. Nothing herein or in the ballot issue shall authorize the application of revenues from such taxes in a manner contrary to the covenants securing any sales and use tax revenue bonds by the City.

Section 4. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 5. The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.

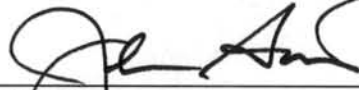
Section 6. Following passage of this ordinance on first reading, it shall be published in full in the Greeley Daily Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full in the Greeley Daily Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

Section 7. This Ordinance shall be immediately effective upon passage as authorized by Section 3-16 of the Greeley Municipal Charter.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 21st DAY OF August, 2018.

PASSED AND ORDERED PUBLISHED THIS 7th DAY OF September, 2018.

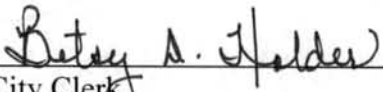
CITY OF GREELEY, COLORADO

By 

Mayor

[SEAL]

Attest:

By 

City Clerk