

**CITY OF GREELEY, COLORADO
ORDINANCE NO. ____, 2021**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF
THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO
BE HELD NOVEMBER 2, 2021, THE QUESTION OF AUTHORIZING
THE CITY COUNCIL TO EXTEND THE .65% COMPONENT OF RETAIL
SALES AND USE TAX CURRENTLY SCHEDULED TO EXPIRE ON DECEMBER
31, 2022 TO DECEMBER 31, 2029, TO FUND CAPITAL PROJECTS FOR
STREET-RELATED INFRASTRUCTURE IMPROVEMENTS AND REPAIRS**

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 2, 2021, coordinated election, to vote "yes" or "no" with respect to the question of extending the rate of the City sales and use tax for the purpose of financing street related infrastructure improvements and repairs as described in the form of 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 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 2, 2021 coordinated election, the ballot title for which shall be in substantially the following form:

CITY OF GREELEY SALES AND USE TAX RATE EXTENSION

WITHOUT RAISING TAXES, SHALL THE EXISTING VOTER-APPROVED .65 % OF THE CITY SALES TAX RATE (WHICH DOES NOT APPLY TO FOOD) BE EXTENDED UNTIL DECEMBER 31, 2029 FOR THE PURPOSE OF CONTINUING TO FUND:

- STREET-RELATED INFRASTRUCTURE IMPROVEMENTS AND REPAIRS, INCLUDING SAFETY IMPROVEMENTS,
- PEDESTRIAN SAFETY IMPROVEMENTS INCLUDING REPLACING DAMAGED SIDEWALKS, CROSSWALKS AND INTERSECTIONS, AND
- SAFETY, TRAFFIC FLOW, AND CONGESTION IMPROVEMENTS TO MAJOR STREETS,

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT AUDIT OVERSEEN BY A CITIZENS COMMITTEE APPOINTED BY THE GREELEY CITY COUNCIL, AND PROHIBITING ANY PAYMENT OF ADMINISTRATIVE COSTS TO BE MADE FROM SUCH TAX REVENUE, AND SHALL THE PROCEEDS OF SUCH TAX AND THE INCOME FROM THEIR INVESTMENT, BE COLLECTED, KEPT AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY REVENUE OR EXPENDITURE LIMITS THAT WOULD OTHERWISE APPLY?

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 continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from such extended retail sales and use tax to the funding of street-related infrastructure improvements and repairs, including safety improvements on streets rated as poor by national standards, pedestrian safety improvements including sidewalks, crosswalks and intersections and safety and traffic flow improvements to major streets, as described in such ballot title, 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.

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 approval of this ordinance on first reading, it shall be published in full in the Greeley 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 by reference to title only in the *Greeley 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.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF _____ 2021.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor