

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING SECTIONS 6-5-10 AND 6-5-40 OF THE MUNICIPAL CODE
CONCERNING THE TRANSPORTATION DIRECTED PORTION OF THE GAMING
DEVICE FEE AND CLARIFYING THAT SUCH FEE IS IMPOSED AND COLLECTED
BY THE CENTRAL CITY TRANSPORTATION ENTERPRISE**

WHEREAS, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of the public health, safety and welfare; and

WHEREAS, the City previously adopted Ordinance 273, Article 4, 1991 (codified at Article V of Chapter 6 of the City of Central Municipal Code) which established a gaming device fee, one purpose of which is to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, the gaming device fees are currently codified in Article V of Chapter 6 of the Municipal Code; and

WHEREAS, the City Council has, by resolution, established an enterprise known as the Central City Transportation Enterprise which is a government owned business authorized to pursue innovative and efficient means of completing surface transportation infrastructure projects and to impose, collect and spend, in furtherance of its purposes, that portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, City Council desires to amend Article V of Chapter 6 of the Municipal Code to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. Section 6-5-10 shall be amended to include a definition of “City” as set forth herein. No other definitions or language of Section 6-5-10 are amended hereby.

City means the City of Central or, as to the portion of the device fee reserved for transportation services and improvements, the City’s transportation enterprise, as and if formed.

Section 2. Section 6-5-40 is hereby amended to read in its entirety as follows:

Sec. 6-5-40. Device fee imposed.

(a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City or its transportation enterprise, as and if formed, in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2015 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments, the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.

(b) That portion of the device fee allocated to transportation improvements (the "Transportation Fee") shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the "Marketing Fee") shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month for each gaming device. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2015, unless an extension of the same is approved by ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty-two dollars and eight cents (\$22.08) commencing January 1, 2016.

(1) Revenues collected from imposition of the Transportation Fee shall be imposed, collected and spent by the City's transportation enterprise, as and if formed, and used exclusively for transportation services and improvements primarily serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City.

(2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District ("CCBID"), and shall not be used for general operating expenses of the City.

(3) The amount of the Marketing Fee shall be determined each month by the City Manager based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2015.

(c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation services and improvements and funding advertising

and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council, except that no such waiver or reduction shall be authorized at any time when the device fee is pledged to the repayment of any City or City transportation enterprise outstanding obligation.

(d) All revenues collected by the City from the Marketing Fee may be remitted to the CCBID or paid to the CCBID's contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the advertising and marketing efforts to be provided by the CCBID, or shall otherwise be appropriated and spent by the City as approved by City Council.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 19th day of May, 2015, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 2nd day of June, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on May 21, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on June 4, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk