

ORDINANCE NO.12-2019

AN ORDINANCE OF THE TOWN OF WESTCLIFFE, COLORADO, APPROVING THE BALLOT QUESTION TO BE SUBMITTED TO THE REGISTERED ELECTORS OF THE TOWN OF WESTCLIFFE AT THE REGULAR ELECTION ON APRIL 07, 2020, ON THE ISSUE OF THE APPROVAL OF A TEMPORARY ADDITIONAL ONE PERCENT SALES TAX, WITH SUCH AMOUNTS TO BE PLEDGED TO THE TOWN OF WESTCLIFFE CAPITAL IMPROVEMENTS PROJECTS FUND.

WHEREAS, the Town of Westcliffe (the "Town"), is a Colorado statutory town duly organized and existing under laws of the State of Colorado; and

WHEREAS, the members of the Board of Trustees of the Town (the "Board of Trustees") have been duly elected and qualified; and

WHEREAS, the Board of Trustees has completed a Capital Improvement Plan, which has identified and prioritized numerous capital improvements throughout the Town of Westcliffe; and

WHEREAS, the funding for completing the identified and prioritized capital improvement projects, and other capital projects deemed essential by the Board of Trustees is deficient; and

WHEREAS, pursuant to applicable law, including but not limited to Article 2 of Title 29, Colorado Revised Statutes, the Town is authorized to adopt a municipal sales tax and has previously adopted upon voter approval a permanent municipal sales tax of two percent (2.0%); and

WHEREAS, the Board of Trustees has determined that a temporary one percent (1%) increase in the Town's sales tax will generate funds to help alleviate the deficiency in the Town's capital improvements funding; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for, among other things, any new or increased tax; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, April 7, 2020, is the date of the regular municipal election in the Town and one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the Board of Trustees desires to approve the specific ballot language to be submitted to the registered electors of the Town;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Westcliffe, Colorado that a ballot question stated herein shall be submitted to the qualified electorate of the Town of Westcliffe on April 7, 2020 as follows:

BALLOT QUESTION ISSUE A

SHALL TOWN OF WESTCLIFFE’S TAXES BE INCREASED BY \$204,000 ANNUALLY, COMMENCING IN JULY 1, 2020 AND PROVIDED THESE INCREASED TAXES SHALL NOT BE COLLECTED AFTER DECEMBER 31, 2024 FOR THE TOWN OF WESTCLIFFE’S CAPITAL IMPROVEMENTS PROJECTS FUND AND TO BE USED SOLELY FOR CAPITAL IMPROVEMENTS PROJECTS APPROVED BY THE BOARD OF TRUSTEES, INCLUDING NEW CONSTRUCTION AND REPAIRS TO STREETS, SIDEWALKS, CURBS AND GUTTERS, ALLEYWAYS, PARKS, TOWN OWNED EQUIPMENT AND OTHER IMPROVEMENTS IN THE TOWN AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER UNTIL ITS TERMINATION DATE, FROM A 1% SALES TAX TO BE SPENT AS A VOTER APPROVED REVENUE CHANGE AND, WITHOUT REGARD TO ANY SPENDING, REVENUE RAISING OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND ANY OTHER LAW, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN?

YES/APPROVED

NO/DENIED

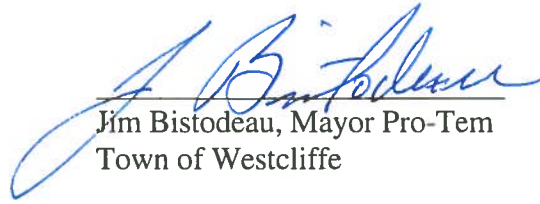
Section 1. The provisions of this ordinance shall take effect, following passage and approval by the electors of the Town as provided herein, on July 1, 2020 and shall terminate on December 31, 2024.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board of Trustees and the registered voters of the Town hereby declare that they would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.


Section 3. The repeal or modification of any provision of the Municipal Code of the Town of Westcliffe by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Approved this 5th day of December, 2019


Jim Bistodeau, Mayor Pro-Tem
Town of Westcliffe

ATTESTED:


Kathy Reis, Town Clerk
Town of Westcliffe