

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER WEAVER
Council Bill No. 21
Ordinance No. 1772
Series of 2023

TITLE: AN ORDINANCE GIVING NOTICE OF AND CALLING FOR SUBMITTING A BALLOT QUESTION AT THE CITY'S REGULAR NOVEMBER 7, 2023, ELECTION CONCERNING THE ISSUANCE OF DEBT AND AN EXTENSION OF THE EXPIRING SALES AND USE TAX OF ONE-HALF OF ONE CENT (0.50%) TO PAY SUCH DEBT; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Wheat Ridge (the "City"), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "City Charter"); and

WHEREAS, the members of the City Council of the City (the "City Council") have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR") requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, extension of an expiring tax, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the City will hold a regular election on November 7, 2023, as a coordinated election pursuant to the Uniform Election Code of 1992, as amended; and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, November 7, 2023, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR; and

WHEREAS, the City Council hereby determines that it is necessary to submit to the electors of the City, at a regular election to be held on November 7, 2023 (the "Election"), the questions of increasing the debt of the City to construct the improvements as described in the ballot question below (the "Project"), and to pay such debt by extending the originally approved sales and use tax approved by the voters at the 2016 election and not imposing any new tax (the "debt question"); and

WHEREAS, the Council is authorized to refer questions to the voters by the Home Rule Charter and by CRS 31-11-111; and

WHEREAS, the Council desires to give notice of and call submitting a ballot issue to the voters of the City at a regular election to be held as a coordinated election on November 7, 2023; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election.

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

Section 1. Ballot Question Election Called. Pursuant to the Wheat Ridge City Charter Sections 2.2 and 6.3 and CRS 31-10-501 and 31-11-111, the City hereby gives notice of and calls for the submittal of a ballot question at a Regular Municipal Election to be held November 7, 2023, for the purpose of referring the Ballot Question set forth in Section 2 to the voters of the City.

Section 2. Ballot Question Referred to Voters

SHALL THE CITY OF WHEAT RIDGE DEBT BE INCREASED BY UP TO \$75 MILLION, WITH A REPAYMENT COST OF NOT MORE THAN \$125 MILLION, AND SHALL THE ONE-HALF OF ONE CENT (0.50%) SALES AND USE TAX APPROVED BY THE VOTERS OF THE CITY IN 2016 BE EXTENDED, WITH THE PROCEEDS OF SUCH TAX, AND OTHER SALES AND USE TAX REVENUE AS THE CITY MAY DETERMINE, BE USED FOR THE PAYMENT OF THE 2017 BONDS ISSUED UNDER THE AUTHORITY OF THE 2016 ELECTION AS WELL AS THE DEBT AUTHORIZED BY THIS QUESTION, SUCH DEBT TO BE ISSUED FOR CAPITAL IMPROVEMENT PROJECTS OF THE CITY INCLUDING:

- SIDEWALK, BIKE LANE AND STREET IMPROVEMENTS ON PRIMARY STREET CORRIDORS SUCH AS 32ND AVE., 38TH AVE., 44TH AVE, AND YOUNGFIELD ST.
- FILLING SIDEWALK GAPS AND OTHER SIDEWALK REPAIR AND REPLACEMENT WITH AN EMPHASIS ON MAJOR PEDESTRIAN CORRIDORS AND ROUTES TO SCHOOLS
- DRAINAGE AND FLOODPLAIN INFRASTRUCTURE IMPROVEMENTS AT PRIORITY LOCATIONS IN THE CITY;

AND, TO THE EXTENT FUNDS ARE AVAILABLE, TO PAY DOWN THE 2017 BONDS, AND SHALL SUCH ONE-HALF OF ONE CENT (0.50%) SALES AND USE TAX EXPIRE UPON THE EARLIER TO OCCUR OF THE PAYMENT IN FULL OF THE BONDS OR DECEMBER 31, 2043; SUCH DEBT TO BE SOLD IN ONE SERIES OR

MORE AT A PRICE ABOVE, BELOW OR EQUAL TO THE PRINCIPAL AMOUNT OF SUCH DEBT AND ON SUCH TERMS AND CONDITIONS AS THE CITY MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM OF NOT TO EXCEED 3.00%; AND SHALL THE REVENUES RAISED BY SUCH SALES AND USE TAX AND PROCEEDS OF SUCH DEBT, AND ANY OTHER REVENUE USED TO PAY SUCH DEBT, INCLUDING ANY INTEREST AND INVESTMENT INCOME THEREFROM, BE COLLECTED AND SPENT BY THE CITY AS A VOTER-APPROVED REVENUE CHANGE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES: _____

NO: _____

Section 3. Conduct of Election. The election shall be conducted as a coordinated election in Jefferson County in accordance with articles 1 to 13 of title 1, C.R.S. (the “Uniform Election Code”), and Intergovernmental Agreement (the “Intergovernmental Agreement”) between the Board of County Commissioners of Jefferson County, the Jefferson County Clerk and Recorder (the “County Clerk”) and the City of Wheat Ridge.

Section 4. Setting of Title and Protests. For purposes of CRS 31-11-111, this Ordinance shall serve to set the title and content for the ballot issues set forth herein and the ballot titles for such questions shall be the text of the questions themselves. Any protest to the ballot titles shall be filed in writing with the City Clerk within five (5) business days following the date of adoption of this Ordinance and shall be resolved thereafter by the City Council following a hearing with published notice. The officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County for the conduct of the Election pursuant to CRS 1-7-116. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 5. Authorized Action. The City Clerk and other City officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. Ongoing Authorization of Debt Increase. If a majority of the votes cast on the debt question submitted at the Election shall be in favor of increasing debt as provided in such debt question, the City, acting through the City Council, shall be authorized to proceed with the necessary action to increase debt in accordance with such debt question.

Section 7. Election Contests. Pursuant to CRS 1-11-203.5, any election contest arising out of a ballot issue or ballot question election concerning the order of

the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 8. Ratification of Prior Actions. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the members of the City Council and the officers and employees of the City and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

Section 9. Repealer. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 10. Severability. If any section, paragraph, clause, or provision of this Ordinance shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance, it being the intention that the various parts hereof are severable.

Section 11. Effective Date. This Ordinance shall take effect upon final adoption and signature by the Mayor as permitted by Section 5.11 of the Home Rule Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of August 2023, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 28, 2023, at 6:30 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

ADOPTED on second and final reading following public hearing and ordered published by a vote of 7 to 0 on the 28th day of August 2023.

SIGNED by the Mayor on this 29th day of August, 2023.



Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney



First Publication: August 17, 2023
Section Publication: August 29, 2023
Jeffco Transcript
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