

## ORDINANCE NO. 718

AN ORDINANCE OF THE TOWN OF MILLIKEN SETTING THE BALLOT TITLE AND BALLOT QUESTION REFERRING THIS ORDINANCE AT AN ELECTION TO BE HELD NOVEMBER 3, 2015; PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE; TEMPORARILY INCREASING THE RATE OF THE TOWN SALES AND USE TAX; RESTRICTING THE USE OF REVENUES GENERATED FROM THE TAX INCREASE; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Milliken, Colorado (the "Town"), is a statutory municipality organized and operating under the laws of the State of Colorado;

WHEREAS, the Town presently imposes a sales and use tax at the rate of 2.5% pursuant to Town Ordinance No. 140, as amended by Town Ordinance No. 278 for the sales tax (collectively, the "Sales Tax Ordinance") and Town Ordinance No. 270 for the use tax (the "Use Tax Ordinance") and Town Ordinance No. 457; and

WHEREAS, pursuant to Section 29-2-111, C.R.S., the Board of Trustees of the Town (the "Board") has the power, with elector prior approval, to create a special fund for the deposit of all or any portion of the revenue from a sales and use tax and to pledge such fund solely to provide for capital improvements; and

WHEREAS, at least fifty percent (50%) of the tax revenues collected from the additional one percent sales and use tax rate shall be used for capital improvements and the balance of the additional one percent sales and use tax to be used for public street maintenance; and

WHEREAS, the sales and use tax increase, if approved by the eligible electors of the Town, shall commence on January 1, 2016, and terminate on January 1, 2026; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the Town have voter approval in advance for any tax rate increase; and

WHEREAS, the Town Board desires to submit a ballot issue to the eligible electors of the Town on November 3, 2015, authorizing the temporary tax increase for the purpose set forth in this Ordinance; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN MILLIKEN, COLORADO:

Section 1. Calling the Election. An election shall be held on Tuesday, November 3, 2015, at which there shall be submitted to the eligible electors of the Town a ballot issue authorizing a tax increase, which question shall be in substantially the following form:

SHALL SALES AND USE TAXES FOR MILLIKEN BE INCREASED \$450,000 ANNUALLY IN FISCAL 2016, TO BE USED ONLY FOR PUBLIC STREET IMPROVEMENTS, MAINTENANCE AND REPAIRS, SIDEWALKS, AND STREET LIGHTING, AND FOR CAPITAL PROJECTS, INCLUDING THE CONSTRUCTION, MAINTENANCE AND IMPROVEMENT OF PUBLIC WORKS, AND THE PURCHASE OF LAND AND BUILDINGS, AS DETERMINED BY THE TOWN BOARD, BY INCREASING THE SALES AND USE TAXES FROM 2.5 PERCENT TO 3.5 PERCENT TO CONTINUE FOR TEN YEARS WHEN THE TAX RATE SHALL RETURN TO 2.5 PERCENT WITH ALL TAX REVENUES GENERATED FROM THE INCREASED TAX AUTHORIZED HEREIN AND

FROM ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES TO CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 2. Setting Ballot Title and Content. For purposes of C.R.S. § 1-11-203.5, this Ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself.

Section 3. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance and the holding of a polling place election on November 3, 2015.

Section 4. Temporary Sales and Use Tax Increase. Upon approval of the ballot issue set forth in Section 1 hereof by a majority of the eligible electors voting thereon at said election, the sales and use tax imposed by the Town of Milliken pursuant to the Sales Tax Ordinance and the Use Tax Ordinance shall be 3.5%. The 1.0% sales and use tax rate increase imposed pursuant to this Ordinance shall become effective on January 1, 2016, and shall thereafter terminate on January 1, 2026.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 6. Emergency Declaration; Effective Date. By reason of the fact that it is necessary to certify the ballot issue no later than September 4, 2015, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that, with the exception of Section 4, it shall be in full force and effect upon adoption. Upon passage of this Ordinance and subject to the approval thereof at the election to be held on November 3, 2015, the provisions of Section 4 hereof shall be effective on January 1, 2016.

ADOPTED AND APPROVED this 26<sup>th</sup> day of August, 2015.

TOWN OF MILLIKEN, COLORADO

ATTEST:

By   
Milt Tokunaga, Mayor

By   
Cheryl L. Powell, Town Clerk