

ORDINANCE NO. 7.59

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF LARKSPUR, COLORADO, AT THE REGULAR ELECTION TO BE HELD ON TUESDAY, APRIL 5, 1994, AN ORDINANCE WHICH WOULD ALLOW FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL PROCEEDS OF THE TOWN'S SALES AND USE TAX, ADMISSIONS TAX, AND NON-FEDERAL GRANTS, NOTWITHSTANDING ANY STATE RESTRICTION ON FISCAL YEAR SPENDING, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, EFFECTIVE JANUARY 1, 1994; SETTING FORTH SAID ORDINANCE IN FULL; SETTING FORTH THE BALLOT TITLE; AND PROVIDING OTHER DETAILS IN RELATION THERETO.

BE IT ORDAINED by the Town Council of the Town of Larkspur, Colorado, as follows:

SECTION 1 - Ordinance Text

At the regular municipal election to be held at the regular polling place at the Town of Larkspur, Colorado on Tuesday, April 5, 1994, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the voters of the Town an ordinance which would allow the collection, retention, and expenditure of the full proceeds of the Town's sales and use tax, admissions tax, and non-federal grants, notwithstanding any state restriction on fiscal year spending, including, without limitation, the restrictions of Article X, Section 20 of the Colorado Constitution, effective January 1, 1994. The full text of the ordinance to be submitted is as follows:

AN ORDINANCE TO ALLOW THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL PROCEEDS OF THE TOWN'S SALES AND USE TAX, ADMISSIONS TAX, AND NON-FEDERAL GRANTS, NOTWITHSTANDING ANY STATE RESTRICTION ON FISCAL YEAR SPENDING INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, EFFECTIVE JANUARY 1, 1994

BE IT ORDAINED by the People, through the qualified electors of the Town of Larkspur, Colorado.

Section 1 - Revenue Changes

Pursuant to Article X, Section 20 of the Colorado Constitution, the qualified electors of the Town of Larkspur authorize the Town to collect, retain, and expend the full proceeds of the Town's sales and use tax, admissions tax, and all available non-federal grants, notwithstanding any State restriction on fiscal year spending, including, without limitation, the restrictions of Article X, Section 20 of the Colorado Constitution. Such taxes and grants shall be excluded from the definition of fiscal year spending contained in Article X, Section 20 of the Colorado Constitution on and after January 1, 1994. Nothing in this section shall be interpreted to authorize any increase in the rate of taxation of the sales and use tax or the admissions tax without a vote of the

people if and when required pursuant to Article X, Section 20 of the Colorado Constitution.

Section 2 - Severability

It is the intention of the qualified electors of the Town of Larkspur that this ordinance, and any part or provision hereof, shall be considered severable. Invalidity of any part, section, provision, clause, sentence, or fragment of this ordinance will not affect the validity of any other portion of this ordinance. The qualified electors would have adopted the provisions of this ordinance, or any provision hereof, regardless of the validity of any part, section, provision, clause, sentence or fragment hereof.

SECTION 2 - Ballot Statement

The official ballot shall state the substance of the measure and so stated shall constitute the ballot title, designation and submission clause, and each qualified elector, at the election, shall indicate his or her choice on the measure submitted, which shall be as follows:

(BALLOT QUESTION NO. 1)

SHALL THE TOWN OF LARKSPUR, COLORADO BE PERMITTED TO COLLECT, RETAIN AND EXPEND THE FULL PROCEEDS OF THE TOWN'S SALES AND USE TAX, ADMISSIONS TAX, AND NON-FEDERAL GRANTS, NOTWITHSTANDING ANY STATE RESTRICTION ON FISCAL YEAR SPENDING, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, EFFECTIVE JANUARY 1, 1994, SUCH AMOUNTS TO CONSTITUTE VOTER APPROVED REVENUE AND SPENDING CHANGES?

IN THE EVENT THAT ANY PROVISION OF THIS ORDINANCE IS DECLARED TO BE INVALID, FOR ANY REASON, BY A COURT OF LAW, THEN, IN THAT EVENT, THE VOTERS HEREBY GIVE THEIR APPROVAL TO A 4-YEAR DELAY IN THE IMPOSITION OF ALL APPLICABLE LIMITATIONS IMPOSED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, PURSUANT TO AND IN ACCORDANCE WITH THAT VOTER APPROVAL REQUIRED BY ARTICLE X, SECTION 20 (3)(a) OF THE COLORADO CONSTITUTION.

FOR THE MEASURE ___ AGAINST THE MEASURE ___

SECTION 3 - Voter Approval

If a majority of all of the votes cast at the election on the measure shall be for the measure, the measure and the related ordinance shall be deemed to have passed.

SECTION 4 - Conduct of Election

The election shall be conducted under provisions of the Town Charter, and any applicable ordinances of the Town, including this ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby superseded.

SECTION 5 - Public Notice

(a) The Town Clerk of the Town of Larkspur, Colorado shall give public notice of the election on such measure:

(1) by causing notice to be published in a newspaper of general circulation within the Town, one time at least eight (8) days before election day; and

(2) by mailing to "All Registered Voters" at each address within the Town at which a voter is registered, no sooner than 25 days before the election and no later than 15 days before the election, a notice entitled "Notice of Election to Increase Taxes on a Referred Measure."

(b) This notice shall include only:

(1) the election date and hours for voting, the ballot title and text of the measure by this ordinance submitted to the voters, and the office address and telephone number of the Town Clerk;

(2) the estimated or actual total of the Town fiscal year spending for the current fiscal year and each of the past four fiscal years, and the overall percentage and estimated dollar increase for the next fiscal year;

(3) an estimate of the maximum dollar amount of the revenue change and of Town fiscal year spending without the revenue change for the next full fiscal year; and

(4) two summaries, no more than 500 words each, one for and one against the measure, of written comments filed with the Town Clerk no later than 30 days before the election. No summary shall mention names of persons or private groups nor any endorsement of or resolutions against the measure. The Town Clerk shall maintain, file and accurately summarize all relevant written comments.

SECTION 6 - Notice

The notice of the election shall include the ballot title as well as the full text of the measure.

SECTION 7 - Effectuation

The Town Council and the Town Clerk shall take all action necessary or appropriate to effectuate the provisions of this ordinance.

SECTION 8 - Severability

If any section, paragraph, clause, or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

SECTION 9 - Local Concern

This ordinance is necessary to protect the public health, safety, and welfare of the residents of the Town, and covers matters of local concern.

SECTION 10 - Effective Date

This ordinance shall take effect five (5) days after it is posted, in accordance with Section 3.20 of the Town Charter.

Introduced as an ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 9th day of February, 1994, and passed by a vote of 7 for, 0 against, and 0 abstentions.

Florence Burch
FLORENCE BURCH, Mayor

ATTEST:

Brenda J. Anderson
BRENDA J. ANDERSON, Town Clerk

I hereby certify that the within Ordinance No. 7.59 was posted on the bulletin board at the Town Hall of the Town of Larkspur from February 15, 1994 to February 20, 1994.

Brenda J. Anderson
Town Clerk