

ORDINANCE NO. 7.68

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE TOWN OF LARKSPUR, COLORADO, AT THE SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 1996, 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 COLLECTED BY TOWN DURING 1996 AND EACH SUBSEQUENT YEAR THEREAFTER NOTWITHSTANDING ANY STATE RESTRICTION ON FISCAL YEAR SPENDING, INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; 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 special municipal election to be held on Tuesday, November 5, 1996, 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 collected by the Town during 1996 and each subsequent year thereafter notwithstanding any state restriction on fiscal year spending, including, without limitation, the restrictions of Article X, Section 20 of the Colorado Constitution. The full text of the ordinance to be submitted is as follows:

AN ORDINANCE ALLOWING FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL PROCEEDS OF THE TOWN'S SALES AND USE TAX, ADMISSIONS TAX, AND NON-FEDERAL GRANTS COLLECTED BY THE TOWN, DURING 1996 AND EACH SUBSEQUENT YEAR THEREAFTER, NOTWITHSTANDING ANY STATE RESTRICTION ON FISCAL YEAR SPENDING INCLUDING, WITHOUT LIMITATION, THE RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, SUCH AMOUNT TO CONSTITUTE A VOTER-APPROVED REVENUE CHANGE.

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 non-federal grants collected by the Town during 1996 and each subsequent

year thereafter, notwithstanding any State restriction on fiscal year spending, including, without limitation, the restrictions of Article X, Section 20 of the Colorado Constitution. Nothing in this section shall be interpreted to authorize any increase in the rate of taxation of the sales and use tax, the property 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. Should the Colorado Supreme Court determine that retention and expenditure of said revenues by the Town for all years hereafter is not permitted by State law, then this ordinance shall permit, pursuant to its terms, the Town to collect, retain and expend said revenues for the maximum number of years permissible by State law as determined by the Colorado Supreme Court. 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 3 - 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. 2)
WITHOUT ANY INCREASE IN THE CURRENT RATE OF TOWN TAXES, SHALL THE TOWN OF LARKSPUR, BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND THE FULL PROCEEDS OF THE TOWN'S SALES AND USE TAX, ADMISSIONS TAX, AND NON-FEDERAL GRANTS COLLECTED BY THE TOWN DURING 1996 AND EACH SUBSEQUENT YEAR THEREAFTER REGARDLESS OF ANY LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW, SUCH AMOUNT TO CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; PROVIDED, HOWEVER, THAT SHOULD THE COLORADO SUPREME COURT DETERMINE THAT RETENTION AND EXPENDITURE OF SAID REVENUES BY THE TOWN FOR 1996 AND ALL YEARS THEREAFTER IS NOT PERMITTED BY STATE LAW, THEN THE TOWN SHALL BE PERMITTED TO COLLECT, RETAIN AND EXPEND SAID REVENUES FOR THE MAXIMUM NUMBER OF YEARS PERMISSIBLE BY STATE LAW AS DETERMINED BY THE COLORADO SUPREME COURT.

FOR THE MEASURE ____ AGAINST THE MEASURE ____

SECTION 4 - 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 5 - Conduct of Election

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

SECTION 6 - 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;

(2) by posting in the office of the Town Clerk; and

(3) 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.

(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) 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 7 - Notice

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

SECTION 8 - Effectuation

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

SECTION 9 - 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. Should the Colorado Supreme Court determine that collection, retention and expenditure of said revenues by the Town for all years hereafter is not permitted by State law, then this ordinance shall permit, pursuant to its terms, the Town to collect, retain and expend said revenues for the maximum number of years permissible by State law as determined by the Colorado Supreme Court.

SECTION 10 - 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 11 - 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 29th day of August, 1996, and passed by a vote of 4 for, 3 against, and 0 abstentions.

Florence Birch
FLORENCE BIRCH, Mayor

ATTEST:

Brenda J. Anderson
Town Clerk



I hereby certify that the within Ordinance No. 768 was posted on the bulletin board at the Town Hall of the Town of Larkspur from Sept 6, 1996 to Sept 11, 1996, 1996.

Brenda J. Anderson
Town Clerk