

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 730**

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF MEAD AT THE REGULAR ELECTION TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER, 2013, THE QUESTION OF WHETHER THE TOWN OF MEAD SHOULD BE AUTHORIZED TO COLLECT, RETAIN AND SPEND OR RESERVE FOR ANY LAWFUL MUNICIPAL PURPOSE THE FULL AMOUNT OF TOWN REVENUE COLLECTED FROM ALL SOURCES, INCLUDING PROPERTY TAXES, FOR ALL REVENUE RECEIVED IN 2013 AND EACH SUBSEQUENT YEAR, WITHOUT REGARD TO ANY REVENUE OR EXPENDITURE LIMITATIONS INCLUDING THOSE CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, COLORADO REVISED STATUTE SECTION 29-1-301, OR ANY OTHER LAW; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR CONDUCT OF THE ELECTION; PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 20 (7) of Article X of the Colorado Constitution limits annual increases in a local government's total fiscal year revenue and spending, but expressly allows local voters to approve the retention and expenditure of revenue in excess of the limit; and

WHEREAS, Section 29-1-301 et. seq. of the Colorado Revised Statutes limits annual increases in the amount of property tax revenue a local government may collect and retain, but expressly allows local voters to approve the retention and expenditure of revenue in excess of the limit; and

WHEREAS, at an election occurring on November 5, 1996, the registered electors of the Town of Mead approved Ordinance No. 308 permitting the Town of Mead to collect and spend full revenues generated by the Town of Mead in 1997 and each subsequent year thereafter for the stated purposes of debt service, municipal operations and capital projects; and

WHEREAS, the Board of Trustees is of the opinion that it is in the best interests of the citizens of the Town of Mead that, without creating any new tax or increasing any current taxes, all revenues from all sources, including property taxes, generated during 2013 and each subsequent year thereafter should be collected and retained by the Town notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, Colorado Revised Statute Section 29-1-301, or any other law, and spent or reserved for any lawful purpose; and

WHEREAS, on November 5, 2013, the first Tuesday in November in an odd numbered year the Town of Mead will hold a general elections; and

WHEREAS, as expressly permitted by the Colorado Constitution and Colorado Revised Statutes, the registered electors of the Town of Mead should decide whether or not to allow the Town of Mead to collect, retain and spend or reserve all revenues, including property taxes, in excess of the constitutional and statutory limits, and without increasing taxes or tax rates.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, that:

Section 1. At the general election to be conducted by mail-in ballot in of the Town of Mead on Tuesday, the 5th day of November, 2013, between the hours of 7:00 a.m. 7:00 p.m., there shall be



submitted to the vote of the registered electors of the Town of Mead the question herein authorized.

Section 2. At the said election, the official ballot, including absentee ballots, shall state the substance of the question to be voted upon and so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE TOWN OF MEAD, COLORADO, WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES OR TAX RATES, BE PERMITTED TO COLLECT, RETAIN AND SPEND OR RESERVE FOR ANY LAWFUL MUNICIPAL PURPOSE THE FULL AMOUNT OF THE TOWN REVENUE COLLECTED FROM ALL SOURCES, INCLUDING PROPERTY TAXES, RECEIVED IN 2013 AND EACH SUBSEQUENT YEAR, WITHOUT REGARD TO ANY REVENUE OR EXPENDITURE LIMITATIONS INCLUDING THOSE CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, COLORADO REVISED STATUTE SECTION 29-1-301, OR ANY OTHER LAW?

YES _____

NO _____

Section 3. If a Majority of all the votes cast at the election shall be for the measure, the measure shall be deemed passed, and the Town of Mead shall be authorized to collect, retain and spend or reserve all revenues from all sources, including property taxes, in accordance with the approved measure and to budget and appropriate such revenues and expenditures without regard to the limitations under Article X, Section 20 of the Colorado Constitution, Colorado Revised Statute Section 29-1-301, or any other law, and the revenues authorized for expenditure by the passage of this measure shall not be counted in any such expenditure limitations.

Section 4. The election shall be conducted under the provisions of the State Statutes and ordinances of the Town of Mead and, to the extent applicable, under the provisions of the Colorado Municipal Election Code as set forth in Title 31, Article 10 of the Colorado Revised Statutes.

Section 5. The appropriate Election Official shall give public notice of the election on the question hereby submitted (a) by causing a notice to be published in the Longmont Times-Call newspaper as provided by law, (b) by mailing to "all registered voters" at each address within the Town of Mead 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 ON A REFERRED MEASURE". This notice shall include only: (a) the election date and hours for voting, (b) the ballot title, (c) the text of the measure to be voted upon, (d) the office address and telephone number of the Election Official, and (e) two summaries, not 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, private groups, nor any endorsements of or resolutions against the measure to be voted upon, the Town Clerk shall maintain on file and accurately summarize all relevant written comments.

Section 6. The officers of the Town of Mead are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 7. The Board of Trustees finds and declares that this Ordinance is a matter of local concern pursuant to Article XX, Section 6 of the Constitution of the State of Colorado.

Section 8. Notwithstanding anything to the contrary, this Ordinance shall not be deemed to repeal Ordinance No. 308.

Section 9. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Town Board hereby declares that it would have passed this Ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 10. Repealer. All ordinances, resolutions, bylaws, orders and other instruments, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to repeal the repealer clauses of such ordinance nor revive any ordinance, resolution, bylaw, order, or other instrument, or part thereof, heretofore repealed.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 26TH DAY OF AUGUST, 2013.

ATTEST:

By *Linda Blackston*
Linda Blackston, CMC, Town Clerk

TOWN OF MEAD

By *Richard W. Macomber*
Richard W. Macomber, Mayor

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Steve Moreno, Clerk and Recorder, Weld County, CO

