

**ORDINANCE NO. 2016-021**

**AN ORDINANCE REQUIRING THE  
TOWN OF CASTLE ROCK TO REBATE ITS  
2015 REVENUE EXCESS THROUGH CREDITS ON  
ELIGIBLE ACCOUNT UTILITY BILLS**

**WHEREAS**, the Town Council has been advised by the administrative staff that the Town received revenues in excess of the applicable limitations under Article X, Section 20 of the Colorado Constitution (TABOR) in the 2015 fiscal year in the approximate amount of \$714,580,

**WHEREAS**, the Town of Castle Rock has determined the appropriate manner to refund the TABOR excess is through issuing credits on utility bills to certain eligible accounts.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1.     Conditional Effect.** This ordinance shall only take effect in the event that the revenue change before the voters pursuant to Ordinance No. 2016-020 is not approved at the November 8, 2016 Regular Election.

**Section 2.     Refund through Utility Bill Credit.** The Town of Castle Rock shall refund certain excess revenues through a utility bill credit as follows:

- A.     “Eligible utility accounts” shall mean all utility accounts coded as, residential for the provision of all municipal water and sanitary sewer services by the Town which were customers on December 31, 2015 and remain active in the water billing system as of the December 2016 billing cycle.
- B.     The Town shall determine the amount of excess revenue under TABOR which is to be refunded pursuant to Article X, Section 20(7) of the Colorado Constitution, and in accordance with Chapter 3.06 of the Castle Rock Municipal Code.
- C.     Upon determining the amount of excess revenue to be refunded, the Town shall divide the total excess revenue amount by the number of eligible utility accounts (the “account credit”). The Town shall credit every eligible active utility account which is active on the posting date of the account credit an amount equal to the account credit.

**Section 3.     Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstance shall for any reason be

adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 4. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted to for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 2<sup>nd</sup> day of August, 2016 by a vote of -6- for and -0- against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this 16<sup>th</sup> day of August, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally A. Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney