

ORDINANCE NO. 2021-018

AN ORDINANCE CALLING A SPECIAL MUNICIPAL ELECTION OF THE TOWN OF CASTLE ROCK TO BE CONDUCTED AS A COORDINATED ELECTION ON NOVEMBER 2, 2021, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED ELECTORS CERTAIN QUESTIONS AS PROPOSED IN ORDINANCE NOS. 2021-014, 2021-015, 2021-016, AND 2021-017

WHEREAS, Section 4-3 of the Home Rule Charter (the “Charter”) of the Town of Castle Rock (the “Town”) provides that a special municipal election may be called by ordinance on such terms and conditions as are specified therein; and

WHEREAS, the Town Council has determined that it is necessary and appropriate to refer to the registered electors of the Town certain questions as proposed in Ordinance Nos. 2021-014, 2021-015, 2021-016, and 2021-017 at a special municipal election to be conducted in coordination with the statewide coordinated election on November 2, 2021.

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

Section 1. Election Call. Pursuant to Section 4-3 of the Charter and the Colorado Municipal Election Code of 1965, a special municipal election of the Town of Castle Rock shall be conducted as a coordinated election on November 2, 2021, for the purposes set forth in this ordinance.

Section 2. Questions Submitted. As authorized by Ordinance Nos. 2021-014, 2021-015, 2021-016, and 2021-017, the following ballot titles and questions shall be placed on the November 2, 2021, ballot:

NEW HOUSING CONSTRUCTION TAX FOR POLICE AND FIRE

SHALL CASTLE ROCK TAXES BE INCREASED BY \$13,900,000 ANNUALLY IN THE FIRST FULL YEAR OF SUCH INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FOR THE SOLE PURPOSE OF PROVIDING POLICE, FIRE PROTECTION, AND EMERGENCY MEDICAL SERVICES FROM A NEW HOUSING CONSTRUCTION TAX IMPOSED AT A RATE UP TO AND INCLUDING \$7.00 PER SQUARE FOOT OF NEW RESIDENTIAL CONSTRUCTION; PROVIDED THAT:

(I) COMMENCING JANUARY 1, 2023, THE MAXIMUM RATE SHALL BE ADJUSTED FOR INFLATION IN FUTURE YEARS IN ACCORDANCE WITH THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS IN THE DENVER-AURORA-LAKEWOOD STATISTICAL AREA;

(II) THE RATE OF SUCH TAX MAY BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE DOES NOT EXCEED \$7.00 PER SQUARE FOOT AS ADJUSTED FOR INFLATION; AND

(III) ALL REVENUES FROM SUCH TAX SHALL BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AS AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER APPLICABLE LAW?

YES ____ NO ____

PARKS AND RECREATION SALES TAX ON LODGING

SHALL CASTLE ROCK TAXES BE INCREASED BY \$650,000 ANNUALLY IN THE FIRST FULL YEAR OF SUCH INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FROM AN ADDITIONAL 6.0% SALES TAX ON LODGING, TO BE USED SOLELY FOR PARKS AND RECREATION PURPOSES, AND SHALL ALL REVENUES FROM SUCH TAX BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AS AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER APPLICABLE LAW?

YES ____ NO ____

OPEN SPACE SALES AND USE TAX

SHALL CASTLE ROCK TAXES BE INCREASED BY \$1,870,000 ANNUALLY IN THE FIRST FULL YEAR OF SUCH INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FROM A 0.1% SALES AND USE TAX, TO BE USED SOLELY FOR THE PURPOSE OF ACQUIRING, DEVELOPING, AND MAINTAINING OPEN SPACE AND TRAILS, AND SHALL ALL REVENUES FROM SUCH TAX BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AS AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER APPLICABLE LAW?

YES ____ NO ____

USE OF ALL EXCESS REVENUES SOLELY FOR POLICE, FIRE, AND ROADS

WITHOUT CREATING NEW TAXES OR RAISING CURRENT TAXES AND SOLELY TO PAY FOR THE FOLLOWING:

- POLICE;
- FIRE PROTECTION;
- EMERGENCY MEDICAL SERVICES;
- ROADS AND OTHER TRANSPORTATION PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE CRYSTAL VALLEY/ I-25 INTERCHANGE,

SHALL CASTLE ROCK BE AUTHORIZED:

(I) TO RETAIN AND SPEND ALL TOWN REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON TOWN FISCAL YEAR SPENDING FOR THE NEXT TEN FISCAL YEARS, BEGINNING WITH THE 2021 FISCAL YEAR; AND

(II) TO RETAIN AND SPEND AN AMOUNT OF TOWN REVENUES IN EXCESS OF SUCH LIMITATION FOR THE 2031 FISCAL YEAR AND THEREAFTER UP TO AN AMOUNT EQUAL TO THE HIGHEST TOTAL TOWN REVENUES FOR ANY FISCAL YEAR FROM THE 2021 FISCAL YEAR THROUGH AND INCLUDING THE 2030 FISCAL YEAR, ADJUSTED EACH YEAR AS PROVIDED FOR BY ARTICLE X, SECTION 20(7) OF THE COLORADO CONSTITUTION?

YES ____ NO ____

Section 3. Applicability of the Uniform Election Code of 1992. The special election shall be conducted in accordance with the applicable provisions of the Town Charter and the Uniform Election Code of 1992.

Section 4. Actions by Town Clerk. The Town Clerk is hereby directed to take all necessary and proper actions to place these ballot issues on the statewide coordinated election ballot of November 2, 2021.

Section 5. Election. The election shall be conducted in accordance with the terms and conditions set forth in an Intergovernmental Agreement between the Town of Castle Rock and Douglas County, hereby authorized and approved in the form attached hereto as ***Exhibit 1***. The Mayor and other proper Town officials are hereby authorized to execute the Intergovernmental Agreement by and on behalf of the Town.

Section 6. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances 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 7. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted 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 20th day of July, 2021 by a vote of 7 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 17th day of August, 2021, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager