

ORDINANCE NO. 808

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS AT THE NOVEMBER 8, 2016 REGULAR ELECTION A BALLOT ISSUE CONCERNING ADOPTION OF A LODGING TAX.

WHEREAS, the City of Dacono is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City's Charter; and

WHEREAS, the members of the City Council of the City have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR") requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the City will hold its regular municipal election on November 8, 2016, which election shall be conducted as a coordinated election pursuant to the Uniform Election Code of 1992, as amended; and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, November 8, 2016 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR; and

WHEREAS, there are currently no hotels, motels or other public lodging facilities located within the City, but the City envisions such uses will likely be developed within the City in the future; and

WHEREAS, the City Council is of the opinion that it should refer to the voters at the 2016 election a TABOR ballot issue concerning the proposed adoption of a lodging excise tax, as further stated in this ordinance, so the potential revenue stream from such land use will be in place and available to further enhance the City's economic development efforts to the benefit of all present and future residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Pursuant to applicable provisions of the laws of the State of Colorado and the City of Dacono Home Rule Charter, the City Council hereby submits to the registered electors of the City, at the regular election to be held on November 8, 2016 the ballot issue specified in Section 2 of this ordinance.

Section 2. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Dacono regular election to be held on November 8, 2016:

BALLOT ISSUE 2A

SHALL CITY OF DACONO TAXES BE INCREASED \$0 IN 2016 AND THEN ANNUALLY BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED THEREAFTER BY THE IMPOSITION OF AN EXCISE TAX ON THE LEASING OR RENTING OF ANY HOTEL ROOM, MOTEL ROOM OR OTHER PUBLIC LODGING LOCATED IN THE CITY FOR A PERIOD OF LESS THAN THIRTY (30) DAYS AT THE RATE OF THREE PERCENT (3.0%) BEGINNING JANUARY 1, 2017 AND CONTINUING THEREAFTER; WITH THE NET PROCEEDS OF SUCH TAX TO BE COLLECTED, RETAINED AND SPENT FOR ECONOMIC DEVELOPMENT, INCLUDING BUT NOT LIMITED TO PROVIDING INCENTIVES FOR DEVELOPMENT AND MARKETING, AND FOR ANY OTHER LAWFUL MUNICIPAL PURPOSE RELATED TO ECONOMIC DEVELOPMENT; AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH TAX AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____
NO _____

Section 3. The City Council may submit additional ballot issues or other measures to appear on the ballot of the regular election by the adoption of appropriate resolutions or ordinances as required by law.

Section 4. The regular election shall be conducted as a part of a coordinated general election in accordance with the provisions, requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., as amended.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 6. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the City, directed towards the election and the objects and purposes herein stated, are hereby ratified, approved and confirmed.

Section 7. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 27th day of June, 2016.

PUBLIC HEARING AND SECOND READING WILL BE THE 11th day of July, 2016, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this _____ day of _____, 2016.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 808, “AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS AT THE NOVEMBER 8, 2016 REGULAR ELECTION A BALLOT ISSUE CONCERNING ADOPTION OF A LODGING TAX”: Refers to the registered electors of the City of Dacono a TABOR ballot issue concerning adoption of a lodging tax.