

ORDINANCE NO. 1-2024

AN ORDINANCE OF THE TOWN OF WESTCLIFFE, COLORADO, APPROVING THE BALLOT QUESTION TO BE SUBMITTED TO THE REGISTERED ELECTORS OF THE TOWN OF WESTCLIFFE AT THE REGULAR ELECTION ON APRIL 2, 2024, ON THE QUESTION OF, WITHOUT RAISING ADDITIONAL TAXES, EXTENDING THE EXISTING ADDITIONAL ONE PERCENT (1.0%) SALES TAX APPROVED BY THE VOTERS BY ORDINANCE NO. 12-2019, BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2024, WITH SUCH AMOUNTS TO BE PLEDGED TO THE TOWN OF WESTCLIFFE CAPITAL IMPROVEMENTS PROJECTS FUND AND TO BE USED SOLELY FOR CAPITAL IMPROVEMENTS PROJECTS APPROVED BY THE BOARD OF TRUSTEES, INCLUDING NEW CONSTRUCTION AND REPAIRS TO STREETS, SIDEWALKS, CURBS AND GUTTERS, ALLEYWAYS, PARKS, TOWN OWNED EQUIPMENT AND OTHER IMPROVEMENTS IN THE TOWN; AS A VOTER APPROVED REVENUE CHANGE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES, AND SETTING FORTH RELATED DETAILS

WHEREAS, the Town of Westcliffe (the "Town"), is a Colorado statutory town duly organized and existing under laws of the State of Colorado; and

WHEREAS, the voters of the Town have approved an additional one percent (1%) sales tax increase, which tax expires December 31, 2024; and

WHEREAS, the voters should consider authorizing the Board of Trustees to continue the one percent (1%) additional sales tax from its present expiration date, and beginning January 1, 2025, designate the revenue generated for construction and repair of streets, sidewalks, alley ways, curbs and gutters, parks, town owned equipment, and other physical improvements; and

WHEREAS, it is appropriate for the voters to approve the continued collection, retention, and expenditure of the full tax proceeds and any related earnings from this portion of the sales tax; and

WHEREAS, pursuant to applicable law, including but not limited to Article 2 of Title 29, Colorado Revised Statutes, the Town is authorized to adopt a municipal sales tax and has previously adopted upon voter approval a permanent municipal sales tax of two percent (2.0%); and

WHEREAS, the Board of Trustees has determined that the continued use of the additional one percent (1%) sales tax will continue to generate the Town's necessary capital improvement funding; and

WHEREAS, April 2, 2024, is the date of the regular municipal election in the Town and one of the election dates at which ballot issues may be submitted to the eligible electors of the Town; and

WHEREAS, the Board of Trustees desires to approve the specific ballot language to be submitted to the registered electors of the Town;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO:

Section 1. A regular municipal election will be held on Tuesday, April 2, 2024.

Section 2. At the election, there shall be a ballot question submitted to the eligible voters of the Town of Westcliffe regarding the continuation of the one percent (1%) additional sales tax.

Section 3. The official ballot shall contain the following ballot title, which shall be submitted to the eligible voters of the Town of Westcliffe on April 2, 2024, as follows:

BALLOT QUESTION ISSUE 1

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING ONE PERCENT (1.0%) TOWN SALES TAX FOR CAPITAL IMPROVEMENTS PROJECTS APPROVED BY THE BOARD OF TRUSTEES, INCLUDING NEW CONSTRUCTION AND REPAIRS TO STREETS, SIDEWALKS, CURBS AND GUTTERS, ALLEYWAYS, PARKS, TOWN OWNED EQUIPMENT AND OTHER IMPROVEMENTS IN THE TOWN BE EXTENDED FROM ITS CURRENT EXPIRATION OF DECEMBER 31, 2024, IN PERPETUITY; AND SHALL THE REVENUES FROM SUCH SALES TAXES AND ANY RELATED EARNINGS BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) OR ANY OTHER LAW, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN?

YES/APPROVED

NO/DENIED

Section 4. The provisions of this ordinance shall take effect, following passage and approval by the electors of the Town as provided herein, on April 2, 2024.

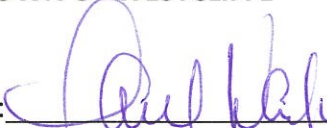
Section 5. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board of Trustees and the registered voters of the Town hereby declare that they would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 6. The repeal or modification of any provision of the Municipal Code of the Town of Westcliffe by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

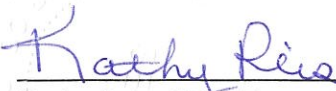
Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED BY MAJORITY VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF WESTCLIFFE ON THE 16th DAY OF JANUARY, 2024.

TOWN OF WESTCLIFFE

By: 
Paul Wenke, Mayor

ATTESTED:


Kathy Reis, CMC, Town Clerk