

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SANG
Council Bill No. 15-2008
Ordinance No. 1419

Series of 2008

TITLE: AN ORDINANCE SUBMITTING A BALLOT ISSUE TO THE VOTERS OF THE CITY AT THE NOVEMBER 4, 2008 SPECIAL ELECTION, CONCERNING THE AUTHORIZATION OF A TEMPORARY SALES AND USE TAX RATE INCREASE AND REVENUE BONDS TO FINANCE THE RECONSTRUCTION AND STREETSCAPING OF PORTIONS OF WEST 38TH AVENUE

WHEREAS, the City Council of the City of Wheat Ridge, Colorado has the authority to refer ballot issues to the electorate; and

WHEREAS, the Council wishes to refer a ballot issue concerning temporarily increasing the City of Wheat Ridge sales and use tax to be used solely to pay revenue bonds issued for the purpose of financing various street capital improvements; and

WHEREAS, the Council wishes to set the title for the same.

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

Section 1. Ballot issue referred.

The following ballot issue is hereby referred to the electorate of the City at the November 4, 2008 election:

SHALL THE CITY OF WHEAT RIDGE TAXES BE INCREASED \$3,925,000 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY AND SHALL THE CITY OF WHEAT RIDGE DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$33,435,000, WITH A MAXIMUM REPAYMENT COST OF \$72,015,000; WHICH TAXES SHALL CONSIST OF THE REVENUES GENERATED FROM A TEMPORARY RATE INCREASE OF 0.6% IN THE CITY SALES AND USE TAX (REPRESENTING A SIX-TENTHS OF ONE CENT INCREASE ON EACH DOLLAR SUBJECT TO THE TAX) AND SHALL BE USED SOLELY TO PAY REVENUE BONDS ISSUED FOR THE PURPOSE OF FINANCING OR REFINANCING

- THE RECONSTRUCTION OF 38TH AVENUE FROM KIPLING STREET TO YOUNGFIELD STREET (TO INCLUDE BUT NOT LIMITED TO TURN LANES, SIDEWALKS, STORMWATER DRAINAGE, STREET LIGHTING, PEDESTRIAN TRAILS,

STREETSCAPE AND UNDERGROUNDED UTILITIES) AND THE STREETSCAPING OF 38TH AVENUE FROM HARLAN STREET TO WADSWORTH BOULEVARD (TO INCLUDE BUT NOT LIMITED TO DETACHED SIDEWALKS, IRRIGATED TREE LAWNS, PEDESTRIAN LIGHTS AND STREET FURNITURE)

SUCH BONDS TO BE DATED AND SOLD AT SUCH TIME, AND AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE CITY COUNCIL MAY DETERMINE; SUCH TAX RATE INCREASE TO COMMENCE JANUARY 1, 2009 AND TERMINATE ON THE 1ST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE DATE ON WHICH THE DEBT APPROVED HEREBY IS PAID IN FULL; AND SHALL THE TAX REVENUES FROM THE TAX INCREASE AND ALL EARNINGS ON SUCH REVENUES AND THE PROCEEDS OF THE BONDS (REGARDLESS OF THE AMOUNT) CONSTITUTE A VOTER APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Yes: _____

No: _____

Section 2. Ballot Title Set. The ballot title for the election is hereby set as follows: the text of the ballot issue referred in Section 1 of this Ordinance.

Section 3. Challenges to ballot title and content. For purposes of C.R.S. § 1-11-203.5 and § 31-10-1308(2), this Ordinance shall serve to set the title and content of the ballot issue set forth herein. Any petition to contest the form or content of the ballot title must be filed with the Jefferson County District Court and a copy served on the City Clerk within five days after the title of the ballot issue is set by the City Council upon final adoption of this Ordinance on second reading.


Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading, as permitted by the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7-0 on this 11th day of August, 2008, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for **August 25, 2008, at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it take effect immediately upon adoption at second reading.

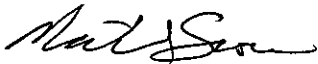
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0 , this 25th day of August, 2008.

SIGNED by the Mayor on this 25th day of August , 2008.



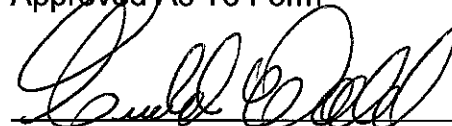
Jerry D. Tullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

First Publication: August 14, 2008

Second Publication: August 28, 2008

Wheat Ridge Transcript

Effective Date: August 25, 2008