

ORDINANCE 2017-23

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE APRIL 3, 2018 REGULAR MUNICIPAL ELECTION, A BALLOT ISSUE CONCERNING A REVENUE RETENTION MEASURE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) PROVIDING FOR THE RETENTION OF REVENUE IN EXCESS OF THE FISCAL YEAR SPENDING LIMITS FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2024

WHEREAS, the City of Fruita is a growing community in need of additional capital improvement projects while maintaining vital municipal services; and

WHEREAS, City of Fruita voters have approved five previous revenue retention measures in 1993, 1995, 2000, 2006, and 2012 allowing the City of Fruita to retain revenues over TABOR limits, which funds were to be used for capital projects and road maintenance; and

WHEREAS, in the 2012 election, 77% of the voters approved the revenue retention measure; and

WHEREAS, because of these positive votes for revenue retention, the City has been able to complete \$13.5 million of capital improvements with the retention of \$2.75 million in excess revenue; and

WHEREAS, the Fruita City Council formed a Citizen Review Committee in the fall of 2017 to analyze TABOR and its effects on the City of Fruita; and

WHEREAS, in its November 7, 2017 report, the Citizen Review Committee recommended that the Fruita City Council bring a revenue retention measure question to the voters in April of 2018 asking to keep funds over the TABOR limits with the restriction that funds be used for capital projects and the maintenance related thereto, and

WHEREAS, the Fruita City Council finds and determines that it is in the best interest of the City of Fruita to request the electors voting in the regular municipal mail ballot election to be held April 3, 2018, to authorize an increase in revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution from January 1, 2019, through December 31, 2024 without any increase in existing tax rates or the imposition of additional taxes, for the purpose of implementing the city's capital improvement plan and maintenance thereof; and

WHEREAS, the Fruita City Council finds and determines that such requested authorization is permitted under Article X, Section 20 of the Colorado Constitution and Article 41 of Title 1, C.R.S., as amended.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1: That the following ballot issue shall be submitted to the electors voting in the regular municipal mail ballot election to be held on April 3, 2018:

REFERRED ISSUE A

“Without increasing existing tax rates or adding new taxes of any kind, shall the City of Fruita be authorized, from January 1, 2019, through December 31, 2024, to receive and expend all grants and to collect, retain, and expend all revenues generated in excess of the revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution for the purpose of implementing the city’s capital improvement plan including the maintenance of capital improvements?”

_____ YES _____ NO

Section 2: Upon approval of the above question by the majority of the registered electors voting thereon, the City of Fruita shall be authorized to increase its revenue and expenditure limitations from January 1, 2019, through December 31, 2024, without increasing existing tax rates or adding new taxes of any kind. The City of Fruita shall further be authorized to receive and expend State grants; and to receive and expend all tax and other revenues generated in excess of the limitations set forth in Article X, Section 20 of the Colorado Constitution for the purpose of implementing the City’s Capital Improvements Plan and maintenance of those capital improvements.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 5th DAY OF DECEMBER, 2017**

ATTEST:



City Clerk

City of Fruita



Lori Buck, Mayor