

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2017-17

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL SUBMITTING TO THE
QUALIFIED ELECTORS OF THE TOWN OF NEW CASTLE AT THE NOVEMBER 7, 2017
COORDINATED ELECTION A BALLOT ISSUE CONCERNING THE ADOPTION OF A
ONE-TIME USE TAX ON THE PURCHASE OF VEHICLES WHICH REQUIRE
REGISTRATION

WHEREAS, the Town of New Castle, Colorado ("Town") is a duly organized home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the Town; and

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

WHEREAS, the Town's revenues have decreased in recent years as a result of decreased mineral tax revenue; and

WHEREAS, the Town is one of only a few municipalities in the state that does not impose a use tax on the privilege of storing, using, or consuming vehicles within the Town that are purchased at retail and require registration; and

WHEREAS, adopting a vehicle use tax would put the Town in line with all other nearby cities and towns which have previously implemented a vehicle use tax to increase revenue for the benefit of their citizens; and

WHEREAS, based on feedback from the Community Revenue Group and others, the Town Council has determined that it would be in the best interest of the Town's citizens to impose a vehicle use tax; and

WHEREAS, Town Council desires to dedicate revenue from the vehicle use tax to purposes that promote the health, safety, enjoyment, and economic vitality of the Town and its residents; and

WHEREAS, Town Council intends to appoint a Citizens Advisory Group to advise the Council as to how proceeds from the vehicle use tax should be spent; and

WHEREAS, Town Council desires to adopt an ordinance imposing a use tax at the rate of three and one-half percent (3.5%) of the retail value of motor vehicles purchased at retail and that require registration, but, pursuant to C.R.S. § 29-2-102, such ordinance can only become effective upon the approval of a majority of the registered electors of the Town voting thereon at a regular or special election; and

WHEREAS, further, Article X, Section 20 of the Colorado Constitution ("TABOR") limits the ability of the Town to enact new taxes unless the eligible electors of the Town to approve such new taxes and authorize the expenditure of revenues from such taxes; and

WHEREAS, November 7, 2017, is the first Tuesday following the first Monday in November of an odd-numbered year and is one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the County Clerk and Recorder ("County Clerk") of Garfield County ("County") will conduct an election on November 7, 2017 as a coordinated election (the "Election"); and

WHEREAS, by Resolution No. TC 2017-13, the Town approved an intergovernmental agreement with the County regarding the coordinated election and made other approvals related to the conduct of the election; and

WHEREAS, the Board desires to submit to the electors of the Town voting at such coordinated election the question of enacting a use tax on the privilege of storing, using, or consuming vehicles within the Town that are purchased at retail and require registration that would be collected once upon initial registration of such vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

Section 2. The following Ballot Issue shall be submitted to the qualified electors of the Town voting in the coordinated election to be held on November 7, 2017:

SHALL THE TOWN OF NEW CASTLE'S TAXES BE INCREASED BY \$330,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FOR THE FOLLOWING PURPOSES:

- PROMOTE PUBLIC SAFETY BY FUNDING NEW CASTLE POLICE DEPARTMENT EXPENSES FOR VEHICLES, TRAINING AND EQUIPMENT;
- DEVELOP A PLAN TO CREATE A PLAYING FIELD AND FIELD HOUSE COMPLEX TO SUPPORT OUR COMMUNITY'S YOUNG ATHLETES AND THEIR FAMILIES;
- MAINTAIN AND EXPAND NEW CASTLE'S RECREATION PROGRAMS AND FACILITIES;
- SUPPORT COMMUNITY VOLUNTEER GROUPS WHICH CREATE PROGRAMS, ACTIVITIES, AND EVENTS FOR ARTS, CULTURE, RECREATION, EDUCATION, AND CELEBRATIONS OF NEW CASTLE; AND
- MARKET AND BRAND NEW CASTLE THROUGH IMPROVED SIGNAGE, WAY FINDING, INTERNET CONTENT, SOCIAL MEDIA AND ADVERTISING, WITH THE AIM OF INCREASING REVENUE FOR THE ABOVE OBJECTIVES;

WITH SAID REVENUES BEING ALLOCATED ACCORDING TO THE ADVICE OF A CITIZENS ADVISORY GROUP APPOINTED BY THE NEW CASTLE TOWN COUNCIL AND GENERATED BY IMPOSING A ONE-TIME USE TAX AT PURCHASE OF 3.5% OF THE RETAIL VALUE OF ANY MOTOR VEHICLE THAT REQUIRES REGISTRATION, WITH SAID TAX TO BE IN EFFECT FROM JANUARY 1, 2018 THROUGH AND INCLUDING DECEMBER 31, 2025, AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUES AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES/FOR

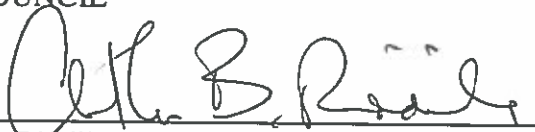
_____ NO/AGAINST

Section 3. In addition to the notice of election required to be published by Colorado law, the Town Clerk shall also cause to be published a notice stating that written comments for or against the Ballot Issue described in Section 2 above may be filed with the Town Clerk on or before 5:00 p.m. on September 22, 2017, and that a summary of such comments will then be distributed to registered voters in accordance with law. The Town Clerk is further directed to prepare a notice concerning the Ballot Issue in accordance with Article X, Section 20 of the Colorado Constitution and other applicable law and deliver it to the County Clerk no later than September 26, 2017.

Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of New Castle, Colorado, held on September 5, 2017.

TOWN OF NEW CASTLE TOWN
COUNCIL



Art Riddile, Mayor

ATTEST



Melody Harrison, Town Clerk

