

ORDINANCE NO. 674

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE GENERAL ELECTION TO BE HELD NOVEMBER 8, 2016, A BALLOT ISSUE CONCERNING THE IMPOSITION OF AN INCREASE IN THE SALES TAX FROM 4.0% TO 4.5% AND, UPON ELECTOR APPROVAL, AMENDING THE HAYDEN MUNICIPAL CODE TO PROVIDE FOR THE SAME.

RECITALS

1. The Town of Hayden, Colorado ("Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the Town Council ("Council") have been duly elected and qualified.
3. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local sales taxes, with voter approval.
4. Article X, Section 20, of the Colorado Constitution ("TABOR") and Section 8-16 of the Town of Hayden Home Rule Charter authorizes the Town to submit ballot issues proposing new taxes to its eligible electors at an election to be held on November 8, 2016.
5. The Council hereby determines that both the Town's interest and the public interest and necessity require that the Town impose an increase in the existing sales tax rate from 4.0% to 4.5%.
6. The Council has determined and hereby determines and declares that the interest of the Town and the public interest and necessity require that the Town be allowed to collect, retain and spend all revenues generated from such sales tax, if such tax is approved, regardless of the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution.
7. It is appropriate for voters to approve collection, retention and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado:

Section 1. Sales Tax Rate Increase Imposed. Subject to voter approval as provided in Section 4 of this Ordinance, the sales tax rate presently extant is hereby increased from 4.0% to 4.5% (the "Sales Tax Increase")

Section 2. Use of Revenues. The revenues derived from the Sales Tax Increase shall be expended for all purposes and uses permitted by the Town of Hayden Home Rule Charter.

Section 3. Duration. The Sales Tax Increase shall commence for collection purposes beginning January 1, 2017 and continue until repealed by ordinance.

Section 4. Election. Before the tax provided in this Ordinance shall become effective, it shall be submitted to and receive the approval of a majority of the eligible electors of the Town voting thereon at the coordinated election to be held on Tuesday, November 8, 2016.

(a) Conduct of Election. The election shall be held and conducted in accordance with Section 29-2-102, C.R.S., and in accordance with Article X, Section 20 of the Colorado Constitution. The Town Council hereby approves and authorizes the Town Manager and Town Clerk to execute and enter into such agreements or amendments to agreements, on behalf of the Town, with Routt County, Colorado, regarding the conduct of the election. The Town Council hereby designates the Town Clerk as the Designated Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this election.

(b) Ballot Title. The ballot title for the Sales Tax Increase shall be in substantially the following form:

SHALL THE TOWN OF HAYDEN SALES TAX RATE BE INCREASED FROM FOUR PERCENT (4.0%) TO FOUR AND ONE HALF PERCENT (4.5%) RESULTING IN AN ESTIMATED \$105,349.00 ANNUALLY IN FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2017 AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAX AT SUCH RATE AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE TOWN OF HAYDEN UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES

NO

Section 5. Codification. In the event a majority of Town electors voting on the ballot issue referred by Section 4 of this Ordinance vote in favor of the issue, as determined and certified by the election results, the Hayden Municipal Code shall be amended as of January 1, 2017, to implement the approved tax increase through the adoption of the provisions of **Exhibit A**, attached hereto and incorporated herein by this reference. It is the express intent of the Council that, in the event a majority of Town electors voting on the ballot issue established and referred by this Ordinance vote against the issue, the Code amendment set forth in **Exhibit A** shall not take effect and shall be null and void.

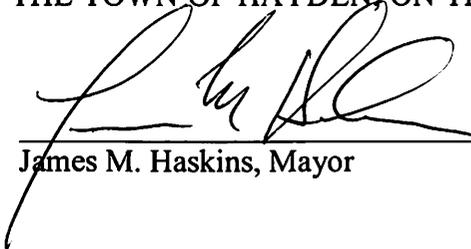
Section 6. Authorization. The officers of the Town are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

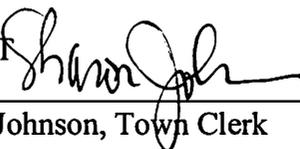
Section 7. Severability. If any portion of this Ordinance or the ballot title is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading, and the Sales Tax Increase provided for herein shall be effective January 1, 2017, contingent upon approval by the eligible electors at the November 8, 2016 election.

Section 9. Public hearing. A public hearing on this Ordinance shall be held on the 16th day of June, 2016, at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

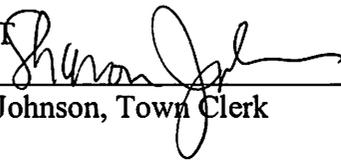
INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THIS 2nd DAY OF JUNE, 2016.


James M. Haskins, Mayor

ATTEST 
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016.


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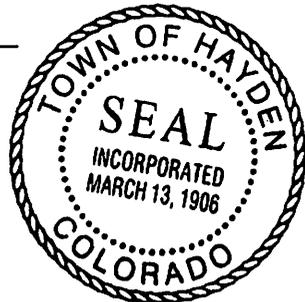


EXHIBIT A

RECITALS

1. The Town of Hayden, Colorado ("Town") is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local sales taxes, with voter approval.
3. The Town submitted a ballot issue proposing an increase in the sales tax rate to its eligible electors at an election on November 8, 2016.
4. The eligible electors voted to approve the referred question concerning the increase in the sales tax rate.

NOW, THEREFORE:

All references to the 4.0% sales tax rate codified within Chapter 3.04 of the Hayden Municipal Code ("Code") are amended to a 4.5% sales tax rate, and all references throughout said Chapter to a July 1988 effective date of the sales tax rate are amended to a January, 2017 effective date, excepting Code Section 3.04.065, which is hereby amended to read in its entirety as follows:

3.04.065 Effective Date of Tax.

Upon approval of the sales tax rate increase from 4.0% to 4.5%, referred to Town electors by Ordinance No. 674 and approved by Town electors at the November 8, 2016 regular Town election, the sales tax rate of 4.5% shall become effective and enforced on the first day of January, 2017, and shall apply to all transactions subject to such tax made on or after such date.