

FIRST READING: August 6, 2024

SECOND READING: August 20, 2024

ORDINANCE NO. 6726

**AN ORDINANCE OF THE LOVELAND CITY COUNCIL,
AUTHORIZING A TABOR ELECTION ON NOVEMBER 5,
2024, FIXING THE BALLOT TITLE AND QUESTION, AND
SETTING FORTH OTHER DETAILS RELATING
THERE TO.**

WHEREAS, the City of Loveland (the “City”), is a duly organized and existing home rule municipality of the State of Colorado (the “State”), created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”); and

WHEREAS, the members of the City Council of the City of Loveland (the “Council”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 5, 2024, is one of the dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and

WHEREAS, the Council has determined to call a special election to be held on November 5, 2024, for the purpose of submitting ballot issues under TABOR and proposed Charter amendments to the eligible electors of the City; and

WHEREAS, pursuant to Section 6.1 of the Charter, elections of the City are governed by the Colorado Municipal Election Code, constituting Title 31, Article 10, C.R.S., as amended (the “Municipal Election Code”), except as otherwise provided by the Charter or by ordinance; and

WHEREAS, Section 31-10-102.7, C.R.S., contained within the Municipal Election Code permits any municipality to elect by ordinance or resolution to utilize the requirements and procedures of the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”), which will thereby permit the City to participate in the coordinated election being conducted by Larimer County (the “County”) on November 5, 2024; and

WHEREAS, on July 16, 2024, the Council adopted Resolution #R-75-2024 authorizing the City Clerk to notify the Larimer County Clerk and Recorder of the City’s intention to participate in the Election (defined below) and on August 6, 2024, adopted Ordinance No. 6721 providing that the City’s special election be conducted as a coordinated election with the Larimer County Clerk and Recorder and governed by the Uniform Election Code to the extent necessary to conduct the election as a coordinated election; and

WHEREAS, the Council now determines that it is necessary to submit to the electors of the City, at the election that will be held as a coordinated election with the County on November 5, 2024 (the “Election”), a ballot issue to authorize the City to collect, retain and spend all revenues received by the City without regard to the limits of TABOR for a period of twelve years, with such excess revenues to be used for police and fire, street construction and maintenance, and parks construction and maintenance; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election.

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this ordinance) by the City and the officers and agents thereof, directed towards the Election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein have the meanings defined in the Uniform Election Code.

Section 3. Pursuant to TABOR, the Charter, the Municipal Election Code and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the City hereby determines that the Election shall be held as a special election within the City on November 5, 2024, and that there shall be submitted to the eligible electors of the City the question set forth herein. Because the Election will be held as part of the coordinated election, the Council hereby determines that the County Clerk of the County shall conduct the Election on behalf of the City. The officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the designated election official of the City to certify on or before September 6, 2024, the following question in substantially the form hereinafter set forth to the County Clerk. Such question shall be submitted to the eligible electors of the City at the Election:

AUTHORIZING THE CITY OF LOVELAND TO COLLECT, RETAIN AND SPEND EXCESS REVENUES FOR POLICE AND FIRE, STREET

CONSTRUCTION AND MAINTENANCE, AND PARKS CONSTRUCTION AND MAINTENANCE.

WITHOUT CREATING OR IMPOSING ANY NEW TAX OR INCREASING THE RATE OF ANY EXISTING TAX, SHALL THE CITY OF LOVELAND, COLORADO BE PERMITTED FOR A TWELVE-YEAR PERIOD BEGINNING JANUARY 1, 2025, THROUGH DECEMBER 31, 2036, TO COLLECT, RETAIN, AND SPEND ALL CITY REVENUES IN EXCESS OF THE SPENDING, REVENUE AND OTHER LIMITATIONS IMPOSED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, WITH SUCH EXCESS REVENUES TO BE USED FOR POLICE AND FIRE, STREET CONSTRUCTION AND MAINTENANCE, AND PARKS CONSTRUCTION AND MAINTENANCE?

Section 5. The City Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the Election.

Section 6. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 7. The officers of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this ordinance.

Section 8. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

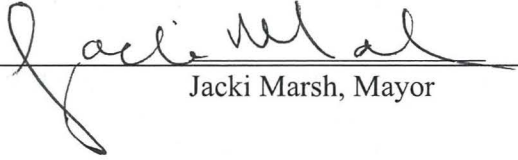
Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 10. In accordance with Charter Section 4-9(a)(7), this ordinance shall be published by title only by the City Clerk after adoption on second reading unless the ordinance has been amended since first reading in which case the ordinance shall be published in full or the amendments shall be published in full. This ordinance shall be in full force and effect ten days after its final publication, as provided in Charter Section 4-8(b).

ADOPTED this 20th day of August, 2024.

CITY OF LOVELAND, COLORADO

(SEAL)


Jacki Marsh, Mayor

ATTEST:


Angie Sprang, Interim City Clerk



APPROVED AS TO FORM:


Acting City Attorney

Ordinance 6726

I, Angie Sprang, Interim City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on August 6, 2024 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on August 10, 2024 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on August 24, 2024.


Angie Sprang, Interim City Clerk

Effective Date: September 3, 2024

