

ORDINANCE NO. 15-96

AN ORDINANCE ADDING A NEW PART 11 (ROAD REPAIR, MAINTENANCE, AND IMPROVEMENTS SALES AND USE TAX FUND) TO ARTICLE 6 (CITY FUNDS) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, TO ESTABLISH THE ROAD REPAIR, MAINTENANCE, AND IMPROVEMENTS SALES AND USE TAX FUND

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

Section 1. A new Part 11 (Road Repair, Maintenance, and Improvements Sales and Use Tax Fund) of Article 6 (City Funds) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is hereby created to read as follows:

**PART 11 ROAD REPAIR, MAINTENANCE, AND IMPROVEMENTS SALES AND USE TAX FUND**

- 1.6.1101: Fund Established**
- 1.6.1102: Purpose of Fund**
- 1.6.1103: Source of Revenue**
- 1.6.1104: Funds Separate**
- 1.6.1105: Expenditure from the Fund**
- 1.6.1106 Fund Sunset/Expires**

1.6.1101: FUND ESTABLISHED:

There is hereby established a fund to be known as the Road Repair, Maintenance, and Improvements Sales and Use Tax Fund, which may be referred to in this Part as the "Fund".

1.6.1102: PURPOSE OF THE FUND:

At the November 3, 2015, special municipal election, the voters of the City approved a ballot question authorizing a temporary additional levy of sixty-two one-hundredths percent (0.62%) in City sales and use tax dedicated solely to road repair, maintenance and improvements and constituting a voter approved revenue change exempt from spending and revenue limitations.

1.6.1103: SOURCE OF REVENUE

The source of revenue for the Fund shall be the revenue generated by the temporary levy of sixty-two one-hundredths percent (0.62%) City sales and use tax which will increase the sales and use tax levy from a two and five-tenths percent (2.5%) City sales and use tax rate to a three and twelve one-hundredths percent (3.12%) City sales and use tax rate.

1.6.1104 FUND SEPARATE:

For purposes of article X, section 20 of the Colorado Constitution and § 7-90 of the City Charter, the receipt and expenditure of City sales and use tax revenue allocated to the Fund shall be accounted for separately from other revenues and expenditures of the City and, as a voter approved revenue change, shall not be subject to fiscal year spending and revenue limitations calculated under article X, section 20 of the Colorado Constitution nor such limitation under § 7-90 of the City Charter. The allocation of City sales and use tax revenue to this Fund shall not limit the collection or spending of any other funds by the City under article X, section 20, of the Colorado Constitution nor under § 7-90 of the City Charter.

1.6.1105 EXPENDITURES FROM THE FUND:

Moneys from the Fund shall be expended only for road repair, maintenance, and improvements. No expenditures from the Fund shall be made to hire or to pay the costs associated with the salaries or benefits of existing or additional City staff. Expenditures for road repair, maintenance, and improvements from this Fund shall be made with contracts with private sector contractors.

1.6.1106 TEMPORARY SALES AND USE TAX AND FUND REPEAL

Unless extended by a vote of the electors of the City of Colorado Springs, the temporary sales and use tax levy of sixty-two one-hundredths percent (0.62%) shall expire on December 31, 2020, exactly five (5) years from the date of its implementation on January 1, 2016. The Fund shall expire on December 31, 2020, or after all monies in the Fund have been expended or all outstanding contract obligations payable by the Fund have been satisfied, whichever last occurs.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter with an effective date of January 1, 2016.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 24<sup>th</sup> day of November, 2015.

**Finally passed:** December 8, 2015

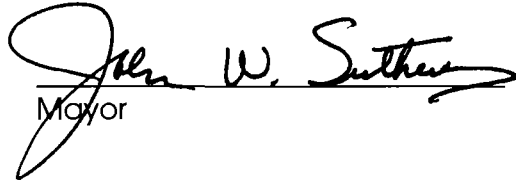
  
\_\_\_\_\_  
City Council President

Delivered to Mayor on \_\_\_\_\_.

**Mayor's Action:**

- Approved on December 10, 2015.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

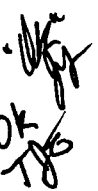
- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
City Council President

ATTEST:

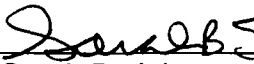
  
\_\_\_\_\_  
City Clerk





I HEREBY CERTIFY, that the foregoing ordinance entitled **“AN ORDINANCE ADDING A NEW PART 11 (ROAD REPAIR, MAINTENANCE, AND IMPROVEMENTS SALES AND USE TAX FUND) TO ARTICLE 6 (CITY FUNDS) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, TO ESTABLISH THE ROAD REPAIR, MAINTENANCE, AND IMPROVEMENTS SALES AND USE TAX FUND”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on November 24, 2015; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 8<sup>th</sup> day of December, 2015, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 10<sup>th</sup> day of December, 2015.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: November 27, 2015

2<sup>nd</sup> Publication Date: December 16, 2015

Effective Date: January 1, 2016

Initial: SBJ  
City Clerk