

ORDINANCE NO. 974
Series 2023

AN ORDINANCE TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF ROCKY FORD, COLORADO AT A MUNICIPAL ELECTION ON NOVEMBER 7, 2023, A QUESTION OF WHETHER TO INCREASE THE CITY SALES TAX BY ONE PERCENT (1%) PER YEAR FOR THREE YEARS BY INCREASING THE CITY SALES TAX RATE FROM THREE PERCENT (3%) TO FOUR PERCENT (4%), WHICH IS ONE QUARTER OF THE ANNUAL SALES TAX COLLECTED, TO BE EFFECTIVE JANUARY 1, 2024 THROUGH DECEMBER 31, 2027, AND RESTRICTING THE USE OF REVENUES FROM THE ADDITIONAL ONE PERCENT SALES TAX AS FOLLOWS: THE INCREASE SHALL BE USED TO CONTINUE TO REPAIR STREETS, SIDEWALKS AND OTHER PHYSICAL IMPROVEMENTS IN THE CITY ACCORDING TO A COUNCIL APPROVED REPAIR SCHEDULE.

WHEREAS, COLORADO CONSTITUTION. ART. X, SEC. 20(4) requires that any sales tax increase above that previously existing be approved by registered electors of the City of Rocky Ford, Colorado; and

WHEREAS, the voter-approved three (3) year tax rate of four percent will expire December 31, 2023 and returned to the previous three percent sales tax rate on January 1, 2024; and

WHEREAS, the total City of Rocky Ford sales tax rate is currently four percent (4%), as approved by the registered electors in the November 7, 2019 election; and

WHEREAS, the City Council desires to obtain sufficient revenues to enable the City to provide for better and more comprehensive street repairs and improvements to the City for a maximum of three years:

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Rocky Ford, Colorado:

At the regular municipal election to be held by mail in ballot and/or in the various precincts and at the polling places of the City of Rocky Ford on Tuesday, November 7, 2023, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the voters of the City a ballot question which would allow an increase of the City sales tax by approximately two hundred and four thousand dollars per year by increasing the City sales tax rate from three percent (3%) to four percent (4%), effective January 1, 2024. The full text of the ordinance to be proposed is as follows:

AN ORDINANCE TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF ROCKY FORD, COLORADO AT A MUNICIPAL ELECTION COORDINATED WITH OTERO COUNTY ON NOVEMBER 7, 2023, A QUESTION OF WHETHER TO INCREASE THE CITY SALES TAX BY ONE PERCENT (1%) PER YEAR FOR THREE YEARS BY INCREASING THE CITY SALES TAX RATE FROM THREE PERCENT (3%)

TO FOUR PERCENT (4%), WHICH IS ONE QUARTER OF THE SALES TAX COLLECTED, TO BE EFFECTIVE JANUARY 1, 2024 THROUGH DECEMBER 31, 2027, AND RESTRICTING THE USE OF REVENUES FROM THE ADDITIONAL ONE PERCENT SALES TAX AS FOLLOWS: THE INCREASE SHALL BE USED TO REPAIR STREETS, SIDEWALKS AND OTHER PHYSICAL IMPROVEMENTS IN THE CITY ACCORDING TO A COUNCIL APPROVED REPAIR SCHEDULE.

WHEREAS, the City of Rocky Ford has limited revenues; and

WHEREAS, the streets are in great need of additional repairs beyond the capabilities of the City to undertake other than emergency repairs:

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Rocky Ford, Colorado, by and through the qualified electors of the City of Rocky Ford, Colorado.

SECTION 1:

Sales Tax Increase. Pursuant to Article X, Section 20, of the Colorado Constitution, the qualified electors of the City of Rocky Ford authorize the City to increase the City sales tax from three percent (3.00%) to four percent (4.00%) effective January 1, 2024 and restricting the use of revenues from the additional one percent sales tax as follows:

THE INCREASE SHALL BE USED TO REPAIR STREETS, SIDEWALKS AND OTHER PHYSICAL IMPROVEMENTS IN THE CITY ACCORDING TO A COUNCIL APPROVED REPAIR SCHEDULE.

SECTION 2:

It is the intention of the qualified electors of the City of Rocky Ford that this ordinance, and any part or provision hereof, shall be considered severable; any invalidity of any part, section, provision, clause, sentence, or fragment of this ordinance will not affect the validity of any other portion of this ordinance; the qualified electors would have adopted the provisions of this ordinance, or any part or provision hereof, regardless of the validity of any part, section, provision, paragraph, sentence, or fragment hereof.

SECTION 3:

The official ballot and the official absentee ballot shall state the substance of the ballot question and as stated shall constitute the ballot title, designation, and submission clause, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

SALES TAX

"SHALL THE CITY OF ROCKY FORD, COLORADO INCREASE THE CITY SALES TAX SALES TAX BY ONE PERCENT (1%) PER YEAR FOR THREE YEARS ONLY BY INCREASING THE CITY SALES TAX RATE FROM THREE PERCENT (3%) TO FOUR PERCENT (4%), WHICH IS ONE

QUARTER OF THE ANNUAL SALES TAX COLLECTED, TO BE EFFECTIVE FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2027, AND RESTRICTING THE USE OF REVENUES FROM THE ADDITIONAL ONE PERCENT (1%) SALES TAX AS FOLLOWS: THE INCREASE SHALL BE USED TO REPAIR STREETS, SIDEWALKS AND OTHER PHYSICAL IMPROVEMENTS IN THE CITY ACCORDING TO A COUNCIL APPROVED REPAIR SCHEDULE.

☐ YES ☐ NO

SECTION 4:

If a majority of all votes cast at the election on the measure are for the measure, it shall be deemed to have passed (YES). If a majority of all votes cast at the election on the measure are against the measure (NO), it shall be deemed to have failed.

SECTION 5:

The election shall be conducted under provisions of the Uniform Election Code of 1992 as updated, the laws of the state of Colorado and the ordinances of the City.

SECTION 6:

The City Clerk of the City of Rocky Ford shall give, or cause to be given, public notice of the election on such measure:

- a) By causing notice to be published in The Daily Gazette, a daily newspaper of general circulation published in the City, the first publication to be at least twenty days before election day; and
- b) If applicable, by mailing to "all registered voters" at each address within the City at which a voter is registered no sooner than twenty-five days before the election, and no later than fifteen days before the election, a notice entitled "Notice of Election". If applicable, this notice shall include:
 - 1) The election date and hours for voting, the ballot title and text and the measure by this ordinance submitted to the voters, and the office address and telephone number of the City Clerk; The estimated or actual total of the City fiscal year spending for the current fiscal year and each of the past four fiscal years, and the overall percentage and estimated dollar increase for the next fiscal year;
 - 2) An estimate of the maximum dollar amount of the revenue change and of City fiscal year spending without the revenue change for the next full fiscal year, and
 - 3) Two summaries, no more than five hundred words each, one for and one against the measure, of written comments filed with the City Clerk no later than thirty days before the election. No summary shall mention names of persons or private groups nor any endorsement of or resolutions against the measure. The City Clerk shall maintain on file and accurately summarize all relevant written comments.

SECTION 7.

The notice of the election shall include the ballot title as well as the full text of the ballot question.

SECTION 8.

The officers of the City shall take all action necessary or appropriate to effectuate the provisions of this ordinance.

SECTION 9:

If any section, paragraph, clause, or provision of this ordinance shall be held invalid or unenforceable for any reason, such decision shall not affect any of the remaining provisions of this ordinance.

FIRST READING:

**INTRODUCED, READ IN FULL. PASSED, ADOPTED, APPROVED, AND ORDERED
PUBLISHED ON JULY 25, 2023.**

FINAL READING:

**INTRODUCED, READ IN FULL. PASSED, ADOPTED, AND APPROVED ON
AUGUST 8, 2023.**


Susan Jung, Mayor

ATTEST:



Rebecca Korinek
City Clerk

