

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 14

Series, 2018

INTRODUCED BY COUNCILMEMBERS: FEY & VALDES

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, ESTABLISHING A CAPITAL PROJECTS RESERVE ACCOUNT SHOULD THE VOTERS OF THE CITY OF LITTLETON APPROVE INCLUSION INTO SOUTH METRO FIRE RESCUE FOR FIRE AND EMERGENCY MEDICAL SERVICES

WHEREAS, the Mayor and Council find and determine that there is not sufficient funding to meet the minimum street maintenance needs of the City in order to preserve the existing streets, and

WHEREAS, the intent of creating a Capital Projects Reserve Account is to provide a source of funding to better enable the City to meet its minimum street maintenance needs and to preserve its existing streets and transportation improvements, and

WHEREAS, should the voters of the City of Littleton approve the inclusion of the City into the South Metro Fire and Rescue District, there would be an amount of funds available from sources other than property taxes that were previously used for fire and emergency services and the city council finds and determines that such funds should be used as providing a source of revenue to preserve the existing streets and transportation improvements of the City and that an ordinance should be enacted to establish the public policy for the use of such revenues to insure that the city council policy be implemented

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

Section 1: Title 1, Chapter 10 of the municipal code is amended as follows:

1-10-1: CAPITAL IMPROVEMENT FUND:

1-10-1: CAPITAL IMPROVEMENT FUND:

(A) Creation Of Fund: There is hereby created a special fund to be known as the Capital Improvement Fund. This Fund shall be subject to annual audit in accordance with the provisions of section 33 of the Charter. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)

(B) Sources Of Revenue: Monies collected by the City from the following revenue sources shall be deposited in the Capital Improvement Fund:

1. Such amount or portion of the City use tax imposed on building materials and supplies that are incorporated into buildings, dwellings for other

1 structures or improvements to realty within the City as required by
2 subsections 3-9-4-4(B) and (C) of this Code, as the City Council shall,
3 from time to time, determine as necessary and appropriate. (Ord. 50,
4 Series of 1984)
5

6 2. All monies collected by the City from land subdivision fees, as provided
7 for in Section 11-4-2 of this Code in its present form and as the said
8 Chapter may be hereafter amended. (Ord. 26, Series of 1972; amd. Ord.
9 20, Series of 1973)
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11 3. All revenues collected pursuant to the terms of the State and Local Fiscal
12 Assistance Act of 1972, and all amendments thereto: unless transferred by
13 the City Council pursuant to a resolution passed by not less than five (5)
14 affirmative votes of that body. (Ord. 5, Series of 1977)
15

16 4. Funds from other sources as directed by the City Council.
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18 (C) Expenditures From Capital Improvement Fund: Except as herein provided, all
19 Capital Improvement Fund expenditures shall be appropriated as a part of the Annual Budget and
20 Annual Appropriation Ordinance. The City Council shall determine each year what may or may
21 not be defined as a Capital Improvement Fund expenditure. Funds received by the City pursuant
22 to subsection (B)4 of this Section may be used only for priority expenditures as provided in the
23 State and Local Fiscal Assistance Act of 1972. In the case of revenues collected from land
24 subdivision fees (subsection (B)2 of this Section), expenditures may be authorized by ordinance
25 during the then current fiscal year. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)
26
27

28 **1-10-2: CAPITAL PROJECT RESERVE ACCOUNT**
29

30 (A) THERE IS CREATED A CAPITAL PROJECT RESERVE ACCOUNT.
31 THIS ACCOUNT SHALL BE SUBJECT TO ANNUAL AUDIT.
32

33 (B) SOURCES OF REVENUE: THE CITY SHALL DEPOSIT MONIES
34 COLLECTED FROM THE FOLLOWING REVENUE SOURCES INTO THE CAPITAL
35 PROJECT RESERVE ACCOUNT:
36

37 1. BASE REVENUES COMMENCING IN FY 2020, THE CITY SHALL
38 DEPOSIT THE AMOUNT OF THREE MILLION ONE HUNDRED
39 THOUSAND DOLLARS (\$3,100,000.00).
40

41 2. FOR EACH SUBSEQUENT FISCAL YEAR AFTER 2020, BASED ON
42 THE BASE REVENUES, USING A THREE YEAR AVERAGE WITH
43 THE FIRST YEAR BEING 2018, THE AMOUNT DEPOSITED SHALL
44 DECREASE BY THE PERCENTAGE THAT OVERALL CITY
45 TRANSACTION PRIVILEGE TAX REVENUES IN THE RETAIL
46 CATEGORY COLLECTIONS DECREASED, IF SUCH A
47 DECREASED OCCURRED OR IF CITY TRANSACTION PRIVILEGE

1 TAX REVENUES IN THE RETAIL CATEGORY HAVE INCREASED
2 THEN BY THE PERCENTAGE INCREASE IN REVENUES IN THE
3 RETAIL TRANSACTION PRIVILEGE TAX CATEGORY USING A
4 THREE YEAR AVERAGE WITH THE FIRST YEAR BEING 2018 OR
5 THE PERCENTAGE ADJUSTMENT ON AN ANNUAL BASIS FOR
6 THE PRIOR YEAR FOR THE DENVER-AURORA-LAKEWOOD
7 (formerly DENVER-BOULDER-GREELEY) CONSUMER PRICE
8 INDEX AS ESTABLISHED BY THE UNITED STATES
9 DEPARTMENT OF LABOR, WHICHEVER IS LESS.

10
11 (C) PERMITTED EXPENDITURES FROM CAPITAL PROJECT
12 RESERVE ACCOUNT. THE CITY MAY MAKE SUCH PERMITTED EXPENDITURES
13 INDEPENDENTLY OR PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT
14 WITH ANOTHER POLITICAL SUBDIVISION OF THIS STATE:

- 15
16 1. DESIGN, ENGINEERING, ACQUISITION OF RIGHT OF WAY BY
17 PURCHASE OR CONDEMNATION, CONSTRUCTION AND
18 RECONSTRUCTION OF MULTI-MODAL TRANSPORTATION
19 PROJECTS, INCLUDING BUT NOT LIMITED TO MUNICIPAL
20 BRIDGES, STREETS, SIDEWALKS, CURBS, GUTTERS, DRAINAGE
21 INLETS AND DRAINAGE STRUCTURES AND DRIVEWAY
22 ENTRANCES.
- 23
24 2. DESIGN, ENGINEERING, ACQUISITION, REHABILITATION OR
25 UPGRADES BY THE CITY OR IN CONJUNCTION WITH OTHER
26 GOVERNMENTS OF TRAFFIC SIGNALS AND TRAFFIC CONTROL
27 DEVICES.
- 28
29 3. DESIGN, ENGINEERING, CONSTRUCTION AND
30 RECONSTRUCTION OF TRAFFIC MITIGATION DEVICES.
- 31
32 4. DESIGN, ENGINEERING, ACQUISITION OF RIGHT OF WAY BY
33 PURCHASE OR CONDEMNATION, CONSTRUCTION AND
34 RECONSTRUCTION OF PEDESTRIAN CROSSING AND BICYCLE
35 LANES ON MUNICIPAL ROADWAYS.
- 36
37 5. DESIGN, ENGINEERING FOR THE RELOCATION OF UTILITY
38 AND TELECOMMUNICATION PROJECTS REQUIRED BY THE
39 CONSTRUCTION OF CAPITAL PROJECTS.
- 40
41 6. ADMINISTRATIVE AND INTERNAL SERVICE COSTS INCURRED
42 BY THE CITY IN THE FUNDING OF A CAPITAL PROJECT UNDER
43 THIS SECTION.
- 44
45 7. PAYMENT OF ANY FINANCING AND DEBT SERVICE COSTS
46 INCURRED BY THE CITY IN THE FUNDING OF A CAPITAL
47 PROJECT UNDER THIS SECTION.

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(D) ALL FUNDS IN THE CAPITAL PROJECTS RESERVE ACCOUNT SHALL NOT LAPSE UPON THE END OF THE YEAR APPROPRIATION BUT SHALL REMAIN IN THE ACCOUNT, TOGETHER WITH NEW FUNDS APPROPRIATED PURSUANT TO THIS SECTION.

THAT THE CITY MANAGER OF THE CITY OF LITTLETON SHALL SUBMIT A BUDGET PROVIDING FOR A REDUCTION IN THE CITY OF LITTLETON MILL LEVY FROM 6.662 MILLS TO 2.000 MILLS FOR THE FISCAL YEAR COMMENCING IN 2020 SHOULD A MAJORITY OF THE VOTERS OF THE CITY OF LITTLETON APPROVE A REFERRED ITEM PLACED ON THE NOVEMBER 2018 BALLOT PROVIDING FOR INCLUSION OF THE CITY OF LITTLETON INTO THE SOUTH METRO FIRE AND RESCUE DISTRICT AS SET FORTH IN THE OFFICIAL CANVASS OF ELECTION CERTIFIED BY THE DOUGLAS COUNTY, COLORADO RECORDER AND ANY OTHER COUNTY RECORDERS HAVING JURISDICTION

THIS ORDINANCE SHALL BE CONDITIONALLY ENACTED AND SHALL GO INTO EFFECT UPON CERTIFICATION BY THE DOUGLAS COUNTY, COLORADO RECORDER AND OR ANY OTHER COUNTY RECORDERS HAVING JURISDICTION OF THE OFFICIAL CANVASS OF ELECTION THAT A REFERRED ITEM PLACED ON THE BALLOT BY THE SOUTH METRO FIRE AND RESCUE DISTRICT PROVIDING FOR THE INCORPORATION OF THE CITY OF LITTLETON RECEIVED A MAJORITY OF THE VOTES CAST IN THE ELECTION HELD ON NOVEMBER 6, 2018 AND THAT THE INCORPORATION OF THE CITY OF LITTLETON INTO THE SOUTH METRO FIRE AND RESCUE DISTRICT HAS BEEN APPROVED. AND SUCH PROCEEDINGS HAVE BEEN APPROVED BY THE DISTRICT COURT OF THIS STATE HAVING JURISDICTION. IN THE EVENT THAT THE OFFICIAL CANVASS OF ELECTION CERTIFIED BY THE DOUGLAS COUNTY, COLORADO, RECORDER AND ANY OTHER COUNTY RECORDERS HAVING JURISDICTION FINDS THAT THE REFERRED ITEM PLACED ON THE BALLOT BY THE SOUTH METRO FIRE AND RESCUE DISTRICT PROVIDING FOR THE INCORPORATION OF THE CITY OF LITTLETON INTO THE SOUTH METRO FIRE AND RESCUE DISTRICT FAILED TO RECEIVE A MAJORITY OF THE VOTES CAST IN THE ELECTION HELD ON NOVEMBER 6, 2018, THEN THIS ORDINANCE SHALL BE DEEMED TO BE REPEALED AND OF NO FURTHER FORCE AND EFFECT.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

1 INTRODUCTION AS A BILL at a regularly scheduled meeting of the City Council
2 of the City of Littleton on the 3rd day of April, 2018, passed on first reading by a vote of 6 FOR
3 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
4 Municipal Courthouse and on the City of Littleton Website.

5 PUBLIC HEARING on the Ordinance to take place on the 17th day of April,
6 2018, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
7 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

8 PASSED on second and final reading, following public hearing, by a vote of 7 FOR and
9 0 AGAINST on the 17th day of April, 2018 and ordered published by posting at Littleton Center,
10 Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

11 ATTEST:
12 DocuSigned by:
13 *Wendy Heffner*
14 7FEE432A8267419C
15 Wendy Heffner
16 CITY CLERK
17 DocuSigned by:
18 *Lena McClelland*
19 A5AA819B780C31E
Lena McClelland
ASSISTANT CITY ATTORNEY

DocuSigned by:
Debbie Brinkman
5D81867ED120475
Debbie Brinkman
MAYOR