

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 14

4
5 Series, 2018

6
7 INTRODUCED BY COUNCILMEMBERS: FEY & VALDES

8
9 AN ORDINANCE OF THE CITY OF LITTLETON,
10 COLORADO, ESTABLISHING A CAPITAL PROJECTS
11 RESERVE ACCOUNT SHOULD THE VOTERS OF THE
12 CITY OF LITTLETON APPROVE INCLUSION
13 INTO SOUTH METRO FIRE RESCUE FOR FIRE AND
14 EMERGENCY MEDICAL SERVICES
15

16 WHEREAS, the Mayor and Council find and determine that there is not
17 sufficient funding to meet the minimum street maintenance needs of the City in order to preserve
18 the existing streets, and
19

20 WHEREAS, the intent of creating a Capital Projects Reserve Account is to
21 provide a source of funding to better enable the City to meet its minimum street maintenance
22 needs and to preserve its existing streets and transportation improvements, and
23

24 WHEREAS, should the voters of the City of Littleton approve the inclusion of
25 the City into the South Metro Fire and Rescue District, there would be an amount of funds
26 available from sources other than property taxes that were previously used for fire and
27 emergency services and the city council finds and determines that such funds should be used as
28 providing a source of revenue to preserve the existing streets and transportation improvements of
29 the City and that an ordinance should be enacted to establish the public policy for the use of such
30 revenues to insure that the city council policy be implemented
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
33 THE CITY OF LITTLETON, COLORADO, THAT:
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35 Section 1: Title 1, Chapter 10 of the municipal code is amended as follows:
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37 1-10-1: CAPITAL IMPROVEMENT FUND:
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39 1-10-1: CAPITAL IMPROVEMENT FUND:
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41 (A) Creation Of Fund: There is hereby created a special fund to be known as the
42 Capital Improvement Fund. This Fund shall be subject to annual audit in accordance with the
43 provisions of section 33 of the Charter. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)
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45 (B) Sources Of Revenue: Monies collected by the City from the following
46 revenue sources shall be deposited in the Capital Improvement Fund:
47

1. Such amount or portion of the City use tax imposed on building materials and supplies that are incorporated into buildings, dwellings for other structures or improvements to realty within the City as required by subsections 3-9-4-4(B) and (C) of this Code, as the City Council shall, from time to time, determine as necessary and appropriate. (Ord. 50, Series of 1984)
2. All monies collected by the City from land subdivision fees, as provided for in Section 11-4-2 of this Code in its present form and as the said Chapter may be hereafter amended. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)
3. All revenues collected pursuant to the terms of the State and Local Fiscal Assistance Act of 1972, and all amendments thereto: unless transferred by the City Council pursuant to a resolution passed by not less than five (5) affirmative votes of that body. (Ord. 5, Series of 1977)
4. Funds from other sources as directed by the City Council.

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

1-10-2: CAPITAL PROJECT RESERVE ACCOUNT

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

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

1. BASE REVENUES COMMENCING IN FY 2020, THE CITY SHALL DEPOSIT THE AMOUNT OF THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00).
2. FOR EACH SUBSEQUENT FISCAL YEAR AFTER 2020, BASED ON THE BASE REVENUES, USING A THREE YEAR AVERAGE WITH THE FIRST YEAR BEING 2018, THE AMOUNT DEPOSITED SHALL DECREASE BY THE PERCENTAGE THAT OVERALL CITY

TRANSACTION PRIVILEGE TAX REVENUES IN THE RETAIL CATEGORY COLLECTIONS DECREASED, IF SUCH A DECREASED OCCURRED OR IF CITY TRANSACTION PRIVILEGE TAX REVENUES IN THE RETAIL CATEGORY HAVE INCREASED THEN BY THE PERCENTAGE INCREASE IN REVENUES IN THE RETAIL TRANSACTION PRIVILEGE TAX CATEGORY USING A THREE YEAR AVERAGE WITH THE FIRST YEAR BEING 2018 OR THE PERCENTAGE ADJUSTMENT ON AN ANNUAL BASIS FOR THE PRIOR YEAR FOR THE DENVER-AURORA-LAKEWOOD (formerly DENVER-BOULDER-GREELEY) CONSUMER PRICE INDEX AS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, WHICHEVER IS LESS.

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

1. DESIGN, ENGINEERING, ACQUISITION OF RIGHT OF WAY BY PURCHASE OR CONDEMNATION, CONSTRUCTION AND RECONSTRUCTION OF MULTI-MODAL TRANSPORTATION PROJECTS, INCLUDING BUT NOT LIMITED TO MUNICIPAL BRIDGES, STREETS, SIDEWALKS, CURBS, GUTTERS, DRAINAGE INLETS AND DRAINAGE STRUCTURES AND DRIVEWAY ENTRANCES.
2. DESIGN. ENGINEERING, ACQUISITION, REHABILITATION OR UPGRADES BY THE CITY OR IN CONJUNCTION WITH OTHER GOVERNMENTS OF TRAFFIC SIGNALS AND TRAFFIC CONTROL DEVICES.
3. DESIGN, ENGINEERING, CONSTRUCTION AND RECONSTRUCTION OF TRAFFIC MITIGATION DEVICES.
4. DESIGN, ENGINEERING, ACQUISITION OF RIGHT OF WAY BY PURCHASE OR CONDEMNATION, CONSTRUCTION AND RECONSTRUCTION OF PEDESTRIAN CROSSING AND BICYCLE LANES ON MUNICIPAL ROADWAYS.
5. DESIGN, ENGINEERING FOR THE RELOCATION OF UTILITY AND TELECOMMUNICATION PROJECTS REQUIRED BY THE CONSTRUCTION OF CAPITAL PROJECTS.
6. ADMINISTRATIVE AND INTERNAL SERVICE COSTS INCURRED BY THE CITY IN THE FUNDING OF A CAPITAL PROJECT UNDER THIS SECTION.

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2 7. PAYMENT OF ANY FINANCING AND DEBT SERVICE COSTS
3 INCURRED BY THE CITY IN THE FUNDING OF A CAPITAL
4 PROJECT UNDER THIS SECTION.
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6 (D) ALL FUNDS IN THE CAPITAL PROJECTS RESERVE ACCOUNT
7 SHALL NOT LAPSE UPON THE END OF THE YEAR APPROPRIATION BUT SHALL
8 REMAIN IN THE ACCOUNT, TOGETHER WITH NEW FUNDS APPROPRIATED
9 PURSUANT TO THIS SECTION.
10

11 THAT THE CITY MANAGER OF THE CITY OF LITTLETON SHALL SUBMIT A
12 BUDGET PROVIDING FOR A REDUCTION IN THE CITY OF LITTLETON MILL LEVY
13 FROM 6.662 MILLS TO 2.000 MILLS FOR THE FISCAL YEAR COMMENCING IN 2020
14 SHOULD A MAJORITY OF THE VOTERS OF THE CITY OF LITTLETON APPROVE A
15 REFERRED ITEM PLACED ON THE NOVEMBER 2018 BALLOT PROVIDING FOR
16 INCLUSION OF THE CITY OF LITTLETON INTO THE SOUTH METRO FIRE AND
17 RESCUE DISTRICT AS SET FORTH IN THE OFFICIAL CANVASS OF ELECTION
18 CERTIFIED BY THE DOUGLAS COUNTY, COLORADO RECORDER AND ANY OTHER
19 COUNTY RECORDERS HAVING JURISDICTION
20

21 THIS ORDINANCE SHALL BE CONDITIONALLY ENACTED AND SHALL GO INTO
22 EFFECT UPON CERTIFICATION BY THE DOUGLAS COUNTY, COLORADO
23 RECORDER AND OR ANY OTHER COUNTY RECORDERS HAVING JURISDICTION OF
24 THE OFFICIAL CANVASS OF ELECTION THAT A REFERRED ITEM PLACED ON THE
25 BALLOT BY THE SOUTH METRO FIRE AND RESCUE DISTRICT PROVIDING FOR THE
26 INCORPORATION OF THE CITY OF LITTLETON RECEIVED A MAJORITY OF THE
27 VOTES CAST IN THE ELECTION HELD ON NOVEMBER 6, 2018 AND THAT THE
28 INCORPORATION OF THE CITY OF LITTLETON INTO THE SOUTH METRO FIRE AND
29 RESCUE DISTRICT HAS BEEN APPROVED. AND SUCH PROCEEDINGS HAVE BEEN
30 APPROVED BY THE DISTRICT COURT OF THIS STATE HAVING JURISDICTION. IN
31 THE EVENT THAT THE OFFICIAL CANVASS OF ELECTION CERTIFIED BY THE
32 DOUGLAS COUNTY, COLORADO, RECORDER AND ANY OTHER COUNTY
33 RECORDERS HAVING JURISDICTION FINDS THAT THE REFERRED ITEM PLACED
34 ON THE BALLOT BY THE SOUTH METRO FIRE AND RESCUE DISTRICT PROVIDING
35 FOR THE INCORPORATION OF THE CITY OF LITTLETON INTO THE SOUTH METRO
36 FIRE AND RESCUE DISTRICT FAILED TO RECEIVE A MAJORITY OF THE VOTES
37 CAST IN THE ELECTION HELD ON NOVEMBER 6, 2018, THEN THIS ORDINANCE
38 SHALL BE DEEMED TO BE REPEALED AND OF NO FURTHER FORCE AND EFFECT.
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40 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
41 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
42 validity of the remaining sections of this ordinance. The City Council hereby declares that it
43 would have passed this ordinance, including each part, section, subsection, sentence, clause or
44 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
45 clauses or phrases may be declared invalid.
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1 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in
2 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
3 repealer clauses of such ordinance nor revive any ordinance thereby.
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6 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
7 of the City of Littleton on the 3rd day of April, 2018, passed on first reading by a vote of 6 FOR
8 and 1 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
9 Municipal Courthouse and on the City of Littleton Website.

10 PUBLIC HEARING on the Ordinance to take place on the 17th day of April,
11 2018, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
12 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

13 PASSED on second and final reading, following public hearing, by a vote of _____ FOR
14 and _____ AGAINST on the 17th day of April, 2018 and ordered published by posting at
15 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

16 ATTEST:

17 _____
18 Wendy Heffner
19 CITY CLERK

Debbie Brinkman
MAYOR

20
21 _____
22 Lena McClelland
23 ASSISTANT CITY ATTORNEY
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