AN ORDINANCE SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF FOUNTAIN, COLORADO AT THE GENERAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023, THE QUESTION OF THE IMPOSITION OF A SALES TAX INCREASE REQUIRED TO JOIN THE PIKES PEAK RURAL TRANSPORTATION AUTHORITY

WHEREAS, the City Council of the City of Fountain, Colorado (the “City”), is a home rule municipality and political subdivision of the State of Colorado duly organized and operating under the Charter of the City and the Constitution and laws of the state; and

WHEREAS, pursuant to Article X, Section 20 of the Colorado Constitution (“TABOR”) any tax increase is required to be approved by the voters of the City; and

WHEREAS, the City Council of the City has determined that it is in the best interests of the City and its residents to be added as a party to the PPRTA establishing Intergovernmental Agreement, to add the territory within the City boundaries to the PPRTA to the extent not already, and to seek voter approval, as permitted under TABOR and the City Charter, of a new tax increase of 1% sales and use tax for the benefit of the Pikes Peak Rural Transportation Authority ("PPRTA"); and

WHEREAS, even if Fountain voters approve the 1% PPRTA sales and use tax, before the tax could apply, the Board of the PPRTA would need to agree to expand the boundaries of the PPRTA to include the territory within the municipal boundaries of the City, and the current PPRTA members would need to unanimously consent to Fountain being added as a party to the Establishing IGA; and

WHEREAS, the City acknowledges these additional steps and wishes to seek voter approval of the 1% PPRTA sales and use tax in advance as a way to facilitate joining the PPRTA; and

WHEREAS, the 1% PPRTA sales and use tax, if approved, would not be imposed unless Fountain is added as a party to the Establishing IGA and the territory within its municipal boundaries is included in the PPRTA; and

WHEREAS, the City Council has determined it is appropriate to submit a ballot issue at the coordinated election on November 7, 2023, and to set the title and content of the ballot for the ballot issue to be submitted at the election called for by this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fountain, Colorado, as follows:

1. An election shall be held on Tuesday, November 7, 2023, at which time there shall be submitted to the registered electors of the City a question of the imposition of an 1% sales and use tax for the benefit of the Pikes Peak Rural Transportation Authority, which question shall be in substantially the form as set forth in paragraph (2) of this Ordinance. The submission of this question to the voters is authorized under Article X, Section 20 of the Colorado Constitution, §1-41-103 C.R.S. and § 31-11-111 C.R.S.
2. The ballot question shall be submitted to the registered, qualified electors of the City of Fountain in substantially the following form:

SHALL PIKES PEAK RURAL TRANSPORTATION AUTHORITY (PPRTA), A REGIONAL TRANSPORTATION AUTHORITY, TAXES BE INCREASED $4,500,000 ANNUALLY (ESTIMATED FIRST FULL FISCAL YEAR DOLLAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY LEVYING A 1% (ONE PENNY PER DOLLAR) SALES AND USE TAX UPON EVERY TRANSACTION OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES AND USE TAX IS LEVIED BY THE STATE OF COLORADO WITHIN THE CITY OF FOUNTAIN (EXCLUDING PURCHASES OF FOOD FOR DOMESTIC HOME CONSUMPTION, PRESCRIPTION MEDICATIONS, RESIDENTIAL UTILITY BILLS, OR OTHER EXEMPT TRANSACTIONS AS DETAILED IN ARTICLES 28 AND 30, TITLE 39, AS AMENDED, OF THE COLORADO REVISED STATUTES), COMMENCING ON JANUARY 1, 2024, OR ON SUCH LATER JULY 1 OR JANUARY 1 OCCURRING FIRST AFTER FOUNTAIN'S ADMISSION INTO THE PPRTA, AND CONTINUING UNTIL DECEMBER 31, 2034, FOR THE PURPOSES OF FUNDING MAINTENANCE, REPAIR, AND OPERATIONS FOR ROADWAYS AND BRIDGES (35% OF NET REVENUE), FOR IMPROVED TRANSIT SERVICE WITHIN THE PPRTA'S BOUNDARIES (10% OF NET REVENUE), WITH 55% OF NET REVENUE DEDICATED TO SPECIFIC REGIONAL ROADWAY CAPITAL IMPROVEMENTS DESIGNATED BY THE PPRTA MEMBERS, AND NO MORE THAN 1% OF NET REVENUE EXPENDED FOR ADMINISTRATIVE EXPENSES, AND AFTER DECEMBER 31, 2034, REDUCING THE 1% SALES AND USE TAX TO A .45% SALES AND USE TAX FOR EACH YEAR THEREAFTER FOR FUNDING MAINTENANCE, REPAIR, AND OPERATION OF REGIONAL ROADWAYS AND BRIDGES (77.78% OF NET REVENUE) AND FOR FUNDING PUBLIC TRANSIT SERVICES (22.22% OF NET REVENUE), WITH ALL REVENUES FROM SUCH TAX AND OTHER REVENUES OF PPRTA BEING COLLECTED AND SPENT EACH YEAR WITHOUT LIMITATION BY THE REVENUE AND SPENDING LIMITS OF ARTICLE X, §20 OF THE COLORADO CONSTITUTION; AND, PURSUANT TO COLORADO REVISED STATUTES § 43-4-601, ET SEQ., PROVIDED THERE IS UNANIMOUS CONSENT OF PPRTA MEMBERS, SHALL THE BOUNDARIES OF THE PPRTA BE EXPANDED TO INCLUDE THE CORPORATE LIMITS OF THE CITY OF FOUNTAIN?

3. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of the question, the City acting through the City Council shall be authorized to undertake all actions set forth in paragraph number one (1) of this Ordinance and the Ballot Issue submitted to the voters.

4. For purposes of C.R.S. § 31-11-111, this Ordinance shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself.

5. Any contest to the content of the ballot title shall be conducted in accordance in accordance with C.R.S. § 1-11-203.5 and any other applicable provisions of Colorado State law.
6. The City Clerk, Deputy City Clerk, and other City officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Introduced, read and passed this 25th day of July 2023, by the City Council, Fountain, Colorado, signed by the Mayor, and ordered published in the Colorado Springs Gazette, a newspaper of general circulation in the City of Fountain, Colorado.

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Mayor

ATTEST:

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Deputy City Clerk

Passed on second and final reading this 22nd day of August 2023, by the City Council, Fountain, Colorado, signed by the Mayor, and ordered published in the Colorado Springs Gazette, a newspaper of general circulation in the City of Fountain, Colorado.

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Mayor

ATTEST:

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Deputy City Clerk