

**ORDINANCE NO. 1743
SERIES 2017**

AN ORDINANCE IMPOSING FOR AN ADDITIONAL TEN-YEAR PERIOD THE CITY'S 0.125% HISTORIC PRESERVATION SALES TAX; EXPANDING THE PURPOSES FOR WHICH SALES AND USE TAXES IN THE HISTORIC PRESERVATION FUND MAY BE SPENT TO INCLUDE EXPENDITURE OF UP TO TWENTY PERCENT ANNUALLY ON OPERATING AND MAINTAINING THE LOUISVILLE MUSEUM CAMPUS; AUTHORIZING EXPENDITURES OF SALES AND USE TAXES IN THE HISTORIC PRESERVATION FUND OUTSIDE OF HISTORIC OLD TOWN LOUISVILLE IF SUCH EXPENDITURES ARE APPROVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS OF THE ENTIRE CITY COUNCIL, AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE REGULAR ELECTION TO BE HELD NOVEMBER 7, 2017

Section 1. The following ordinance of the City of Louisville, Colorado, is hereby adopted to read

WHEREAS, the City of Louisville (the "City"), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "City Charter"), and

WHEREAS, the members of the City Council of the City (the "City Council") have been duly elected and qualified, and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR") requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, extension of an expiring tax, and the spending of certain funds above limits established by TABOR, and

WHEREAS, pursuant to Article 12 and Section 4-8 of the City Charter, the City may authorize the issuance of bonds, the imposition of new taxes and the increase of a tax rate by ordinance and upon approval of the registered electors of the City, and

WHEREAS, the City will hold a regular municipal election on November 7, 2017, as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues, and

WHEREAS, November 7, 2017, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR, and

WHEREAS, by Ballot Issue 2A, approved at the November 4, 2008 election, the voters of the City approved the levy of a 0 125% sales tax, collected for a ten-year period commencing January 1, 2009, with the net proceeds of such 0 125% percent sales tax to be collected, retained and spent exclusively for historic preservation purposes within historic Old Town Louisville, and

WHEREAS, by Ballot Issue 2D, approved at the November 2, 2010 election, the voters of the City approved the levy of a permanent use tax of 3 50% to supersede the City's then-current use tax, with the net proceeds of such tax to be allocated such that revenues from a rate of 0 125% are used for historic preservation purposes consistent with said Ballot Issue 2A approved at the November 4, 2008 election, and

WHEREAS, the temporary 0 125% sales tax approved by Ballot Issue 2A will expire on December 31, 2018, unless it is continued by approval of the City's voters, and

WHEREAS, the City Council is of the opinion that it should refer to the voters at the November 7, 2017 regular election a TABOR ballot issue to continue the City's temporary sales tax for historic preservation purposes for an additional ten years, commencing January 1, 2019, to expand from historic Old Town Louisville to Citywide the area within which historic preservation sales and use taxes may be spent, provided that any expenditure of such funds outside historic Old Town Louisville is approved by the affirmative vote of not less than five members of the entire City Council, and to authorize the expenditure, on the City's annual fiscal year basis, of up to twenty percent of the net proceeds of historic preservation sales and uses taxes for operating and maintaining the Louisville Museum Campus, as further stated in this ordinance

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

A. Effective January 1, 2019, Subsection A of Section 3.20.200 of the Louisville Municipal Code,* regarding the sales tax levy, is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 3.20.200. Levy of tax; rate.

A There is hereby levied, and there shall be collected and paid, a sales tax equal to 3 15 percent of the purchase price of tangible personal property at retail or the furnishing of services, except that (1) for the ten-year period beginning on January 1, 2014, there is hereby levied, and there shall be collected and paid, an additional sales tax of three-eighths of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 6, 2012 election, and (2) for the ten-year period beginning on January 1, 2019 ~~2009~~, there is hereby levied, and there shall be collected and paid, an additional sales tax of one-eighth of one percent of the purchase price of tangible personal property at retail or the furnishing of services, as authorized at the November 7, 2017 ~~November 4, 2008~~ election

*[*Note Amendments shown above are to Section 3 20 200 as amended by Ordinance No 1724, Series 2016, effective January 1, 2018]*

B. Effective January 1, 2019, Section 3.20.605 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 3.20.605. ~~Sales Tax~~—Historic preservation tax and fund.

A The historic preservation fund is established as a special revenue fund to account for revenues derived from the temporary one-eighth of one percent sales tax for historic preservation purposes imposed for the ten-year period beginning on January 1, 2019, and from the one-eighth of one percent rate of use tax allocated to such fund January 1, 2009

B Revenues from such temporary one-eighth percent sales tax and such one-eighth percent rate of use tax imposed for the ten-year period beginning on January 1, 2009 shall be deposited into the historic preservation fund and the net proceeds of such one-eighth percent rate of sales and use tax shall be collected, retained and spent exclusively for the following purposes, provided, that prior to January 1, 2019, such funds shall be spent exclusively within historic Old Town Louisville, which area includes the “Historic Old Town Overlay District” and “Downtown Louisville” as defined by the city zoning map and ordinances, in order to preserve the unique charm and character of historic Old Town Louisville, and provided, further, that on and after January 1, 2019, any funds within the historic preservation fund may be spent within historic Old Town Louisville or within any other area within the boundaries of the City, as existing from time to time, provided that any expenditure of such funds outside historic Old Town Louisville is approved by the affirmative vote of not less than five members of the entire city council

- 1 Provide incentives to preserve historic resources, including funding of programs to identify and attempt to preserve buildings which qualify for listing on the Louisville Register of Historic Places,
- 2 Provide incentives to preserve buildings that contribute to the historic character of ~~historic Old Town~~ Louisville but do not qualify for listing on the Louisville Register of Historic Places, with such buildings to be treated the same as historic buildings but with lower priority,
- 3 Provide incentives for new buildings and developments within ~~historic Old Town~~ Louisville to limit mass, scale, and number of stories, to preserve setbacks, to preserve pedestrian walkways

between buildings, and to utilize materials typical of historic buildings, above mandatory requirements, ~~and~~

4 For city staff time to administer these programs, and-

5 For operating and maintaining the Louisville Museum Campus, subject to the limitation that, on the city's annual fiscal year basis, no more than twenty percent (20%) of the net proceeds of such one-eighth of one percent rate of tax shall be used for such operation and maintenance purposes

C Receipt of financial incentives funded by such proceeds shall be conditioned upon historic landmarking of the receiving property if the property qualifies for listing on the Louisville Register of Historic Places, or conditioned upon the city receiving a conservation easement if the receiving property does not so qualify Any such landmarking or easement shall be with consent of the property owner

D Financial incentives funded by revenues from such temporary one-eighth percent sales tax may include any of the following

- 1 Grants to preserve historic buildings or their facades,
- 2 Acquisition of conservation easements on historic properties or other eligible properties,
- 3 Acquisition and rehabilitation of historic properties to be sold with conservation easements,
- 4 Grants or low interest loans to preserve and rehabilitate eligible properties,
- 5 Funding for tax or fee rebates for eligible buildings,
- 6 Funding of a public-private partnership for preservation of buildings of historic significance,
- 7 Funding of incentives for new buildings and developments ~~within historic Old Town Louisville~~ to limit mass, scale, and number of stories, to preserve setbacks, to preserve pedestrian walkways between buildings, and to utilize materials typical of historic buildings, above mandatory requirements, and
- 8 Funding of other programs to preserve historic buildings and buildings which contribute to the character of ~~historic Old Town~~

Louisville

E Eligibility for historic landmarking shall be determined by the Louisville Historic Preservation Commission and any approval thereof shall be by the city council pursuant to city ordinances as in effect from time to time

F All incentive funding decisions shall be approved by the city council Incentive programs and the procedures applicable to the administration and receipt of such incentives shall be as provided by city council ordinance or resolution, the provisions of which shall not be inconsistent with the provisions of this section and applicable ballot issues ~~2A approved at the November 4, 2008~~

G Any proposed expenditure of historic preservation funds outside historic Old Town Louisville shall be approved by the affirmative vote of not less than five members of the entire City Council

C. Effective January 1, 2019, Subsection B. of Section 3.20.610 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

Sec. 3.20.610. – Use tax—Use of specified revenues.

B Revenues from a one-eighth percent rate of use tax shall be deposited into the historic preservation fund and the net proceeds of such one-eighth percent use tax shall be collected, retained and spent exclusively for the historic preservation purposes ~~within historic Old Town Louisville~~ as provided in subsection 3 20 605-B of this chapter

Section 2. Total City tax revenues are estimated to increase by up to \$550,000 in the first full year in which the sales tax provided for in this ordinance is in effect However, the revenues from said sales tax may be collected and spent, regardless of whether said revenues, in any year after the first full year in which said sales tax is in effect, exceed the estimated dollar amount stated above, and without any other limitation or condition, and without limiting the collection or spending of any other revenues or funds by the City of Louisville, under Article X, Section 20 of the Colorado Constitution or any other law

Section 3. This ordinance shall not take effect unless and until a majority of the registered voters voting at the special municipal election on November 7, 2017 vote “yes” in response to the following ballot title

BALLOT ISSUE _____

SHALL CITY OF LOUISVILLE TAXES BE INCREASED \$550,000 IN 2019 AND THEN ANNUALLY BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED THEREAFTER FROM THE CONTINUATION OF THE CITY'S

HISTORIC PRESERVATION SALES TAX OF 0.125 PERCENT BEGINNING JANUARY 1, 2019 AND EXPIRING TEN YEARS AFTER SUCH DATE, WITH THE NET PROCEEDS OF SUCH SALES TAX, ALONG WITH THE NET PROCEEDS OF A 0.125 PERCENT RATE OF USE TAX, TO BE COLLECTED, RETAINED AND SPENT FOR HISTORIC PRESERVATION PURPOSES CONSISTENT WITH BALLOT ISSUE 2A, APPROVED AT THE NOVEMBER 4, 2008 ELECTION, AND, ADDITIONALLY, COMMENCING IN 2019, SHALL THE CITY ALSO BE AUTHORIZED TO (1) EXPEND ANY FUNDS FROM THE 0.125 PERCENT RATE OF SALES AND USE TAX IN THE HISTORIC PRESERVATION FUND, INCLUDING EXISTING FUND BALANCE, IN ANY AREA WITHIN THE BOUNDARIES OF THE CITY, AS EXISTING FROM TIME TO TIME, RATHER THAN SOLELY WITHIN HISTORIC OLD TOWN LOUISVILLE, PROVIDED THAT ANY EXPENDITURE OUTSIDE HISTORIC OLD TOWN LOUISVILLE IS APPROVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS OF THE ENTIRE CITY COUNCIL, AND (2) EXPEND, ON AN ANNUAL FISCAL YEAR BASIS AN AMOUNT NOT TO EXCEED 20% OF THE NET PROCEEDS OF SUCH 0.125 PERCENT RATE OF SALES AND USE TAX FOR OPERATING AND MAINTAINING THE LOUISVILLE MUSEUM CAMPUS, ALL AS FURTHER SET FORTH IN ORDINANCE NO 1743, SERIES 2017, AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUES DERIVED FROM SUCH TAX AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____
NO _____

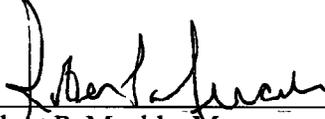
Section 4. The provisions of this ordinance shall take effect, following passage and approval thereof as provided in Section 3, on January 1, 2019

Section 5. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council and the registered voters of the City hereby declare that they would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 5th day of July, 2017



Robert P Muckle, Mayor

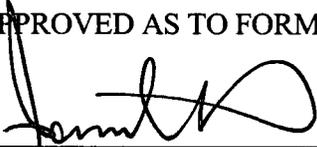
ATTEST


Meredyth Muth, City Clerk



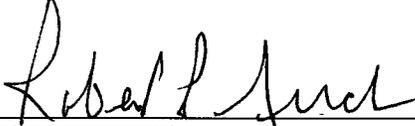
The seal is circular with a scalloped border. It contains the text "CITY OF LOUISVILLE" at the top, "SEAL" in the center, and "COLORADO" at the bottom, with two stars on either side of the word "SEAL".

APPROVED AS TO FORM



Light Kelly, P C
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 18th day of July, 2017



Robert P Muckle, Mayor

ATTEST


Meredyth Muth, City Clerk



The seal is circular with a scalloped border. It contains the text "CITY OF LOUISVILLE" at the top, "SEAL" in the center, and "COLORADO" at the bottom, with two stars on either side of the word "SEAL".