

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2019-18**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, SUBMITTING TO THE ELECTORATE OF THE TOWN OF NEW CASTLE, A QUESTION SEEKING AUTHORITY TO INCREASE TAXES BY EXTENDING THE EXISTING 1.645 MILL LEVY

WHEREAS, the Town of New Castle, Colorado (the "Town"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town of New Castle (the "Council") have been duly elected and qualified;

WHEREAS, in 2008 the eligible electors of the Town approved a mill levy increase to support the financing of certain public improvements, which mill levy is currently imposed at a rate of 1.645 mills (the "2008 Mill Levy");

WHEREAS, in 2008 the eligible electors of the Town authorized the Town to incur debt for the purpose of financing certain public improvements, which debt was supported by the 2008 Mill Levy;

WHEREAS, the 2008 Debt will expire in 2020 as will the authority it impose the 2008 Mill Levy;

WHEREAS, the Council hereby finds that it is in the Town's best interest to dedicate a revenue source for the repayment of that certain construction loan entered into by the Town and Alpine Bank to finance the VIX Park;

WHEREAS, the Council hereby finds that it is in the Town's best interest to dedicate a revenue source to ensure public safety by supporting training, retention equipment and vehicles for the New Castle Police Department;

WHEREAS, the Council hereby finds that it is in the Town's best interest to dedicate a revenue source for continued maintenance and expansion of soft-surface trails;

WHEREAS, the Council hereby finds the extension of the 2008 Mill Levy would not create an additional tax burden of the property tax payers of the Town;

WHEREAS, Article XI of the Charter authorizes the Town to levy and collect taxes, including sales taxes, for municipal purposes;

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any increase in taxes;

WHEREAS, pursuant to Article II of the Charter, the Town elections are governed by the Colorado municipal election laws except as otherwise provided in the Town Charter or by ordinance; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town's electorate on limited election days before action can be taken on such ballot issues;

WHEREAS, November 5, 2019, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to submit to the electorate of the Town, the question of authorizing a tax increase by extending the 2008 Mill Levy at its regular municipal election to be held on November 5, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, THAT:

Section 1. All action heretofore taken (not inconsistent with the provision of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code, C.R.S. Title 31, Articles 10 and 11.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the regular municipal election of November 5, 2019, with the following ballot title which is set pursuant to C.R.S. 31-11-111.

Tax Increase Though Extension of Existing Mill Levy.

BALLOT TITLE AND TEXT:

SHALL TOWN TAXES BE INCREASED UP TO \$86,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY EXTENDING THOUGH 2039, SUCH TAX INCREASE REPRESENTING NO ADDITIONAL INCREASE IN THE CURRENT TAX RATE PREVIOUSLY AUTHORIZED BY THE TOWN VOTERS IN 2008, TO FINANCE THE FOLLOWING:

- ENSURING PUBLIC SAFETY BY SUPPORTING TRAINING, RETENTION, AND ACQUISITION AND MAINTENANCE OF EQUIPMENT AND VEHICLES OF THE NEW CASTLE POLICE DEPARTMENT; AND
- CONTINUED MAINTENANCE AND EXPANSION OF SOFT-SURFACE TRAILS; AND
- EXISTING VIX PARK CONSTRUCTION LOAN

SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNING THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.

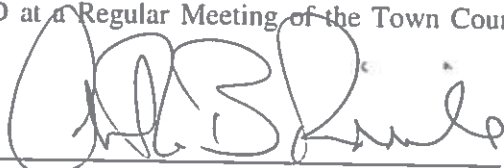
Section 5. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provision of this resolution.

Section 7. All resolution or parts of resolution inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, READ AND ADOPTED at a Regular Meeting of the Town Council of New Castle, Colorado, on September 3, 2019.

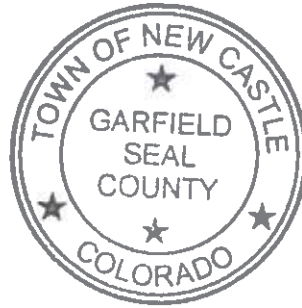


Mayor

ATTEST:


Town Clerk


Town Attorney



STATE OF COLORADO)
)
 COUNTY OF GARFIELD)
)
 TOWN OF NEW CASTLE)

I, the Town Clerk for the Town of New Castle (the "Town"), do hereby certify:

1. The foregoing pages are true and correct copies of the Resolution (the "Resolution") passed and adopted by the Town Council of the Town (the "Council") on August 20, 2019 (the "Regular Meeting").

2. The Resolution was duly introduced, moved, seconded and passed on and at the Regular Meeting by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	"Absent"
Art Riddle, Mayor	✓		
Grady Hazelton, Mayor Pro Tem	✓		
Bruce Leland	✓		
Crystal Mariscal	✓		
Graham Riddle	✓		
Scott Owens	✓		
Brandy Copeland	✓		

3. The members of the Council were present at the meeting and voted on the passage of the Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council that would prohibit the adoption of the Resolution.

6. Notice of the regular meeting of the Council of August 20, 2019 was posted, in the form attached hereto as Exhibit A, at the New Castle Town Hall not less than twenty four (24) prior to the meeting in accordance with law.

 cmc
 Town Clerk

EXHIBIT A



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting Tuesday, September 03, 2019, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney
Consultant Engineer

Items for Consideration

A. Police Department Update (7:05 p.m.)

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

B. Consider a Modification of the Premises for Special Events Liquor License for the Town of New Castle & Hogback Pizza Cornhole Tournament (7:20 p.m.)

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

C. Consider Resolution TC 2019-19 - Accepting Public Improvements and Releasing the LOC for Lakota Ridge Senior Apartments (7:35 p.m.)

D. Executive Session (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e)

concerning pending litigation (7:50 p.m.)

- E. Executive Session (1) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a), and (2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) concerning town-owned property (8:05 p.m.)**
- F. Consider Ordinance TC 2019-6 - An Ordinance of the New Castle Town Council Authorizing the Sale of Real Property Owned by the Town (2nd reading) (8:20 p.m.)**
- G. Consider Resolution TC 2019-17, A Resolution of the New Castle Town Council Submitting, For Purposes of Section 31-11-111, C.R.S. and Section 1-45-117, C.R.S., to the Registered Electors of the Town at the Election to be Held on November 5, a Ballot Issue and Title Concerning the Tax Increase on the Sale of Tobacco and Nicotine Products (8:35 p.m.)**
- H. Consider Resolution TC 2019-18, A Resolution of the Town Council of the Town of New Castle, Colorado Submitting to the Electorate of the Town of New Castle, a Question Seeking Authority to Increase Taxes by Extending the Existing 1.645 Mill Levy (8:50 p.m.)**
- I. Consent Agenda (9:05 p.m.)**

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.
July 2, 2019 minutes
August Bills of \$454,203.26

Staff Reports (9:10 p.m.)

Town Administrator
Town Clerk
Town Planner
Public Works Director

Commission Reports (9:20 p.m.)

Planning & Zoning Commission
Historic Preservation Commission
Climate Action Advisory Committee
Senior Program
RFTA
AGNC
GCE
EAB

Council Comments (9:30 p.m.)

Adjourn (9:45 p.m.)