TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 19, SERIES 2017

AN ORDINANCE REFERRING THE QUESTION OF A TAX LEVY
TO AN ELECTION AND SETTING FORTH DETAILS RELATING THERETO

WHEREAS, the Town of Timnath, Larimer County, 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 the Town of Timnath, Colorado Home Rule Charter (the "Charter"); and

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

WHEREAS, Section 3.3 of the Charter requires that the action of referring the question of a tax levy to an election be done by ordinance; and

WHEREAS, the Council hereby determines that it is necessary to conduct a special election to be held on November 7, 2017, and to submit to the electors of the Town, at the election, the question of increasing taxes to finance (a) capital projects, including but not limited to streets, parks and recreation, storm water, municipal facilities; (b) the cost of operating and maintaining such projects; and (c) general municipal purposes; and

WHEREAS, the Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience and welfare.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

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

ARTICLE 2 – The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot title which is set pursuant to Section 31-11-111, C.R.S.:
TOWN OF TIMNATH BALLOT QUESTION 1A: SHALL TOWN OF TIMNATH TAXES BE INCREASED $3,900,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR COMMENCING JANUARY 1, 2018, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNually THEREAFTER BY:

- INCREASING THE CURRENT TOWN SALES TAX RATE ON THE SALE OF TANGIBLE PERSONAL PROPERTY AT RETAIL OR THE FURNISHING OF SERVICES FROM 3.00% TO 4.3%; AND

- INCREASING THE CURRENT TOWN SALES TAX RATE ON THE PURCHASE OF FOOD FOR HOME CONSUMPTION FROM 2.25% TO 3.45%,

FOR THE PURPOSE OF FINANCING (1) CAPITAL PROJECTS, INCLUDE BUT NOT LIMITED TO STREETS, PARKS AND RECREATION, STORM WATER AND MUNICIPAL FACILITIES, (2) THE COSTS OF OPERATING AND MAINTAINING SUCH PROJECTS; AND (3) GENERAL MUNICIPAL PURPOSES; AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE AND ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES BE COLLECTED AND SPENT BY THE TOWN AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

ARTICLE 3 – The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

ARTICLE 4 – If any section, paragraph, clause or provision of this Ordinance 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 provisions of this Ordinance.

ARTICLE 5 – All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

ARTICLE 6 – This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON SEPTEMBER 6, 2017.

TOWN OF TIMNATH, COLORADO

Jill Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, CMC
Town Clerk
STATE OF COLORADO

COUNTY OF LARIMER

TOWN OF TIMNATH

I, Milissa Peters, the Town Clerk of the Town of Timnath, Colorado (the “Town”), do hereby certify:

1. The foregoing pages are a true and correct copy of an ordinance (the “Ordinance”) passed and adopted by the Town Council (the “Council”) of the Town at a regular meeting of the Council held on September 6, 2017.

2. The Ordinance was duly introduced, moved, seconded and passed at the regular meeting on September 6, 2017, by an affirmative vote of a majority of a quorum of the members of the Council who were present at the meeting, as follows:

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<th>Name</th>
<th>“Yes”</th>
<th>“No”</th>
<th>Absent</th>
<th>Abstain</th>
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<tbody>
<tr>
<td>Jill Grossman-Belisle, Mayor</td>
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<td>Bryan Voronin, Mayor Pro Tem</td>
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<td>Aaron Pearson</td>
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<td>Bill Neal</td>
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<td>Paul Steinway</td>
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3. The Ordinance 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.

4. The Ordinance was published using two of the following three methods: posting the Ordinance on the Town’s internet location ☒ / physically posting the Ordinance at locations designated by the Council ☒ / publishing the Ordinance in a newspaper of general circulation in the Town ___.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

6. Notice of the meeting on September 6, 2017, in the form attached here to as Exhibit A was posted on the Town’s official posting location not less than twenty-four hours prior to the meeting in accordance with law.

Milissa Peters, Town Clerk