

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 12, SERIES 2025**

**AN ORDINANCE APPROVING SUBMISSION OF BALLOT ISSUE TO
THE VOTERS OF THE TOWN ON NOVEMBER 4, 2025**

WHEREAS, the Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 2006, as amended from time to time, and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the Town Council of the Town (the "Town Council") has 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 III, Section 3.3 of the Town Charter, the Town may refer a question of a tax increase to the voters of the Town by Ordinance at a regular or special election held for those purposes; and

WHEREAS, the Town will hold a special election on November 4, 2025, as a coordinated election with Larimer and Weld Counties (collectively, the "Counties") pursuant to the Uniform Election Code of 1992, as amended; and

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

WHEREAS, November 4, 2025, is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the Town pursuant to TABOR; and

WHEREAS, the Town Council is of the opinion that it should refer to the voters at the November 4, 2025 election a TABOR ballot issue concerning an increase in its sales and use tax for park and recreation purposes; and

WHEREAS, the Town Council is authorized to refer questions to the voters by its Charter and by C.R.S. Sec. 31-11-III; and

WHEREAS, the Town Council desires to submit a ballot issue to the voters of the Town at a special election to be held as a coordinated election with the Counties on November 4, 2025 (the "Election"); and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election.

WHEREAS, The Town 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 - RATIFICATION OF PRIOR ACTION; CALLING OF SPECIAL ELECTION

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 and the ballot issue set forth herein are, ratified, approved and confirmed. The Town Council hereby approves the submission of the ballot issue set forth below to the voters of the Town at the Election.

ARTICLE 2. SUBMISSION OF BALLOT TITLE

The Town Council hereby authorizes and directs the officers of the Town to certify on or before September 5, 2025, the following ballot title in substantially the form hereinafter set forth to the Larimer and Weld County Clerk and Recorder. Such ballot title shall be submitted to the eligible electors of the Town at the Election.

SALES AND USE TAX INCREASE OF 1.25% FOR RECREATION PURPOSES

SHALL TOWN OF TIMNATH TAXES BE INCREASED \$9 MILLION IN THE FIRST FULL FISCAL YEAR AND BY SUCH ADDITIONAL AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER FOR THE PURPOSE OF:

- DESIGNING, FINANCING, ACQUIRING, CONSTRUCTING, IMPROVING, EQUIPPING, OPERATING AND MAINTAINING A RECREATION CENTER.

FROM THE IMPOSITION OF AN ADDITIONAL SALES AND USE TAX OF 1.25%; SUCH TAX INCREASE TO BEGIN ON JANUARY 1, 2026, AND CONTINUE UNTIL DECEMBER 31, 2056, OR SUCH EARLIER DATE THAT THE TOWN COUNCIL PASSES AN ORDINANCE TO REDUCE THE RATE, AT WHICH TIME SUCH ADDITIONAL SALES AND USE TAX SHALL BE REDUCED TO A MAXIMUM OF 0.25%; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND ALL REVENUES FROM SUCH TAX AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO ANY SPENDING OR REVENUE RESTRICTIONS OR OTHER LIMITS UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

ARTICLE 3. - DESIGNATED ELECTION OFFICIAL

The Town Clerk shall act as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the Election.

ARTICLE 4. - AUTHORIZATION TO IMPOSE TAX

If a majority of the votes cast on the question to increase the sales tax submitted at the Election is in favor of increasing such tax as provided in such question, the Town, acting through the Council, shall be authorized to proceed with the necessary action to impose such tax in accordance with such question. Such authority shall be deemed and considered a continuing authority to impose such tax and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

ARTICLE 5. - DESIGNATION OF AUTHORITY

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

ARTICLE 6. -REPEALER

All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

ARTICLE 7 - SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

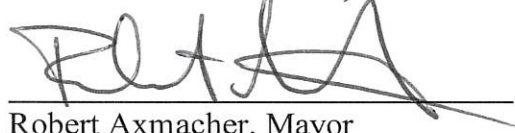
ARTICLE 8 - EFFECTIVE DATE

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

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON AUGUST 12, 2025, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON AUGUST 26, 2025 AT THE TIMNATH ADMINISTRATION BUILDING, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12TH DAY OF AUGUST 2025.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 26TH, 2025.

TOWN OF TIMNATH, COLORADO



Robert Axmacher, Mayor

ATTEST:



Milissa Peters, MMC
Town Clerk

