RESOLUTION

A RESOLUTION SUBMITTING TO THE VOTERS OF THE CITY OF THORNTON, COLORADO A BALLOT QUESTION EXTENDING THE EXISTING .25% SALES AND USE TAX FOR OPEN SPACE AND PARKS PURPOSES FROM ITS CURRENT TERMINATION DATE OF DECEMBER 31, 2018 TO DECEMBER 31, 2038; AND PROVIDING OTHER RELATED DETAILS.

WHEREAS, the City of Thornton, in the County of Adams and State of Colorado (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality pursuant to Article XX of the State Constitution and the laws of the State of Colorado; and

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

WHEREAS, the citizens of Thornton have recognized the benefits in establishing parks and ball fields, trails and open space, and preserving wetlands and wilderness areas for the quality of life and sense of community by approving a sales tax increase in 1997 for parks, trails and open space; and

WHEREAS, some of the major land purchases and improvements that were constructed with the 1997 tax proceeds include: Badding Open Space purchase of 10.97 acres at the northwest corner of Interstate 25 and Thornton Parkway; Civic Center Park construction including trails, pavilion and fountain; Niver Creek Open Space improvements including trails and landscaping; Carpenter Park improvements including amphitheater, skate park, playground, boathouse, carousel, sport courts, and trails; Grandview Ponds Open Space purchase of 59.58 acres at 104th Avenue east of Colorado Boulevard and construction of trails, bridges, picnic pavilions, fishing pier, and parking lot; Thornton Sports Complex improvements of 4 ball fields and playground at 102nd Avenue and McKay Road; Lambertson Lakes Homesite preservation including building stabilization, concrete floor for barn, and painting; Fishing facilities at reservoirs along the South Platte River from 88th Avenue to 104th Avenue; Thornton Trail Winds Park and Open Space purchase of 145 acres and construction of multipurpose fields, trails, playground, skate park, and rest rooms at the southwest corner of 136th Avenue and Holly Street; Aylor Park and Open Space purchase of 139.17 acres at the northwest corner of 136th and Quebec Street; Trail underpass at Brannter Gulch and Holly Street; Big Dry Creek Open Space purchase of 171.6 acres along Big Dry Creek from north of 144th Avenue to 156th Avenue; Eastlake Open Space purchase of 13.99 acres east of Eastlake Reservoir #3 and Park and Nature Preserve improvements including lake dredging, trails, boardwalk, and wildlife viewing blinds near 124th Avenue and Fillmore Street; and Signal Ditch trail connections on trail south of 136th Avenue to Signal Creek Boulevard with crossings at Peachtree Subdivision on the Farmer's Highline Ditch and Lee Lateral; and

WHEREAS, the City Council desires to extend these benefits for an additional time from December 31, 2018 to December 31, 2038; and
WHEREAS, the proceeds for the sales and use tax extension could be used for the purchase of open space, parks, recreational facilities, senior facilities, sports fields, buildings of historic, artistic or cultural significance, trails, passive parks, water bodies, wildlife habitat, and water and mineral rights associated with a property; and the construction, replacement or rehabilitation of appurtenant facilities, design, construction management, equipment and maintenance, excluding city staff compensation; provided that no more that 20% of the total annual revenues from the tax may be spent on or reserved for maintenance costs and provided that the expenditure of the revenues from the tax in each year shall be based on advice from City Boards and Commissions as adopted in master plans by the City Council; and

WHEREAS, pursuant to Section 3.1 of the City Charter, the City's regular municipal election will be held on November 5, 2013; and

WHEREAS, the City Council now determines it necessary and desirable to submit to the electors of the City, at the regular municipal election to be held November 5, 2013, the proposition to extend the rate of its sales and use tax for the purposes described herein; and

WHEREAS, pursuant to Section 10.2 of the City Charter, the rate of the sales tax and use tax may not be increased without approval of the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104, C.R.S.

2. Pursuant to the City Charter, the Colorado Uniform Election Code, and all laws amendatory thereof and supplemental thereto, at the regular municipal election to be held on November 5, 2013, there shall be submitted to the eligible electors of the City the following issue:

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING .25% SALES AND USE TAX FOR OPEN SPACE, RECREATION AND PARKS PURPOSES BE EXTENDED FROM ITS CURRENT TERMINATION DATE OF DECEMBER 31, 2018 TO DECEMBER 31, 2038 WITH SUCH TAX REVENUES TO BE USED FOR OPEN SPACE, PARKS, RECREATION, SENIOR FACILITIES, SPORTS FIELDS, BUILDINGS OF HISTORIC, ARTISTIC OR CULTURAL SIGNIFICANCE, TRAILS, PASSIVE PARKS, WATER BODIES, WILDLIFE HABITAT, AND WATER AND MINERAL RIGHTS ASSOCIATED WITH A PROPERTY, AND CONSTRUCTION, REPLACEMENT OR REHABILITATION OF APPURTEENT FACILITIES, DESIGN, CONSTRUCTION MANAGEMENT, EQUIPMENT AND MAINTENANCE (EXCLUDING CITY STAFF COMPENSATION); AND PROVIDED THAT NO MORE THAN 20% OF THE TOTAL ANNUAL REVENUES FROM THE TAX MAY BE SPENT ON OR
RESERVED FOR MAINTENANCE COSTS AND PROVIDED THAT THE EXPENDITURE OF THE REVENUES FROM THE TAX IN EACH YEAR SHALL BE BASED ON ADVICE FROM CITY BOARDS AND COMMISSIONS AS ADOPTED IN MASTER PLANS BY THE CITY COUNCIL?

3. If a majority of all votes cast at the election are in favor of the question, the extension of the tax question shall be approved.

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

5. Pursuant to C.R.S. Sections 1-5-205(1) and 1-7.5-107(2.5)(a), not less than 20 days prior to the election, the County Clerk is hereby instructed to give notice of the election, by causing a printed notice of the election to be published at least one time in the Northglenn-Thornton Sentinel, a legal newspaper of general circulation in the City. Pursuant to C.R.S. Section 1-5-105(1.3), such notice shall be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the City Clerk.

6. The City Clerk shall cause the notice required by Section 20(3)(b) of Article X of the Colorado Constitution to be prepared and transmitted to the County Clerk at least 42 days prior to the election as required by C.R.S. Section 1-7-904.

7. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

8. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on August 13, 2013.

CITY OF THORNTON, COLORADO

Heidi R. Williams, Mayor

ATTEST:

Nancy A. Vincent, City Clerk