

## **ORDINANCE 2023-14**

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE APRIL 2, 2024 REGULAR MUNICIPAL ELECTION, A BALLOT ISSUE CONCERNING A REVENUE RETENTION MEASURE PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) PROVIDING FOR THE RETENTION OF REVENUE IN EXCESS OF THE FISCAL YEAR SPENDING LIMITS FROM JANUARY 1, 2025 THROUGH DECEMBER 31, 2030**

**WHEREAS**, the City of Fruita is a growing community in need of additional capital improvement projects while maintaining vital municipal services; and

**WHEREAS**, City of Fruita voters have approved six previous revenue retention measures in 1993, 1995, 2000, 2006, 2012 and 2018 allowing the City of Fruita to retain revenues over TABOR limits, which funds were to be used for capital projects and road maintenance; and

**WHEREAS**, in the 2018 election, 82% of the voters approved the revenue retention measure; and

**WHEREAS**, because of these positive votes for revenue retention, the City was able to complete \$9.8 million of capital improvements with the retention of \$6.8 million in excess revenue including \$4.5 million in grant funds from January 1, 2017 thru December 31, 2022; and

**WHEREAS**, the Fruita City Council formed a Citizen Review Committee in the fall of 2023 to analyze TABOR and its effects on the City of Fruita; and

**WHEREAS**, in its October 21, 2023 report, the Citizen Review Committee recommended that the Fruita City Council bring a revenue retention measure question to the voters in April of 2024 asking to keep funds over the TABOR limits for an additional six (6) year period (2025 thru 2030) with the restriction that funds be used for capital projects and the maintenance related thereto, and

**WHEREAS**, the Fruita City Council finds and determines that it is in the best interest of the City of Fruita to request the electors voting in the regular municipal mail ballot election to be held April 2, 2024, to authorize an increase in revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution from January 1, 2025, through December 31, 2030 without any increase in existing tax rates or the imposition of additional taxes, for the purpose of implementing the city's capital improvement plan and maintenance thereof; and

**WHEREAS**, the Fruita City Council finds and determines that such requested authorization is permitted under Article X, Section 20 of the Colorado Constitution and Article 41 of Title 1, C.R.S., as amended.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:**

**Section 1:** That the following ballot issue shall be submitted to the electors voting in the regular municipal mail ballot election to be held on April 2, 2024:

**REFERRED ISSUE A**

“Without increasing existing tax rates or adding new taxes of any kind, shall the City of Fruita be authorized, from January 1, 2025, through December 31, 2030, to receive and expend all grants and to collect, retain, and expend all revenues generated in excess of the revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution for the purpose of implementing the city’s capital improvement plan including the maintenance of capital improvements?”

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Section 2:** Upon approval of the above question by the majority of the registered electors voting thereon, the City of Fruita shall be authorized to increase its revenue and expenditure limitations from January 1, 2025, through December 31, 2030, without increasing existing tax rates or adding new taxes of any kind. The City of Fruita shall further be authorized to receive and expend State grants; and to receive and expend all tax and other revenues generated in excess of the limitations set forth in Article X, Section 20 of the Colorado Constitution for the purpose of implementing the City’s Capital Improvements Plan and maintenance of those capital improvements.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 5th DAY OF DECEMBER, 2023**

ATTEST:

City of Fruita

\_\_\_\_\_  
City Clerk

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Joel Kincaid, Mayor