

**ORDINANCE 2012-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO,  
SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE REGULAR  
MUNICIPAL ELECTION, TO BE HELD APRIL 3, 2012, A BALLOT ISSUE  
CONCERNING AN INCREASE IN REVENUE AND EXPENDITURE LIMITATIONS.**

**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 four previous revenue retention measures in 1993, 1995, 2000 and 2006, 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 2006 election, the voters approved the revenue retention measure by almost a 4-1 margin; and

**WHEREAS**, because of these positive votes for revenue retention, the City has been able to complete over \$3.3 million dollars worth of improvements between 2006 - 2012 that otherwise would not have been able to be completed; and

**WHEREAS**, the Fruita City Council formed a Citizen Review Committee in the Fall of 2011 to analyze TABOR and its effects on the City of Fruita; and

**WHEREAS**, in its November 3, 2011 report, the Citizen Review Committee recommended that the Fruita City Council bring a revenue retention measure question to the voters in April of 2012 asking to keep funds over the TABOR limits 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 3, 2012, to authorize an increase in revenue and expenditure limitations established under Article X, Section 20 of the Colorado Constitution from January 1, 2013, through December 31, 2018 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

**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 3, 2012:

**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, 2013, through December 31, 2018, 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, 2013, through December 31, 2018, 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 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 3rd DAY OF JANUARY, 2012**

ATTEST:

City of Fruita

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

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H. Kenneth Henry, Mayor