

TOWN OF BERTHOUD

ORDINANCE NO. 1219

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, ADOPTING
A NEW SECTION 10 OF CHAPTER 23, POLICE AND LAW ENFORCEMENT,
FOR THE BERTHOUD MUNICIPAL CODE, MAKING PERMANENT THE
LEVY PASSED BY THE VOTERS IN 2006 IMPOSING A MAXIMUM OF
THREE (3) MILLS UPON TAXABLE REAL PROPERTY WITHIN THE TOWN
FOR THE SUPPORT OF POLICE AND LAW ENFORCEMENT FUNCTIONS**

WHEREAS, the Town of Berthoud, Colorado ("Town"), is a statutory town; and

WHEREAS, in an election in 2006, the voters of the Town of Berthoud approved the imposition of a tax not to exceed three (3) mills on all taxable real property within the town in order to support law enforcement functions of the Town; and

WHEREAS, voter-approved mill levy is set to expire in tax year 2016; and

WHEREAS, the termination of the law enforcement tax levy would require the Town of Berthoud to curtail police services which the public has indicated are desired; and

WHEREAS, the Town Board, after careful consideration and by unanimous consent at its meeting on January 26, 2016, determined that revenue generated from imposition of a tax on all taxable real property would benefit the community and citizens of Berthoud by supporting Police and Law Enforcement functions that include funding to apply for grants to support police operations, enhance drug and alcohol enforcement with emphasis in the schools, and increased patrolling for theft prevention and security to be in the best interests of the citizens of Berthoud; and

WHEREAS, acting pursuant to Article X, Section 20, of the Colorado Constitution ("TABOR Amendment"), which requires voter approval of any new tax, the Town Board authorized the submission a ballot issue on the proposed maximum of three (3) mills upon taxable real property within the Town for Police and Law Enforcement Services to the electors at the Berthoud Municipal Election on April 5th, 2016; and

WHEREAS, the Ballot Issue was approved by the qualified electors of the Town voting at the Berthoud Municipal Election that was held on April 5th, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE BERTHOUD MUNICIPAL CODE SHALL BE AMENDED BY THE ADDITION OF A NEW SECTION 10 TO CHAPTER 23 AND IS ENACTED AND ADOPTED AS SET FORTH BELOW:

1. A MAXIMUM OF THREE (3) MILLS SHALL BE IMPOSED UPON TAXABLE REAL PROPERTY WITHIN THE TOWN, SUCH REVENUES TO BE COLLECTED, RETAINED, AND SPENT FOR THE SUPPORT OF POLICE AND LAW ENFORCEMENT FUNCTIONS.
2. THE TAX IMPOSED SHALL BE COLLECTED, RETAINED, AND SPENT FOR THE SUPPORT OF POLICE AND LAW ENFORCEMENT FUNCTIONS THAT INCLUDE FUNDING TO APPLY FOR GRANTS WHICH WOULD SUPPORT POLICE OPERATIONS; ENHANCE DRUG AND ALCOHOL ENFORCEMENT WITH EMPHASIS IN THE SCHOOLS; INCREASED PATROLLING FOR THEFT PREVENTION AND SECURITY WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR SECTION 29-1-301, COLORADO REVISED STATUTES
3. THIS ORDINANCE SHALL BE SO INTERPRETED AND CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE.
4. IF ANY PART OR PARTS OF THIS ORDINANCE IS/ARE, FOR ANY REASON, HELD TO BE INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. THE TOWN BOARD HEREBY DECLARES THAT IT WOULD HAVE CODIFIED THESE PROVISIONS AND EACH PART OR PARTS THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE PART OR PARTS BE DECLARED INVALID.
5. THE TOWN BOARD HEREBY FINDS, DETERMINES AND DECLARES THAT THIS ORDINANCE IS NECESSARY AND PROPER FOR THE HEALTH, SAFETY AND WELFARE OF THE TOWN OF BERTHOUD AND THE INHABITANTS THEREOF, AND SHALL THEREFORE TAKE EFFECT IMMEDIATELY UPON PASSAGE.PASSED, ADOPTED, SIGNED AND APPROVED this the 10th day of May, 2016.

TOWN OF BERTHOUD

By:



David Gregg, Mayor

ATTEST:

By:



Tamiko Brewster, Acting Town Clerk