

**CITY OF LAFAYETTE
RESOLUTION NO. 2017-43**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAFAYETTE, COLORADO, SUBMITTING TO THE VOTERS AT
THE ELECTION ON NOVEMBER 7, 2017, A QUESTION
AUTHORIZING THE CITY TO LEVY AN EXCISE TAX OF 3.5%
ON THE PRICE PAID FOR THE RENTAL OF INDOOR OR
OUTDOOR STORAGE SPACE OR THE SALE OF STORAGE
SERVICES, AND DETERMINING THE BALLOT TITLE AND TEXT
OF THE BALLOT ISSUE TO BE SUBMITTED AT SUCH ELECTION**

WHEREAS, the provision of storage spaces and storage services to the public results in the increased use of municipal streets and rights-of-way, increased traffic, increased demands upon municipal services, such as police and fire protection, and has substantial effect upon the health, safety and welfare of the citizens of the City of Lafayette and upon the expenditures budgeted by the City of Lafayette, including the financial ability of the City to fund such expenditures, as well as other discretionary municipal programs; and

WHEREAS, an excise tax on the rental of indoor or outdoor storage space, or the sale of storage services is an equitable means to address the increased burden upon the City budget related to the municipal services provided by the City to the public, and to allow funding of municipal programs and activities related to cultural arts, historical preservation, and local history museums, including the Miners Museum, that otherwise would not be possible given the financial burden on the general fund caused by the provision of general municipal services caused by storage facilities; and

WHEREAS, City Council finds and determines that it is necessary and desirable to submit to the eligible electors of the City at the regular municipal election to be held on November 7, 2017, a ballot issue authorizing an excise tax on the rental of indoor or outdoor storage space, or the sale of storage services, within the City.

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

Section 1. At the regular municipal election to be held on Tuesday, November 7, 2017, there shall be submitted to the eligible electors of the City a ballot issue to authorize the City to levy an excise tax on the price paid for the rental of indoor or outdoor storage space, or the sale of storage services, within the City. At said election the ballot issue shall be in substantially the following form:

BALLOT TITLE AND TEXT OF BALLOT ISSUE

CITY OF LAFAYETTE STORAGE TAX

SHALL THE CITY OF LAFAYETTE'S TAXES BE INCREASED BY \$180,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR (2018) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY THE IMPOSITION OF AN EXCISE TAX ON THE RENTAL OF INDOOR OR OUTDOOR STORAGE SPACE, OR THE SALE OF STORAGE SERVICES, WITH SUCH TAX BEING IMPOSED AT THE RATE OF 3.5% OF THE PRICE PAID FOR STORAGE OR STORAGE SERVICES, AND THE PROCEEDS USED TO FUND PROGRAMS OF THE CITY THAT PROMOTE AND ADVANCE CULTURAL ARTS, HISTORIC PRESERVATION AND LOCAL HISTORY MUSEUMS, INCLUDING THE MINERS MUSEUM; AND WITH THE REVENUE FROM SUCH TAX AND ANY INVESTMENT EARNINGS THEREON TO CONSTITUTE A VOTER-APPROVED REVENUE AND SPENDING CHANGE UNDER, TO BE COLLECTED AND SPENT EACH YEAR WITHOUT LIMITATION BY THE REVENUE AND SPENDING LIMITS OF, AND WITHOUT LIMITING THE COLLECTION OR SPENDING OF OTHER REVENUES OR FUNDS BY THE CITY UNDER, ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 2. Upon approval of the above ballot issue by a majority of the eligible electors voting thereon, City Council may enact an implementing ordinance consistent with all of the terms and conditions contained in the above ballot issue.

Section 3. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the election of November 7, 2017, shall be conducted as a coordinated election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 3. The Council appoints Susan Koster, City Clerk, as the designated election official (the "Election Official") for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Boulder County Clerk and the City with respect to the election as provided in the Intergovernmental Agreement.

Section 4. The City authorizes the City Clerk, to enter into and carry out the terms of an Intergovernmental Agreement (the "Intergovernmental Agreement") with the Boulder County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the City and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the City and the other participating political subdivisions.

Section 5. For purposes of section 1-11-203.5, C.R.S., the ballot title for the question contained in this Resolution is hereby determined to be the text of the question itself.

Section 6. 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 in accordance with Colorado law.

Section 7. All actions not inconsistent with the provisions of this Resolution heretofore taken by the councilmembers, officers and employees of the City directed toward holding the election for the purpose stated herein are hereby ratified, approved and confirmed.

Section 8. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. If any article, section, paragraph, sentence, clause or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

RESOLVED AND PASSED THIS 15th DAY OF AUGUST, 2017.

CITY OF LAFAYETTE, COLORADO

Christine Berg, Mayor

ATTEST:

Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

David S. Williamson, City Attorney