### TOWN OF RICO ORDINANCE NO. 2001-2

### AN ORDINANCE AMENDING THE YEAR 2001 TOWN BUDGET AND APPROVING ADDITIONAL APPROPRIATIONS OF MONEY

WHEREAS, the Board of Trustees designated Eric Heil, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and,

WHEREAS, a public hearing was noticed and conducted on the 18<sup>th</sup> day of April, 2001, in accordance with the law;

WHEREAS, the Town has received a grant award from the Colorado Heritage Communities fund in the amount of \$12,654.00 for the purpose of fiscal impact analysis of new growth and Town desires to expend monies in the Sewer Fund for additional engineering and other matters related to the study of sewer systems and preparation of materials for application for financing and approval of a Town sewer system; and,

WHEREAS, the Rico Town Board finds that the adoption of this amendment to the budget is essential to the provision of basic and necessary services and finds that this emergency ordinance is necessary for the immediate preservation of the health, safety, and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has adopted the amended budget in accordance with the Local Government Budget Law, C.R.S. §29-1-109 on 18<sup>th</sup> day of April, 2001; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below;

NOW, THEREFORE, be it ordained by the Board of Trustees, the following:

### SECTION 1. BUDGETED REVENUES AND EXPENDITURES

The following sums are hereby appropriated for the revenue of the Sewer Fund as follows:

General Fund Revenues:		Parks, Trails and Open Space Fund	
Reserve Balance: Non Property Tax revenues: Property Tax Revenues: Grant/Other Revenues: Total General Fund: General Fund Expenditures: Street Fund Revenues: Reserve Balance: Non Property Tax revenues: Property Tax Revenues: Grant/Other Revenues:	\$61,879.78 \$64,494.00 \$31,093.50 \$71,654.00 <b>\$229,121.28</b> <b>\$164,608.19</b> \$30,434.50 \$22,300.00 \$10,100.00 \$0.00	Revenues:  Reserve Balance: Non Property Tax revenues: Property Tax Revenues: Grant/Other Revenues: Total Parks, Trails and Open Space Fund: Parks, Trails and Opens Space Fund Expenditures:	\$14,663.75 \$ 9,500.00 \$ 0.00 \$24,700.00 \$48,863.75 \$ 6,500.00
Total Street Fund:	\$62,834.50		
Street Fund Expenditures:	\$57,160.66		

#### Water Fund Revenues:

### Sewer Fund Revenues:

		STITULE LEGICALITY		
Reserve Balance: Non Property Tax revenues:	\$141,150.62 \$ 96,620.00	Reserve Balance:	\$	0.00
Property Tax Revenues:	\$ 90,020.00	Non Property Tax Revenues:	\$	0.00
Grant/Other Revenues:	\$ 84,000.00	Property Tax Revenues:	\$	22,500.00
Total Water Fund:	\$321,770.62	Grant/Other Revenues: Total Sewer Fund:	\$	0.00 <b>22,500.00</b>
		Sewer Fund Expenditures:	_	22,000.00
Water Fund Expenditures:	\$241,174.06		4	## (000100

#### SECTION 2. ADOPTION OF BUDGET

The Budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the amended budget of the Town of Rico for the year 2001. The Budget shall be signed by the Mayor Protem and made a part of the public records of the Town.

#### SECTION 3. **EFFECTIVE DATE**

This Ordinance shall take effect immediately.

Ordinance introduced, read, and approved on first reading on the 21st day of March, 2001.

Ordinance read and approved on second and final reading after conducting a public hearing on the 13th day of June, 2001.

By: Lobert & Cummy Attest Linda Yellowman, Town Clerk

Approved as to form:

### TOWN OF RICO, COLORADO ORDINANCE NO. 2001-5

### AMENDING ORDINANCE NO. 312 CONTROL AND LICENSING OF DOGS TO AMEND SECTION 11. B. DOG LICENSING FEES

WHEREAS the Rico Home Rule Charter §12.1 allows registered voters to propose an Ordinance to the Town Board of Trustees and such petition has been presented which meets the qualifications of §12.4, and which further requires the Town Board to either adopt this ordinance or refer this ordinance to and election;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS the following:

Ordinance No. 312, Section 11 Collar and Tag, paragraph B., is hereby amended to read as follows (underlined language is added, strike-out language is deleted from original ordinance):

"B. The Annual Licensing Fees are as follows:

1.	First Each Dog per residence	\$10.00	\$30.00
2.	Second Dog per residence	\$20.00	\$60.00
3.	Third and subsequent dogs	\$90.00	\$90.00
	Per residence"		

REJECTED ON FIRST AND FINAL READING ON THE 20th DAY OF JUNE, 2001.

IN THE EVENT THIS ORDINANCE IS REJECTED IT IS HEREBY REFERRED TO AN ELECTION ON THE 28<sup>th</sup> DAY OF AUGUST, 2001, PURSUANT TO §12.7 OF THE RICO HOME RULE CHARTER WITH THE BALLOT TITLE AND QUESTION REFERRED AS FOLLOWS:

"Shall Initiated Ordinance No. 2001-5 AMENDING ORDINANCE NO. 312 CONTROL AND LICENSING OF DOGS TO AMEND SECTION 11. B. DOG LICENSING FEES be adopted?

Yes	
No	יים

TOWN OF RICO, COLORADO

Rob Cummings, Mayor Pro Tem

Linda Yellowman,

APPROVED AS TO FORM:

Eric James Heil, Town Attorney

### TOWN OF RICO, COLORADO ORDINANCE NO. 2001-5

# AN EMERGENCY ORDINANCE REFERRING A MILL LEVY INCREASE, TAX IMPOSITION AND DEBT AUTHORIZATION BALLOT QUESTION FOR MULTIPLE PURPOSES TO THE NOVEMBER $6^{\mathrm{TH}}$ , 2001 ELECTION

WHEREAS the Town of Rico Home Rule ARTICLE VIII authorizes the Town to refer property tax mill levy, other tax imposition and debt authorization questions to the voters in Rico and Home Rule Charter §3.6 authorizes the enactment of emergency ordinances; and,

WHEREAS, the Town Board finds that the referral of ballot questions concerning staffing, capital improvements and waste water treatment must be certified by September 12<sup>th</sup>, 2001, to the County Clerk and therefore declares an emergency and need to consider this ordinance on one reading;

### NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. <u>Referral of Ballot Questions</u>. The following ballot questions are hereby referred to the November 6<sup>th</sup>, 2001, general election:

### TOWN OF RICO BALLOT QUESTION NO. 1. TOWN MANAGER FUNDING:

SHALL THE TOWN OF RICO TAXES BE INCREASED \$39,900.00 ANNUALLY by the levying of an additional 7.500 mills, effective January 1, 2002, and shall the Town be permitted to collect, retain and expend the full proceeds of such tax revenue generated from all Town levied property taxes not notwithstanding any state restrictions on fiscal year spending, including without limitation Article X, Section 20 of the Colorado Constitution?

TOWN OF RICO BALLOT QUESTION NO. 2.
NON-PROPERTY TAX FUNDING FOR STREETS AND CAPITAL IMPROVEMENTS:

SHALL THE TOWN OF RICO TAXES BE INCREASED \$13,000.00 ANNUALLY by the imposition of a 1% sales tax (increase from 4% to 5%) and shall 10% of the total 5% Sales Tax revenue be dedicated to the Parks Fund; and SHALL THE TOWN OF RICO TAXES BE INCREASED \$5,000 ANNUALLY by the imposition of a 1% Lodging Tax and shall 75% of the proceeds of the 1% Lodging Tax be dedicated to the Park Fund and 25% of the proceeds dedicated to the Rico Business Association or such other purpose as the Town Board may determine by ordinance, and shall the Lodging Tax apply to all short term rental of property for periods of 30 days or less; and, SHALL THE TOWN OF RICO TAXES BE INCREASED \$50,000.00

The second second second

ANNUALLY by the imposition of an Excise Tax on new construction in the amount of \$2.00 per square foot of floor area of all new structures and shall the revenues from such Excise Tax be dedicated to capital improvements only with the following allocation: 25% to General Fund, 25% to Street Fund, 25% to Park Fund, and 25% to Rico Fire Protection District; and, shall the 2% Use Tax on building materials be repealed and shall the Town be permitted to collect, retain and expend the full proceeds of such sales tax, lodging tax and excise tax revenue generated not notwithstanding any state restrictions on fiscal year spending, including without limitation Article X. Section 20 of the Colorado Constitution??

minution ratiole rs, bestion 20 of the Colorado Constitution:
Yes No
TOWN OF RICO BALLOT QUESTION 3. TOWN WIDE SEWER SYSTEM:
SHALL THE TOWN OF RICO SEWER ENTERPRISE DEBT BE INCREASED \$1,275,000.00 WITH A MAXIMUM REPAYMENT COST OF UP TO \$2,500,000.00; AND SHALL THE TOWN OF RICO'S TAXES BE INCREASED \$25,000.00 ANNUALLY by the imposition of an additional mill levy not to exceed 4.611 mills to be dedicated to Sewer Enterprise if and only if Ballot Questions 1 and 2 are approved by the voters and shall the Town be permitted to receive, retain and expend any state or federal grant proceeds for the purpose of planning, administration, construction, operation, maintenance and system replacement of a waste water treatment system and repaying debt incurred for the construction of such waste water treatment system, not notwithstanding any state restrictions on fiscal year spending, including without limitation Article X, Section 20 of the Colorado Constitution?
Yes No No
Section 2. <u>Emergency Ordinance</u> . This ordinance is adopted as an emergency ordinance.
Section 3. <u>Effective Date</u> . This ordinance shall be effective immediately.
READ, MOVED AND APPROVED ON FIRST AND FINAL READING ON THE 10 <sup>th</sup> DAY OF SEPTEMBER, 2001.
TOWN OF RICO, COLORADO
BY: ATTEST: June Sellowman, Town Clerk
APPROVED AS TO FORM:

Eric James Heil, Town Attorney

THE RESERVE AND ADDRESS OF THE PARTY OF THE

---

market seeds and and talk-demandered spendence spine it is considered. Assume

The same of the sa

na altre de l'addresse destruction de la region de la reg

The state of the s

### TOWN OF RICO ORDINANCE NO. 2001-6

### AN EMERGENCY ORDINANCE ADOPTING THE YEAR 2002 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND, SETTING AND CERTIFYING TOWN MILL LEVIES

WHEREAS, the Board of Trustees designated Eric Heil, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and,

WHEREAS, a public hearing was noticed and scheduled for the 12<sup>th</sup> day of December in accordance with the law;

WHEREAS, the Rico Town Board finds that the adoption of the budget is essential to the provision of basic and necessary services and finds that this emergency ordinance is necessary for the immediate preservation of the health, safety, and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has adopted the budget in accordance with the Local Government Budget Law on 12<sup>th</sup> day of December, 2001; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below; and,

WHEREAS, the 2001 valuation for the Town of Rico as certified by the County Assessor is \$5,284,233.00; and,

NOW, THEREFORE, be it resolved by the Board of Trustees, the following:

#### SECTION 1. BUDGETED REVENUES AND EXPENDITURES

The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

#### General Fund Revenues:

Total General Fund:	<u>\$399,573.00</u>
Grant/Other Revenues:	\$198,795.00
Property Tax Revenues:	\$ 69,000.00
Non Property Tax revenues:	\$ 62,844.00
Reserve Balance:	\$ 68,934.00

### General Fund Expenditures: \$341,504.62

#### **Street Fund Revenues:**

Reserve Balance:	\$24,505.14
Non Property Tax revenues:	\$32,000.00
Property Tax Revenues:	\$ 9,432.38

C:\Rico\Ordinances\Ordinance 01-6 Adopting Budget and Setting Mil Levy.doc 12-08-01

### ALCOHOLOGICAL CONTRACTOR

n T in a man man man n a gaga n <u>a side type</u>s

THE RESIDENCE OF THE PERSON OF

THE PARTY STATES STATES THE PARTY OF T

300

Grant/Other Revenues:	\$	0.00
Total Street Fund:		937.52
Street Fund Expenditures:	<u>\$59,</u>	835.66
Parks, Trails and Open Space Fur Reserve Balance: Non Property Tax revenues: Property Tax Revenues: Grant/Other Revenues: Total Parks, Trails and	\$22,5 \$14,5 \$ \$	371.23 700.00 0.00 0.00
Open Space Fund:	22/1	<u>071.23</u>
Parks, Trails and Opens Space Fund Expenditures:	\$ 3,	500.00
Water Fund Revenues: Reserve Balance: Non Property Tax revenues: Property Tax Revenues: Grant/Other Revenues:	\$103 \$	,520.35 ,000.00 0.00 ,000.00
Total Water Fund:	<u>\$139</u>	<u>,520.35</u>
Water Fund Expenditures:	<u>\$106</u>	<u>,400.00</u>
Sewer Fund Revenues: Reserve Balance: Non Property Tax Revenues: Property Tax Revenues: Grant/Other Revenues:	\$ \$ 20 \$	,905.57 0.00 ,814.65 0.00
Total Sewer Fund:	<u>\$ 36</u>	<u>,720.22</u>
Sewer Fund Expenditures:	<u>\$ 10</u>	<u>,00.00</u>

### SECTION 2. ADOPTION OF BUDGET

The Budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Town of Rico for the year 2002. The Budget shall be signed by the Mayor and the Mayor Protem and made a part of the public records of the Town.

### SECTION 3. CERTIFICATION OF MILL LEVIES

That for the purpose of meeting all general operating expenses of the Town of Rico during the 2002 budget year there is hereby levied a tax of 13.020 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2001.

That for the purpose of meeting all street fund expenses of the Town of Rico during the 2002 budget year there is hereby levied a tax of 1.785 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2001.

C:\Rico\Ordinances\Ordinance 01-6 Adopting Budget and Setting Mil Levy.doc 12-08-01

That for the purpose of meeting all sewer fund expenses of the Town of Rico during the 2002 budget year there is hereby levied a tax of **3.939 mills** upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2001.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDINANCE READ, APPROVED AND ADOPTED ON FIRST AND FINAL READING THIS  $12^{\mathrm{TH}}$  DAY OF DECEMBER, 2001.

Steve Snelling, Acting Mayor

Linda Yellowman, Town Clerk

Approved as to Form:\_

Eric James Heil, Town Attorney

### TOWN OF RICO, COLORADO ORDINANCE NO. 2001-7

## AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 335 TO IMPLEMENT VOTER APPROVED SALES TAX, LODGING TAX AND EXCISE TAX

WHEREAS the voters in the Town of Rico approved the imposition of a 1% sales tax increase, a 1% lodging tax, and a \$2 per square foot on all new construction excise tax at the November  $6^{th}$  election; and,

WHEREAS, the Town Board finds that the implementation of this taxing authority is necessary to the health, safety and general welfare of the Rico community;

### NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. <u>Amendment of Ordinance No. 335</u>. Ordinance No. 335 is hereby amended as follows:

Article II Sales Tax, paragraph F. Amount of Tax is hereby amended to read as follows:

"There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services described in section D. of this Article, a five percent (5%) sales tax as provided herein."

Article II Sales Tax, paragraph I. <u>Revenues Derived – Disposition</u>, is hereby amended to read as follows:

"Revenues derived from the sales tax imposed by this ordinance shall be allocated as follows: 80% to the General Fund, 10% to the Parks, Open Space and Trails Fund, and 10% to the Street Fund."

Article III is hereby repealed and a new Article III enacted to read as follows:

### "ARTICLE III

#### **LODGING TAX**

#### A. Purpose

The purpose of this Article is to impose a Lodging Tax at the rate of 1% on all lodging.

### B. Definitions

"Lodging" is defined as all short term rentals of property for a period of thirty (30) days or less, including but not limited to hotel and motel rentals, rentals of cabins or residential properties, rentals of recreational vehicle sites and rental of camping sites."

C:\Rico\Ordinances\Ord 01-7 Emergency Tax Amendment.doc 9/10/01

### C. Revenues Derived – Disposition

Revenues derived from the Lodging Tax shall be imposed by this ordinance shall be allocated as follows: 75% to the Parks, Open Space and Trails Fund and 25% to the Rico Business Association. The Town may decide to re-allocate the 25% of revenues to the Rico Business Association to such other purposes as the Town deems appropriate by ordinance."

Article IV EXCISE TAX is hereby enacted to read as follows:

### A. <u>Purpose</u>

The purpose of this Article is to impose an Excise Tax at the rate of \$2 per square foot on all new construction in order to generate necessary funds for the provision of public capital improvements to serve the increased demands for public services caused by new construction. The Excise Tax is not an *ad valorem* tax on real property and is not related to the value of real property construction.

### B. Definitions

"Square Foot" means the square footage of construction as is defined and calculated by the Rico Land Use Code, as may be amended from time to time.

"New Construction" means any new construction which requires a building permit from the Town of Rico as required by the Rico Land Use Code, as may be amended from time to time, but does not include re-modelling and repair of existing structures.

### C. Procedure

The Excise Tax shall be due and payable upon the application of a building permit and prior to the receipt of a building permit. The Town shall not issue a building permit unless and until the Excise Tax has been paid. The issuance of a building permit without the payment of the Excise Tax shall not waive, negate, or estop the Town's right to collect the Excise Tax.

### D. Revenues Derived – Disposition

Revenues derived from the Excise Tax shall be imposed by this ordinance shall be allocated as follows: 25% to the General Fund, 25% to the Street Fund, 25% to the Parks, Open Space and Trails Fund and 25% to the Rico Fire Protection District

### ARTICLE V. CAPITAL IMPROVEMENTS FUNDS

A. <u>Separate Fund Category</u> The Town shall establish and maintain a separate Capital Improvements category for the revenues derived from this ordinance that are allocated by voter approval to capital improvements in the General Fund, Street Fund and Parks, Open Space, and Trails Fund. Funds received and allocated towards Capital Improvements shall be restricted to such use only and may not be transferred to other funds or used for general

operation and maintenance expenses. Any agreement with the Rico Fire Protection District for the disbursement of Capital Improvements funds derived from this Ordinance and authorized by the November 6<sup>th</sup> election shall include a requirement that such funds be accounted for separately and used only for capital improvement purposes.

### B. <u>Definition</u>

"Capital Improvements" means the purchase of real estate or equipment or construction of facilities, or any improvements related to such real estate, equipment or facilities, that has a useful life expectancy of five (5) years or greater.

Section 2. Emergency Ordinance. This ordinance is adopted as an emergency ordinance.

Section 3. <u>Effective Date</u>. This ordinance shall be effective immediately. The 1% increased Sales Tax Rate, 1% Lodging Tax, and \$2.00 (two dollar) per square foot excise tax shall take effect on the 1<sup>st</sup> day of January, 2002.

READ, MOVED AND APPROVED ON FIRST AND FINAL READING ON THE 12<sup>th</sup> DAY OF DECEMBER, 2001.

TOWN OF RICO, COLORADO

RV-

Steve Snelling, Acting Mayor

Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

Eric James Heil, Town Attorney

#### CERTIFICATION

STATE OF COLORADO
COUNTY OF DOLORES SS
TOWN OF RICO

I, Linda Yellowman, Town Clerk of the Town of Rico, Colorado do hereby certify that the foregoing Ordinance No. 2001-7 is a true and correct copy of the original ordinance read, adopted and was referred to an election this 10<sup>th</sup> day of September 2001 by the Board of Trustees of the Town of Rico. Ordinance No. 2001-7 passed with 66 yes votes and 42 no votes on November 6<sup>th</sup>, 2001.

WITNESS my hand and seal of said Town of Rico, Colorado this 20<sup>th</sup>, day of December 2001.

Rico Town Clerk Town of Rico, Colorado A1 1 4 5 5

DELINIO THE STREET