

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2015

COUNCIL BILL NO. CB15-0379  
COMMITTEE OF REFERENCE:  
4 Finance and Services

5 **A BILL**

6 **For an ordinance submitting to a vote of the qualified and registered electors**  
7 **of the City and County of Denver at a special municipal election to be held on**  
8 **Tuesday, November 3, 2015, the question of whether the City shall be**  
9 **authorized to issue bonds or other financial obligations for the purpose of**  
10 **financing the following tourism related projects: the National Western**  
11 **Center and improvements to the Colorado Convention Center; and in**  
12 **connection therewith to eliminate the expiration date of the lodger’s tax and**  
13 **the auto rental tax at a rate equal to 1.75%; providing the form of the ballot**  
14 **question; providing for other details in connection therewith; and ratifying**  
15 **action previously taken.**

16 (1.) **WHEREAS**, the City and County of Denver (the “City”), is a municipal corporation  
17 duly organized and existing as a home-rule municipality under Article XX of the Constitution (the  
18 “Constitution”) and laws of the State of Colorado and the City Charter (the “Charter”); and

19 (2.) **WHEREAS**, the members of the City Council of the City (the “City Council”) have  
20 been duly elected and qualified; and

21 (3.) **WHEREAS**, Article X, Section 20 of the Constitution (“TABOR”) requires voter  
22 approval for the creation of any debt, imposition of any new tax, tax rate increase, mill levy  
23 above that for the prior year, extension of an expiring tax, and for collecting, retaining and  
24 expending certain moneys above limits established by TABOR; and

25 (4.) **WHEREAS**, the City Council, after consultation with the Mayor and other appropriate  
26 municipal officers, has determined that there should be submitted to the qualified and registered  
27 electors of the City at the special municipal election called by this ordinance to be held on  
28 November 3, 2015 (the “Election”) the question of whether the City shall be authorized to  
29 issue bonds or other financial obligations of the City for the purpose of financing the following  
30 tourism related projects: the National Western Center and improvements to the Colorado  
31 Convention Center; and in connection therewith whether the expiration of the lodger’s tax and the  
32 auto rental tax at a rate equal to 1.75% should be extended; and

33 (5.) **WHEREAS**, TABOR also requires the City to submit ballot issues (as defined in  
34 TABOR) to the City’s electors on limited election days before action can be taken on such  
35 ballot issues; and

1 (6.) **WHEREAS**, November 3, 2015, is one of the election dates at which ballot  
2 issues may be submitted to the City’s qualified and registered electors pursuant to TABOR; and

3 (7.) **WHEREAS**, the Denver Clerk and Recorder (the “Clerk”) is conducting a  
4 coordinated election pursuant to the Uniform Election Code of 1992, being Articles 1 to 13 of  
5 Title 1, C.R.S. (the “Uniform Election Code”) on November 3, 2015; and

6 (8.) **WHEREAS**, pursuant to Section 8.2.1 of the Charter, Section 15-4 Denver Revised  
7 Municipal Code, Section 1-1-102 of the Uniform Election Code, C.R.S. § 31-10-102.7 of the  
8 Municipal Election Code, and this ordinance, the City Council may elect to utilize the provisions  
9 of the Uniform Election Code in order to participate in the coordinated election on November 3,  
10 2015; and

11 (9.) **WHEREAS**, the City Council hereby determines that it is necessary to submit to the  
12 qualified and registered electors of the City, at the coordinated election to be held on  
13 November 3, 2015, the question specified in Section 3 below; and

14 (10.) **WHEREAS**, it is necessary to set forth certain procedures concerning the conduct of  
15 the Election.

16 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
17 **DENVER:**

18 **Section 1.** All action heretofore taken (not inconsistent with the provisions of this  
19 ordinance) by the City and the officers thereof, directed towards the election, and the objects and  
20 purposes herein stated is hereby ratified, approved and confirmed.

21 **Section 2.** Unless otherwise defined herein, all terms used herein shall have the  
22 meanings defined in the Uniform Election Code.

23 **Section 3.** Pursuant to Section 8.2.3 of the Charter, the City Council hereby determines  
24 to call a special election to be conducted pursuant to the Uniform Election Code as part of the  
25 coordinated election being conducted by the Clerk on November 3, 2015. The City Council  
26 hereby determines that at the Election, there shall be submitted to the qualified and registered  
27 electors of the City the following question:

28 SHALL CITY AND COUNTY OF DENVER DEBT BE INCREASED BY NO MORE THAN  
29 \$778,000,000 WITH A MAXIMUM REPAYMENT COST OF NO MORE THAN  
30 \$1,999,000,000, WITHOUT IMPOSING ANY NEW TAX OR INCREASING ANY TAX RATE;  
31 WITH SUCH DEBT TO BE ISSUED FOR THE PURPOSE OF FINANCING THE  
32 FOLLOWING TOURISM RELATED PROJECTS:

- 1           • THE NATIONAL WESTERN CENTER INCLUDING:
  - 2           ○ CONSTRUCTING AND IMPROVING THE APPROXIMATELY 270 ACRE
  - 3           NATIONAL WESTERN CENTER IN ORDER TO CONTINUE IT AS THE HOME
  - 4           FOR THE NATIONAL WESTERN STOCK SHOW.
  - 5           ○ PROVIDING LOCATIONS FOR NEW COLORADO STATE UNIVERSITY
  - 6           AGRICULTURE-RELATED ACADEMIC BUILDINGS ON THE NATIONAL
  - 7           WESTERN CENTER.
  - 8           ○ CLEANING UP AND REVITALIZING NEARLY A MILE OF THE SOUTH PLATTE
  - 9           RIVER.
  - 10          ○ PROVIDING GREATER ACCESS TO APPROXIMATELY 80 ACRES OF PARK
  - 11          AND OPEN SPACE LAND AND 12 NEW ACRES OF NATIONAL WESTERN
  - 12          CENTER RIVERFRONT AREA.
  - 13          ○ RESTORING AND PRESERVING HISTORICAL SITES AND PROVIDING FOR
  - 14          NEW USES ON THE NATIONAL WESTERN CENTER.
  - 15          ○ CREATING ADDITIONAL CONNECTIONS BETWEEN GLOBEVILLE, ELYRIA,
  - 16          AND SWANSEA NEIGHBORHOODS AND INCREASING ACCESS TO PUBLIC
  - 17          TRANSPORTATION.
  - 18          ○ CREATING FLEXIBLE ART AND CULTURAL FACILITY SPACES INCLUDING
  - 19          ART GALLERIES, MUSIC, ART AND DANCE STUDIOS, AND A YEAR-ROUND
  - 20          FRESH FOOD MARKET.
- 21          • ENHANCEMENTS TO AND EXPANSION OF THE COLORADO CONVENTION
- 22          CENTER INCLUDING EXHIBIT AND MEETING SPACES AND NECESSARY
- 23          TECHNOLOGICAL IMPROVEMENTS.

24

25 SHALL THE DEBT BE EVIDENCED BY BONDS, NOTES, LOAN AGREEMENTS OR

26 OTHER FINANCIAL OBLIGATIONS THAT MAY BE REDEEMABLE PRIOR TO

27 MATURITY WITH OR WITHOUT A PREMIUM, BE REPAYED FROM REVENUES DERIVED

28 FROM THE CITY'S LODGER'S TAX, AUTO RENTAL TAX, AND OTHER LEGALLY

29 AVAILABLE REVENUES (EXCLUDING PROPERTY TAXES) AS THE CITY COUNCIL

30 MAY DETERMINE; SHALL THE CITY BE AUTHORIZED TO REFUND THE DEBT

31 AUTHORIZED IN THIS QUESTION, PROVIDED THAT SUCH REFUNDING DEBT,

1 WHEN COMBINED WITH OTHER OUTSTANDING DEBT AUTHORIZED IN THIS  
2 QUESTION, DOES NOT EXCEED THE MAXIMUM PRINCIPAL LIMITS OR  
3 REPAYMENT COSTS AUTHORIZED BY THIS QUESTION; AND, SHALL THE  
4 EXPIRATION OF THE LODGER'S TAX AND THE AUTO RENTAL TAX AT A RATE  
5 EQUAL TO 1.75% APPROVED BY THE VOTERS IN 1999 BE EXTENDED  
6 INDEFINITELY, WITH THE REVENUES FROM SUCH TAXES TO BE USED TO PAY  
7 SUCH DEBT AND THE COSTS OF OPERATING, MAINTAINING AND IMPROVING THE  
8 NATIONAL WESTERN CENTER CAMPUS AND THE COLORADO CONVENTION  
9 CENTER AND OTHER TOURISM RELATED PROJECTS?  
10

11 **Section 4.** The Clerk is hereby appointed as the designated election official of the City  
12 for purposes of performing acts required or permitted by law in connection with the election.

13 **Section 5.** The officers and employees of the City are hereby authorized and directed to  
14 take all action necessary or appropriate to effectuate the provisions of this ordinance.

15 **Section 6.** If a majority of the votes cast on the question to authorize the issuance of  
16 bonds or other financial obligations and extending the expiring taxes submitted at the election  
17 shall be in favor of the issuance of bonds or other financial obligations and extending the  
18 expiring taxes as provided in such question, the City, acting through the Mayor and City Council,  
19 shall be authorized to proceed with the necessary action to the issue the bonds or other financial  
20 obligations and extend the expiring taxes in accordance with such question. Any authority to  
21 issue the bonds or other financial obligations and extend the expiring taxes, if conferred by the  
22 results of the election, shall be deemed and considered a continuing authority to the issue the  
23 bonds or other financial obligations and extend the expiring taxes so authorized at any one time,  
24 or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of  
25 time, shall be considered as exhausting or limiting the full authority so conferred.

26 **Section 7.** If a majority of the votes cast on the question authorize the issuance of  
27 bonds as described in the question set forth in Section 3 above, the City intends to issue such  
28 bonds in the approximate aggregate principal amount of \$778,000,000 to pay the costs of the  
29 project described in the election question (the "Project"), including the reimbursement of certain  
30 costs incurred by the City prior to the execution and delivery of such bonds, upon terms  
31 acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all  
32 further action which is necessary or desirable in connection therewith. The officers, employees  
33 and agents of the City shall take all action necessary or reasonably required to carry out, give  
34 effect to and consummate the transactions contemplated hereby and shall take all action

1 necessary or desirable to finance the Project and to otherwise carry out the transactions  
2 contemplated by the ordinance. The City shall not use reimbursed moneys for purposes  
3 prohibited by Treasury Regulation §1.150-2(h). This ordinance is intended to be a declaration of  
4 “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

5 **Section 8.** Pursuant to Article XX of the State Constitution and the Charter, all State  
6 statutes that might otherwise apply in connection with the provisions of this ordinance  
7 (including, without limitation C.R.S. § 31-11-111) are hereby superseded to the extent of any  
8 inconsistencies or conflicts between the provisions of this ordinance and such statutes. Any such  
9 inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to  
10 the authority of Article XX of the State Constitution and the Charter.

11 **Section 9.** If any section, paragraph, clause or provision of this ordinance shall for any  
12 reason be held to be invalid or unenforceable, the invalidity or unenforceability of such  
13 section, paragraph, clause or provision shall in no manner affect any remaining provisions of this  
14 ordinance.

15 **Section 10.** All ordinances or parts of ordinances inconsistent herewith are hereby  
16 repealed to the extent only of such inconsistency. This repealer shall not be construed to revive  
17 any ordinance or part of any ordinance heretofore repealed.

18 COMMITTEE APPROVAL DATE: June 2, 2015

19 MAYOR-COUNCIL DATE: June 9, 2015

20 PASSED BY THE COUNCIL: \_\_\_\_\_, 2015

21 \_\_\_\_\_ - PRESIDENT

22 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2015

23 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
24 EX-OFFICIO CLERK OF THE  
25 CITY AND COUNTY OF DENVER

26 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2015; \_\_\_\_\_, 2015

27 PREPARED BY: Jennifer Welborn, Assistant City Attorney DATE: June 18, 2015

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
29 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
30 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
31 3.2.6 of the Charter.

32 D. Scott Martinez, City Attorney for the City and County of Denver

33 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2015