

1 **BY AUTHORITY**

2 **ORDINANCE NO. _____**

CITY COUNCIL BILL NO. __

3 **SERIES OF 2015**

COMMITTEE OF REFERENCE:

4 **FINANCE**

5 **A BILL**

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

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

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

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

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

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

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

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

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

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

17 (10.) WHEREAS, it is necessary to set forth certain procedures concerning the conduct
18 of the Election.

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

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

24 Section 2. Unless otherwise defined herein, all terms used herein shall have the
25 meanings defined in the Uniform Election Code.

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

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

6 • THE NATIONAL WESTERN CENTER CAMPUS INCLUDING:

7 ○ CONSTRUCTING AND IMPROVING THE APPROXIMATELY 270
8 ACRE NATIONAL WESTERN CENTER IN ORDER TO CONTINUE
9 IT AS THE HOME FOR THE NATIONAL WESTERN STOCK SHOW.

10 ○ PROVIDING LOCATIONS FOR NEW COLORADO STATE
11 UNIVERSITY AGRICULTURE-RELATED ACADEMIC BUILDINGS
12 ON THE NATIONAL WESTERN CENTER CAMPUS.

13 ○ CLEANING UP AND REVITALIZING NEARLY A MILE OF THE
14 SOUTH PLATTE RIVER.

15 ○ PROVIDING GREATER ACCESS TO APPROXIMATELY 80 ACRES
16 OF PARK AND OPEN SPACE LAND AND 12 NEW ACRES OF
17 NATIONAL WESTERN CENTER RIVERFRONT AREA.

18 ○ RESTORING AND PRESERVING HISTORICAL SITES AND
19 PROVIDING FOR NEW USES ON THE NATIONAL WESTERN
20 CENTER CAMPUS.

21 ○ CREATING ADDITIONAL MULTI-MODAL STREET
22 CONNECTIONS BETWEEN GLOBEVILLE, ELYRIA AND
23 SWANSEA NEIGHBORHOODS.

24 ○ CREATING FLEXIBLE ART AND CULTURAL FACILITY SPACES
25 INCLUDING ART GALLERIES, MUSIC, ART AND DANCE
26 STUDIOS, AND A YEAR-ROUND FRESH FOOD MARKET.

27 • ENHANCEMENTS TO AND EXPANSION OF THE COLORADO
28 CONVENTION CENTER INCLUDING:

29 ○ A NEW BALLROOM, PATIO AND MEETING SPACES.

30 ○ TECHNOLOGICAL IMPROVEMENTS THROUGHOUT FACILITY
31 FOR VIDEO AND PORTABLE DEVICE FLEXIBILITY.

32 ○ ADDITIONAL NETWORKING SPACE THROUGHOUT THE
33 BUILDING ;

1 SHALL THE DEBT BE EVIDENCED BY BONDS, NOTES, LOAN AGREEMENTS
2 OR OTHER FINANCIAL OBLIGATIONS THAT MAY BE REDEEMABLE PRIOR
3 TO MATURITY WITH OR WITHOUT A PREMIUM, BE REPAYED FROM
4 REVENUES DERIVED FROM THE CITY'S LODGER'S TAX, AUTO RENTAL
5 TAX, AND OTHER LEGALLY AVAILABLE REVENUES (EXCLUDING
6 PROPERTY TAXES) AS THE CITY COUNCIL MAY DETERMINE; SHALL THE
7 CITY BE AUTHORIZED TO REFUND THE DEBT AUTHORIZED IN THIS
8 QUESTION, PROVIDED THAT SUCH REFUNDING DEBT, WHEN COMBINED
9 WITH OTHER OUTSTANDING DEBT AUTHORIZED IN THIS QUESTION, DOES
10 NOT EXCEED THE MAXIMUM PRINCIPAL LIMITS OR REPAYMENT COSTS
11 AUTHORIZED BY THIS QUESTION; AND, SHALL THE EXPIRATION OF THE
12 LODGER'S TAX AND THE AUTO RENTAL TAX AT A RATE EQUAL TO 1.75%
13 APPROVED BY THE VOTERS IN 1999 BE EXTENDED INDEFINITELY, WITH
14 THE REVENUES FROM SUCH TAXES BE USED TO PAY SUCH DEBT AND THE
15 COSTS OF OPERATING, MAINTAINING AND IMPROVING THE NATIONAL
16 WESTERN CENTER CAMPUS AND THE COLORADO CONVENTION CENTER
17 AND OTHER TOURISM RELATED PROJECTS?
18

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

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

24 Section 6. If a majority of the votes cast on the question to authorize the issuance of
25 bonds or other financial obligations and extending the expiring taxes submitted at the election
26 shall be in favor of the issuance of bonds or other financial obligations and extending the
27 expiring taxes as provided in such question, the City, acting through the Mayor and City Council,
28 shall be authorized to proceed with the necessary action to the issue the bonds or other financial
29 obligations and extend the expiring taxes in accordance with such question. Any authority to
30 issue the bonds or other financial obligations and extend the expiring taxes, if conferred by the
31 results of the election, shall be deemed and considered a continuing authority to the issue the

1 bonds or other financial obligations and extend the expiring taxes so authorized at any one time,
2 or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse
3 of time, shall be considered as exhausting or limiting the full authority so conferred.

4 Section 7. If a majority of the votes cast on the question authorize the issuance of
5 bonds as described in the question set forth in Section 3 above, the City intends to issue such
6 bonds in the approximate aggregate principal amount of \$778,000,000 to pay the costs of the
7 project described in the election question (the "Project"), including the reimbursement of certain
8 costs incurred by the City prior to the execution and delivery of such bonds, upon terms
9 acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all
10 further action which is necessary or desirable in connection therewith. The officers, employees
11 and agents of the City shall take all action necessary or reasonably required to carry out, give
12 effect to and consummate the transactions contemplated hereby and shall take all action
13 necessary or desirable to finance the Project and to otherwise carry out the transactions
14 contemplated by the ordinance. The City shall not use reimbursed moneys for purposes
15 prohibited by Treasury Regulation §1.150-2(h). This ordinance is intended to be a declaration of
16 "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

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

23 Section 9. If any section, paragraph, clause or provision of this ordinance shall for
24 any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
25 section, paragraph, clause or provision shall in no manner affect any remaining provisions of this
26 ordinance.

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

30 COMMITTEE APPROVAL DATE: _____, 2015

1 MAYOR-COUNCIL DATE: _____, 2015

2 PASSED BY CITY COUNCIL: _____, 2015

3 _____ - PRESIDENT

4 APPROVED: _____ - MAYOR _____, 2015

5 ATTEST: _____ - CLERK AND RECORDER,
6 EX OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER

8 NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2015 and _____, 2015.

9 PREPARED BY BUTLER SNOW, LLP.

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

14 D. Scott Martinez, City Attorney

15 BY: _____

16 DATE: _____