



RESOLUTION 2023-06

PUBLIC SAFETY TAX

A RESOLUTION OF THE TRUSTEES OF THE TOWN OF OLATHE SUBMITTING TO THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023, COORDINATED ELECTION, A BALLOT QUESTION REGARDING THE IMPOSITION OF A SALES TAX INCREASE OF 1% TO BE USED FOR THE OLATHE POLICE DEPARTMENT, TRANSPORTATION AND INFRASTRUCTURE, AND PARKS AND RECREATION.

WHEREAS Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax and for collecting, retaining, and spending certain moneys above limits established by TABOR.

WHEREAS TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electors on limited election days.

WHEREAS as a statutory town, Olathe utilizes the requirements and procedures contained in the Uniform Election Code of 1992 and on August 14, 2022, the Town approved an IGA to participate in the coordinated election with Montrose County on November 7, 2023, election.

WHEREAS the Town of Olathe relies upon sales and property tax revenue to fund the Town sales tax revenue is declining, and this trend is expected to continue for the foreseeable future.

WHEREAS the minimum combined 2023 sales rate for the Town of Olathe is currently 8.65% consisting of 2.9% Colorado state sales tax, 1% Montrose County sales tax, 4% Olathe tax and .075% special tax and if this 1% increase in sales tax passes the 2024 sales tax rate of Olathe would be 9.65%.

WHEREAS sales tax is paid by all – not just residents, but tourists and visitors.

WHEREAS the Town continues to see increasing demands for emergency calls for service and criminal investigations and is unable to create a stable police force and retain POST certified peace officers due to low pay in comparison to other West Slope agencies.

WHEREAS additional police department revenue is necessary to retain and add police officers, increase traffic enforcement in school zones, business districts, and neighborhoods, upgrade facilities, purchase new equipment mandated by the State of Colorado, and help with crime investigations.

WHEREAS the Town lacks resources for deferred maintenance and capital equipment purchases for transportation needs resulting in an inability to prolong the useful life of Town equipment, replace equipment, maintain roads, bridges and bus intersections, resurface streets and improve public safety.

WHEREAS transportation infrastructure includes streets, sidewalks, weed management, roadside mowing, and snow removal. Expenditures include, but are not limited to, personnel (hiring, training, and equipping), operating and maintenance expenses, and capital purchases.

WHEREAS parks and recreation improvements include parks, trails, open space, Main Street flowerpots, and planted gardens on town property. Expenditures include, but are not limited to, personnel (hiring, training, and equipping), operating and maintenance expenses, and capital purchases.

WHEREAS Article X, Section 20 of the Colorado Constitution requires any proposed increase in taxes to be approved by the voters.

WHEREAS Article X Section 20 of the Colorado Constitution (TABOR) places limits on the amount of tax revenue a local government can collect and retain from year to year.

WHEREAS Article X Section 20 allows the County to exclude tax revenue from TABOR limits, upon voter approval.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE TOWN OF OLATHE, IN THE STATE OF COLORADO:

1. An Election shall be conducted as a coordinated election by the Montrose County Clerk pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the “intergovernmental agreement”) between the Town and the County Clerk of Montrose County. The Town hereby determines that the Election shall be held on November 7, 2023, and that there shall be submitted to the eligible electors of the Town the question set forth herein.

2. Pursuant to C.R.S. § 31-11-11, the title and submission clause which shall be submitted to the eligible electors of the Town at the Election shall be in substantially the following form:

QUESTION C: PUBLIC SAFETY TAX

SHALL OLATHE TAXES BE INCREASED BY ONE HUNDRED AND EIGHTY-SIX THOUSAND DOLLARS (\$186,000.00) ON JANUARY 1, 2024 AND BY SUCH AMOUNTS GENERATED ANNUALLY THEREAFTER FROM A SALES TAX INCREASE OF 1% USED TO FUND CRITICAL LAW ENFORCEMENT NEEDS, TRANSPORTATION AND ROAD IMPROVEMENTS, INCLUDING REPLACING AGING EQUIPMENT, IMPROVEMENTS TO ROADS, BRIDGES, AND INTERSECTIONS, AND MAINTENANCE OF EXISTING INFRASTRUCTURE; AND PARKS AND RECREATION IMPROVEMENTS, INCLUDING PARKS, TRAILS, OPEN SPACE; AND SHALL THE TOWN BE ALLOWED TO COLLECT, KEEP, AND SPEND THE REVENUES FROM SUCH TAX AS A VOTER APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

_____ YES _____ NO

3. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

5. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Town, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

6. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Trustees hereby declare that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

7. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

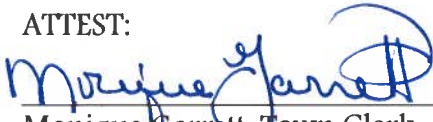
READ, APPROVED AND ADOPTED BY THE OLATHE BOARD OF TRUSTEES OF THE TOWN OF OLATHE,
COLORADO THIS 28TH DAY OF AUGUST 2023.

Voting for: 5
Voting against: 0



Jake Foreman, Mayor

ATTEST:



Monique Garrett, Town Clerk

