



Legal Notice

Date: 11/09/2023

Subject: An ordinance of the City of Littleton, Colorado, repealing and reenacting Title 1, Chapter 10, Special Funds

Passed/Failed: Passed on first reading

CITY OF LITTLETON, COLORADO

**ORDINANCE 35
SERIES 2023**

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CITY OF LITTLETON, COLORADO

ORDINANCE NO. 35

Series, 2023

**AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, REPEALING AND REENACTING TITLE 1,
CHAPTER 10, SPECIAL FUNDS**

WHEREAS, in 2018, city council created a Capital Projects Reserve Account dedicated to providing a specific fund to address street maintenance needs of the city, and

WHEREAS, the intent of creating the Capital Projects Reserve Account was to provide a source of funding to better enable the city to meet its minimum street maintenance needs and to preserve its existing streets and transportation improvements, and

WHEREAS, in 2021, the citizens of the City of Littleton adopted ballot issue 3A, a $\frac{3}{4}$ of a percent sales tax increase to address capital project needs including street maintenance; and

WHEREAS, given the dedicated funding source created by the 3A sales tax increase and other needs related to public safety, the city council wishes to amend the amount that the city transfers from other funding sources outside of 3A to the Capital Projects Reserve Account.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 1, Chapter 10, Section 1 of the municipal code is hereby repealed and reenacted to read as follows:

1-10-1: CAPITAL IMPROVEMENT FUND:

1-10-1: CAPITAL IMPROVEMENT FUND:

(A) Creation Of Fund: There is hereby created a special fund to be known as the Capital Improvement Fund. This Fund shall be subject to annual audit in accordance with the provisions of section 33 of the Charter. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)

(B) Sources Of Revenue: Monies collected by the City from the following revenue sources shall be deposited in the Capital Improvement Fund:

1. Such amount or portion of the City use tax imposed on building materials and supplies that are incorporated into buildings, dwellings for other structures or improvements to realty within the City as required by subsections 3-9-4-4(B) and (C) of this Code, as the City Council shall, from

47 time to time, determine as necessary and appropriate. (Ord. 50, Series of
48 1984)

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50 2. All monies collected by the City from land subdivision fees, as provided for
51 in Section 11-4-2 of this Code in its present form and as the said Chapter
52 may be hereafter amended. (Ord. 26, Series of 1972; amd. Ord. 20, Series
53 of 1973)

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55 3. All revenues collected pursuant to the terms of the State and Local Fiscal
56 Assistance Act of 1972, and all amendments thereto: unless transferred by
57 the City Council pursuant to a resolution passed by not less than five (5)
58 affirmative votes of that body. (Ord. 5, Series of 1977)

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60 4. Funds from other sources as directed by the City Council.

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62 (C) Expenditures From Capital Improvement Fund: Except as herein provided, all
63 Capital Improvement Fund expenditures shall be appropriated as a part of the Annual Budget and
64 Annual Appropriation Ordinance. The City Council shall determine each year what may or may
65 not be defined as a Capital Improvement Fund expenditure. Funds received by the City pursuant
66 to subsection (B)4 of this Section may be used only for priority expenditures as provided in the
67 State and Local Fiscal Assistance Act of 1972. In the case of revenues collected from land
68 subdivision fees (subsection (B)2 of this Section), expenditures may be authorized by ordinance
69 during the then current fiscal year. (Ord. 26, Series of 1972; amd. Ord. 20, Series of 1973)

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71 **Section 2:** Title 1, Chapter 10, Section 2 is hereby repealed and reenacted to read
72 as follows:

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74 **1-10-2: CAPITAL PROJECT RESERVE ACCOUNT**

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76 (A) There is created a capital project reserve account. This account shall be
77 subject to annual audit.

78
79 (B) Sources of Revenue: the City shall deposit monies collected from the
80 following revenue sources into the Capital Project Reserve Account:

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82 1. Base revenues commencing in fy 2024, the city shall deposit the amount of
83 One Million Seven Hundred Ninety-Seven Thousand Nine Hundred
84 Seventy-Seven Dollars (\$1,797,977.00)

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86 2. For each subsequent fiscal year after 2024, based on the base revenues,
87 using a three year average with the first year being 2021, the amount
88 deposited shall decrease by the percentage that overall city transaction
89 privilege tax revenues in the retail category collections decreased, if such a
90 decreased occurred or if city transaction privilege tax revenues in the retail
91 category have increased then by the percentage increase in revenues in the

92 retail transaction privilege tax category using a three year average with the
93 first year being 2021 or the percentage adjustment on an annual basis for
94 the prior year for the Denver-Aurora-Lakewood consumer price index
95 as established by the United States Department of Labor, whichever is less.
96

97 (C) Permitted expenditures from capital project reserve account. The City
98 may make such permitted expenditures independently or pursuant to an intergovernmental
99 agreement with another political subdivision of this state:

- 100 1. Design, engineering, acquisition of right of way by purchase or
101 condemnation, construction and reconstruction of multi-modal
102 transportation projects, including but not limited to municipal bridges,
103 streets, sidewalks, curbs, gutters, drainage inlets and drainage structures
104 and driveway entrances.
105
- 106 2. Design, engineering, acquisition, rehabilitation or upgrades by the city or in
107 conjunction with other governments of traffic signals and traffic control
108 devices.
109
- 110 3. Design, engineering, construction and reconstruction of traffic mitigation
111 devices.
112
- 113 4. Design, engineering, acquisition of right of way by purchase or
114 condemnation, construction and reconstruction of pedestrian crossing and
115 bicycle lanes on municipal roadways.
116
- 117 5. Design, engineering for the relocation of utility and telecommunication
118 projects required by the construction of capital projects.
119
- 120 6. Administrative and internal service costs incurred by the city in the
121 funding of a capital project under this section.
122
- 123 7. Payment of any financing and debt service costs incurred by the city in the
124 funding of a capital project under this section.
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126 (D) All funds in the capital projects reserve account shall not lapse upon the end
127 of the year appropriation but shall remain in the account, together with new funds appropriated
128 pursuant to this section.
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131 **Section 3.** Title 1, Chapter 10, Section 3 is hereby repealed and reenacted to read
132 as follows:
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135 **1-10-3: 3A CAPITAL IMPROVEMENT FUND**
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137 A. Creation Of Fund: There is hereby created a special fund to be known as the 3A Capital
138 Improvement Fund. This Fund shall be subject to annual audit in accordance with the provisions
139 of Sec. 33 of the Littleton City Charter.

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141 B. Sources of Revenues: Monies collected by the City from the following revenue sources shall
142 be deposited in the 3A Capital Improvement Fund:

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144 1. All monies collected from a portion of the City retail sales and use tax as required by
145 subsection 3-9-3-5 in the amount of 3/4 percent (\$0.0075) as approved by voters in
146 November 2021.

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148 C. Expenditures from 3A Capital Improvement Fund: 3A capital improvement funds shall be used
149 to account for costs of constructing, acquiring, enhancing, expanding, maintaining, downsizing,
150 upgrading, or downgrading public facilities, including but not limited to the following:
151 neighborhood street maintenance and reconstruction, street congestion and improved capacity
152 projects, right-of-way and median maintenance and improvements, street and bridge safety
153 improvements, sidewalk improvements, building replacement and maintenance, information
154 technology and equipment purchases, upgrades, enhancements, improvements, maintenance and
155 expenditure necessary in order to accomplish 3A capital projects.

156

157 D. Budget: A 3A capital improvements fund budget shall be prepared annually for a minimum
158 five-year period. The budget shall include the location and annual total estimated cost, together
159 with the apportionment of the total estimated cost of each applicable year of the budget period.
160 The budget will reflect the anticipated source of revenues for each capital improvement
161 expenditure including sources other than those available in the 3A capital improvement fund. The
162 capital improvement budget shall be adopted as part of the annual budget process. Appropriations
163 may be made without regard to the time of year and shall not expire until the project authorized
164 thereby is complete and all costs thereof are paid or the project is cancelled.

165

166 E. Distribution of Surplus: Project funds from sales tax revenues remaining unexpended and
167 unencumbered, if any, will not be considered as surplus so long as there exists a general obligation
168 debt for a project performed or performable by the 3A capital improvements fund.

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170 F. Reporting: The city shall report annually on the progress of such projects and the expenditures
171 of such revenues to the citizens with the review by a board or commission as appointed by city
172 council.

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174 (Ord. 14, Series of 2022)

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176 **Section 4:** Severability. If any part, section, subsection, sentence, clause or
177 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
178 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
179 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
180 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
181 phrases may be declared invalid.

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Section 5: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 7th day of November, 2023, passed on first reading by a vote of 6 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 21st day of November, 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____ FOR and _____ AGAINST on the 21st day of November, 2023 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Colleen L. Norton
CITY CLERK

Kyle Schlachter
MAYOR

Reid Betzing
CITY ATTORNEY

