

ORDINANCE NO. 2015-_____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 3, 2015, A PROPOSED AMENDMENT TO THE CITY CHARTER REPEALING SECTION 11-18.5 PROHIBITING DIRECT OR INDIRECT SUBSIDIES TO MOTORIZED SPORTS FACILITIES

WHEREAS, at the November 2, 1999, regular municipal election, the registered electors of the City of Aurora, Colorado (the "City") voted to amend the City Charter (the "Charter") by the addition of a Section 11-18.5; and,

WHEREAS, Charter Section 11-18.5 reads as follows:

11-18.5. Prohibition of direct or indirect subsidies to motor sports facilities.

- (1) The people of the City of Aurora intend that there be no direct or indirect subsidies, whether through the use of public funds or through the abatement, reduction or elimination of any tax burden, for the benefit of any motorized sports facility, including (but not limited to) arenas, stadiums, speedways, dragstrips or speedtracks.
- (2) The City of Aurora is hereby prohibited from using any public funds for the acquisition, construction, operation and maintenance of any motorized sports facility, including (but not limited to) arenas, stadiums, speedways, dragstrips or speedtracks. In addition, the City of Aurora is hereby prohibited from granting any abatement, reduction or temporary or permanent elimination of any tax in connection with the acquisition, construction or operation of a motorized sports facility within the City of Aurora. As used in this section, the term "motorized sports facility" includes racetracks, stadiums and arenas, parking lots or garages, support facilities, access roads and highway interchanges for the sole or principal benefit of such facilities, any other supporting infrastructure, and the land on which such facility or infrastructure is located.
- (3) This section shall be self-implementing, and shall require no enabling legislation by the Aurora City Council; and,

WHEREAS, Charter Section 11-18.5 violates long-standing principles of representative government by effectively removing from the City Council the authority to make decisions concerning the development of racetracks in the City; and,

WHEREAS, the City Council believes that the restoration of its ability to consider the relative merits of all economic development projects, including motorized sports facilities, is in full accord with the principles of representative government upon which the City and this nation were founded; and,

WHEREAS, it is the firm belief of the City Council that a better informed electorate should be given another opportunity to consider whether Charter Section 11-18.5 should remain an impediment against economic development in the City; and

WHEREAS, the City Council finds and determines that it is appropriate under the circumstances to submit the question of whether to repeal Charter Section 11-18.5 to a vote of its registered electors at the regular municipal election on November 3, 2015.

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

Section 1. Section 11-18.5 of the City Charter of the City of Aurora, Colorado, is hereby repealed in its entirety.

Section 2. The following question shall be submitted to a vote of the registered electors of the City at the regular municipal election on November 3, 2015:

“REPEAL OF AURORA CITY CHARTER SECTION 11-18.5

SHALL SECTION 11-18.5 OF THE AURORA CITY CHARTER BE REPEALED AND THE AUTHORITY OF THE AURORA CITY COUNCIL WITH RESPECT TO PROVIDING APPROPRIATE AND REASONABLE ECONOMIC INCENTIVES FOR MOTOR SPORTS FACILITIES BE RESTORED?

YES ____ NO ____”

Section 3. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the clerk and recorder of each county in which the City is located for submission at the regular municipal election on November 3, 2015.

Section 4. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon the proposed Charter amendment in a newspaper of general circulation within the City, which notice shall contain the full text of the proposed Charter amendment.

Section 5. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to the City Council following the election within such time as provided for by state law. If a majority of the registered electors voting thereon has voted in favor of the proposed Charter amendment, such amendment shall be deemed approved.

Section 6. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper, the full text of the Charter amendment following the election within such time as provided for by

state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 7. The provisions of this ordinance, the Charter amendment, and the question authorized to be submitted hereby are severable. If any portion of this ordinance, the Charter amendment, or the question shall be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provisions of such ordinance, Charter amendment, or question.

Section 8. All ordinances or parts of ordinances of the City in conflict herewith are expressly repealed.

Section 9. Pursuant to Section 5-5 of the Charter of the City, the second publication of this ordinance shall be by reference. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2015.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2015.

STEPHEN D. HOGAN, Mayor

ATTEST:

JANICE NAPPER, City Clerk

APPROVED AS TO FORM:

BILLY R. STIGGERS, II, Assistant City Attorney