



Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, September 5, 2023

5:30 PM

Livestreaming of the Board of Trustees regular meetings have been transitioned to the Town of Frederick website. Work Sessions are not livestreamed. The livestream for the regular meeting can be accessed at www.frederickco.gov/civicmedia

Public Comment will only be taken in person unless an accommodation is requested through the Town Clerk's Office. If you require an accommodation or have questions about making public comment please contact the Town Clerk's Office:

Meghan Martinez, Town Clerk
mmartinez@frederickco.gov
720-382-5500

Or

Kelly Green, Deputy Town Clerk
kgreen@frederickco.gov
720-382-5500

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Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
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401 Locust Street
Tuesday, September 5, 2023

5:30 P.M.

New Staff Introductions

5:30 P.M.

Special Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Public Comment: This portion of the agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Action Agenda:

- A. Resolution 23-R-37 Referring a Ballot Question to the Registered Electors of the Town of Frederick at the Coordinated November 7, 2023 Election, Concerning the Amendment of the Open Space Tax to include the Maintenance, Acquisition, and Construction of Parks, Trails, and Related Amenities – Bryan Ostler, Town Manager

Mayor and Trustee Reports:

Adjournment:

Work Session:

This portion of the agenda will not be livestreamed, as Board of Trustee Work Sessions are not livestreamed.

1. 2024 Budget General Overview and Revenue Discussion

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TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tracie Crites, Mayor

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Chad teVelde, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Consideration of Approval of a Resolution Referring a Ballot Question to the Registered Electors of the Town of Frederick at the Coordinated November 8, 2023 Election


Agenda Date: Town Board Meeting – September 5, 2023

Attachments:

Finance Review:


Finance Director

Submitted by:



Town Manager

Approved for Presentation:



Town Manager

Quasi-Judicial

Legislative

Administrative

Strategic Plan Alignment:

Effective, Efficient and Strategic Government Operations – This request aligns with the Town’s Strategic Plan by meeting the goal of analyzing and developing a strategy regarding political capital and potential resources to aid in further implementing the Strategic Plan.

Summary Statement:

The proposed resolution would refer a question to the registered electors of the Town of Frederick at the November 8, 2023 Coordinated Election. The referendum would amend the current Open Space Tax to include Maintenance, Acquisition and Construction of Parks, Trails and Related Amenities.

Detail of Issue/Request:

The proposed referendum would expand the open space tax to include parks, trails and related amenities. The original referendum was approved by the Town of Frederick electorate in 1999 and inclusion of

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parks, trails and related amenities would not create a new tax but rather create opportunities for efficiencies and long-term sustainability for park and trail amenities by utilizing an already defined revenue source for the purposes of outdoor amenities to the benefit of the community.

As demonstrated in the Town's efforts to provide engagement to the community and the communities voice, overwhelming data from the public in our community survey and flash vote provided feedback that the resident's of Frederick value open space and park amenities that impact quality of life that would support this initiative.

Political subdivisions must transmit ballot language to Weld County no later than September 8th and should the Board choose to move forward with the attached resolution, the Town Clerk will transmit the language to the county prior to the deadline to secure Frederick's spot on the ballot. Weld County does require both an English and Spanish and the Town Clerk has coordinated with a certified interpreting company to meet those requirements.

Legal Comments:

The Resolution and Referendum Language was drafted by the Town Attorney.

Alternatives/Options:

The Board may choose to or not to approve the proposed resolution.

Financial Considerations:

This item has been budgeted in the 2023 adopted budget.

Staff Recommendation:

Staff recommends approval of this item if the Board wishes to refer this question to the registered electorate at the November 8, 2023 Coordinated Election.



Parks, Open Space and Trails Advisory Commission

7301 Eagle Blvd.
Frederick, CO 80504
720-382-5805
Frederickco.gov

August 30, 2023

Town of Frederick Board of Trustees
Attn: Mayor Tracie Crites
PO Box 435
Frederick, CO 80530

Dear Mayor Crites,

The Town of Frederick Parks, Open Space and Trails Advisory Commission offers its unanimous support to broaden the use of the current Open Space sales tax.

The Commission has long prioritized a balanced approach to the management of the Town's outdoor recreational and natural resources and has advocated for the creation of a standalone Parks and Open Space Department, to ensure proper care of existing resources and to create a community-led, thoughtful plan for future resources. Broadening the use of this sales tax will provide a reliable foundation of financial support for the future of the Town's entire parks, open space and trails system.

The Commission is prepared to offer any additional support of this proposed ballot initiative up to the November election. Thank you to you and the Board for their thoughtful approach to the future of the parks, open space and trails system as well as the entire Frederick community.

Sincerely,

A handwritten signature in black ink that reads 'Allan Gill'.

Allan Gill
Interim Chairperson – Frederick Parks, Open Space and Trails Advisory Commission

On behalf of Commissioners:

Erin Fosdick, Kristin Davis, Sue Pilon, Lee Schlais, Luke Bolinger and Matt Hickman

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**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 23-R-37**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
REFERRING A BALLOT QUESTION TO THE REGISTERED
ELECTORS OF THE TOWN OF FREDERICK AT THE COORDINATED
NOVEMBER 7, 2023 ELECTION, CONCERNING THE AMENDMENT
OF THE OPEN SPACE TAX TO INCLUDE THE MAINTENANCE,
ACQUISITION, AND CONSTRUCTION OF PARKS, TRAILS, AND
RELATED AMENITIES**

WHEREAS, the Town of Frederick, (the “Town”), is a Colorado statutory town duly organized and existing under the laws of the State of Colorado; and,

WHEREAS, the members of the Town Board of the Town of Frederick (the “Town Board”) have been duly elected and qualified; and,

WHEREAS, the Town of Frederick electorate, in 1999, approved the imposition of a half cent (or 0.5%) for the maintenance, restoration, acquisition, and preservation of open space; and,

WHEREAS, the Town Board has identified opportunities for efficiency and long-term sustainability for park and trail amenities if revenues currently earmarked for open space are also allowed to be used for the maintenance, acquisition, and construction of parks, trails, and similar amenities; and,

WHEREAS, Article X, Section 20 of the Colorado Constitution, known as the Tax Payor’s Bill of Rights (“TABOR”) requires voter approval for revenue changes tied to taxes; and,

WHEREAS, TABOR requires the Town to submit ballot issues (as defined by TABOR) to the Town’s electors on limited election days before action can be taken on such ballot issues; and,

WHEREAS, the Town Board wishes to seek voter approval for adjusting the allowable uses for the Town’s existing open space tax to include expenditures for the maintenance, acquisition, and construction of parks, trails, and related amenities; and,

WHEREAS, November 7, 2023 is one of the election dates at which ballot issues concerning tax policy issues may be submitted to the eligible electors of the Town pursuant to TABOR; and,

WHEREAS, the County Clerk and Recorder in Weld County (the “County Clerk”) will conduct the election on November 7, 2023, as a coordinated election (the “election”); and,

WHEREAS, pursuant to C.R.S. § 31-10-108, of the Municipal Election Code, the Town

has determined to coordinate such special election with Weld County; and,

WHEREAS, the Town Board hereby determines that it is necessary to submit to the electors of the Town, at the general election to be held on November 7, 2023, the adjustment of the open space sales and use tax as further described in Section 2 below; and,

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1: Pursuant to Colorado Constitution and Colorado Revised Statutes, all action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the offices thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed. This proposal shall hereby be submitted to the electors of the Town, shall become effective if, and only if, it is approved by the majority of the voters at the coordinated election to be held November 7, 2023.

Section 2: That the following ballot language and title is hereby referred to the voters at said election:

INCLUSION OF PARKS, TRAILS, AND RELATED AMENITIES IN EXISTING OPEN SPACE TAX EXPENDITURES

WITHOUT RAISING THE RATE OF ANY TAX OR IMPOSING ANY NEW TAX, SHALL THE EXISTING HALF CENT TOWN SALES AND USE TAX COLLECTED TO FUND THE MAINTENANCE, RESTORATION, ACQUISITION, AND PRESERVATION OF OPEN SPACE LAND BE AMENDED TO INCLUDE THE USE OF FUNDS FOR THE MAINTENANCE, ACQUISITION, AND CONSTRUCTION OF PARKS, TRAILS, AND RELATED AMENITIES AS A VOTER APPROVED REVENUE CHANGE?	YES _____ NO _____
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Section 3: The provisions of the Uniform Election Code of 1992 as amended are hereby adopted with respect to the conduct of coordinating the November 7, 2023 election in lieu of the provisions of the Municipal Election Code 1965.

Section 4: The Town Clerk is hereby directed to certify the ballot content for the special election to the Weld County Clerk not later than September 7, 2023.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 5TH DAY OF
SEPTEMBER, 2023.**

TOWN OF FREDERICK

By: _____
Tracie Crites, Mayor

ATTEST:

By: _____
Meghan C. Martinez, MMC, Town Clerk