

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5167

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION MUNICIPAL CODE (GJMC) CONCERNING CITY SALES TAXES TO PROVIDE A CREDIT AGAINST SALES TAX IF A CERTAIN PUBLIC IMPROVEMENTS FEE HAS BEEN PAID IN CONNECTION WITH THE BOUNDARIES OF THE WESTERN SLOPE METROPOLITAN DISTRICT, CITY OF GRAND JUNCTION, COLORADO

WHEREAS, the City of Grand Junction, Colorado (the "City") is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the City has determined that the development of certain property within the boundaries of the Western Slope Metropolitan District (the "**District**") is in the public interest and advances the public health, safety and welfare and the City supports the funding of certain Public Improvements by the Western Slope Metropolitan District pursuant to that certain Intergovernmental Agreement between and among the City and Western Slope Metropolitan District, and CV NG, LLC, dated as of the Effective Date, defined below, (the "**PI Funding IGA**"); and

WHEREAS, CV NG, LLC (the "**Developer**") intends to impose public improvements fees on certain sales and provisions of tangible personal property occurring within the property within the boundaries of the District (the "**PIF Property**") to contribute to the financing of public improvements within the City (the "**Public Improvement Fees**" or "**PIF**"); and

WHEREAS, the obligation to impose the Public Improvement Fees shall be set forth in a Declaration of Covenants Imposing and Implementing the PIF to be recorded against the PIF Property by the Developer (the "**PIF Covenant**"); and

WHEREAS, the Developer has requested that the City Council consider this Ordinance prior to recordation of the PIF Covenant, and the City Council desires to accommodate such request on the condition that the sales tax credit contemplated herein shall not be effective unless and until the PIF Covenant has been recorded against the PIF Property and the PI Funding IGA is fully executed by the City, the District and the Developer; and

WHEREAS, pursuant to the terms and conditions of the PI Funding IGA, the City desires to provide a tax credit against the obligation to pay, collect or remit a portion of the sales tax to the City for persons or entities who pay the Public Improvement Fees, defined in the PI Funding IGA as the Credit PIF; and

WHEREAS, the City Council finds that an amendment to the GJMC to adopt and implement the aforementioned sales tax credit would be in the best interests of the citizens of the City.

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

Amendments to the GJMC are shown in **bold**; deletions are shown in ~~strikethrough~~ type:

Section 1. Sales Tax Credit. Section 3.12.050 of Chapter 3 of Volume 1 of the Municipal Code is hereby amended to add the following new subsection:

3.12.051 Sales Tax Credit

Notwithstanding any other provision of this Article, and in order to implement the provisions of the PI Funding Agreement, dated as of the Effective Date thereof (as amended or supplemented from time to time, the “PI Funding IGA”), by and among the City of Grand Junction, the Western Slope Metropolitan District and CV NG, LLC, there shall be granted to each person or entity obligated to pay, collect or remit sales tax on the sale of tangible personal property at retail or the furnishing of services, which are subject to City sales tax occurring within the PIF Property, as defined in the PIF Covenant, and incorporated herein by this reference, a tax credit against collection of the sales tax as hereinafter set forth. Such sales tax credit shall be granted in form of a reduction in the applicable sales tax rate in an amount equivalent to two and 00 hundredths percent (2.00%), the rate of the Credit PIF, and shall attach to a particular transaction only to the extent that the PIF Revenues are received by the PIF Collecting Agent for such transaction. The sales tax credit shall be automatic and shall take effect immediately upon the occurrence of a Taxable Sales Transaction as defined in this Code and the PI Funding IGA within the PIF Property but shall be subject to the applicable retailer’s remittance to and receipt by the PIF Collecting Agent of the Credit PIF Revenues in accordance with the PIF Covenant and the PI Funding IGA. The Sales Tax Credit shall be granted during the Credit PIF Period and shall automatically terminate when the Credit PIF Period terminates.

All capitalized terms used in this Section and not otherwise defined herein shall have the meanings set forth in the PI Funding IGA.

Section 2. Effect of Sales Tax Credit. The City Council hereby finds and determines that the creation or termination of the Sales Tax Credit does not constitute a tax increase, the imposition of a new tax or a tax policy change directly causing a net tax revenue gain to the City and that nothing herein or in the PI Funding Agreement creates a multiple fiscal year direct or indirect financial obligation or other indebtedness of the City.

Section 3. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 4. Effective Date. Unless protested in accordance with Article XVI, Section 136, this Ordinance shall be effective on April 4, 2024, on the condition that the PIF Covenant has been recorded against the PIF Property and the PI Funding IGA has been fully executed. If the PIF Covenant has not been recorded against the PIF Property and the PI Funding IGA has not been fully executed prior to April 4, 2024, then this Ordinance shall be void and of no effect.

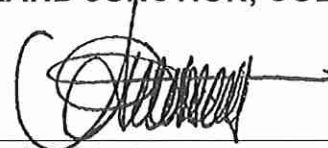
Section 5. Publication. This Ordinance, after its passage on final reading, shall be numbered, recorded, and published as required by the City Charter and the adoption and publication shall be authenticated by the signature of the President of the City Council and the City Clerk and by the Certificate of Publication. Copies of the entire Ordinance are available at the office of the City Clerk.

Introduced on first reading the 2nd day of August 2023 and ordered published in pamphlet form.

Adopted on second reading this 16th day of August 2023 and ordered published in pamphlet form.

CITY OF GRAND JUNCTION, COLORADO

By:



Anna M. Stout
President of the City Council

ATTEST:

By:


Amy Phillips
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5167 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 2nd day of August 2023 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 16th day of August 2023, at which Ordinance No. 5167 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of August 2023.


Deputy City Clerk

Published: August 4, 2023
Published: August 18, 2023
Effective: September 17, 2023

