

**TOWN OF RICO  
ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO, SETTING THE  
TITLE AND CONTENT OF BALLOT ISSUES FOR A MILL LEVY  
INCREASE TO BE SUBMITTED AT THE ELECTION TO BE HELD ON  
NOVEMBER 4, 2025**

**WHEREAS**, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

**WHEREAS**, in 1992, State of Colorado voters approved an amendment to the Colorado Constitution to add Article X, Section 20, commonly referred to as the Taxpayer’s Bill of Rights (“TABOR”); and

**WHEREAS**, TABOR requires, among other things, voter approval for “any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to any district;” and

**WHEREAS**, currently, the Town’s mill levy for street reconstruction and maintenance (the “Street Fund”) is set at a rate of 1.785 mills for the 2025 fiscal year; and

**WHEREAS**, the Board of Trustees finds and determines that in order to maintain the present, desired level of municipal services, that it is in the best interests of the Town to obtain voter approval for an increase in the Town’s mill levy for the Street Fund by 6.000 mills for a total of 7.785 mills; and

**WHEREAS**, pursuant to Ordinance No. 2005-05, the Town pledged a mill levy of 3.939 mills to the Rico Sewer Enterprise, a water activity enterprise as defined in C.R.S. § 37-45.1-102; and

**WHEREAS**, the Town wishes to change the allocation of mill levy funds by reducing the number of mills allocated to the Rico Sewer Enterprise by Three and three hundred ninety-three thousandths (3.939) mills and increasing the number of mills allocated to the Street Fund by Three and three hundred ninety-three thousandths (3.393) mills; and

**WHEREAS**, the Board of Trustees determines it is proper to submit to the eligible electors of the Town at a coordinated election to be held on November 4, 2025 the ballot issues regarding approval of a mill levy increase for the Street Fund, a change in allocation of sales tax to the Street Fund and a change in allocation of mill levies to the Street Fund; and

**WHEREAS**, the Board of Trustees finds and declares that the passage of this Ordinance is necessary for the promotion of the public health, safety, and welfare of the Town’s residents.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:**

**Section 1. Recitals.** The recitals above are hereby adopted as findings and incorporated herein.

**Section 2. Reallocation of Existing Sales Tax.** At the election to be held on November 4, 2025 there shall be submitted to the eligible electors of the Town a ballot issue authorizing a reallocation of existing sales tax transfer from the General Operating Fund to the Street Fund. Such ballot issue shall be in substantially the form attached to and incorporated into this Ordinance as **Exhibit A**.

**Section 3. Mill Levy Increase.** At the election to be held on November 4, 2025 there shall be submitted to the eligible electors of the Town a ballot issue authorizing an increase in the mill levy for the Street Fund, which shall be in substantially the form attached to and incorporated into this Ordinance as **Exhibit A**.

**Section 4. Reallocation of Existing Mills.** At the election to be held on November 4, 2025 there shall be submitted to the eligible electors of the Town a ballot issue authorizing a reallocation of existing mills that would decrease allocation to the sewer fund by Three and three hundred ninety-three thousandths mills and increase allocation to the street fund by Three and three hundred ninety-three thousandths mills. Such ballot issue shall be in substantially the form attached to and incorporated into this Ordinance as **Exhibit A**.

**Section 5. Effect of Election Results.** If a majority of the votes cast on the ballot issues submitted under this Ordinance shall be in favor of such ballot issues, the Board of Trustees shall take such action necessary to implement the changes authorized by such ballot issues.

**Section 6. Ratification of Actions.** All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town and officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved, and confirmed.

**Section 7. Severability.** Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

**Section 8. Effective Date.** This Ordinance shall take effect immediately on final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON JUNE 18 2025.

TOWN OF RICO, COLORADO

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Patrick Fallon, Mayor

ATTEST:

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Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ  
ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE  
EFFECTIVE IMMEDIATELY ON JULY 16, 2025.

TOWN OF RICO, COLORADO

A handwritten signature in black ink, appearing to read 'Patrick Fallon', is written over a horizontal line.

ATTEST:  
Patrick Fallon, Mayor

A handwritten signature in black ink, appearing to read 'Anna Wolf', is written over a horizontal line.

Anna Wolf, Town Clerk

Effective Date: July 16, 2025

### **Exhibit A**

**SALES TAX TRANSFER:** SHALL THE RATE OF SALES TAX REVENUE ALLOCATED FOR STREET RECONSTRUCTION AND MAINTENANCE BE INCREASED FROM THE CURRENT RATE OF 10% OF THE GENERAL OPERATING FUND TO A RATE 20% OF THE GENERAL OPERATING FUND?

**MILL LEVY INCREASE:** SHALL TOWN OF RICO TAXES BE INCREASED BY NOT MORE THAN \$75,000 IN TAX COLLECTION YEAR 2026 (SUCH AMOUNT BEING THE ESTIMATED FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER, THROUGH AN INCREASE IN THE MILL LEVY FOR THE STREET RECONSTRUCTION AND MAINTENANCE FUND BY SIX (6.000) MILLS—FROM 1.785 MILLS TO NOT MORE THAN 7.785 MILLS—FOR THE PURPOSE OF FUNDING THE RECONSTRUCTION AND MAINTENANCE OF EXISTING STREETS AND ALLEYS, INCLUDING SIDEWALKS, DRAINAGE, AND UTILITIES; AND SHALL THE BOARD OF TRUSTEES BE AUTHORIZED TO ADJUST THIS MILL LEVY FROM YEAR TO YEAR SO LONG AS IT DOES NOT EXCEED A MAXIMUM RATE OF 7.785 MILLS; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND SUCH REVENUES AS A VOTER-APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

**REALLOCATION OF EXISTING MILLS:** WITHOUT INCREASING THE MILL LEVY, SHALL THE TOWN OF RICO BE AUTHORIZED TO TRANSFER AN ADDITIONAL THREE AND THREE HUNDRED NINETY-THREE THOUSANDTHS (3.939) OF THE EXISTING MILLS CURRENTLY LEVIED FOR THE SEWER FUND TO THE STREET RECONSTRUCTION AND MAINTENANCE FUND, TO BE USED EXCLUSIVELY FOR THE RECONSTRUCTION AND MAINTENANCE OF EXISTING STREETS AND ALLEYS, INCLUDING SIDEWALKS, DRAINAGE, AND UTILITIES; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN, AND SPEND SUCH REVENUES AS A VOTER-APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?