

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB22

ORDINANCE NUMBER: 2021-22

TITLE: AN ORDINANCE CALLING FOR A NOVEMBER 2, 2021, SPECIAL ELECTION TO BE CONDUCTED AS A COORDINATED MAIL BALLOT ELECTION PURSUANT TO THE COLORADO MUNICIPAL ELECTION CODE, SUBMITTING BALLOT QUESTIONS AND SETTING THE BALLOT TITLES THEREOF.

WHEREAS, the City of Black Hawk desires to conduct a special election on November 2, 2021; and

WHEREAS, Section 2 of Article III of the City of Black Hawk Home Rule Charter adopts by reference the Colorado Municipal Election Code of 1965;

WHEREAS, pursuant to the provisions of the Colorado Municipal Election Code, the Uniform Election Code, and the City's home rule authority regarding the conduct of its elections, the City desires to conduct its November 2, 2021, special election as a coordinated mail ballot election.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The City hereby calls a special municipal election to be conducted on November 2, 2021.

Section 2. The following ballot questions shall be submitted to the registered electors of the City of Black Hawk at the November 2, 2021, special municipal election:

Ballot Question No. 1: Device Tax on Live Stadium Games

SHALL THE CITY OF BLACK HAWK TAXES BE INCREASED BY AN ESTIMATED FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$420,000.00) DOLLARS IN 2022 AND BY WHATEVER ADDITIONAL AMOUNTS ARE COLLECTED ANNUALLY IN SUBSEQUENT YEARS BY THE CREATION OF NEW CATEGORIES OF OCCUPATIONAL TAX TO BE CALCULATED AS FOLLOWS: (A) FOUR (4) TIMES THE OCCUPATIONAL TAX OTHERWISE LEVIED BY THE CITY UPON ANY TABLE GAMES APPROVED BY THE CITY AND THE COLORADO LIMITED GAMING CONTROL COMMISSION CONDUCTED BY LIVE DEALERS IN THE SAME MANNER AS CURRENTLY LEVIED BY THE CITY UPON BLACK JACK, CRAPS, AND ROULETTE; AND (B) AN OCCUPATIONAL TAX LEVIED SEPARATELY UPON EACH GAMING POSITION AT ELECTRONIC

BETTING TERMINALS ASSOCIATED WITH STADIUM GAMES OR OTHER MULTI-POSITION GAMES SUCH AS, WITHOUT LIMITATION, POKER, BLACK JACK, CRAPS, ROULETTE, AND KENO, THE PROCEEDS OF SUCH OCCUPATIONAL TAXES TO BE USED FOR GENERAL GOVERNMENTAL PURPOSES, AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND THE FULL PROCEEDS OF SUCH TAX WITHOUT LIMITATION AND WITHOUT LIMITING THE EXPENDITURE OF OTHER REVENUES OR FUNDS UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

Yes _____

No _____

Ballot Question No. 2: Device Tax On Sports Event Betting on Self-Service Betting Devices

SHALL THE CITY OF BLACK HAWK TAXES BE INCREASED BY AN ESTIMATED SIX HUNDRED THIRTY THOUSAND DOLLARS (\$630,000.00) DOLLARS IN 2022 AND BY WHATEVER ADDITIONAL AMOUNTS ARE COLLECTED ANNUALLY IN SUBSEQUENT YEARS BY THE CREATION OF A NEW CATEGORY OF OCCUPATIONAL TAX TO BE CALCULATED AT FOUR (4) TIMES THE OCCUPATIONAL TAX LEVIED UPON A SINGLE GAMING DEVICE, TO BE LEVIED UPON SELF-SERVICE BETTING DEVICES FOR SPORTS EVENT BETTING LOCATED WITHIN LICENSED PREMISES IN BLACK HAWK, THE PROCEEDS TO BE USED FOR GENERAL GOVERNMENTAL PURPOSES, AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND THE FULL PROCEEDS OF SUCH TAX WITHOUT LIMITATION AND WITHOUT LIMITING THE EXPENDITURE OF OTHER REVENUES OR FUNDS UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

Yes _____

No _____

Section 3. The November 2, 2021, special municipal election shall be conducted as a coordinated mail ballot election.

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. The Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED, AND ORDERED POSTED this 11th day of August, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

