

O-2023-6

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2023 ANNUAL BUDGET IN THE AMOUNT OF \$2,293,890 FROM THE METROPOLITAN FOOTBALL STADIUM DISTRICT AND AUTHORIZING THE EXPENDITURE OF THESE FUNDS FOR YOUTH ACTIVITY PROGRAMS WITHIN THE CITY OF LAKEWOOD

WHEREAS, Section 12.8 of the City Charter allows the City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City using monies not anticipated in the adopted budget that have become available to the City;

WHEREAS, Section 3.04.060 of the Lakewood Municipal Code requires approval by the City Council for any unbudgeted purchase or any purchase of more than seventy-five thousand dollars (\$75,000.00) that has a change in funding source;

WHEREAS, the City is within the boundaries of the Metropolitan Football Stadium District ("MFSD") and charged a one tenth of one percent sales tax in support of such MFSD from January of 2001 and ending 2011;

WHEREAS, upon the sale of the Denver Broncos Football Club, and pursuant to the MSFD's enabling legislation and subsequent lease, MSFD was entitled to a one time "sharing amount" of the proceeds of the sale to be used specifically for youth activities;

WHEREAS, on August 5, 2022, MFSD elected to distribute these proceeds proportionately to the counties, cities, and towns in which the tax was collected, including the City of Lakewood, for the purpose of youth activities;

WHEREAS, MFSD determined the proportionate amount to be distributed to the City was two million, two hundred ninety-three thousand, eight hundred ninety and 00/100 dollars (\$2,293,890.00), an unanticipated revenue to the City to be used for the purpose of funding "youth activity programs";

WHEREAS, no additional money is being requested for this distribution and this distribution requires no matching or expenditure of any other funds;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The City Council hereby appropriates and authorizes the expenditure of Two Million, Two Hundred Ninety-Three Thousand, Eight Hundred Ninety and 00/100

Dollars (\$2,293,890.00) in fiscal year 2023 for the purpose of supporting youth activity programs.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13<sup>th</sup> day of February, 2023; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org), on the 16<sup>th</sup> day of February, 2023; set for public hearing to be held on the 27<sup>th</sup> day of February, 2023; read, finally passed and adopted by the City Council on the 27<sup>th</sup> day of February, 2023; and signed by the Mayor on the 28<sup>th</sup> day of February, 2023.



Adam Paul, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney