

RESOLUTION NO. _____ - 20

A RESOLUTION SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO, AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, THE QUESTION OF RETAINING AND SPENDING ALL REVENUES RECEIVED IN 2019 AND 2020, AND RESETTING THE REVENUE AND SPENDING LIMITATIONS FOR LATER YEARS BASED THEREON, AS VOTER APPROVED REVENUE CHANGES; PROVIDING FOR THE FORM OF THE BALLOT TITLE; PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, in March, 2020, the COVID-19 pandemic and stay at home orders instituted in the State of Colorado, and nationally, caused the closure of non-essential businesses, causing a sharp decline in the forecasted City revenues, particularly sales tax revenues, which is anticipated to continue to some extent through 2020; and

WHEREAS, under the Taxpayer’s Bill of Rights contained in the Colorado Constitution and City Charter (TABOR), revenue and spending limitations are based upon the prior year’s allowed revenues plus growth and inflation. As a result, the anticipated shortfall in 2020 City revenues creates not only a financial constraint upon the City’s ability to provide municipal services in 2020, but would cause the TABOR limits for later years to be lowered or “ratcheted down”, creating enduring financial challenges to the provision of adequate municipal services; and

WHEREAS, the City revenues for Fiscal Year 2019 exceeded the applicable TABOR limitations by \$1.9 Million, and the City anticipates property tax revenues will rise in 2020 even though the total revenues for 2020 will be substantially lower than 2019 revenues; and

WHEREAS, the City Council may request voter authorization to retain all revenues received by the City during 2019 and 2020, and to avoid the “ratchet down” effect in future years

which would be caused by the COVID-19 business disruption by establishing the amount of total revenue and property tax revenues allowed under TABOR to be the total revenue received by the City in 2019 and property tax revenue received by the City in 2020, adjusted in each year thereafter for inflation and City growth beginning in 2021 as provided by Charter, which will continue to limit future revenue growth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Council hereby submits and refers to the vote of the registered qualified electors of the City to be held at the Election (as defined in Section 2), the question of retaining and spending all revenues received in 2019 and 2020 in excess of constitutional and City Charter revenue and spending limitations, and resetting the revenue and spending limitations for later years based thereon, as voter-approved revenue changes, which appears in full in Section 3 of this Resolution.

Section 2. The Election shall be a special municipal election held as part of the Coordinated Election conducted by mail ballot on November 3, 2020.

Section 3. The question of retaining and spending all revenues received in 2019 and 2020, and resetting the revenue and spending limitations for later years based thereon, as voter-approved revenue changes shall be submitted to the registered qualified electors of the City in substantially the following form:

WITHOUT IMPOSING ANY NEW TAX OR INCREASING THE RATE OF ANY EXISTING TAX, AND TO PROVIDE ADEQUATE MUNICIPAL SERVICES AFTER THE ECONOMIC DISRUPTION CAUSED BY THE COVID-19 PANDEMIC, SHALL THE CITY OF COLORADO SPRINGS BE PERMITTED FOR FISCAL YEARS 2019 AND 2020, TO COLLECT, RETAIN AND SPEND THE FULL AMOUNT OF CITY REVENUES RECEIVED FROM ALL SOURCES, AND FOR FISCAL YEAR 2021 AND THEREAFTER, TO COLLECT, RETAIN AND SPEND THE AMOUNT ALLOWED BY REVENUE AND SPENDING LIMITATIONS WHICH SHALL BE

BASED UPON THE TOTAL ANNUAL REVENUES RECEIVED IN FISCAL YEAR 2019 AND PROPERTY TAX REVENUES RECEIVED IN 2020, ADJUSTED IN EACH FISCAL YEAR BEGINNING IN 2021 AND THEREAFTER ONLY FOR INFLATION AND CITY GROWTH OCCURRING IN THE PRIOR FISCAL YEAR AS PROVIDED BY CHARTER WHICH CONTINUES TO LIMIT FUTURE REVENUE GROWTH; ALL AS VOTER APPROVED REVENUE CHANGES AND EXCEPTIONS TO ANY CONSTITUTIONAL OR CHARTER LIMITATIONS THAT MAY OTHERWISE APPLY?

_____ Yes

_____ No

Section 4. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting the special municipal election held as part of a Coordinated Election.

Section 5. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this resolution and toward the general election, are hereby ratified, approved and confirmed.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 7. All resolutions, bylaws and regulations of the City in conflict with this resolution, are hereby repealed to the extent of any conflict. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, in whole or in part, previously repealed.

Section 8. This resolution shall be effective upon passage.

Dated at Colorado Springs, Colorado this ___ day of July, 2020.

Council President

ATTEST:

Sarah B. Johnson, City Clerk