

RESOLUTION NO. 89-17

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 7, 2017, THE QUESTION OF APPROVAL OF ORDINANCE NO. 17- 69 AUTHORIZING THE COLLECTION OF STORMWATER SERVICE FEES FOR THE SOLE PURPOSE OF FUNDING THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF PUBLIC STORMWATER FACILITIES AND A PUBLIC STORMWATER SYSTEM IN THE CITY; PROVIDING FOR THE FORM OF THE BALLOT TITLE AND TEXT; PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, the City Council (the "Council") of the City of Colorado Springs, Colorado (the "City"), a municipal corporation duly organized and existing as a home rule city under Article XX of the Constitution of the State of Colorado and the City Charter ("Charter"), has determined that a sustainable source for funding of the City's stormwater program sufficient to comply with law, regulatory permits and existing intergovernmental agreements is necessary and is in the best interest of the residents of the City; and

WHEREAS, the City Council has determined that collection of stormwater service fees for the purpose of funding, through a City enterprise, the construction, improvement, operation and maintenance of the public stormwater system is the preferred solution to provide sustainable funding for the City's stormwater program; and

WHEREAS, although the City Council may lawfully impose such stormwater service fees without voter approval, the City Council has determined that the voters should decide such an important question; and

WHEREAS, the Council does hereby determine that the Coordinated Election conducted by mail ballot on November 7, 2017, also be designated as a special municipal election pursuant to Section 11-20 of the City Charter and Section 31-10-108, C.R.S. (the "Election") at which the question of re-imposition of stormwater service fees shall be submitted to the City's electors qualified and registered to vote thereon.

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

Section 1. There shall be submitted to the registered qualified electors of the City at the Election the question regarding approval of Ordinance No. 17- 69 authorizing the collection of stormwater service fees for the sole purpose of funding, through a City enterprise, the construction, improvement, operation and maintenance of public stormwater facilities and a public stormwater system in the city, 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 7, 2017.

Section 3. The question of approval of Ordinance No. 17- 69 authorizing the re-imposition and collection of stormwater service fees for the purpose of funding, through a City enterprise, the construction, improvement, operation and maintenance of public stormwater facilities and a public stormwater system in the city, shall be submitted to the registered qualified electors of the City in substantially the following form:

Without imposing any new tax or increasing any existing taxes, shall Ordinance No. 17 - 69 of the City of Colorado Springs be approved authorizing: the collection of stormwater service fees beginning July 1, 2018 and ending July 1, 2038, for the sole purpose of funding through a City enterprise, the construction, improvement, operation and maintenance of public stormwater facilities and a public stormwater system in the City, including regulatory permit compliance and protection of life and property within the City from the hazards of flooding and stormwater, to be assessed on all developed real property within the City, with such fees not to exceed the following maximum amounts:

Residential property:	\$5.00 per dwelling unit/month
Non-residential property:	\$30.00 per acre/month

providing that such fees may be thereafter increased by City Council by Resolution only to the extent required to comply with a valid court order, federal or state permits, federal or state laws, and intergovernmental agreements of the City entered into before June 1, 2016; and providing for citizen advisory committee oversight?

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 special municipal election herein authorized, be and the same 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 of unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.


Section 7. All resolutions, bylaws and regulations of the City in conflict with this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation or part thereof, heretofore repealed. If passed by the electorate, the ballot measure shall be effective hereafter as provided by law.

Section 8. This resolution shall be effective upon passage.

Dated at Colorado Springs, Colorado this 22<sup>nd</sup> day of August, 2017.

  
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Council President

ATTEST:

  
Sarah B. Johnson, City Clerk  
