

A RESOLUTION REQUIRING VOTER APPROVAL OF PUBLIC FINANCING FOR COLORADO SPRINGS' COLORADO SPORTS AND EVENT CENTER

WHEREAS, pursuant to that certain Resolution No. 3, by the Colorado Economic Development Commission Concerning the Allocation of State Sales Tax Increment Revenue for the Colorado Springs City for Champions Project (the "EDC Resolution"), the State of Colorado has authorized \$120,500,000.00 of state sales tax increment to be used for purposes of (i) the University of Colorado, Colorado Springs, Sports Medicine Performance Center, (ii) the United States Air Force Academy Visitors Center, (iii) the U.S. Olympic Museum and Hall of Fame, (iv) the Colorado Sports & Event Center, together with certain infrastructure improvements in downtown Colorado Springs; and

WHEREAS, the extent of any financial obligation of the City of Colorado Springs (the "City") necessary for the Colorado Sports & Event Center is unknown at the present time, but it is possible that the City could be prepared to make some financial obligation as a part of the financing for this project in the future; and

WHEREAS, City Charter § 7-80 provides that certain bonds and indebtedness of the City require voter approval; and

WHEREAS, City Charter § 7-90 provides that unless present cash reserves are set aside and irrevocably pledged, the creation of a direct or indirect City debt or other financial obligation for more than a single fiscal year requires voter approval; and

WHEREAS, notwithstanding applicable provisions of the City Charter, the City Council desires to express its intent that any long-term, City funding committed for the Colorado Sports & Event Center must be submitted for voter approval.

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

Section 1. In the event final financing plans for the Colorado Sports & Event Center require a direct or indirect City debt or other City financial obligation for more than a single fiscal year, the City Council shall require voter approval in accordance with City Charter §§ 7-80 and 7-90. Moreover, any voter approval under this Resolution shall be made concurrently with the approval(s) under such City Charter provisions, and shall not require a separate election.

Section 2. The City will endeavor to cooperate with the County as necessary for purposes of such election and for intergovernmental agreements required therefor.

Section 3. Excepting funds used for planning purposes, voter approval shall be required for any multiple year commitment of City general funds, sales or use taxes, any loan of city sales and use tax, agreement to share sales and use tax, or certificates of participation related to the Colorado Sports & Events Center.

Section 4. Not less than sixty (60) days prior to the election, the City shall make available to the voters information related to the City's commitment of funds, which may include but not be limited to the following:

- a. The budgeted range of costs attributable to the building construction funded by the City;
- b. The estimated cost of operating and maintenance of the Colorado Sports & Event Center and all ancillary structures;
- c. A budgeted range of cost estimates for any infrastructure improvements required which are to be funded by the City; and
- d. The estimated annual and total debt service requirements for the proposed City funding of the Colorado Sports & Event Center.

Section 5. Voter approval under this Resolution shall not affect, and shall not apply to, any aspect of the projects or infrastructure listed in the EDC Resolution, except for the Colorado Sports & Events Center, and this Resolution shall only apply to City financial commitments related to the Colorado Sports & Events Center.

Section 6. The City Attorney has opined, and the City Council concurs, that under the state's Urban Renewal Law, CRS § 31-25-101, et seq., urban renewal areas may not be applied on a City-wide basis to areas that are not blighted; accordingly, no City-wide, local sales or property tax increment for City funding of the Colorado Sports & Event Center may be imposed under the Urban Renewal Law.

Section 7. Under state law, any use of City property tax or sales tax increment financing by the Colorado Springs Urban Renewal Authority is subject to City Council approval in connection with the approval of an urban renewal area and an urban renewal plan. Accordingly, voter approval under this Resolution shall not, unless otherwise required by law, affect those state law procedures for authorization of City property tax and sales tax increment financing through the Colorado Springs Urban Renewal Authority.

DATED at Colorado Springs, Colorado, this ____ day of _____, 2015.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk