

ORDINANCE NO. _____

AN ORDINANCE ORDERING THAT THE QUESTION OF ORGANIZATION OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 AND APPROVING A MILL LEVY BE SUBMITTED TO THE ELECTORS OF THE PROPOSED DISTRICT AT THE COORDINATED ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, NOVEMBER 2, 2021; 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 ORDINANCE

WHEREAS, pursuant to Colorado Revised Statutes § 31-25-604, the City of Colorado Springs ("City") received a petition signed by over 200 electors of the proposed Colorado Springs Briargate General Improvement District 2021 ("District") seeking the formation of a general improvement district; and

WHEREAS, the District would replace the services of and serve as a mill levy alternative to the existing Briargate Special Improvement Maintenance District which, if the question is passed, it is City's Council's intention to set the Special Improvement Maintenance District's mill levy to zero; and

WHEREAS, the City Clerk has determined that the petition is sufficient; and

WHEREAS, the City Council set this matter for a hearing on July 27, 2021; and

WHEREAS, notice of said hearing was mailed to each elector in the proposed District and published as required by statute; and

WHEREAS, at said hearing the City Council ascertained the number of electors in the proposed District and the total value of assessment of real and personal property and further found that the proposed maintenance obligations of the proposed District would not be excessive as compared with the value of the property; and

WHEREAS, the City Council determined that the petition had been duly signed and presented in conformity with statute and that the allegations were true.

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

Section 1. The above and foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Council hereby submits and refers to the vote of the registered qualified electors of the proposed District to be held at the Election (as defined in Section 2), the question of approving the organization of the Colorado Springs Briargate General Improvement District 2021 and the approval of a mill levy, which appears in full in Section 5 of this Ordinance.

Section 3. The Election shall be held as part of the Coordinated Election conducted by mail ballot on November 2, 2021.

Section 4. The legal boundaries of the proposed Colorado Springs Briargate General Improvement District 2021 are set forth within Exhibit A, attached hereto and incorporated herein. The boundaries are fully within the City and City Council hereby adjudicates all questions of jurisdiction.

Section 5. The question of formation of the District and approval of the mill levy shall be submitted to the qualified electors of the proposed District in substantially the following form:

SHALL COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 TAXES BE INCREASED \$1,462,683 ANNUALLY BEGINNING JANUARY 1, 2022, AND BY WHATEVER AMOUNTS ARE RAISED THEREAFTER, BY THE IMPOSITION OF A MILL LEVY IMPOSED ON ALL TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT OF NOT MORE THAN 4.409 MILLS, SOLELY FOR THE PURPOSE OF FUNDING THE DISTRICT'S OPERATIONS, MAINTENANCE, AND OTHER REASONABLE EXPENSES, AS MAY BE DETERMINED BY THE DISTRICT BOARD OF DIRECTORS; AND SHALL THE DISTRICT BE PERMITTED TO COLLECT, RETAIN AND SPEND ALL REVENUES DERIVED THEREFROM AS A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO ANY CONSTITUTIONAL, STATUTORY AND CITY CHARTER REVENUE AND SPENDING LIMITATIONS WHICH MAY OTHERWISE APPLY; AND WITH THE

INTENT OF THE VOTERS THAT MONIES DERIVED FROM THE TAX INCREASE SERVE AS AN ALTERNATIVE TO AND REPLACEMENT FOR THE BRIARGATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT MILL LEVY; AND SHALL COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT 2021 BE ORGANIZED?

_____ Yes

_____ No

Section 6. 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 ordinance. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting this Election held as part of a Coordinated Election.

Section 7. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance and toward the Election, are hereby ratified, approved and confirmed.

Section 8. If any section, paragraph, clause or provision of this ordinance 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 9. This ordinance shall be in full force and effect from and after its final Adoption and publication as provided by Charter.

Section 10. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2021.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk