

RESOLUTION NO. _____ - 15

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, 2015, THE QUESTION OF TEMPORARILY INCREASING SALES AND USE TAXES BY 0.62% FOR ROAD REPAIRS AND IMPROVEMENTS FOR A PERIOD OF FIVE (5) YEARS AND CONSTITUTING A VOTER APPROVED REVENUE CHANGE EXEMPT FROM SPENDING AND REVENUE LIMITATIONS; 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 increasing the City sales and use tax by 0.62% for a period of five (5) years to fund road repairs and improvements appears necessary and is in the best interest of the residents of, and visitors to, the City; and

WHEREAS, the Council does hereby determine that the Coordinated Election conducted by mail ballot on November 3, 2015, 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 increasing the City sales and use tax by 0.62% 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 a 0.62% increase of the City's sales and use tax, as a voter approved revenue change, exempt from spending and revenue limitations, 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, 2015.

Section 3. The question of increasing the City sales and use tax by 0.62%, as a voter approved revenue change, exempt from spending and revenue limitations, shall be submitted to the registered qualified electors of the City in substantially the following form:

SHALL CITY TAXES BE INCREASED \$50,000,000 ANNUALLY BY LEVYING A TEMPORARY 0.62% SALES/USE TAX FOR ROAD REPAIRS/IMPROVEMENTS TO TERMINATE 12/31/2020, CONSTITUTING A VOTER-APPROVED REVENUE CHANGE EXEMPT FROM SPENDING/REVENUE LIMITATIONS?

(Ballot Text)

If approved, the City of Colorado Springs shall be authorized to temporarily increase its sales and use tax by 0.62% (6.2 pennies on a \$10 purchase) for five years to fund only road repairs and improvements, and be permitted to retain all such revenues generated and to expend the same only for road repairs and improvements, exempt from spending and revenue limitations. If this question is approved, the existing sales and use tax rate of 2.5% established by the City Code will be increased by 0.62% dedicated to road repairs and improvements to make an effective City tax rate of 3.12% as of January 1, 2016. This tax will sunset (expire) exactly five (5) years from the date of its implementation and will not affect or apply to purchases of food for domestic home consumption, prescriptions, residential utility bills or other items exempt from City sales and use tax under the City Code. This temporary increase in sales and use tax revenue will be placed in a dedicated fund to be used only for funding the cost to repair roads and streets throughout all areas of the City, including cost of road reconstruction where severe deterioration does not allow repair. None of the additional sales and use tax revenue will be used to hire additional City employees or purchase additional equipment for City road projects. The repair work will be contracted out to the private sector.

Section 4. A listing of the road and street segments intended and scheduled to be repaired or improved with the revenues from the 0.62% temporary sales and use tax is attached hereto as Exhibit "A". The expenditure of these revenues for road repairs and improvements is to be in addition to, and not in lieu of, amounts currently being expended by the City for road maintenance and improvements.

During the period the temporary sales and use tax increase is in effect, the City will maintain spending on repair and maintenance of roads and streets at the average of the City's annual spending amount for such repair and maintenance during fiscal years 2012, 2013 and 2014. The City Auditor will perform an audit to calculate such average spending amount. Subject to City Charter limitations on preparation, submission and approval of the annual budget and annual appropriation ordinance, during such period, the City will annually expend at least the amount so computed on repair and maintenance of roads and streets.

Section 5. 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 6. 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 7. 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 such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All resolutions, bylaws and regulations of the City in conflict with this resolution, including but not limited to Resolution No. 78-15, are hereby repealed to the extent only of such inconsistency. The 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 9. This resolution shall be effective upon passage.

Dated at Colorado Springs, Colorado this 25th day of August, 2015.

Merv Bennett, Council President

ATTEST:

Sarah B. Johnson, City Clerk