

RESOLUTION NO. _____ - 17

A RESOLUTION SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO, AT THE GENERAL MUNICIPAL ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, APRIL 4, 2017, THE QUESTION OF RETAINING AND SPENDING UP TO \$6,000,000 OF THE ESTIMATED 2016 FISCAL YEAR REVENUE ABOVE THE 2016 FISCAL YEAR REVENUE AND SPENDING LIMITATIONS, AND A LIKE AMOUNT OF ANY EXCESS REVENUE IN FISCAL YEAR 2017, AS A VOTER APPROVED REVENUE CHANGE, WITH ANY EXCESS REVENUE IN FISCAL YEARS 2016 AND 2017 BEYOND THIS \$6,000,000 REVENUE CHANGE TO BE REFUNDED TO TAXPAYERS; 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 the estimated 2016 fiscal year revenues of the City exceed the 2016 Fiscal Year revenue and spending limitations of Article X, § 20 of the Colorado Constitution and City Charter § 7-90, and that up to \$6 million of such revenues, and a like amount of excess revenue in Fiscal Year 2017, if retained by the City, will be used solely for stormwater projects located within the City of Colorado Springs, as required of the City under law, permit and contract, and that are in the best interest of the residents of, and visitors to, the City; and

WHEREAS, the Council does hereby determine that the General Municipal Election conducted by mail ballot on April 4, 2017, (the "Election"), at which the question of retaining up to \$6 million of the estimated Fiscal Year 2016 revenues exceeding such Fiscal Year revenue and spending limitations, and a like amount of any excess revenue in Fiscal Year 2017, shall be submitted to the City's electors qualified and registered to vote thereon; and

WHEREAS, there is a need to fund stormwater projects required under federal law, the City's municipal separate stormwater system (MS4) discharge permit and/or that certain intergovernmental agreement dated April 27, 2016 between the City and the County of Pueblo, Colorado.

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 retention of the 2016 Fiscal Year revenues exceeding the 2016 Fiscal Year revenue and spending limitations up to \$6,000,000, and a like amount of any excess revenue in Fiscal Year 2017, as a voter approved revenue change, exempt from revenue and spending limitations, and providing for refund to taxpayers of any excess revenue in fiscal years 2016 and 2017 beyond this \$6 million revenue change, which appears in full in Section 3 of this Resolution.

Section 2. The Election shall be a general municipal election conducted by mail ballot on April 4, 2017.

Section 3. The question of retention of up to \$6 million of the 2016 Fiscal Year revenues exceeding the 2016 Fiscal Year revenue and spending limitations, and a like amount of any excess revenue in Fiscal Year 2017, as a voter approved revenue change, exempt from revenue and spending limitations, and providing for refund to taxpayers of any excess revenue in fiscal years 2016 and 2017 beyond this \$6 million revenue change, shall be submitted to the registered qualified electors of the City in substantially the following form:

WITHOUT INCREASING TAXES, SHALL THE CITY OF COLORADO SPRINGS BE PERMITTED TO RETAIN AND SPEND UP TO \$6,000,000, THE ESTIMATED 2016 FISCAL YEAR REVENUE ABOVE THE 2016 FISCAL YEAR REVENUE AND SPENDING LIMITATIONS, AND A LIKE AMOUNT OF ANY EXCESS REVENUE IN FISCAL YEAR 2017, SOLELY FOR STORMWATER PROJECTS LOCATED WITHIN THE CITY OF COLORADO SPRINGS, ALL AS REQUIRED OF THE CITY UNDER LAW, PERMIT OR CONTRACT, AS A VOTER APPROVED REVENUE CHANGE AND EXCEPTION TO ANY CONSTITUTIONAL OR CHARTER LIMITATIONS THAT MAY OTHERWISE APPLY, WITH EXCESS REVENUE IN FISCAL YEARS 2016 AND 2017 BEYOND THIS \$6,000,000 REVENUE CHANGE TO BE REFUNDED TO TAXPAYERS IN SUCH MANNER AS COUNCIL SHALL DETERMINE?

Section 4. If approved by the registered qualified electors of the City at the Election, the expenditure of the additional revenues up to \$6 million shall be made solely for stormwater improvements located within and benefitting the City of Colorado Springs, including but not limited to the projects listed in the attached Exhibit "A", which are required or necessitated by law, permit or contract, including but not limited to the Clean Water Act, state water quality laws, any municipal stormwater discharge permit, and that certain intergovernmental agreement dated April 27, 2016 between the City and the County of Pueblo, Colorado.

If approved by the electors, the following maintenance of effort requirements apply: absent an emergency requiring funds for stormwater projects to be reallocated to meet the emergency and subject to City Charter limitations and approval of appropriation ordinances, the expenditure during 2017 and 2018 of the voter approved excess revenues shall be in addition to, and not in lieu of, the \$13.5 million annual minimum expenditures as defined and required by that certain intergovernmental agreement dated April 27, 2016, between the City and Pueblo County, Colorado.

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.

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 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 of 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, 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 _____ day of January, 2017.

Council President

ATTEST:

Sarah B. Johnson, City Clerk