



## Legislation Text

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**File #:** 17-1163, **Version:** 2

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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.

**Presenter:**

Mayor John Suthers  
Tom Florczak, Deputy City Attorney

**Summary:**

This Resolution refers a ballot question to the qualified registered electors of the City at the November 7, 2017 special municipal election held as part of a coordinated election. The ballot question asks the voters whether to approve Ordinance No. 17-69, which amends the existing City Code relating to the City's Stormwater Enterprise. The amendments would authorize re-establishment and collection of stormwater fees on all developed or improved property, with different rates for residential dwelling units and non-residential property. The fees generated would be received by the City's stormwater enterprise, to be used only for the construction, improvement, operation and maintenance of the City's public stormwater system, including costs related to compliance with regulatory permits, court orders, and IGAs entered into before June 1, 2016. The Resolution also directs City staff to do all things required in connection with having the ballot measure presented to the voters.

**Previous Council Action:**

This subject was conceptually discussed with City Council at the Mayor-Council work session held on June 9, 2017 and at subsequent planning lunch meetings.

**Background:**

The City must conduct a professional stormwater program with three (3) primary elements: (1) it must conduct a program that complies with its Municipal Separate Storm Sewer System Permit (MS4 Permit) issued by the state of Colorado and which is subject to state and US EPA requirements, (2) it must have a capital program to construct stormwater facilities to protect and preserve life and property, and to meet its project and other commitments under an intergovernmental agreement entered into with Pueblo County in April 2016, and (3) it must maintain and operate the City's stormwater infrastructure system, which includes 300 miles of open drainage channels, 500 miles of storm sewer piping and 90 detention/water quality basins.

Council has been advised by City staff that, among the various options for funding, the recommended method for funding the stormwater program is through a stormwater enterprise funded with special service fees. The City already has City Code provisions establishing a stormwater enterprise, although the service fees were eliminated in 2010.

Though there is no legal requirement to present the question of imposing service fees, Council indicated it preferred the matter be presented to the public. There is no tax increase of any kind associated with this ballot measure.

**Financial Implications:**

If the Resolution is passed by Council and the measure approved by the voters, the City will be permitted to begin collecting stormwater fees on July 1, 2018, which is estimated to produce revenues of approximately \$18 Million. Most cities across the country fund their stormwater programs through such service fees. By funding stormwater in this manner, it would eliminate the program's heavy dependence on the general fund.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

The Mayor and City Council have discussed the concept of this proposed measure publicly at the June 9, 2017 Council - Mayor retreat, and during subsequent planning lunch meetings.

**Alternatives:**

Without implementing stormwater service fees to fund the stormwater program, the City would need to use general fund monies and existing resources to undertake all of the required stormwater obligations. This would likely reduce funds available for other City services, including potentially critical services such as Police and Fire.

**Proposed Motion:**

Move to approve 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.

N/A