



## Legislation Text

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**File #:** 16-736, **Version:** 3

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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.

**Presenter:**

Mayor John Suthers  
Kara Skinner, CFO

**Summary:**

This Resolution refers a ballot question to the qualified registered electors of the City at the April 4, 2017 general municipal election. The ballot question asks the voters whether the City may retain and spend up to \$6 million of revenues received by City during each of fiscal years 2016 and 2017 which may exceed the amounts otherwise allowed in those years to be retained and spent under City Charter § 7-90 and Colorado Constitution Article X, § 20, known as the Taxpayers' Bill of Rights or "TABOR", provided that the funds may only be used for stormwater improvements located within and benefitting the City of Colorado Springs. A list of the stormwater projects which, revenues permitting, will be funded with this revenue is attached to the Resolution as Exhibit "A". These projects are needed to meet the City's obligations under the federal Clean Water Act, its MS4 discharge permit and/or the Intergovernmental Agreement between the City and Pueblo County dated April 27, 2016. The authorization to use up to this amount of excess revenue received during the two years would be a voter approved revenue and spending change exempt from otherwise applicable revenue/spending limitations under City Charter § 7-90 and Article X, § 20 of the Colorado Constitution. Any excess revenue beyond this \$6 million revenue change would be refunded to taxpayers. 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:**

N/A

**Background:**

Under Charter § 7-90 (g), the City's authorized change in fiscal year spending is limited to inflation plus City growth, and any voter approved changes. Under Colo. Const. Art. X, § 20 (7) (b), City spending is similarly limited to inflation plus local growth and any voter approved revenue changes. The Finance Department has determined that, due in part to increased sales tax receipts associated

with citizen expenditures as a result of July and August hail storms and an exceptionally strong tourist season and associated sales tax and lodgers and automobile rental tax receipts from visitors, revenue in 2016 may exceed these limitations by at least \$6 million. A similar amount of excess revenue may be collected in fiscal year 2017. The Resolution before City Council would present the question of retaining up to \$6 million of excess revenue in each of the two fiscal years to the voters, with the restriction that the excess amount be spent on stormwater projects within the City. As indicated above, the list of stormwater projects which, revenue permitting, will be funded with this revenue is attached to the Resolution as Exhibit "A". These projects are needed to meet the City's obligations under the federal Clean Water Act, its MS4 discharge permit and/or the Intergovernmental Agreement between the City and Pueblo County dated April 27, 2016. Any excess revenue above the \$6 million authorized revenue change would be refunded to taxpayers.

There is no tax increase of any kind associated with this ballot measure.

This item supports the City's strategic goal relating to excelling at City services.

**Financial Implications:**

If the Resolution is passed by Council and the measure approved by the voters, the City will be permitted to retain and expend up to \$6 million for each fiscal year on stormwater improvements which will help the City to meet its stormwater obligations. Otherwise, the City will be required to refund that amount to the taxpayers, see Charter § 7-90 (g), and be required to fund that dollar amount of its stormwater obligations from other available revenues of the City; the Charter may also permit the funds to be applied to reduce taxes or bonded debt.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

The Mayor and City Council have discussed the concept of this proposed measure publicly at the November 8, 2016 Council planning lunch, and at the December 13, 2016 Council Worksession.

**Alternatives:**

City Council could modify the proposed Resolution.

**Proposed Motion:**

Move to approve 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, 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 above this \$6 million 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.

N/A