



## Legislation Details (With Text)

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<b>File #:</b>	19-401	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>		Mayor's Office	
<b>File created:</b>	7/15/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	8/13/2019	<b>Final action:</b>		8/13/2019	

**Title:** 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 5, 2019, the question of retaining and spending up to \$7,000,000, the estimated 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations, for City parks, sports and cultural facilities and trail improvements, as a voter approved revenue change; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Presenter:  
John Suthers, Mayor of Colorado Springs  
Karen Palus, Director of the Parks, Recreation and Cultural Services Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Council July 222019.Tabor.PP.pdf, 2. RESOLUTION REFERRING EXCESS REV RETENTION -FINAL-7-30-2019.pdf, 3. City Council August 132019.Tabor.pdf, 4. Signed Resolution 77-19.pdf

Date	Ver.	Action By	Action	Result
8/13/2019	1	City Council	adopted	Pass
7/22/2019	1	Council Work Session	referred	

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 5, 2019, the question of retaining and spending up to \$7,000,000, the estimated 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations, for City parks, sports and cultural facilities and trail improvements, as a voter approved revenue change; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

**Presenter:**

John Suthers, Mayor of Colorado Springs  
Karen Palus, Director of the Parks, Recreation and Cultural Services Department

**Summary:**

This Resolution refers a ballot question to the qualified registered electors of the City at the November 5, 2019 coordinated election which also constitutes a special municipal election. The ballot question asks the voters whether the City may retain and spend up to \$7 million in revenues received by the City during fiscal year 2018 which exceeded the amounts otherwise allowed to be retained and spent under the 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 specified parks, sports and cultural facilities and trail improvement projects located within the City. 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:**

The concept of asking the voters for authorization to retain and spend the so-called TABOR excess revenue for parks, sports and cultural facilities and trails had been discussed by Mayor Suthers and City Council on May 29, 2019.

**Background:**

Enter full description of item. Enter N/A if not applicable.

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, in part because of the City's receipt from the State of additional highway user trust fund revenues, as well as expansive economic conditions, the City's 2018 revenues have exceeded or will be determined to exceed these limitations by \$7 million, unless the voters approve the retention and spending. The Resolution before City Council would present that question to the voters, with the restriction that the excess amount be spent on parks, sports and cultural facilities and trail improvements.

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

The use of these funds, if approved by the voters, is limited to the following parks, sports and cultural facilities and trail improvement projects located within the City:

- Repair, restoration and improvements to Acacia, Antlers, Monument Valley, Palmer and Panorama parks
- Repair, restoration and improvements to Alamo Square/Pioneers Museum
- Repair, restoration and improvements to Cottonwood Creek baseball fields, Leon Young Sports Complex, Boulder Park sports courts and Thorndale Park sports courts
- Trail improvements to Homestead, Mesa, Sandcreek and Legacy Loop trails
- Repair and repaving of Evergreen Cemetery and Fairview Cemetery parking areas

This item supports the City's strategic goal relating to investing in infrastructure.

**UPDATE: The ballot question set forth in the Resolution has been modified to include authorization to use the funds for preparation of a master plan for Coleman Park, as discussed during City Council's work session on July 22, 2019.**

**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 the \$7 million on the specified parks, sports and cultural facilities and trail improvement projects. Otherwise, the City will be required to refund that amount, See Charter § 7-90 (g); the Charter may also permit the funds to be applied to reduce taxes or bonded debt.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

On June 13, 2019 the Parks, Recreation and Cultural Services Advisory Board was provided the information and project list for the Tabor Excess projects. On July 11, 2019 the Parks, Recreation and Cultural Services Advisory Board considered the proposed resolution referring the TABOR excess revenue question. They approved a motion recommending that City Council adopt the resolution. The motion passed unanimously.

**Alternatives:**

The City could refund the amount to the taxpayers. The Charter may also permit the funds to be applied to reduce taxes or bonded debt.

**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 5, 2019, the question of retaining and spending up to \$7,000,000, the estimated 2018 fiscal year revenue above the 2018 fiscal year revenue and spending limitations, for City parks, sports and cultural facilities and trail improvements, as a voter approved revenue change; providing for the form of the ballot title; providing for certain matters with respect to the election; and providing the effective date of this resolution.

N/A