

RESOLUTION NO. 03 - 23

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, 2023, THE QUESTION OF EXTENDING THE SALES AND USE TAX FOR TRAILS, OPEN SPACE AND PARKS ("TOPS") PROGRAM AND MODIFYING THE PROGRAM FOR THE PURPOSE OF ALLOWING REVENUE TO BE USED ON ALL CITY TRAILS AND OPEN SPACES AND REQUIRING SEVENTY-FIVE PERCENT (75%) OF OPEN SPACE FUNDS BE USED FOR ACQUISITION OF OPEN SPACE, 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 extending the City sales and use tax for the Trails, Open Space and Parks program with certain modifications is 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, 2023, is designated as a municipal election pursuant to the City Charter (the "Election") at which the question of extending and modifying the City sales and use tax for the Trails, Open Space and Parks program 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. Council hereby submits and refers to the vote of the registered qualified electors of the City to be held at the Election (as defined in Section 2), the question regarding extending the sales and use tax for the Trails, Open Space and Parks ("TOPS") program, with no changes to the program except allowing revenue to be used for the maintenance all City trails and open spaces, and a minimum of seventy-five

percent (75%) of funds in the open space category be used for acquisition of open space, 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, 2023, pursuant to the Charter of the City of Colorado Springs and applicable Colorado statutes, except as otherwise provided in the Charter or ordinances of the City, all as impliedly modified by relevant judicial decisions. The City Clerk shall be the designated election official for all matters.

Section 3. The question of extending and modifying the sales and use tax for the TOPS program as a voter approved change, shall be submitted to the registered qualified electors of the City in substantially the following form:

WITHOUT IMPOSING ANY NEW TAX OR INCREASING THE RATE OF ANY EXISTING TAX, SHALL THE EXISTING 0.1% (ONE TENTH OF A CENT) CITY SALES AND USE TAX FOR TRAILS, OPEN SPACE AND PARKS (TOPS) BE EXTENDED FROM ITS CURRENT EXPIRATION OF DECEMBER 31, 2025 THROUGH DECEMBER 31, 2045, WITH THE SAME USES FOR OPEN SPACE ACQUISITION AND STEWARDSHIP, AND TRAILS AND PARKS ACQUISITION AND MAINTENANCE, THE ABOVE CONSTITUTING NO CHANGES TO THE PROGRAM EXCEPT ALLOWING FUNDS DEDICATED TO MAINTENANCE OF TRAILS AND OPEN SPACES TO BE USED REGARDLESS OF HOW THE TRAIL OR OPEN SPACE WAS ACQUIRED, AND IN THE OPEN SPACE CATEGORY A MINIMUM OF SEVENTY-FIVE PERCENT (75%) OF FUNDS BE SPENT ON ACQUISITION OF OPEN SPACE, AS A CONTINUATION OF A VOTER-APPROVED REVENUE CHANGE AND EXCEPTION TO ANY CONSTITUTIONAL, STATUTORY, AND CHARTER REVENUE AND SPENDING LIMITATIONS THAT MAY OTHERWISE APPLY?

\_\_\_ YES

\_\_\_ NO

Section 4. The City Council finds and declares that if the question set forth in Section 3 is approved by the electors voting thereon, the City of Colorado Springs shall be authorized to continue its sales and use tax for the TOPS program to and until

December 31, 2045. As is currently the case, all revenues from the sales and use tax for the TOPS program will be placed in a dedicated fund to be used only for the purposes stated in this resolution.

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 the resolution. The City Clerk shall conduct the General Municipal Election.

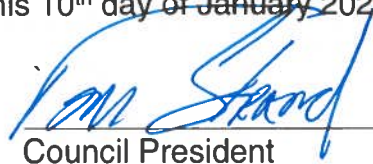
Section 6. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of the resolution and toward the Election, are hereby ratified, approved and confirmed.

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 that 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 of any conflict. This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, in whole or in part, previously repealed.

Section 9. This resolution shall be effective upon passage.

Dated at Colorado Springs, Colorado this 10<sup>th</sup> day of January 2023.

  
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Council President

ATTEST:

  
Sarah B. Johnson, City Clerk  
