

**RESOLUTION NO. 12-58**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES, COLORADO SUBMITTING A  
BALLOT ISSUE TO THE ELIGIBLE ELECTORS OF THE CITY  
OF CASTLE PINES AT THE COORDINATED GENERAL ELECTION  
TO BE HELD TUESDAY, NOVEMBER 6, 2012, AUTHORIZING THE  
CITY TO COLLECT, RETAIN AND SPEND EXCESS REVENUES BEGINNING  
IN FISCAL YEAR 2011 AS A VOTER APPROVED REVENUE CHANGE,  
AND SETTING THE TITLE FOR THE BALLOT ISSUE.**

**WHEREAS**, under the Taxpayer's Bill of Rights, Article X, Section 20 of the Colorado Constitution ("TABOR"), governmental entities are limited in the amount of revenue that they can collect, retain and spend from year to year based generally on the limitation from the prior year multiplied by a factor that includes annual inflation plus the percentage increase in real property valuation within the jurisdiction (this limitation on revenue and spending is hereinafter referred to as the "TABOR Revenue Cap"); and

**WHEREAS**, in 2007, the City of Castle Pines voters approved the exemption of the 2.75% sales and use tax revenues, the 4.5 mills property tax levy (for law enforcement) revenues, and the up-to 19 mills property tax levy (for water and sanitation services in the event of, and equal to, a reduction in the mill levy imposed by the Castle Pines North Metropolitan District) revenues from the calculation of the TABOR Revenue Cap; and

**WHEREAS**, the City receives revenue from other sources which remain subject to the TABOR Revenue Cap ("TABOR Restricted Revenue"); and

**WHEREAS**, TABOR Restricted Revenue sources include, but are not limited to, fees for the provision of land use and building services, fines received through the municipal court, interest income, fees received by the City from developers to compensate the City for the impacts of developments, franchise fees and the City's share back of the Highway Users Tax Fund; and

**WHEREAS**, an increase and fluctuations in payments to the City of intergovernmental and similar development-related fees and other TABOR Restricted Revenue led to a TABOR Revenue Cap excess in fiscal year 2011 of approximately \$108,000; and

**WHEREAS**, under TABOR, the City is obligated to refund to the taxpayers all amounts in excess of the TABOR Revenue Cap in the next fiscal year unless the voters approve a revenue change allowing the City to retain and spend such excess regardless of the cost of the refund or the amount of the TABOR Revenue Cap excess; and

**WHEREAS**, in order to ensure that the City may continue to adequately fund essential City services, the City Council has determined that it is in the interest of the residents of the City to refer to the eligible electors a ballot issue at the November 6, 2012, coordinated general

election to seek approval to collect, retain and spend excess revenues over the TABOR Revenue Cap from any and all sources, whether such source is now in existence or hereafter created; and

**WHEREAS**, the ballot issue, if approved by the voters, will not provide approval for any new tax or tax rate increase but only concerns the City’s ability to keep, retain and spend amounts in excess of the TABOR Revenue Cap.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:**

**Section 1.** The City Council hereby refers and approves the following ballot issue for submission to the voters and to appear on the ballot for the election to be held on November 6, 2012:

WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES, SHALL THE CITY OF CASTLE PINES BE PERMITTED TO RETAIN AND SPEND CITY REVENUES DERIVED FROM ANY AND ALL SOURCES IN EXCESS OF THE SPENDING OR OTHER LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, BEGINNING WITH REVENUES RECEIVED IN 2011, SUCH REVENUES TO BE USED FOR ROAD AND STREET REPAIR AND MAINTENANCE (SUCH AS POTHOLE REPAIR, ASPHALT OVERLAYS, CURBS AND SIDEWALKS), PUBLIC SAFETY (SUCH AS SHERIFF PATROL SERVICES), OPEN SPACE ACQUISITION AND MAINTENANCE (SUCH AS PARKS, TRAILS AND TRAIL CONNECTIONS) OR OTHER MUNICIPAL PURPOSES?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**Section 2.** If the registered electors approve this measure, the City will collect, retain and spend revenues from any and all revenue sources, whether in existence now or in the future, without imposing any new taxes or raising any existing taxes without voter approval as required by law.

**Section 3.** This Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself.

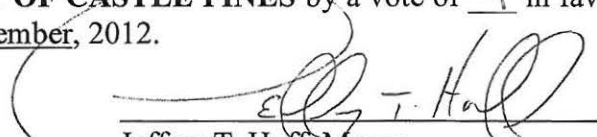
**Section 4.** The City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of the ballot issue the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

**Section 5.** The City Manager, City Attorney, and City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot issue to be printed and placed on the ballot for the election.

**Section 6.** 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 such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.


**Section 7. Effective Date.** This Resolution shall take effect upon its approval by the City Council.

**INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES** by a vote of 4 in favor, 1 against and 2 absent this 5th day of September, 2012.

  
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Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:

  
\_\_\_\_\_  
Dan Schatz, City Clerk

  
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Linda C. Michow, City Attorney