

RESOLUTION NO. 23-40

**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 FOR THE NOVEMBER 7, 2023 REGULAR ELECTION,
AUTHORIZING AN AD VALOREM PROPERTY TAX OF 12 MILLS FOR PARK,
RECREATION, TRAIL AND OPEN SPACE AMENITIES AND IMPROVEMENTS AND
MAINTENANCE, AND SETTING THE TITLE AND SUBMISSION CLAUSE FOR
SUCH BALLOT ISSUE**

WHEREAS, the City of Castle Pines, Colorado (“City”) is a home rule municipal corporation duly organized and existing under the laws of the state of Colorado and the City Charter (“Charter”); and

WHEREAS, Article X, Section 20(4)(a) of the Colorado Constitution, also referred to as the Taxpayer’s bill of Rights (“TABOR”), requires voter approval for any new tax, any increase in any tax rate, the creation of any multiple fiscal year financial obligation, and the spending of certain funds above limits established by TABOR; and

WHEREAS, pursuant to Resolution No. 23-32 and in accordance with Section 2-1-10 of the Municipal Code, the City’s regular election on November 7, 2023 will be conducted in coordination with Douglas County and pursuant to the requirements and procedures of the Uniform Election Code; and

WHEREAS, in an effort to consolidate management and operations of parks, open space, trails and recreation improvements within the City, the City Council has been working with local Title 32 metropolitan districts (“Metropolitan Districts”) to allow the City to own, operate and maintain all parks, trails, recreation and open space in the City; and

WHEREAS, the goal of the City Council is to reduce the costs to City taxpayers for maintenance of parks, open space, trails and recreation improvements by shifting the ad valorem property tax of 12 mills imposed by the Metropolitan Districts (as applicable) to the City such that there is no net increase in the aggregate mill levies imposed by the City and the Metropolitan Districts on properties located within such Metropolitan Districts; and

WHEREAS, 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 a regular election on November 7, 2023, through participation in the coordinated general election, to increase City taxes by an ad valorem property tax of 12 mills upon taxable real and personal property to fund park, recreation, trail and open space amenities and improvements serving all City residents.

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

Section 1. Pursuant to Section 31-11-111, C.R.S., the City Council hereby refers, approves and sets the following ballot title and submission clause to appear on the ballot for the regular election to be held on November 7, 2023:

QUESTION ____: AUTHORIZATION TO INCREASE CITY AD VALOREM PROPERTY TAX BY 12 MILLS TO FUND PARK, RECREATION, TRAIL AND OPEN SPACE AMENITIES AND IMPROVEMENTS SUBJECT TO AN EQUAL DECREASE IN AD VALOREM PROPERTY TAXES IMPOSED BY TITLE 32 METROPOLITAN DISTRICTS ON PROPERTIES LOCATED WITHIN SUCH METROPOLITAN DISTRICTS.

SHALL CITY OF CASTLE PINES TAXES BE INCREASED UP TO \$4,750,000 IN TAX COLLECTION YEAR 2024 AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER FROM AN AD VALOREM PROPERTY TAX OF 12 MILLS UPON TAXABLE REAL AND PERSONAL PROPERTY (PROVIDED THAT SUCH MILL LEVY MAY BE ADJUSTED BY THE CITY TO ACCOUNT FOR CHANGES IN LAW OR THE METHOD BY WHICH ASSESSED VALUATION IS CALCULATED), TO FUND: PARK, RECREATION, TRAIL AND OPEN SPACE AMENITIES AND IMPROVEMENTS AND THE CONTINUED OPERATION AND MAINTENANCE OF SAME WITHIN THE CITY; PROVIDED THAT THE CITY MAY IMPOSE SUCH AD VALOREM PROPERTY TAX ONLY IF THE TITLE 32 METROPOLITAN DISTRICTS IN THE CITY IMPOSING AN AD VALOREM PROPERTY TAX OF 12 MILLS OR GREATER FOR OPERATIONS PURPOSES PERMANENTLY REDUCE OR ELIMINATE THEIR RESPECTIVE MILL LEVIES BY 12 MILLS OR GREATER, SUCH THAT THERE IS NO NET INCREASE IN THE AGGREGATE MILL LEVIES IMPOSED BY THE CITY AND THE DISTRICTS ON PROPERTIES LOCATED WITHIN SUCH DISTRICTS (E.G., SHEA CANYONS, CASTLE PINES NORTH, AND LAGAE COMMUNITIES); AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE PROCEEDS OF THE REVENUE FROM SUCH TAX AND ANY EARNINGS THEREON WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 2. Nothing in this Resolution or the ballot title or question shall amend, alter, impair, or affect the prior voter approvals of, and exemptions approved for, the City's retention of revenues in excess of the limits set forth in Article X, Section 20, of the Colorado Constitution.

Section 3. 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 4. The officers and employees of the City 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 5. 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 6. 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 5 IN FAVOR, 1 AGAINST, AND 1 ABSENT, THIS 29th DAY OF AUGUST, 2023.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman
Tracy Engerman (Sep 26, 2023 16:19 MDT)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda C Michow

Linda C. Michow, City Attorney