

RESOLUTION NO. 23-41

**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 A TEMPORARY 1% INCREASE OF SALES AND USE TAX, 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, the City Council of the City of Castle Pines has identified necessary and significant road and street repairs and related improvements, including but not limited to Castle Pines Parkway and Monarch Boulevard, that cannot be met with the City’s current sources of revenue; and

WHEREAS, in order to enable the City to make essential City street and road improvements, 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 the sales and use tax by 1% for a period of twenty years to help pay for such essential road improvements, and to collect, retain and spend excess revenues from such temporary tax.

**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 SALES AND USE TAX BY AN
ADDITIONAL 1% FOR A PERIOD OF 20 YEARS TO FUND ROAD AND STREET
IMPROVEMENTS AND RELATED MAINTENANCE NEEDS.**

SHALL CITY OF CASTLE PINES TAXES BE INCREASED NOT MORE THAN \$4,500,000 ANNUALLY BEGINNING JANUARY 1, 2024 AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER FOR A PERIOD OF 20 YEARS BY AN ADDITIONAL TEMPORARY SALES AND USE TAX OF 1% (OR AN INCREASE OF 1 CENT PER DOLLAR SPENT TO THE CURRENT SALES AND USE TAX RATE OF 2.75 CENTS PER DOLLAR SPENT), PROVIDED THAT THE SALE OF FOOD FOR HOME CONSUMPTION SHALL REMAIN EXEMPT FROM CITY TAXATION, TO FUND: REPAVING, REPAIRING, MAINTAINING, AND IMPROVING STREETS AND ROADS AND RELATED IMPROVEMENTS SUCH AS DRAINAGE, SIDEWALKS AND PEDESTRIAN SAFETY IMPROVEMENTS; AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE PROCEEDS OF THE REVENUE FROM SUCH TAXES 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 6 IN FAVOR, 0 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