

**Resolution 13-01 was introduced and tabled at 9-4-01 City Council Meeting
No further action was taken**

**RESOLUTION NO. 13
SERIES OF 2001**

**INTRODUCED BY: DOUG TISDALE
SECONDED BY: VIOLA LAHANA**

**A
RESOLUTION
OF THE CITY COUNCIL
APPROVING A BALLOT ISSUE AND A BALLOT QUESTION TO BE SUBMITTED TO
THE VOTERS AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2001
RELATED TO THE CITY'S POSSIBLE EXCLUSION FROM THE
SOUTH SUBURBAN PARKS AND RECREATION DISTRICT**

WHEREAS, for more than 20 years, various City Councils for the City of Cherry Hills Village have questioned the relative value received by the City's inclusion in the South Suburban Parks and Recreation District (the "District"); and

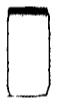
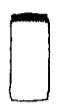
WHEREAS, following repeated requests for improvements in the level of service provided by the District for park, trail, and open space assets within the City, the City has not received an improvement in services commensurate with the relative revenue contributed to the District by property owners within the City of Cherry Hills Village; and

WHEREAS, the City Council commissioned a report by BBC Research and Consulting (the "BBC Report") to evaluate the financial benefits derived from excluding (withdrawing) the City of Cherry Hills Village from the South Suburban Parks and Recreation District; and

WHEREAS, the BBC Report is available, and has been made available, to the public at the City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80110. The BBC Report concludes that:

- City residents pay nearly 3 times more per capita in South Suburban Parks and Recreation District property taxes than non-City residents for the same District services; and
- The City is capable of creating a recreational program that would provide or make available to City residents the same general recreational services as those services currently available from the District; and
- If the City implements a program to provide or make available to its residents the same general recreational services that are available from the District, the City can expect to save a total of \$27.0 million over the next 20 years (a net present value of \$13.0 million) from the amount of taxes that are currently imposed in the City by the District; and
- The City's financial savings can be applied toward a variety of public purposes, including capital improvement and rehabilitation of new and existing trails, parks, and open space within the City, the purchase of additional open space and parks within the City, or a reduction in the property tax mill levy rate for Cherry Hills Village property owners.

WHEREAS, the City researched the effect of exclusion upon the City residents' opportunities for recreational activities; and



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WHEREAS, the City developed a preliminary plan that would ensure, *following exclusion*, that the City's residents could continue to generally enjoy the same recreational services available from the District at the same basic cost the residents currently pay; and

WHEREAS, the City Council sent a questionnaire to households in the City to assess whether the residents valued their participation in the District or whether residents desired to seek exclusion from the District; and

WHEREAS, more than thirty-one percent (31%) of the questionnaires were returned to the City by the residents; and

WHEREAS, approximately sixty-seven percent (67%) of the residents responding to the questionnaire expressed their desire to seek exclusion from the District; and

WHEREAS, the City Council held a public informational forum on August 8, 2001, to which the City residents were invited to attend and provide their feedback on the issue of the City's possible exclusion from the SSPRD; and

WHEREAS, people who spoke at the public informational forum voiced a desire to exclude from the District, remain in the District, or seek a negotiated resolution of the City's service issues with the District; and

WHEREAS, the question of whether to commence the legal proceedings necessary to exclude the City from the District does not require a public vote; and

WHEREAS, in order that the City will have sufficient funds to create, operate, and provide park and recreation services to City residents, the City must secure funding; and

WHEREAS, the funding would be obtained by increasing the City's property tax rate while reducing in an equal amount the District's property tax rate applied to property within the City (effectively a transfer of the tax rate imposed by the District to the City); and

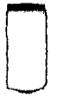
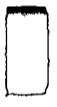
WHEREAS, due to limitations imposed by the Taxpayers Bill of Rights (TABOR), the City must submit a ballot question to the voters to approve any increase in taxes; and

WHEREAS, TABOR requires that the ballot question ask the voters to increase taxes, even though the net effect of the ballot question would be to maintain the same tax rate as that currently imposed by the District upon the City's residents; and

WHEREAS, approval of the ballot question to transfer taxes from the District to the City would be conditioned upon the City's successful exclusion of the City from the District; and

WHEREAS, the City Council deems it in the best interests of the City to submit to the registered electors the necessary questions to authorize the transfer of taxes from the District to the City in order to permit the City Council to determine whether to proceed with the exclusion of the City from the District; and

WHEREAS, the City Council called by Resolution No. 10, Series 2001, a special election to be held on the same date as the general election of November 6, 2001, and to have such special election coordinated by the Clerk and Recorder for



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Arapahoe County with the general election,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

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 special election to be held on November 6, 2001:

SHALL THE CITY OF CHERRY HILLS VILLAGE TAXES BE INCREASED A MAXIMUM OF \$ _____,000 IN THE FIRST FULL FISCAL YEAR AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY AN AD VALOREM PROPERTY TAX FOR PARK AND RECREATION PURPOSES TO BE LEVIED AT A RATE OF _____ MILLS OR SUCH LESSER RATE AS THE CITY COUNCIL MAY DETERMINE; SUCH TAXES TO BE IMPOSED ONLY IF THE CITY COUNCIL FINDS THE FOLLOWING CIRCUMSTANCE TO EXIST AND AFTER THE FOLLOWING EVENT HAS OCCURRED:

- THERE IS A CORRESPONDING DECREASE IN THE EXISTING PROPERTY TAX MILL LEVY THAT IS CURRENTLY IMPOSED BY THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT WITHIN THE CITY OF CHERRY HILLS VILLAGE SO THAT THE CITY'S NEW MILL LEVY INCREASE WOULD EFFECTIVELY BE A TRANSFER TO OR SUBSTITUTION OF THE EXISTING MILL LEVY FROM THE DISTRICT TO THE CITY; AND
- THE EXCLUSION OF THE PROPERTY WITHIN THE CITY OF CHERRY HILLS VILLAGE FROM THE BOUNDARIES OF THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT BY ORDER OF THE DISTRICT COURT,

AND, FURTHER, SHALL THE REVENUE GENERATED FROM THE AD VALOREM TAX CONSTITUTE A PERMANENT VOTER-APPROVED REVENUE CHANGE AND BE COLLECTED AND SPENT BY THE CITY WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES _____

NO _____

Section 2. The City Council hereby refers and approves the following advisory non-binding ballot question for submission to the voters and to appear on the ballot for the special election to be held on November 6, 2001:

ADVISORY QUESTION: IF THE VOTERS APPROVE THE TRANSFER OF MILL LEVY FROM THE SOUTH SUBURBAN PARKS AND RECREATION DISTRICT TO THE CITY OF CHERRY HILLS VILLAGE AS PROPOSED BY QUESTION _____ ABOVE, TO WHICH OF THE FOLLOWING SHOULD SOME PORTION OF THE AVAILABLE REVENUE SAVED BY THE CITY BE COMMITTED:

(CHECK ALL THAT APPLY)



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CAPITAL IMPROVEMENTS TO AND
REHABILITATION OF NEW AND EXISTING TRAILS, PARKS,
AND OPEN SPACE WITHIN THE CITY?

PURCHASE OF ADDITIONAL OPEN SPACE AND
PARKS WITHIN THE CITY?

REDUCTION IN THE PROPERTY TAX MILL LEVY
FOR CHERRY HILLS VILLAGE PROPERTY OWNERS?

Section 3. In the event that a majority of the registered voters approve the ballot issue presented in Section 1 above, the City Council would be authorized but not obligated to pursue the process for exclusion of the City from the South Suburban Parks and Recreation District.

Section 4. The City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of any of the ballot questions the appropriate ballot question number or letter upon designation of the ballot number or letter by the Clerk and Recorder for Arapahoe County.

Section 5. The City Administrator 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 questions to be printed and placed on the ballot for the City's special election.

Section 6. If any section, paragraph, clause or provision of this ordinance 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 ordinance.

DONE AND RESOLVED this 4th day of September, 2001.

John F. Welborn, Mayor

ATTEST:

Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:

Robert C. Widner, City Attorney

