

1 **BY AUTHORITY**

2 RESOLUTION NO. CR11-0871
3 SERIES OF 2011

COMMITTEE OF REFERENCE:
Government & Finance

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6 **A RESOLUTION**
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9 **Levying upon all taxable property within the City and County of Denver taxes**
10 **for the year 2011, to be collected in 2012, for purposes authorized by law.**
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12 **WHEREAS**, the Taxpayer's Bill of Rights, Section 20, Article X, of the Colorado Constitution
13 (TABOR), limits increases in a "district's property tax revenue" over the revenue so generated in
14 the prior year to what is derived from "inflation" and "annual local growth," as both of those terms
15 are defined in TABOR; and

16 **WHEREAS**, property tax revenue is derived from multiplying the mill levy for the current tax
17 year by the assessed value of taxable property for that year; and

18 **WHEREAS**, because of decreases in property values within the City and County of Denver
19 within the time period applicable to determining the assessed value for 2011, the projections of
20 the Manager of Finance and the Budget and Management Office of the City are that the current
21 mill levies will generate revenues less than what is allowed by TABOR; and

22 **WHEREAS**, TABOR permits jurisdictions such as the City and County of Denver to "use
23 any reasonable method for refunds..., including temporary tax credits or rate reductions," to
24 bring their property tax revenues within the limits imposed by TABOR; and

25 **WHEREAS**, the General Assembly of the State of Colorado has provided for the
26 methodology (codified in Section 39-1-111.5, C.R.S.) to implement a temporary rate reduction in
27 the annual mill levy; and

28 **WHEREAS**, TABOR contemplates jurisdictions such as the City and County of Denver
29 would use any reasonable method for refunds including a one-time mill levy credit in order to
30 refund prior-year property tax revenues that were greater than the TABOR-imposed revenue
31 limits; and

32 **WHEREAS**, in respect to 2010 taxes paid in 2011, the City and County of Denver has
33 determined that actual receipts were in excess of applicable TABOR-imposed revenue limits
34 upon certain Funds by a total of \$396,872; and

1 **WHEREAS**, section 39-10-114(1)(a)(1)(B) permits any taxing entity to adjust its tax levy by
 2 an amount which does not exceed its prorated share of abatements and refunds of taxes
 3 erroneously or illegally assessed or collected in the previous year; and

4 **WHEREAS**, THE City an County of Denver has determined that Denver’s proportional share
 5 of abatements and refunds granted in the previous year totals \$7,856,491; and

6 **WHEREAS**, both the Budget and Management Office and the Manager of Finance have
 7 provided information that the estimated property tax revenue to the City and County of Denver,
 8 itself, for the year 2011, will not intentionally exceed the limitations imposed by the Taxpayer's
 9 Bill of Rights by using the mill levies imposed for the year 1996 with the adjustments proposed
 10 and as described in the following tabulation; further, that the final column in the tabulation
 11 accurately reflects the net mill levy to be imposed for 2011 as follows:

12 FUND

13 City and County of Denver

	1996 Gross Mill Levy	2011 Gross Mill Levy	Temporary Mill Levy Rate Reduction	One-Time Mill Levy Credit	2011 Abatements & Refunds Levy	Net Mill Levy for 2011
General Funds	12.783	12.783	3.433	0.022	0.477	9.805
Social Services	5.541	5.541	1.536	0.009	0.105	4.101
Developmentally Disabled	0.200	1.000	0.000	0.000	0.030	1.030
Fire Pension	2.055	2.055	0.572	0.003	0.039	1.519
Police Pension	2.451	2.451	0.681	0.004	0.046	1.812
Sinking/Bond Principal	7.745	3.980	0.00	0.000	0.000	3.980
Bonded Indebtedness	2.313	3.600	0.00	0.000	0.000	3.600
Capital Maintenance	0.00	2.500	0.000	0.000	0.072	2.572
City and County Total	33.088	33.910	6.222	0.038	0.769	28.419

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 15 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
 16 **DENVER:**

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 18 **Section 1.** That there be and is hereby levied for the year 2011 collectible in 2012 upon all
 19 taxable property, real, personal, and mixed, within the City and County of Denver the taxes in
 20 mills, for each dollar of assessed valuation, set forth in the following tabulation, pursuant to
 21 which the proceeds of the several levies listed under the heading "City and County of Denver"
 22 are to be paid into the respective funds named:

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FUND	TAX LEVY
City and County of Denver:	
General Fund	9.805
Social Services Special Revenue	4.101
Developmentally Disabled	1.030
Fire Pension	1.519
Police Pension	1.812
Sinking (Bond Principal)	3.980
Bonded Indebtedness Interest	3.600
Capital Maintenance	2.572

Section 2. If any part, section, or subsection of this resolution levying taxes shall be held to be illegal or unconstitutional, the validity or constitutionality of the remaining parts, sections, or subsections of this ordinance shall not be affected. The Council hereby declares that it would have passed the remaining parts, sections, or subsections if it had known that other parts, sections, or subsections would be illegal or unconstitutional.

THIS RESOLUTION ESTABLISHES THE CITY'S MILL LEVY AND IS REQUIRED BY LAW IN ORDER TO IMPLEMENT THE CITY'S ANNUAL BUDGET AS ADOPTED BY CITY COUNCIL.

COMMITTEE APPROVAL DATE: N/A MAYOR/COUNCIL DATE: N/A

PASSED BY THE COUNCIL _____, 2011

_____ - PRESIDENT

ATTEST: _____ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____, 2011

PREPARED BY: Karen Todd, Office of the Controller and Kelly Greunke, Budget and Management

December 15, 2011

Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed resolution. The proposed resolution is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Douglas J. Friednash, Denver City Attorney

BY: _____, _____ City Attorney, DATE: _____, 2011