

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF _____

COUNCIL BILL NO.
COMMITTEE OF REFERENCE:

A BILL

For an ordinance referring a question to the ballot at the November 8, 2016 coordinated election concerning the retention and continuation of the .03% sales and use tax increase to provide additional funding for the Denver Preschool Program, as originally approved by the voters at the November 4, 2014 election.

WHEREAS, at the November 4, 2014 coordinated election, the voters of the City and County of Denver approved a .03% increase in the sales and use tax rate in support of the Denver Preschool Program by a count of 121,437 (55.28%) FOR and 98,225 (44.72%) AGAINST the tax rate increase; and

WHEREAS, as required by Art. X, Sec. 20(3) of the Colorado Constitution (TABOR), in advance of the 2014 election the city mailed to all registered electors a notice of the election, including an estimate of the city's total 2015 "fiscal year spending" (as defined by TABOR); and

WHEREAS, the total actual amount of city "fiscal year spending" in 2015 exceeded the estimate provided to the voters in the 2014 TABOR notice; and

WHEREAS, Art. X, Sec. 20(3)(c) of TABOR states, "Except by later voter approval, if a tax increase or fiscal year spending exceed any estimate . . . for the same fiscal year, the tax increase is thereafter reduced up to 100% in proportion to the combined dollar excess, and the combined excess revenue refunded in the next fiscal year;" and

WHEREAS, the total amount of revenue collected from the increase in the preschool sales and use tax increase in 2015 was \$3,525,759, an amount which must be refunded prior to December 31, 2016 unless the voters permit the city to retain this revenue; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE APPROVAL DATE:

MAYOR-COUNCIL DATE:

PASSED BY THE COUNCIL _____ 2016

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2016

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

PREPARED BY: David W. Broadwell, Assistant City Attorney; DATE:

Pursuant to section 13-12, D.R.M.C., this proposed ordinance 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 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

City Attorney

BY: _____, _____ City Attorney

DATE: _____