

1 **BY AUTHORITY**

2 RESOLUTION NO. CR19-1325
3 SERIES OF 2019

COMMITTEE OF REFERENCE:
Finance & Governance

4
5
6 **A RESOLUTION**
7

8
9 **Levying upon all taxable property within the City and County of Denver taxes**
10 **for the year 2019, to be collected in 2020, for purposes authorized by law.**
11
12

13 **WHEREAS**, §§ 7.4.1 and 7.4.2 of the Charter require the City Council to annually levy ad
14 valorem property taxes in the City and County of Denver, including property taxes necessary to
15 pay general obligation debt service; and

16 **WHEREAS**, between tax years 1992 and 2012, annual increases in revenue derived from
17 four components of the City’s mill levy—General Fund, Human Services, Police Pension, Fire
18 Pension (the “affected funds”)—were constrained by the property tax revenue limitations set forth
19 in Article X, Section 20 of the Colorado Constitution (TABOR); and

20 **WHEREAS**, in order to comply with the TABOR property tax revenue limitation prior to
21 2012, the City adopted temporary property tax credits on a year-to-year basis as authorized by §
22 39-1-111.5, C.R.S.; and

23 **WHEREAS**, on November 6, 2012 Denver voters approved a measure permanently
24 authorizing the City to exceed the TABOR property tax revenue limitation; requiring instead that
25 Denver comply with an annual city property tax revenue limitation as codified in § 20-26,
26 D.R.M.C.; and allowing the City to continue to adjust the temporary property tax credits on a
27 year-to-year basis to the extent necessary to comply with the city property tax revenue limitation;
28 and

29 **WHEREAS**, the Chief Financial Officer has estimated that the city property tax revenue
30 limitation would allow the total property tax revenue for the affected funds to total \$294,256,200
31 in 2020, and that the levies set forth in this resolution will cause the revenue in the affected funds
32 to total this amount, thus complying with the limitation; and

1 **WHEREAS**, 0.495 mills were transferred from the Social Services Fund to the General
 2 Fund to help fund the newly-created Department of Housing Stability, which is housed in the
 3 General Fund; and

4 **WHEREAS**, pursuant to voter approvals occurring in 2003 and 2007 respectively, the City
 5 is authorized to impose dedicated property tax levies for services to the developmentally
 6 disabled and for capital maintenance, the revenue from which is entirely exempted from the
 7 TABOR property tax revenue limitation and the city property tax revenue limitation; and

8 **WHEREAS**, § 39-10-114(1)(a)(1)(B), C.R.S., permits any taxing entity to adjust its
 9 property tax levy by an amount which does not exceed its prorated share of abatements and
 10 refunds of taxes erroneously or illegally assessed or collected in the previous years; and

11 **WHEREAS**, the City and County of Denver has determined that Denver’s proportional
 12 share of abatements and refunds granted in the previous year totals \$6,592,606 to be
 13 apportioned as set forth in this resolution.

14

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

17

18 **Section 1.** That the rate of City property taxation for the affected funds is calculated as
 19 follows:
 20

	2018 Property Tax <u>Levy Base</u>	2019 Property Tax <u>Levy Base</u>	2019 Abatements & <u>Refunds Levy</u>	2019 <u>Net Mill Levy</u>
General Fund	9.735	9.054	0.206	9.260
Social Services	3.339	2.440	0.039	2.479
Fire Pension	1.171	1.029	0.013	1.042
Police Pension	1.396	1.227	0.016	1.243
Affordable Housing	0.441	0.387	0.005	0.392
Total	16.082	14.137	0.279	14.416

21 **Section 2.** That the rate of City property taxation for voter-approved levies is calculated
 22 as follows:
 23

	Voter-Approved <u>Mill Levy</u>	2019 Abatements & <u>Refunds</u>	2019 <u>Net Mill Levy</u>
Developmentally Disabled	1.000	0.011	1.011

Capital Maintenance	2.500	0.028	2.528
Total	3.500	0.039	3.539

1 **Section 3.** That the rate of taxation for general obligation debt service is calculated as
2 follows:
3

	2019
	<u>Net Mill Levy</u>
Sinking/Bond Principal	4.500
Bonded Indebtedness Interest	2.000
Total	6.500

4 **Section 4.** That there be and is hereby levied for the year 2019 collectible in 2020 upon all
5 taxable property, real, personal, and mixed, within the City and County of Denver the taxes in mills,
6 for each dollar of assessed valuation, set forth in the following tabulation, pursuant to which the
7 proceeds of the several levies listed under the heading "City and County of Denver" are to be paid
8 into the respective funds named:
9

FUND	TAX LEVY
City and County of Denver:	
General Fund	9.260
Social Services Special Revenue	2.479
Developmentally Disabled	1.011
Fire Pension	1.042
Police Pension	1.243
Sinking (Bond Principal)	4.500
Bonded Indebtedness Interest	2.000
Capital Maintenance	2.528
Affordable Housing	0.392
TOTAL	24.455

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 **Section 5.** If any part, section, or subsection of this resolution levying taxes shall be held to
25 be illegal or unconstitutional, the validity or constitutionality of the remaining parts, sections, or
26 subsections of this ordinance shall not be affected. The Council hereby declares that it would have
27 passed the remaining parts, sections, or subsections if it had known that other parts, sections, or
28 subsections would be illegal or unconstitutional.
29

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

3
4 COMMITTEE APPROVAL DATE: December 3, 2019 by Consent

5 MAYOR/COUNCIL DATE: December 10, 2019

6 PASSED BY THE COUNCIL _____

7 _____ - PRESIDENT

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

11 PREPARED BY: Alyson Gawlikowski and Rachel Bardin, Budget and Management
12 December 12, 2019.

13
14 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
17 § 3.2.6 of the Charter.

18
19 Kristin M. Bronson, Denver City Attorney

20 BY: _____, Assistant City Attorney, DATE: _____