

1 **BY AUTHORITY**

2 RESOLUTION NO. CR20-1436
3 SERIES OF 2020

COMMITTEE OF REFERENCE:
Finance & Governance

4
5 **A RESOLUTION**
6

7 **Levying upon all taxable property within the City and County of Denver taxes**
8 **for the year 2020, to be collected in 2021, for purposes authorized by law.**
9

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

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

17 **WHEREAS**, in order to comply with the TABOR property tax revenue limitation prior to
18 2012, the City adopted temporary property tax credits on a year-to-year basis as authorized by §
19 39-1-111.5, C.R.S.; and

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

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

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

33 **WHEREAS**, pursuant to voter approvals occurring in 2003 and 2007 respectively, the City
34 is authorized to impose dedicated property tax levies for services to the developmentally

1 disabled and for capital maintenance, the revenue from which is entirely exempted from the
 2 TABOR property tax revenue limitation and the city property tax revenue limitation; and

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

6 **WHEREAS**, the City and County of Denver has determined that Denver’s proportional
 7 share of abatements and refunds granted in the previous year totals \$6,105,990 to be
 8 apportioned as set forth in this resolution.

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 10 **NOW, THEREFORE, BE IT RESOVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
 11 **DENVER:**
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13 **Section 1.** That the rate of City property taxation for the affected funds is calculated as
 14 follows:
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	2019	2020	2020	2020
	Property Tax	Property Tax	Abatements &	Net Mill
	Levy Base	Levy Base	Refunds Levy	Levy
General Fund	9.054	9.631	0.187	9.818
Social Services	2.440	2.596	0.031	2.627
Fire Pension	1.029	1.029	0.012	1.041
Police Pension	1.227	1.227	0.015	1.242
Affordable Housing	0.387	0.412	0.005	0.417
Total	14.137	14.895	0.250	15.145

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 17 **Section 2.** That the rate of City property taxation for voter-approved levies is calculated
 18 as follows:
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	Voter-Approved	2020	2020
	Mill Levy	Abatements &	Net Mill
		Refunds	Levy
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:
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	2020
	<u>Net Mill Levy</u>
Sinking/Bond Principal	5.500
Bonded Indebtedness Interest	1.000
Total	6.500

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5 **Section 4.** That there be and is hereby levied for the year 2020 collectible in 2021 upon all
6 taxable property, real, personal, and mixed, within the City and County of Denver the taxes in mills,
7 for each dollar of assessed valuation, set forth in the following tabulation, pursuant to which the
8 proceeds of the several levies listed under the heading "City and County of Denver" are to be paid
9 into the respective funds named:

FUND	TAX LEVY
City and County of Denver:	
General Fund	9.818
Social Services Special Revenue	2.627
Developmentally Disabled	1.011
Fire Pension	1.041
Police Pension	1.242
Sinking (Bond Principal)	5.500
Bonded Indebtedness Interest	1.000
Capital Maintenance	2.528
Affordable Housing	0.417
TOTAL	25.184

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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.

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30 THIS RESOLUTION ESTABLISHES THE CITY'S MILL LEVY AND IS REQUIRED BY LAW IN
31 ORDER TO IMPLEMENT THE CITY'S ANNUAL BUDGET AS ADOPTED BY CITY COUNCIL.
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1 COMMITTEE APPROVAL DATE: December 8, 2020

2 MAYOR/COUNCIL DATE: December 15, 2020 by Consent

3 PASSED BY THE COUNCIL _____

4 _____ - PRESIDENT

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

8 PREPARED BY: Alyson Gawlikowski and Rachel Bardin, Budget and Management

9 December 17, 2020.

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

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15 Kristin M. Bronson, Denver City Attorney

16 BY: *Kristin M. Bronson*, Assistant City Attorney, DATE: Dec 17, 2020