

1 **BY AUTHORITY**

2 RESOLUTION NO. CR22-1579
3 SERIES OF 2022

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 2022, to be collected in 2023, for purposes authorized by law.**
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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 up to
31 \$358,130,165 in 2023, and that the levies set forth in this resolution will cause the revenue in the
32 affected funds to total less than this amount, thus complying with the limitation; and

1 **WHEREAS**, Senate Bill 21-293 temporarily reduces assessment rates in tax years 2022
2 and 2023 for property taxes payable in 2023 and 2024, and is estimated to lower the City’s 2023
3 property tax revenue by \$5,338,900; and

4 **WHEREAS**, Senate Bill 21-293 lowers the base upon which future property tax revenue is
5 generated in the City’s affected funds; and

6 **WHEREAS**, the City is restoring 0.249 mills in 2022 for property taxes payable in 2023 to
7 eliminate the property tax revenue reduction caused by Senate Bill 21-293; and

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

12 **WHEREAS**, on November 8, 2022, Denver voters approved a measure to add 1.5 mills to
13 provide additional funding for the Denver Public Library system; and

14 **WHEREAS**, the 1.5 mill authorized by Denver voters to support the Denver Public Library
15 is not subject to the annual city property tax revenue limitation; and

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

19 **WHEREAS**, the City and County of Denver has determined that Denver’s proportional
20 share of abatements and refunds granted in the previous year totals \$6,588,182 to be
21 apportioned as set forth in this resolution;

22
23 **NOW, THEREFORE, BE IT RESOVED BY THE COUNCIL OF THE CITY AND COUNTY OF**
24 **DENVER:**
25

26 **Section 1.** That the rate of City property taxation for the affected funds is calculated as
27 follows:
28

| | 2021 Property Tax Levy Base | 2022 Property Tax Levy Base | 2022 Abatements & Refunds Levy | 2022 Net Mill Levy |
|-----------------|-----------------------------------|-----------------------------------|--------------------------------------|--------------------------|
| General Fund | 9.665 | 9.862 | 0.209 | 10.071 |
| Social Services | 2.562 | 2.587 | 0.031 | 2.618 |
| Fire Pension | 1.029 | 1.039 | 0.013 | 1.052 |

| | 2021 Property Tax Levy Base | 2022 Property Tax Levy Base | 2022 Abatements & Refunds Levy | 2022 Net Mill Levy |
|--------------------|-----------------------------------|-----------------------------------|--------------------------------------|--------------------------|
| Police Pension | 1.227 | 1.240 | 0.015 | 1.255 |
| Affordable Housing | 0.412 | 0.416 | 0.005 | 0.421 |
| Total | 14.895 | 15.144 | 0.273 | 15.417 |

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2 **Section 2.** That the rate of City property taxation for voter-approved levies is calculated as
3 follows:
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| | Voter-Approved <u>Mill Levy</u> | 2022 Abatements & <u>Refunds</u> | 2022 Net Mill <u>Levy</u> |
|--------------------------|------------------------------------|--|---------------------------------|
| Developmentally Disabled | 1.000 | 0.012 | 1.012 |
| Capital Maintenance | 2.500 | 0.017 | 2.517 |
| Library | 1.500 | 0.000 | 1.500 |
| Total | 5.000 | 0.029 | 5.029 |

5 **Section 3.** That the rate of taxation for general obligation debt service is calculated as
6 follows:
7

| | 2022 <u>Net Mill Levy</u> |
|------------------------------|------------------------------|
| Sinking/Bond Principal | 4.250 |
| Bonded Indebtedness Interest | 2.250 |
| Total | 6.500 |

8

9 **Section 4.** That there be and is hereby levied for the year 2022 collectible in 2023 upon all
10 taxable property, real, personal, and mixed, within the City and County of Denver the taxes in mills,
11 for each dollar of assessed valuation, set forth in the following tabulation, pursuant to which the
12 proceeds of the several levies listed under the heading "City and County of Denver" are to be paid
13 into the respective funds named:
14
15

| 1 | FUND | TAX LEVY |
|----|---------------------------------|-----------------|
| 2 | City and County of Denver: | |
| 3 | General Fund | 10.071 |
| 4 | Social Services Special Revenue | 2.618 |
| 5 | Developmentally Disabled | 1.012 |
| 6 | Fire Pension | 1.052 |
| 7 | Police Pension | 1.255 |
| 8 | Sinking (Bond Principal) | 4.250 |
| 9 | Bonded Indebtedness Interest | 2.250 |
| 10 | Capital Maintenance | 2.517 |
| 11 | Affordable Housing | 0.421 |
| 12 | Library | 1.500 |
| 13 | TOTAL | 26.946 |

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15 **Section 5.** If any part, section, or subsection of this resolution levying taxes shall be held to

16 be illegal or unconstitutional, the validity or constitutionality of the remaining parts, sections, or

17 subsections of this ordinance shall not be affected. The Council hereby declares that it would have

18 passed the remaining parts, sections, or subsections if it had known that other parts, sections, or

19 subsections would be illegal or unconstitutional.

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21 THIS RESOLUTION ESTABLISHES THE CITY'S MILL LEVY AND IS REQUIRED BY LAW IN

22 ORDER TO IMPLEMENT THE CITY'S ANNUAL BUDGET AS ADOPTED BY CITY COUNCIL.

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1 COMMITTEE APPROVAL DATE: November 29, 2022

2 MAYOR-COUNCIL DATE: December 6, 2022

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: Nikki McCabe, Budget and Management Office DATE: December 8, 2022

9 Pursuant to section 13-9, D.R.M.C., this proposed resolution has been reviewed by the Office of
10 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
11 resolution. The proposed resolution is submitted to the City Council for approval pursuant to
12 § 3.2.6 of the Charter.

13
14 Kerry Tipper, Denver City Attorney

15
16 BY: Anshul Bagga, Assistant City Attorney DATE: Dec 8, 2022