

RESOLUTION 2016-078  
OF THE COUNCIL OF THE CITY OF FORT COLLINS .  
URGING THE CITY'S ELECTORS TO VOTE "YES/FOR" BALLOT ISSUE 2A  
ON THE BALLOT OF THE NOVEMBER 8, 2016 ELECTION, WHICH ASKS CITY  
VOTERS TO CONFIRM THAT THE CITY MAY KEEP AND SPEND ALL REVENUES IT  
HAS RECEIVED AND WILL CONTINUE TO RECEIVE FROM THE "KEEP FORT  
COLLINS GREAT" .85% SALES AND USE TAX CITY VOTERS APPROVED IN 2010 .

WHEREAS, at the City's November 2, 2010 election, the City's electorate considered, and 60% of those voting approved, a ballot question asking whether the City shall increase its taxes in 2011 by an estimated \$18.7 million and by such amounts as generated thereafter by increasing the City's sales and use tax rate from 3.00 % to 3.85% commencing on January 1, 2011, and ending midnight on December 31, 2020, to be spent only for these purposes:

- (a) 33% for street maintenance and repair,
- (b) 17% for other street and transportation needs,
- (c) 17% for police services,
- (d) 11% for fire protection and other emergency services,
- (e) 11% for parks maintenance and recreation services, and
- (f) 11% for other community priorities as determined by City Council,

which tax rate increase is commonly known as the "Keep Fort Collins Great" tax (the "KFCG Tax"); and

WHEREAS, as a proposed increase in the rate of the City's sales and use tax, the KFCG Tax was required to be approved by the voters under Colorado's Taxpayer's Bill of Rights in Article X, Section 20 of the Colorado Constitution ("TABOR"); and

WHEREAS, the City has collected \$117 million of KFCG Tax revenues during 2011 through 2015 and it is estimated the City will collect another \$28 million in 2016, and of this \$145 million total amount, the City has already spent or appropriated for spending \$134 million for the purposes specifically directed by the voters in the 2010 KFCG Tax ballot question, examples of which include:

- (a) Streets. More than 300 lane miles have been resurfaced, and surface patching, centerline marking, sidewalk and concrete work throughout the City has been completed.
- (b) Other Transportation. Nine bridges have been designed and/or constructed (including Shields at Rolland Moore, East and West Prospect, and multiple bridges over Arthur Ditch). Safe Routes to School, Neighborhood Plans and Neighborhood Parking initiatives have been designed and implemented. Transfort, the Max and Dial-a-Ride have expanded service, including Saturday and evening trips. Signals and sidewalks have been upgraded throughout the City, improving traffic flow and ADA accessibility.
- (c) Police. Thirty positions have been added, including 19 sworn police officers. With additional resources, there has been an increase in Community Policing efforts, resulting in reduced call volumes for both neighborhoods and in Old Town.

(d) Fire. The Poudre Fire Authority (“PFA”) has hired 13 firefighters and staffed the South Battalion. Response times have been reduced by more than 2 minutes in PFA’s southern jurisdiction. Funding has also been used to ensure first responders have up-to-date equipment including breathing apparatuses.

(e) Parks and Recreation. Approximately 3,000 scholarships per year have been provided to low-income citizens, Fossil Creek Trail was expanded and connected to Spring Creek trail, more than 4,000 hours per year of Adaptive Recreation programming was provided, and the existing service hours and levels at all City recreation centers has been maintained. Various park improvements were completed, including Rolland Moore Park restrooms, Veteran’s Plaza, field lighting and playground equipment upgrades.

(f) Other Community Priorities. Funding has been provided for the Poudre River capital restoration projects, to more than 10 community agencies supporting before and after school care, school lunch programs and meals for low income citizens, the annual 4<sup>th</sup> of July celebration at City Park, and staffing and supplies to maintain the downtown flowers; and

WHEREAS, the KFCG Tax ballot question voters approved in 2010 specifically asked whether “all revenue generated” from the KFCG Tax could be spent for the purposes specified in the ballot question and whether “the full revenues derived from the tax, and investment earnings thereon, may be retained and expended by the City for such purposes, notwithstanding any State revenue or expenditure limitations including but not limited to [TABOR]” (“KFCG Revenue Change”); and

WHEREAS, in 1997 the City’s voters also approved a ballot question that has generally authorized the City “to collect, retain and expend the full proceeds of the City’s property taxes and all other funds and revenue sources . . . in 1996 and all revenues received in every year thereafter . . . notwithstanding any state revenue or expenditure limitations, including without limitation those contained in [TABOR]” (“General Revenue Change”); and

WHEREAS, a Fort Collins citizen recently raised the prospect of a lawsuit against the City under TABOR to require the City to refund a substantial portion of the KFCG Tax revenues the City has already collected and spent for the voter-authorized purposes described above, and to require the City to substantially reduce the KFCG Tax .85% rate the voters approved in 2010; and

WHEREAS, promptly presenting a ballot question to the voters for their confirmation as to their intent regarding the KFCG Tax revenues will avoid uncertainty concerning how the City should plan and budget for current and future City services and capital projects and whether the City should continue to collect the KFCG Tax; and

WHEREAS, the Council has therefore previously determined that is in the City’s best interest to promptly confirm the voters’ intent regarding this matter, by submitting to the

electorate at the November 8 special election a ballot question with the following title, that is designated on the ballot as Ballot Issue 2A:

**“City-Initiated Question Concerning Whether the City May Keep and Spend All Revenues Related to the “Keep Fort Collins Great” Sales and Use Tax City Voters Approved in 2010.**

; and

WHEREAS, the Council believes it is important and in the best interest of this community that Ballot Issue 2A be approved by the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, for the foregoing reasons, the City Council supports the passage of Ballot Issue 2A and strongly urges registered electors of the City to vote “Yes/For” on Ballot Issue 2A in the November 2016 election to confirm that the City is allowed to keep and spend all the revenues it has received and will continue to receive from the KFCG Tax and to continue to impose the KFCG Tax at the rate of .85%, as the City’s voters approved in 2010.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of October, A.D. 2016.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "W Winkelman", positioned above a horizontal line.

City Clerk