

**AGENDA ITEM  
SHEET**

Hearing Date Requested:		August 3, 2009	
Date Submitted:		July 21, 2009	
From:	Connie Hahn	Extension: 1812	
Presenter	Connie Hahn, Assistant to the Director Public Works		
Consent	<input checked="" type="checkbox"/>	Consideration	<input type="checkbox"/>
		Briefing	<input type="checkbox"/>

*MCBUSPID-5*

**TO: BOARD OF THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT**

**TITLE OF ITEM:** *Resolution Approving Ballot Language for the Local Improvement District (LID) Within the Boundaries of the Mesa County Bookcliff Urban Services Public Improvement District (District)*

**RECOMMENDED BOARD ACTION:**

*Approve a Resolution Approving Ballot Language for the 2009 General Election.*

**JUSTIFICATION/BACKGROUND:**

*On July 20, 2009 the Board of County Commissioners formed the District. Pursuant to 30-20-512.5 C.R.S. the District Board has the authority to create a LID within the boundary of the District in order to defray all or any portion of the costs of the improvement or services provided by the District. On July 20, 2009 the District Board formed a Local Improvement District within the boundaries of the District pursuant to C.R.S. 30-20-152.5 and requested question regarding funding for the District through the LID be placed on the November 2008 general election ballot.*

*There will be two questions implementing 1% sales tax on eligible commercial transactions for the purpose of financing cost for providing urban services within the boundary of the District and relief from TABOR restrictions.*

**IF YOU ARE REVISING OR RENEWING AN EXISTING AGREEMENT OR RESOLUTION, INDICATE MCA OR MCM NUMBER \_\_\_\_\_ . SUMMARIZE CHANGES ABOVE.**

**FISCAL IMPACT:** *This item is budgeted in the following account code:* \_\_\_\_\_  
 County: \$ 0 Federal: \$ \_\_\_\_\_ State: \$ \_\_\_\_\_ Other: \$ \_\_\_\_\_

**REVIEW:**

Administration: *B. Baker* Date: *7-22-09* Risk: *N/A* Date: \_\_\_\_\_  
 County Attorney: *D. [Signature]* Date: *7-24-09* Finance: *N/A* Date: \_\_\_\_\_

A RESOLUTION OF THE BOARD OF THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT BALLOT QUESTION TO THE MESA COUNTY CLERK AND RECORDER AND CERTIFYING AND FIXING THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT BALLOT TITLE FOR THE 2009 COORDINATED GENERAL ELECTION BALLOT

WHEREAS, on July 16, 2009, a Petition was filed with Mesa County pursuant to C.R.S. §30-20-501 *et. seq.* requesting the Mesa County Board of County Commissioners institute the necessary proceedings to adopt a resolution organizing the Mesa County Bookcliff Urban Services Public Improvement District (the "District"). On July 20, 2009, a public hearing was held by the Mesa County Board of County Commissioners to determine whether or not to authorize the formation of the district and address funding options. As the Petition was signed by one hundred percent of the owners of the taxable real property to be included in the District, the Board of County Commissioners we able to waive requirements pursuant to C.R.S. 30-10-505(4) for notice, publication and a hearing and established the District. On July 20, 2009, the Mesa County Board of County Commissioners established the District per Resolution Number MCM 2009-129. On July 20, 2009 the Board of the District formed a Local Improvement District (the "LID") within the boundaries of the District pursuant to C.R.S. 30-20-152.5 per Resolution Number BUSM 2009-001, questions regarding funding for the District through the LID, to be placed on the November 2009 ballot to determine and other questions in accordance with Section 20, of Article X of the Colorado Constitution.

WHEREAS, The Board of the Mesa County Bookcliff Urban Service Public Improvement District, direct that the following ballot questions (hereafter "Mesa County Bookcliff Urban Services Public Improvement District questions") be submitted to voters in the 2009 Coordinated General Election:

IF THE RELIEF FROM REVENUE AND SPENDING RESTRICTIONS QUESTION IS PASSED, SHALL THE LOCAL IMPROVEMENT DISTRICT LOCATED WITHIN THE BOUNDARIES OF THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT ESTABLISH A ONE PERCENT (1%) SALES TAX ON ELIGIBLE COMMERCIAL TRANSACTIONS, ALL FOR THE PURPOSE OF PAYING, REIMBURSING, OR FINANCING ALL OR ANY PART OF THE COSTS OF CONSTRUCTING, COMPLETING, OPERATING, AND OTHERWISE PROVIDING URBAN SERVICES WITHIN THE BOUNDARIES OF THE DISTRICT, AND SHALL THE DISTRICT COLLECT, RETAIN AND EXPEND SUCH TAXES AND INCOME THEREON AS A VOTER-APPROVED REVENUE CHANGE AND PROPERTY TAX REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND TO EXCEED THE 5.5% PROPERTY TAX REVENUE GROWTH LIMITATION CONTAINED IN SECTION 29-1-301,

COLORADO REVISED STATUTES, AND ANY OTHER REVENUE LIMITATION CONTAINED IN THE LAWS OF THE STATE?

and,

IF THE SALES TAX IS APPROVED, SHALL THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT, WITHOUT IMPOSING ANY ADDITIONAL TAX OR INCREASE IN TAX RATES, BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND EACH YEAR ALL REVENUES, AND OTHER FUNDS FROM ANY SOURCE DURING 2010 AND EACH SUBSEQUENT YEAR AS A VOTER-APPROVED REVENUE CHANGE AND WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE 5.5% PROPERTY TAX REVENUE LIMIT OF SECTION 29-1-301, COLORADO REVISED STATUTES, OR ANY OTHER LAWS OF THE STATE?

WHEREAS, in public hearing on August 3, 2009, the Board approved the placement of ballot questions for the Mesa County Bookcliff Urban Services Public Improvement District and directed the Mesa County Clerk and Recorder to place them on the ballot for the 2009 November election;

NOW, THEREFORE, the Board hereby resolves as follows:

1. The Mesa County Bookcliff Urban Services Public Improvement District ballot questions have been approved by the Board; and
2. Pursuant to the requirements of § 1-5-203(3), C.R.S. (2007), the Board hereby formally submits the Mesa County Bookcliff Urban Services Public Improvement District ballot questions as set forth above to the Mesa County Clerk and Recorder for placement on the ballot for the 2009 November election; and
3. Pursuant to the requirements of §§30-11-103.5 and 31-11-111, C.R.S. (2007), the Board hereby certifies and fixes the ballot title as defined in §1-40-102(2) as follows:

QUESTION 1 – IMPLEMENT SALES TAX:

IF THE RELIEF FROM REVENUE AND SPENDING RESTRICTIONS QUESTION IS PASSED, SHALL THE LOCAL IMPROVEMENT DISTRICT LOCATED WITHIN THE BOUNDARIES OF THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT ESTABLISH A ONE PERCENT (1%) SALES TAX ON ELIGIBLE COMMERCIAL TRANSACTIONS, ALL FOR THE PURPOSE OF PAYING, REIMBURSING, OR FINANCING ALL OR ANY PART OF THE COSTS OF CONSTRUCTING, COMPLETING, OPERATING, AND OTHERWISE PROVIDING URBAN SERVICES WITHIN THE BOUNDARIES OF THE DISTRICT,

AND SHALL THE DISTRICT COLLECT, RETAIN AND EXPEND SUCH TAXES AND INCOME THEREON AS A VOTER-APPROVED REVENUE CHANGE AND PROPERTY TAX REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND TO EXCEED THE 5.5% PROPERTY TAX REVENUE GROWTH LIMITATION CONTAINED IN SECTION 29-1-301, COLORADO REVISED STATUTES, AND ANY OTHER REVENUE LIMITATION CONTAINED IN THE LAWS OF THE STATE?

QUESTION 2 – TABOR EXCEPTION:

IF THE SALES TAX IS APPROVED, SHALL THE MESA COUNTY BOOKCLIFF URBAN SERVICES PUBLIC IMPROVEMENT DISTRICT, WITHOUT IMPOSING ANY ADDITIONAL TAX OR INCREASE IN TAX RATES, BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND EACH YEAR ALL REVENUES, AND OTHER FUNDS FROM ANY SOURCE DURING 2010 AND EACH SUBSEQUENT YEAR AS A VOTER-APPROVED REVENUE CHANGE AND WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE 5.5% PROPERTY TAX REVENUE LIMIT OF SECTION 29-1-301, COLORADO REVISED STATUTES, OR ANY OTHER LAWS OF THE STATE?

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

Board of the Mesa County Bookcliff  
Urban Service Public Improvement  
District, Mesa County, Colorado

By \_\_\_\_\_  
Steven Acquafresca,  
Ex-Officio Chairman

ATTEST:

\_\_\_\_\_  
Janice Rich  
Ex- Officio Clerk and Recorder