

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT

RESOLUTION NO 2022 - 02

A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON NOVEMBER 8, 2022 A MEASURE TO ALLOW THE HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT TO COLLECT, RETAIN AND SPEND REVENUES AS A VOTER APPROVED REVENUE CHANGE AS PROVIDED FOR AND DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION

RECITALS:

The Board of Directors of the Horizon Drive Business Improvement District at its August 26, 2022 special meeting considered holding an independent mail ballot election asking the District electors to approve a ballot question which would, if approve, remove the revenue and spending limitations imposed on the District by the 1992 Taxpayers Bill of Rights ("TABOR").

In 1992, the Colorado electorate amended the Colorado Constitution by the passage of TABOR, which requires, among other things, that any time fiscal year revenues exceed the limitation imposed by the Amendment for the fiscal year, then the local government must refund the excess revenues unless the voters approve otherwise. So called "excess revenue" is determined by application of a formula prescribed in TABOR. The TABOR limit in its simplest form is the prior year's actual revenue or revenue limit, whichever is lower, multiplied by the percentage change in inflation plus the percentage change in local growth as defined in TABOR.

Included in the revenue calculation are grant funds that the District receives. Because of how the revenue limits are calculated, the TABOR limits do not allow the District to put the grant funds to full use and would require the District to return \$111,000 in revenues to the electors in 2022 and \$30,000 in revenues to the electors in 2023, resulting in a refund of approximately \$166 in 2023 and \$55 in 2024.

If the ballot question is approved by the District's electors, the District will be able to retain and spend those funds. The District will continue to fulfill its commitment to construct and maintain improvements in the District, and will be able to make full use of the available grant funds for those purposes, and will continue to deliver excellent services all as previously approved by the District voters.

While the District fully endorses those aspects of TABOR which secure the right of citizens to vote on tax increases and/or for the issuance of debt, the Board of Directors does find and determine that the revenue and spending caps required by TABOR should no longer be applied to the District. Accordingly, the ballot question does not repeal TABOR, but instead seeks voter approval to allow the District to collect, retain and spend revenues the District receives for current and future District purposes without application of the TABOR revenue limitation formula.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Horizon Drive Business Improvement District that:

1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed.
2. Pursuant to all applicable laws of the State of Colorado, the Directors hereby determines that an election shall be held on November 8, 2022 at which there shall be submitted to the registered and qualified electors of the District the question set forth herein.
3. The Directors hereby authorize and direct the Executive Director to submit the following ballot title to the District's registered electors on November 8, 2022.

HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT INDEPENDENT MAIL  
BALLOT ELECTION MEASURE

WITHOUT ANY INCREASE IN TAX OR DEBT (UNLESS THE VOTERS AUTHORIZE SUCH INCREASE IN THE FUTURE), SHALL THE HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES RECEIVED FROM ALL SOURCES OVER THE AMOUNTS WHICH THE DISTRICT IS PERMITTED TO COLLECT UNDER ARTICLE X, SECTION 20 (ALSO KNOWN AS THE TABOR AMENDMENT) OF THE COLORADO CONSTITUTION FOR FISCAL YEAR 2022 AND THEREAFTER, WITH AN EXPECTED FISCAL IMPACT OF \$111,000 IN 2022 AND \$30,000 IN 2023, AS VOTER APPROVED REVENUE CHANGES AND EXCEPTIONS TO ANY CONSTITUTIONAL LIMITATIONS THAT MAY OTHERWISE APPLY?

\_\_\_\_\_ YES                      \_\_\_\_\_ NO


4. The Executive Director of the District is hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this Resolution.

ADOPTED AND APPROVED this 26th day of August, 2022.

Horizon Drive Business Improvement District Board of Directors

By:  President  
Cameron Reece, President

ATTEST:

 Secretary  
Sharah Russell, Secretary

