

CITY CLERK'S OFFICE MEMORANDUM
#17-04

DATE: August 28, 2017

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: Johanna Small, City Clerk *JS*
Jason Loveland, Director of Finance *AL*

SUBJECT: CR-90 – Nov. 7, 2017 Ballot Question – Extension of 4.000 Mill Property Tax
CR-91 – Nov. 7, 2017 Ballot Question – Charter Amendment Section 5.3
CR-92 – Nov. 7, 2017 Ballot Question – Charter Amendment Section 8.17
CR-93 – Nov. 7, 2017 Ballot Question – Charter Amendment Article XIII

PURPOSE:

To consider resolutions to submit certain ballot questions to Northglenn voters at the Nov. 7, 2017 regular municipal election.

BACKGROUND:

Proposed ballot questions were presented to City Council at the Aug. 21, 2017 study session. At that meeting, the Council directed staff to schedule the questions for formal consideration at the Aug. 28, 2017 regular City Council meeting.

SUMMARY:

CR-90 – Ballot Question – Extension of 4.000 Mill Levy Property Tax

The ballot question asks voters if they want to permanently and without a sunset provision extend the current mill levy tax dedicated for road reconstruction projects. In 2009, voters approved a 4.000 Mill Levy (approximately \$7.92 per month of a home valued at \$300,000) for 10 years, whereby revenue collected would be used for road reconstruction projects throughout the City. This is not a new tax, but rather a continuation of a current tax that will be specifically used for road improvements. Existing revenues do not support the costs for the road investments needed, and removing the sunset provision allows for long-term planning of the City's road network.

CR-91 – Ballot Question – Charter Amendment Section 5.3

This ballot question proposes to amend Article V (Initiative and Referendum), Section 5.3 (Petitions) of the City Charter to set a timeframe for circulating initiative petitions. The City Charter currently requires referendum petitions to be filed within 30 days after the adoption of the ordinance sought to be reconsidered, but does not provide a timeframe for filing initiative petitions. The ballot question would clarify the initiative process by setting a timeframe to require initiative petitions to be filed within 180 days after petition forms are issued to the petitioners' committee. The amendment would be consistent with State law and would provide ample time for the collection of signatures on an initiated ordinance.

CR-92 – Ballot Question – Charter Amendment Section 8.17

The ballot question asks voters if they want to repeal Section 8.17 from the City Charter which would allow for additional accounting policy to instead be set by ordinance and consistent with the Water Enterprise Act in State Statute. In 2005, voters approved a single tracking method of all water and sewer revenues and expenditures. The amendment would remove accounting policy from the Charter, which may allow for more transparency when tracking spending. The removal of Section 8.17 would also be consistent with State law regarding the function of a Water Activity Enterprise.

CR-93 – Ballot Question – Charter Amendment Article XIII

The ballot question proposes to repeal Article XIII of the City Charter, which would eliminate the Citizens' Affairs Board. The City Charter is restrictive regarding the function of the Board, which was created with the adoption of the original City Charter in 1975 to hear complaints and proposals from citizens concerning the City and its government. The Charter limits the Board's function to directing inquiries and requests to the City Manager, who refers the same to City staff. The use of modern communication technology provides an alternative to present complaints and proposals directly to the City and allows issues to be addressed in a timely manner.

BUDGET/TIME IMPLICATIONS:

The City has entered into intergovernmental agreements with Adams and Weld County to participate in the Nov. 7, 2017 coordinated election. The actual cost of adding questions to the ballot will depend on the number of other entities participating in the election and the length of the final ballots. There will be an additional cost for the TABOR question (Extension of 4.000 Mill Property Tax), which includes the cost of printing and mailing the TABOR notice.

The City Clerk is required to certify the City's ballot content (City Council candidate names and ballot questions) to the Counties no later than 3:00 p.m. on Sept. 8, 2017.

NEXT STEPS/CITY COUNCIL OPTIONS:

The following alternatives have been identified for City Council consideration:

- Approving the resolutions, which orders the submission of the questions to the voters at the Nov. 7, 2017 election. Individual resolutions have been submitted to allow Council to consider and vote on each question separately.
- Amending the resolutions if Council desires to make changes to the ballot question language.
- Not approving the resolutions, which will result in the questions not being submitted to voters at the Nov. 7, 2017 election.

The City Clerk will certify the approved ballot language to the Counties by Sept. 8. Fact sheets for the ballot questions will be finalized and made available to the public after the final questions are approved by Council. Additional information regarding the question to extend the 4.000 mill levy will be submitted to the Counties for inclusion in the TABOR notice as required by Article X, Sec. 20 of the Colorado Constitution and C.R.S. 1-7-901, et seq. The public will have an opportunity to submit "pro" and "con" statements for the TABOR question to be included in the notice.

STAFF REFERENCE:

Johanna Small, City Clerk, jsmall@northglenn.org or 303-450-8757

Jason Loveland, Director of Finance, jloveland@northglenn.org or 303-450-8817

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-92
Series of 2017

Series of 2017

A RESOLUTION SUBMITTING A BALLOT QUESTION REGARDING AMENDMENT OF THE CITY'S HOME RULE CHARTER TO THE ELECTORS OF THE CITY OF NORTHGLENN AT THE NOVEMBER 7, 2017, REGULAR MUNICIPAL ELECTION TO DELETE SECTION 8.17 AND SETTING THE BALLOT TITLE THEREOF

WHEREAS, Section 14.6 of the City's Home Rule Charter permits amendment to the Charter to be accomplished by any means authorized by state law or the state constitution;

WHEREAS, pursuant to Article XX, Section 5, of the Colorado Constitution, the City Council may, on its own initiative, submit by ordinance or resolution any charter amendment as a question to the voters at any general or special state or municipal election so long as the election is held not sooner than thirty (30) days following submission of the question to voters;

WHEREAS, the City Council wishes to submit to the City's voters a question that would delete Section 8.17 of the Charter in its entirety; and

WHEREAS, the November 7, 2017, regular election will be held more than thirty (30) days following submission of the following question to voters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. At the regular municipal election of Tuesday, November 7, 2017, the following question shall be submitted to the registered electors of the City of Northglenn, Colorado:

QUESTION NO. ____: (Repeal Section 8.17)

Shall the City of Northglenn Home Rule Charter be amended by the deletion of Section 8.17 in its entirety, which shall have the effect of eliminating a combined water and sewer utility fund as a Charter requirement?

DATED at Northglenn, Colorado, this ____ day of _____, 2017.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney