

RESOLUTION NO. 2002-115

A RESOLUTION DESCRIBING A PROPOSAL FOR AN INCREASE IN THE BOULDER COUNTY AD VALOREM PROPERTY TAX TO INCREASE FUNDING FOR SERVICES TO THE DEVELOPMENTALLY DISABLED AND FOR HEALTH AND HUMAN SERVICES PROGRAMS

WHEREAS, IMAGINE! is the state-designated developmental disabilities services community center serving Boulder County; and

WHEREAS, the board of directors of said center has approached this Board, indicating the serious need for additional revenues to provide services to a growing population of developmentally disabled children and adults; and

WHEREAS, this Board has over the years contracted for services to the developmentally disabled with the Center, and has funded such services through the developmental disabilities fund, the revenues for which accrue from an ad valorem property tax mill levy which for 2002 is set at 0.193 mill, and which is budgeted to generate approximately \$848,867 for 2002; and

WHEREAS, §27-10.5-104(6), Colorado Revised Statutes (C.R.S.), provides that boards of county commissioners may levy up to one mill for the purpose of purchasing services and supports for persons with developmental disabilities; and

WHEREAS, this Board finds that there is significant unmet need in Boulder County for facilities and services for people with developmental disabilities such as mental retardation, brain injuries and autism, and that additional funds are required in order to meet these needs; and

WHEREAS, this Board finds that the necessary services for the developmentally disabled requires funding at a level equal to one mill of ad valorem property tax levy for 2003; and

WHEREAS, in the fiscal year 2002-2003 Colorado state budget, the Governor has mandated substantial cuts in state departmental budgets, which cuts have been made in state funding provided to counties for health and human services programs in particular, and the Governor also used his line item veto power to remove state funding for local health and human services programs, such as those that help people get and keep jobs, provide mental health care, turn at-risk teenagers away from criminal behavior, provide services for senior citizens, provide immunizations and services to protect children from abuse and neglect; and

WHEREAS, in order to avoid severe cutbacks in those County health and human services programs, including potential termination of several such programs, this Board finds that the most appropriate response is to seek an increase in the County's aggregate ad valorem property tax mill levy in order to provide alternative funding for these

programs and avoid the cutbacks or termination of services which will otherwise be necessary; and

WHEREAS, §29-1-301, C.R.S., provides that County property tax revenues cannot increase more from year to year than 5.5% as computed in compliance with the provisions of that section, unless, pursuant to §29-1-302(2)(b), C.R.S., the question of exempting the increase in property tax revenues is included in the question submitted for an increase in the mill levy, and this Board desires to seek to exempt the revenues in the determination of the limitation as provided in §§29-1-301(2) & 29-1-302(2)(b), C.R.S.; and

WHEREAS, this Board finds that an increase in the County's aggregate mill levy authorization of 1.5 mills is necessary to meet the needs outlined above, so that 1.0 mill total will be levied for the developmental disabilities fund for 2003 in accordance with the statutory maximum in §27-10.5-104(6), C. R. S., and revenues from the balance of the authorized increase shall be deposited in the Boulder County Health and Human Services Property Tax Fund to be expended for health and human services programs; and

WHEREAS, the revenues produced by this increase in the mill levy shall be a voter-approved property tax revenue change for purposes of the limitations of Art. X, §20, of the Colorado Constitution for 2003, and the revenues collected in 2003 shall become part of the base for purposes of determining TABOR compliance for future years beyond 2003, and that, subsequent to 2003, the mill levy for the developmental disabilities fund shall vary so that the total revenues anticipated for such fund shall increase or decrease by the same percentage as the percentage increase or decrease of the County's anticipated total property tax revenues; and

WHEREAS, Resolutions Nos. 2002-96, 2002-101, and 2002-105, previously adopted by this Board on August 6, 2002, August 13, 2002, and August 15, 2002, are supplanted by this Resolution, and therefore should be rescinded.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Boulder County, in accordance with Section 20 of Article X of the Colorado Constitution and §29-1-302, C.R.S., does hereby refer to the November 5, 2002, election ballot a proposal to increase Boulder County property taxes by \$6.9 million through an increase in the aggregate Boulder County ad valorem property tax mill levy of 1.5 mills, such increase to be in excess of property tax revenues that would be permitted under §29-1-301, C.R.S., each year without such increase and a voter-approved property tax revenue change for 2003 (and an increase in the County's TABOR base in subsequent years by the amount collected in 2003), the proceeds to be allocated for facilities and services for people with developmental disabilities such as mental retardation, brain injuries and autism, and for health and human services programs, such as those that help people get and keep jobs, provide mental health care, turn at-risk teenagers away from criminal behavior, provide services for senior citizens, provide immunizations and services to protect children from abuse and neglect as outlined in this resolution.

BE IT FURTHER RESOLVED that, having considered the criteria set forth in §31-11-111, Colorado Revised Statutes, this Board finds that the following ballot title is not misleading, clearly identifies the effect of a "yes" or "no" vote, does not conflict with the title of any other measure on the ballot, and correctly and fairly expresses the true intent and meaning of the measure, and therefore this ballot title shall be set forth on the November 5, 2002, election ballot after certification to the County Clerk and Recorder.

TITLE OF BOULDERCOUNTY BALLOT ISSUE 1A:

SHALL BOULDER COUNTY TAXES BE INCREASED \$6.9 MILLION ANNUALLY (FIRST FULL FISCAL YEAR DOLLAR INCREASE IN 2003) THROUGH AN INCREASE IN BOULDER COUNTY'S AD VALOREM PROPERTY TAX MILL LEVY OF 1.5 MILLS, SUCH INCREASE IN PROPERTY TAX REVENUES TO BE IN EXCESS OF THAT WHICH WOULD OTHERWISE BE PERMITTED UNDER SECTION 29-1-301, C.R.S., EACH YEAR WITHOUT SUCH INCREASE, AND A VOTER-APPROVED PROPERTY TAX REVENUE CHANGE FOR 2003 (AND AN INCREASE IN THE COUNTY'S TABOR BASE IN SUBSEQUENT YEARS BY THE AMOUNT COLLECTED IN 2003), THE PROCEEDS OF WHICH SHALL BE USED FOR FACILITIES AND SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SUCH AS MENTAL RETARDATION, BRAIN INJURIES AND AUTISM, AND FOR HEALTH AND HUMAN SERVICES PROGRAMS, SUCH AS THOSE THAT HELP PEOPLE GET AND KEEP JOBS, PROVIDE MENTAL HEALTH CARE, TURN AT-RISK TEENAGERS AWAY FROM CRIMINAL BEHAVIOR, PROVIDE SERVICES FOR SENIOR CITIZENS, AND PROVIDE IMMUNIZATIONS AND SERVICES TO PROTECT CHILDREN FROM ABUSE AND NEGLECT IN ACCORDANCE WITH THE PROPOSAL AS MORE PARTICULARLY SET FORTH IN BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2002-115?
YES ____ NO ____

BE IT FURTHER RESOLVED that funds generated by the increase in property tax mill levy will be appropriated annually as determined by the Boulder County Board of County Commissioners in its sole discretion, in accordance with the provisions of this resolution, and nothing contained herein shall be construed as creating a claim by any individual or group for receipt of such funds.

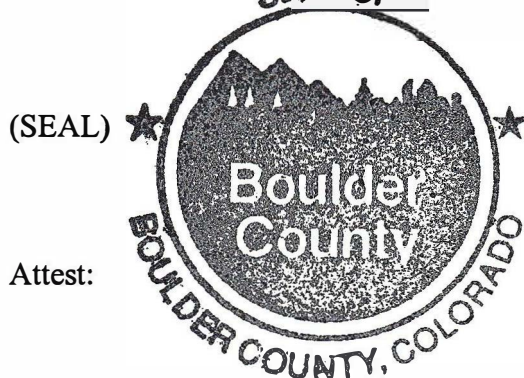
BE IT FURTHER RESOLVED that Resolutions Nos. 2002-96, 2002-101, and 2002-105, be and hereby are rescinded effective immediately.

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect

without the invalid provision or applications and to this end, the provisions of this resolution are declared to be severable.

BE IT FURTHER RESOLVED that the proposal set forth in this Resolution shall take effect immediately upon approval by a majority of voters voting thereon at the November 5, 2002 election.

ADOPTED ^{SEAL OF} the 10th day of September, 2002.



Dessa M. Ashcraft
Clerk to the Board 9/10/02

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BOULDER

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Ronald K. Stewart
Ronald K. Stewart, Commissioner