



## REVISED CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. 2010 Census Certificate of Appreciation Presentation
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. 2010 Wastewater Collection System Improvement Project – Phase Two
  - B. Fall 2010 Great Outdoors Colorado Grant Application – Revised Grant Request
  - C. Water Tanks Major Repair and Replacement Project Task 1 – Engineering Contract and Budget Transfer
  - D. Second Reading of Councillor's Bill No. 41 re Supplemental Appropriation Park Center Open Space & Metzger Farm
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Resolution No. 27 re Miscellaneous Residential Permit Fees
  - B. Resolution No. 28 re DRCOG Application for Sustainable Communities Regional Planning Grant
  - C. Resolution No. 29 re Position in Opposition to Constitutional Amendments 60 & 61 and Statutory Proposition 101
  - D. Councillor's Bill No. 42 re Amendments to W.M.C Title IV re Time to File Tax Protests
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
13. Adjournment

**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 26, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Major, to approve the minutes of the regular meeting of July 12, 2010, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported a large turnout at the Volunteer Appreciation Barbeque held recently. The City's approximate 1,500 volunteers filled a variety of needs from trail maintenance to office assistance. The value of their service was well over \$1.5 million. The annual barbeque was a small token of the organization's appreciation of the support and service the volunteers provided each and every year.

Mr. McFall reminded everyone that following extensive research, Monday, August 2, would begin the focused workweek schedule. Administrative offices throughout the organization would be open from 7 a.m. to 6 p.m., Monday through Thursday and would be closed on Friday. Staff looked forward to providing extended hours of excellent service to customers and was excited to see how the one-year pilot program worked. Council would be updated periodically about the new schedule.

EMPLOYEE LENGTH OF SERVICE AWARDS

Councillor Lindsey presented certificates and pins for 20 years of service to John Carpenter and Richard Knott. Mayor McNally presented certificates, pins, and stipends to Judy O'Brian and Eric Sisler for 25 years of service to the City. Councillor Major presented certificates and pins for 30 years of service to Lisa Chrisman and Bob Moran. Mayor Pro Tem Dittman presented certificates and pins for 35 years of service to Mike Lynch and Ken Watson. All were congratulated and thanked for their many contributions to the organization's successes.

PRESENTATIONS

Councillor Winter presented a proclamation of appreciation to members of the Youth Advisory Panel who graduated in May 2010. Accepting the proclamation was Jenna Elsner, who graduated from Pomona High School. Councillor Winter listed a variety of activities the Panel had undertaken during the year, stressing the value of the input derived from this group each year.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the June 2010 Financial Report; authority for the City Manager to enter into a Purchase and Sale Agreement with Icon Westminster, LLC, a Colorado Limited Liability Company, to acquire a 6.87-acre parcel located at approximately 70<sup>th</sup> Avenue and Hooker Street for the price of \$850,000 plus an estimated \$5,000 in closing costs; acceptance of the 2<sup>nd</sup> Quarter 2010 Insurance Claims Report; authority for the Community Development Department to pursue a grant with Great Outdoors Colorado during the 2010 fall cycle for the acquisition of the Sisters of the New Covenant parcel; authority for the Community Development Department to pursue a grant from the Adams County Open Space grant program during the 2010 fall cycle for the implementation of the master plan for the Savory Farm Estates property at 10900 Federal Boulevard; authority for the City Manager to sign a Second Amendment to the

Intergovernmental Agreement among the Cities of Arvada, Lakewood, Wheat Ridge, the District Attorney for the First Judicial District of Colorado, the City and County of Denver, and the Jefferson County Sheriff's Office to establish a Metropolitan Auto Theft Task Force; final passage of Councillor's Bill No. 38 on second reading granting the petition filed by the owner, Forest City Town Center, Inc., to exclude .25 acres of undeveloped residential property from the 144<sup>th</sup> Avenue General Improvement District; and final passage of Councillor's Bill No. 40 on second reading extending the Comcast of Colorado IX, LLC, Franchise Agreement with the City of Westminster to December 31, 2013.

No items were removed for individual consideration, and it was moved by Councillor Kaiser, seconded by Councillor Winter, to approve the consent agenda as presented. The motion carried unanimously.

PUBLIC MEETING ON 2011 AND 2012 CITY BUDGET

At 7:27 p.m. the Mayor opened a public comment period on the 2011 and 2012 City Budget. Mr. McFall reported that preparation of the budget was in process, and the City was engaged in making some significant budget cuts that would involve reducing staff and programs. Public input was not only valuable, but also timely now. The Mayor invited comment, noting that Council and staff would not be engaging in dialogue, but rather taking notes relative to the suggestions and requests for purposes of further consideration.

Zachary Urban spoke on behalf of the Adams County Housing Authority and requested funding of \$5,000 for the organization, citing the work of the Authority within the City. Shawn Goans and Jamille Bickford requested that the proposed closure of the Kings Mill Pool be overturned by City Council and that property owners within the Kings Mill neighborhood be informed of the proposed closure, which was not easily discernable within the proposed budget. Mary Lane, a new resident of the Harris Park area, requested continued financial support of the arts in South Westminster. Michael McCormick of Community Reach Center asked Council to reconsider the Center's application for human services funding in the amount of \$15,000.

No others wished to speak and the Mayor closed the public comment opportunity at 7:43 p.m. The public hearing on the proposed budget would be held on September 13. By City Charter, City Council had to adopt the budget no later than October 25.

COUNCILLOR'S BILL NO. 41 CONCERNING APPROPRIATIONS FOR OPEN SPACE PURCHASES

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Lindsey, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 41 on first reading to appropriate grant funding received from Adams County in the amount of \$790,000 for the Park Centre open space acquisition and in the amount of \$345,900 for the Metzger Farm Master Plan Implementation for open space.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Kaiser and seconded by Major to adjourn. The motion carried and the meeting adjourned at 7:45 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Item 6 A**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** 2010 Census Certificate of Appreciation Presentation

**Prepared By:** Carol Jones, Public Information Specialist

**Recommended City Council Action**

City Council will receive a certificate of appreciation from the Census Bureau. Larry Mugler from the Census Bureau will be presenting this award.

**Summary Statement**

- Mr. Larry Mugler will make a presentation of the certificate of appreciation to Mayor Nancy McNally and City Council.
- The City of Westminster and City Council are being recognized for their partnership with Census Bureau during the 2010 Census count.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Every ten years the U.S. Government conducts a census where over 134 million households are counted nationwide. This is a very important undertaking and a complete and accurate count ensures that communities receive appropriate federal funding for schools, roads and other important infrastructure. An accurate count also determines how many seats each state will have in the U.S. House of Representatives.

As a partner with the Census Bureau the City placed numerous notices in the City's electronic newsletter Weekly Edition, notices and reminders ran on the City's website, in City Edition as well as on Cable Channel 8. The City also provided space at a number of City facilities for Questionnaire Assistance Centers to assist people who had questions about their Census questionnaire. The partnership formed between the Census Bureau and the City of Westminster was vital to getting the census count as accurate as possible.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** 2010 Wastewater Collection System Improvement Project – Phase Two

**Prepared By:** Richard A. Clark, P.E., Utilities Operations Manager  
Robert Booze, Distribution & Collection Superintendent

**Recommended City Council Action**

1. Rescind the previously approved contract to Western Slope Utilities, Inc. for the 2010 Wastewater Collection System Improvement Project – Phase Two.
2. Authorize the City Manager to execute a new contract with the next lowest bidder, Wildcat Civil Services and authorize a project budget for the large diameter sewer pipe lining of \$114,386 with a 10% contingency of \$11,438.

**Summary Statement**

- Formal bids were issued and a bid opening took place on April 29, 2010. The lowest responsible bid for Phase Two, large diameter pipe lining, was Western Slope Utilities, Inc. City Council awarded the contract to Western Slope Utilities in the amount of \$109,560 at the May 24, 2010 City Council Meeting. However, Western Slope Utilities was unable to produce the required performance bond for the project.
- The second low bidder, Wildcat Civil Services has agreed to hold their original bid of \$114,386.
- The second phase of the project will line approximately 1,200 feet of 18 to 24 inch large diameter sewer lines using trenchless technology, cured-in-place pipe (CIPP) repair of the sanitary sewer lines.
- Adequate funds are budgeted for this expenditure in the Utility Fund Capital Improvement Program (CIP) budget.

**Expenditure Required:** \$125,824

**Source of Funds:** Utility Fund Capital Improvements – Sewer Line Trenchless Rehabilitation

**Policy Issue**

Should City Council rescind a previously approved contract with Western Slope Utilities, Inc. for large diameter pipe lining and authorize the award of the contract to the next lowest bidder Wildcat Civil Services.

**Alternative**

Delay this sanitary sewer lining rehabilitation project. This is not recommended as the City would risk additional sewer line failures and damages that may occur due to line collapse.

**Background Information**

The project scope of work for the 2010 Wastewater Collection System Improvement Project/CIPP Lining consists of two phases of work. Phase Two of the project (large sewer pipe lining) addresses 1,205 feet of line, containing 975 structural defect points and 111 operation and maintenance defect points.

Trenchless technology has proven very successful and is minimally disruptive for residents and traffic flows. This process of rehabilitating sewer lines has been successfully utilized by the City in past years and has been a reliable method of repair. Phase Two of this project, the larger pipe lining, will take place in the southern portion of the City around the intersection of 72<sup>nd</sup> Avenue and Raleigh Street and on 72<sup>nd</sup> Avenue.

The 2010 Wastewater Collection System Improvement Project/CIPP Lining was advertised for notice and bids were accepted until April 29, 2010, at which time bids were opened and read aloud. The lowest responsible bid for Phase Two, large diameter pipe lining, was Western Slope Utilities, Inc.

However, Western Slope Utilities, Inc was unable to produce the required performance bond for the project. The Public Works and Utilities Department received a check in-lieu of a 5% Bid Bond from Western Slope Utilities for a CIPP Lining project. The check was deposited and the difference between their bid and the second low bidder will be added to the project account. The check amount of \$4,825.50 will be part of the 2<sup>nd</sup> Quarter Supplemental Appropriations memo going to City Council on August 23, 2010.

The results of the submitted bids for Phase Two of this project are as follows:

**CIPP Lining Project Bids-Phase Two, 18"- 24" pipe**

Insituform Technologies Inc.	\$129,695
<b>Wildcat Civil Services</b>	<b>\$114,386</b>
Western Slope Utilities	\$109,560

This project helps achieve the City Council's Strategic Plan Goals of Financially Sustainable City Government; Safe and Secure Community; and Vibrant Neighborhoods and Commercial Areas by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

J. Brent McFall  
City Manager





## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** Fall 2010 Great Outdoors Colorado Grant Application- Revised Grant Request

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action**

Authorize the Department of Community Development to pursue a larger grant request of \$750,000 with Great Outdoors Colorado (GOCO) for the 2010 fall grant cycle for the acquisition of the Sisters of the New Covenant parcel ("Sisters").

**Summary Statement**

- The Department of Community Development wishes to pursue a grant from Great Outdoors Colorado for funding assistance with the Sisters property acquisition.
- Council approved requesting up to \$500,000 for a grant to match open space bond funds to assist with the acquisition of the Sisters property, located at 100<sup>th</sup> Avenue and Alkire Street, on July 26, 2010.
- After the July 26th meeting, staff revised the grant request up to \$750,000 based on positive feedback received by Great Outdoors Colorado in regard to requesting a larger grant.
- Staff pursued a grant in the amount of \$488,000 from Federal Natural Resource Damage Funds to assist with this acquisition. The City was awarded \$400,000 towards the acquisition and \$88,000 towards revegetation of the site.
- While a full appraisal has not been completed yet, staff believes that the property is valued between \$1.5- \$2 million. The Open Space Advisory Board considers the acquisition of the Sisters property a top priority and recommends this purchase. A separate agenda memo will be brought to Council to seek approval for the acquisition.

**Expenditure Required:** Matching funds up to \$850,000.

**Source of Funds:** Open Space Bond Funds

**Policy Issue**

Should the City attempt to seek assistance for the acquisition of this property by pursuing a larger grant request from the GOCO Grant Program?

**Alternative**

Council could choose not to pursue additional funding for this acquisition and use Open Space Bond Funds for the purchase amount. However, Staff recommends attempting to secure additional funding for this acquisition through this grant opportunity to allow for open space acquisition assistance.

**Background Information**

The Department of Community Development has been successful in applying for and receiving grants from a variety of sources in the past. In recent years, the City has received grant money from Adams and Jefferson County Open Space programs for park and trail development projects as well as open space acquisitions. The City successfully received a GOCO grant for the Metzger Farm purchase in 2006.

The 30-acre Sisters of the New Covenant parcel is the location of a day retreat center for Catholic nuns. The Sisters are interested in selling a portion of the parcel and have been talking with developers on and off for many years. While a full appraisal has not been completed yet, staff believes that the property is valued between \$1.5- \$2 million or between \$1.28 and \$1.75 per square foot for approximately 27 acres. The Sisters would like to retain approximately 3 acres to continue day use of the property. The Trust for Public Land has been negotiating the purchase and is under an Option Agreement with the Sisters. Staff applied for a grant from the Natural Resource Damage Funds that were made available from the federal government to off-set damages from Rocky Flats. The City was successful in receiving \$400,000 towards the acquisition of the Sisters parcel and \$88,000 towards revegetation of the site. Staff would like to submit a grant request to GOCO for \$750,000 towards the purchase price. Staff believes that requesting a larger amount from GOCO is necessary to offset limited open space bond funds. If the GOCO grant is awarded in full, a total of \$1,150,000 in grant funding will go towards the purchase price.

The Sisters property is a top priority acquisition for the City's Open Space Advisory Board. This property is the last in-holding in the 1,000 acre Westminster Hills Open Space area. The property contains a mixture of native grasses and weeds but will be revegetated as part of the larger revegetation effort over the entire Westminster Hills area. The bald eagles and a hawk nest nearby at Standley Lake Regional Park.

This grant request supports the City's Strategic Plan Goals of "Financially Sustainable City Government" and "Beautiful City" by increasing revenues that support defined City projects and by providing the City with increased open space.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Map

# Sisters of the New Covenant Open Space Acquisition

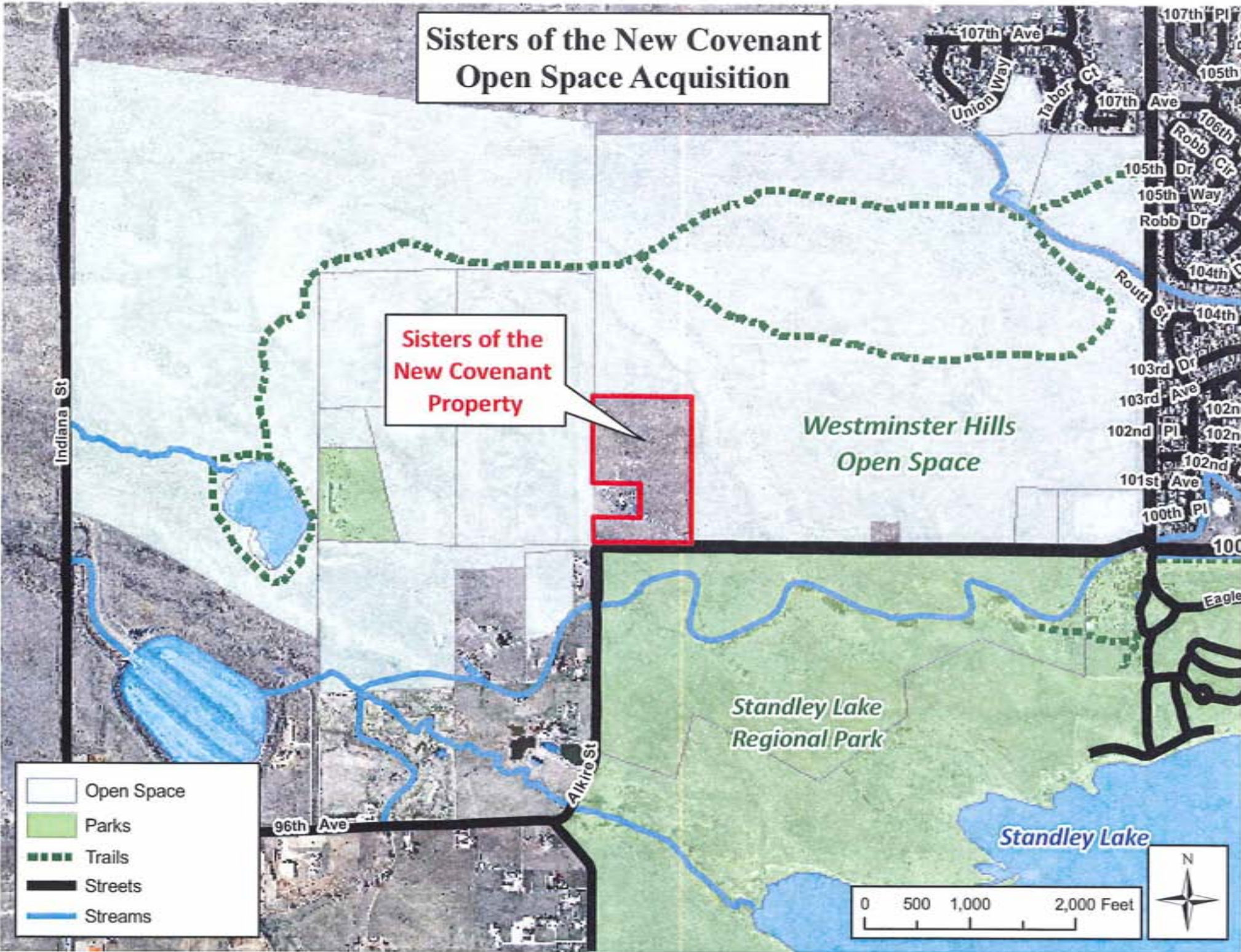
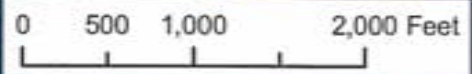
Sisters of the  
New Covenant  
Property

*Westminster Hills  
Open Space*

*Standley Lake  
Regional Park*

*Standley Lake*

- Open Space
- Parks
- Trails
- Streets
- Streams







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** Water Tanks Major Repair and Replacement Project Task 1 –  
Engineering Contract and Budget Transfer

**Prepared By:** Dan Strietelmeier, Senior Engineer  
Steve Grooters, Senior Projects Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Carollo Engineers, Inc. in the amount of \$156,517 to provide engineering services for the Water Tanks Major Repair and Replacement Project and authorize a 10% contingency in the amount of \$15,652 for a total project cost of \$172,169. In addition, authorize the transfer of \$172,169 of funds from the existing Pressure Zone Enhancements capital account to fund the new Water Tanks Major Repair and Replacement account.

**Summary Statement**

- The 2006 Utility System Infrastructure Master Plan identified the need for several improvements to the City's water storage tanks to extend the life of the tanks and improve reliability within the distribution system.
- Necessary improvements include structural rehabilitation, adding manhole access ports and modifications to the overflow piping at several tanks to conform to Colorado Department of Health and Environment (CDPHE) regulations.
- Of the four statements of qualifications (SOQs) received in response to Staff's solicitation, Staff believes the Carollo Engineers, Inc. team provides the best value to the City.
- Carollo Engineers, Inc. has a history of successful projects of similar size and scope and their subconsultant, Tank Industry Consultants, Inc. (TIC), has experience on Westminster's water tanks.
- Staff recommends awarding the contract to Carollo Engineers, Inc. based on their competitive pricing, proposed scope of work, the familiarity with the City's infrastructure and the successful experience of their proposed project team.
- This contract is for the first of three tasks for this project. Task 1 includes a review of existing tank inspection reports, site visits, and performing dive inspections, investigating CDPHE permitting requirements, recommending specific repair and replacement items and developing a regular maintenance program. Tasks 2 and 3 include design and construction management of recommended improvements. Engineering services for these tasks will be negotiated following successful completion of Task 1 and are expected to occur later in 2010 and in 2011.
- Savings in the Pressure Zone Enhancements capital project are available to fund this project.
- Staff is requesting that available capital project funds in the amount of \$172,169 be transferred into a new Water Tanks Major Repair and Replacement Capital Improvement Budget to fund the water tanks improvements through engineering design.

**Expenditure Required:** \$172,169

**Source of Funds:** Pressure Zone Enhancements capital account

**Policy Issue**

Should Council proceed with awarding the engineering contract to Carollo Engineers, Inc.?

**Alternatives**

1. City Council could decline to approve the contract and place the project on hold. This is not recommended because this action would result in delaying the improvements to the water tanks and could result in increased maintenance and repair expenses and possible service impacts to Westminster water customers. In addition, tank overflow piping requires upgrades to meet current CDPHE requirements for cross connection prevention.
2. City Council could choose to award the contract to one of the other consultants that submitted an SOQ; however, this is not recommended as Staff believes that the Carollo Engineers, Inc. team provides the best value for this project. Their project team has familiarity with the City's water tanks that will streamline key project tasks.

Staff does not recommend either of these two alternatives above since Carollo Engineers Inc. is qualified and competitive. The transferring of budget savings into the capital account will allow the project to be fully funded through engineering design.

**Background Information**

The 2006 Utility System Infrastructure Master Plan recommended improvements to the City's water storage tanks. This Water Tanks Major Repair and Replacement project consists of performing a thorough evaluation of each tank and development of recommendations for specific capital improvements. The project consists of three main tasks. The Task 1 effort will involve reviewing past inspection reports, performing dive inspections, developing recommendations for necessary improvements and preparing cost estimates. Tasks 2 and 3 include engineering design and construction management of priority improvements, respectively.

Task 1 tank inspections will include a thorough review of exterior and interior rust and corrosion, signs of metal fatigue, concrete cracks and overall structural integrity. Results will be used to develop a prioritized list of improvements recommended for design and construction. Some necessary improvements have already been identified and include:

- Overflow piping modifications at several tank sites to meet current CDPHE requirements;
- Installation of new entry and exit ports;
- Upgrades to cathodic protection systems for corrosion protection;
- New tank interior and exterior coatings;
- Rehabilitation of access ladders, fall protection, and safety equipment; and
- Site security improvements such as new fencing, alarms and monitoring equipment.

Tanks sites included in this project are listed below and shown on the attached Water Distribution System Map.

Tank Sites Included in this Project

- Wandering View Tanks (Two Tanks)
- Northridge Tanks (Two Tanks and Reclaimed Standpipe)
- Countryside Tank
- Gregory Hill Tanks (Two Tanks)
- Sunset Ridge Tank
- Hydropillar Tank
- Northwest Water Treatment Facility Finished Water Storage Tank

Due to the specialized nature of this project and the corresponding engineering expertise required, Statements of Qualifications (SOQs) from engineering firms were used as the basis for consultant selection. In June 2010, Staff sent a Request for Qualifications to eight engineering firms who specialized in water tank design and rehabilitation. Staff requested specific information related to the experience of the project teams, relevant projects with references, project team availability and hourly rates. The City received four SOQs on July 8, 2010 from the following firms:

- Carollo Engineers, Inc.
- HDR Engineering, Inc.
- Burns & McDonnell Engineering Company, Inc.
- URS Engineers

Staff evaluated each firm based on key criteria including:

1. Local presence
2. Firm background and expertise in completing projects of similar size, scope, and complexity
3. Firm references related to the ability to complete project requirements on schedule and within budget
4. Firm reputation with the City and familiarity with City codes, policy, procedures, and regulations
5. Professional background and experience of each key person of the project team
6. Practical experience of key team members in working with state and local regulatory agencies
7. Key team member availability
8. Competitive fee schedule and competitive hourly rates for staff assigned to this project relative to their experience level

The City selection committee scored each firm relative to one another based on the selection criteria with the Carollo Engineers, Inc. and TIC (Carollo/TIC team) achieving the highest score. Because the three phases of this project collectively incorporate a significant work effort, competitive firm fees were of particular importance. A comparison of firm rates is shown below.

Firm or Team	Hour Rates for Core Team (non-clerical)
Carollo Engineers, Inc. and TIC	\$62 to \$230
URS Engineers. and Dixon	\$97 to \$195
HDR Engineering, Inc. and TIC	\$74 to \$230
Burns & McDonnell Engineering Company, Inc	\$61 to \$188

Overall, staff determined that the Carollo/TIC team provides the best value to the City. This team incorporates strong local staff with proven water tank design and evaluation experience. Their team included TIC as a subconsultant. TIC has performed many water tank inspections for the City in the past and their intimate knowledge of these structures will help facilitate successful completion of the project in a cost-efficient manner.

Following their selection, Staff negotiated a scope of work for Task 1 engineering services with the Carollo/TIC team. The associated cost is both fair and competitive. Engineering services for Tasks 2 and 3 will be negotiated following successful completion of Task 1 and presented to City Council at a later date for their approval. If Staff is not satisfied with the quality of work or believes the cost of services is not competitive from Carollo/TIC, other competitive proposals will be solicited for future phases.

Water tank repairs were identified following the 2009-2010 capital project development process and are important to complete. Therefore, the project must be funded from an existing capital account. Staff proposes to create a new capital account for the Water Tank Major Repair and Replacement project and fully fund the project from savings identified in the Pressure Zone Enhancements account. Design of recommended improvements is anticipated to be complete near the end of 2010 with construction of

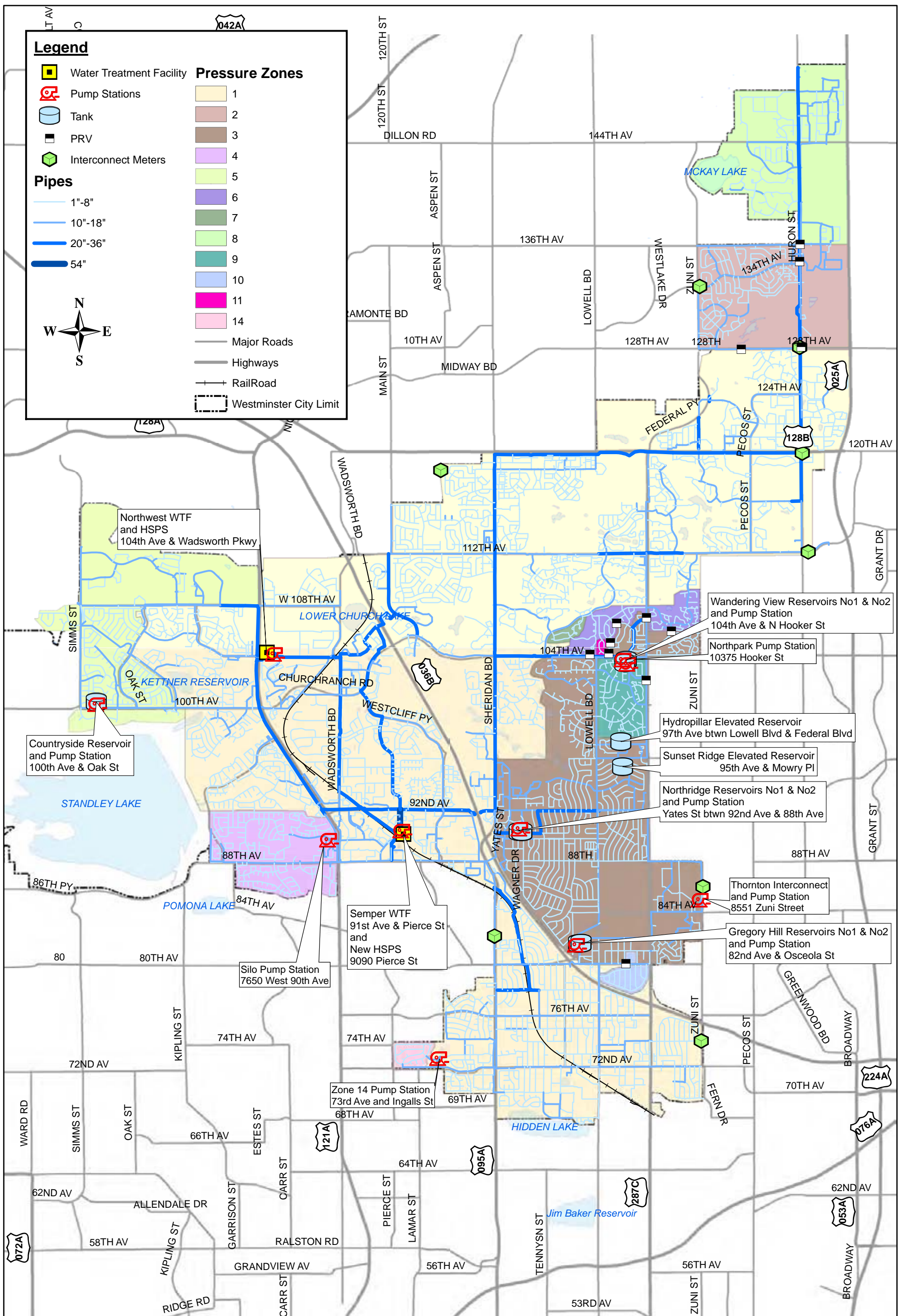
improvements beginning in 2011. Due to the size and scope of construction activities anticipated for this project, improvements are anticipated to continue through a multi-year effort. Funding of the new capital account from the savings in the Pressure Zone Enhancements capital account is requested at this time to pay for Task 1 only.

The Water Tanks Major Repair and Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government" and "Vibrant Neighborhoods and Commercial Areas" by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Water Distribution System Map



**Overall Water Distribution System Map**





## Agenda Item 8 D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** Second Reading of Councillor's Bill No. 41 re Park Centre Open Space Acquisition Grant and the Metzger Farm Master Plan Implementation Grant Supplemental Appropriation

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 41 on second reading appropriating funds received from Adams County in the amount of \$790,000 for the Park Centre open space acquisition grant and \$345,900 for the Metzger Farm Open Space Master Plan implementation grant.

**Summary Statement**

- This Councillor's Bill was passed on first reading on July 26, 2010.
- City Council action is needed to appropriate these grant funds.
- In order to complete the acquisition and implementation of the master plan, the City is required to contribute a cash match of up to \$845,000 for the Park Centre acquisition and up to \$345,900 for the Metzger Farm Master Plan implementation project, which will come from the City's Parks, Open Space and Trails bond funds.

**Expenditure Required:** \$1,135,900 (\$790,000 for Park Centre and \$345,900 Metzger Farm)

**Source of Funds:** Adams County Open Space Grants

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2010

INTRODUCED BY COUNCILLORS  
**Dittman - Lindsey**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2010 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$1,135,900. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$1,135,900 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10B, dated July 26, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$1,135,900</u>
Total	<u>\$1,135,900</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26<sup>th</sup> day of July, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of August, 2010.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## Agenda Item 10 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 9, 2010



**SUBJECT:** Resolution No. 27 re Miscellaneous Residential Permit Fees

**Prepared By:** Dave Horras, Chief Building Official

### Recommended City Council Action

Adopt Resolution No. 27 that will increase the fixed fee charged for eleven specific types of miscellaneous residential building permits.

### Summary Statement

- The building permit fee schedule currently in effect was approved by City Council in the fall of 2003.
- The current fee schedule includes a number of fixed fees for typically simple miscellaneous residential projects. The current fixed fees charged for these types of miscellaneous residential projects are currently not sufficient to support the services associated with the permits. The current permit fee for projects such as reroofing, replacement of water heaters or furnaces or the installation of a new shed or fence is a flat fee of \$20. It is proposed to raise the fixed fee for these and other similar types of miscellaneous residential permits to more closely reflect the costs associated with the services provided.
- Based upon an analysis of nine local jurisdictions fee structures, the City's currently fees are lower than those charged in most other jurisdictions, in many instances substantially lower. This proposed increase in these fees will come closer to covering the costs of the services provided and will bring Westminster's fees for these type of permits close to the mid-range of the jurisdictions surveyed.
- This proposed increase will not increase the permit fees collected for projects such as new homes, home additions or renovations or other types of projects. This proposed increase will only affect projects that include one of the eleven fixed fee permit types.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should building permit fees be increased for eleven specific types of miscellaneous residential permits to recover more of the City’s costs associated with providing the building permitting and inspection services?

**Alternatives**

1. Do not increase the permit fees and keep these fees at the currently established amounts. This is not recommended because the current fees do not support the cost of the City provided services associated with the permit.
2. Eliminate the fixed fees for specific types of miscellaneous residential building permits. If the flat fees are eliminated all building permit fees will be established by estimated construction valuation. Staff does not support this approach because flat fees for these types of relatively simple projects are much easier to understand and budget for the contractors and much easier for staff to administer.

**Background Information**

The City of Westminster, like almost all jurisdictions, base the costs for building permit for most projects on an estimated project cost or valuation. The more a project costs to construct, the higher the building permit fee. The City of Westminster uses this same approach for establishing permit fees except for a handful of typical miscellaneous residential projects such as replacement furnaces and water heaters, reroofing projects, fences and sheds. In the case of these specific types of projects a flat fee is charged for these permits. The reasoning behind these flat fees is that these permit types usually involve a standard review, issuance and inspection process and a fixed fee is easier for all to understand and administer. The permit types that currently have a fixed fee are:

- Detached Storage Sheds
- Above Ground Pools
- Fences
- Hot Tubs/Spas
- Re-Roofing
- Re-Siding
- Water Heater Replacement
- Air Conditioner
- Furnace Replacement
- Evaporative Cooler
- Lawn Irrigation System
- Gas Logs\*

\*Permit fees for gas logs are waived if they are replacing a non-conforming solid fuel burning device

The fee for eleven of the twelve specific types of miscellaneous residential permits has been established at a flat \$20 since the last significant modification to the fee schedule in September of 2003 when the fees were raised from \$17 to \$20. The other fixed permit fee, for above ground pools, was established at \$42.50 at that time because of the additional review procedures involved. Staff realizes that some of these recommended fee increases are significant and it is proposed that staff will review these permit fees on a more regular basis to prevent such large proposed increases in the future.

While it is extremely difficult to determine the exact costs of our services for these types of permits, it is easy to determine that the current permit fee does not cover the cost to the City for providing these services. Staff has completed an analysis of the processes and time involved in the permitting and inspection processes as well as a comparison of other jurisdiction’s permit costs for similar projects. The typical process associated with these types of permits usually includes an application review, a possible zoning review, permit issuance and 1 or 2 field inspections. Staff has also conducted a survey of nine local jurisdictions revealing that Westminster’s permit fees for residential counter type building permits were lower than others in almost all categories, sometimes substantially. The summary of the permit fee survey is attached.

It is proposed that revised fixed fees be established for eleven of the twelve existing fixed fee permit types. These fixed fees are proposed to vary from \$40 for the simplest of permits to \$100 for the more involved permit types. Each of these permit types was examined and evaluated based on the complexity of review and inspection processes and classified into one of three fixed fee categories. It is proposed to change the flat fee for siding permits to a fee based on valuation, similar to most other permits, because of the variables in size and valuation of these type of projects.

The proposed modification to the fixed fee building permit fees is estimated to generate between \$100,000 and \$250,000 in additional building permit fee revenue per year based on past year's activity levels. Again, it is important to note that this proposed increase will not increase the fees collected for projects such as new homes, home additions or renovations or other types of projects. This proposed increase will only affect projects that include one of the eleven fixed fee permit types.

It is proposed to establish an effective date of September 1, 2010 for the changes to these fees. This will allow lead time for contractors to build these new modified costs into their bids and contracts.

The proposed fee increase is consistent with the goal of a Financially Sustainable City Government Providing Exceptional Services and, specifically, the objective to have revenues to support defined city services and service levels as a mature city as outlined in the Strategic Plan.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments:

- Miscellaneous Residential Permit Fees
- Resolution Amending Resolution No. 32, Series of 2007, Establishing Building Permit Fees

## Miscellaneous Residential Permit Fees

<u>Permit Type</u>	<u>Thornton</u>	<u>Lakewood</u>	<u>Littleton</u>	<u>Jeffco</u>	<u>Broomfield</u>	<u>Commerce City</u>	<u>Arvada</u>	<u>Louisville</u>	<u>Aurora</u>	<u>Average</u>	<b><u>Westminster Current</u></b>	<b><u>Westminster Proposed</u></b>
Detached Storage Shed	\$27.60	\$79.00	\$97.50	\$91.00	\$97.25	\$97.25	\$137.59**	\$114.00	\$108.75	\$89.04	\$20.00	<b>\$80.00</b>
Aboveground Pool	Value	Value	Value	Value	Value	Value	Value	Value	Value	Value	\$42.50	<b>\$50.00</b>
Fence	\$23.20	\$37.50	\$54.00	N/A	\$54.00	\$54.00	\$59.70	\$82.00	\$60.00	\$53.05	\$20.00	<b>\$50.00</b>
Spas/Hot Tub	\$29.80	\$90.25	\$111.25	\$45.00	\$111.25	\$111.25	\$40.00	\$130.00	\$124.50	\$88.14	\$20.00	<b>\$80.00</b>
Re-roof	\$29.80	\$90.25	\$111.25	\$102.00	\$111.25	\$111.25	\$123.08	\$130.00	\$124.50	\$103.71	\$20.00	<b>\$100.00</b>
Siding	\$40.80	\$146.50	\$181.25	\$157.00	\$181.25	\$181.25	\$40.00	\$210.00	\$203.25	\$149.03	\$20.00	<b>By valuation</b>
Air Conditioner, New or Replace	\$27.60	\$79.00	\$97.25	\$64.00	\$97.25	\$97.25	\$40.00	\$82.00	\$108.75	\$77.01	\$20.00	<b>\$80.00</b>
Evaporative Cooler	\$25.40	\$67.75	\$83.25	\$48.00	\$83.25	\$83.25	\$40.00	\$82.00	\$93.00	\$67.32	\$20.00	<b>\$60.00</b>
Furnace Replacement	\$25.40	\$67.75	\$83.25	\$48.00	\$83.25	\$83.25	\$40.00	\$82.00	\$93.00	\$67.32	\$20.00	<b>\$60.00</b>
Lawn Irrigation Sprinkler	\$25.40	\$67.75	\$83.25	\$45.00	\$83.25	\$83.25	\$40.00	\$98.00	\$93.00	\$68.77	\$20.00	<b>\$60.00</b>
Gas Log***	\$25.40	\$67.75	\$83.25	\$45.00	\$83.25	\$83.25	\$40.00	\$82.00	\$93.00	\$66.99	\$20.00	<b>\$60.00</b>
Water Heater Replacement	\$21.00	\$31.50	\$38.75	\$45.00	\$38.75	\$38.75	\$40.00	\$82.00	\$43.00	\$42.08	\$20.00	<b>\$40.00</b>

\* Flat fees

\*\* Over 220 sq ft, less than 220 sq ft is \$40.00

\*\*\* Permit fees for gas logs are waived if they are replacing a non-conforming solid fuel burning device

Completed 5/26/2010

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2010

**AMENDING RESOLUTION NO. 32, SERIES OF 2007,  
ESTABLISHING BUILDING PERMIT FEES**

WHEREAS, the City of Westminster has adopted the 2006 editions of the International Codes as the building and fire codes for the City; and

WHEREAS, the 2006 International Codes provide for fees to be paid to the City of Westminster for each building permit issued; and

WHEREAS, the City Council wishes to provide fair and uniform fees for building permits and services; and

WHEREAS, City Council adopted Resolution No. 32, Series of 2007, establishing building permit fees on September 10, 2007; and

WHEREAS, the City wishes to amend portions of that Building Permit Fee Schedule related to single-family dwelling residential permit fees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. The City Council hereby adopts the schedule of fees associated with the International Building Codes as adopted by the City, as shown below; and
2. The fees shall become effective on September 1, 2010, and shall become due and payable by all persons applying for or holding a Building Permit issued by the City of Westminster.

**Fee Schedule.** The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

**BUILDING PERMIT FEE SCHEDULE**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1 to \$500	\$19.50
\$501 to \$2,000	\$19.50 for the first \$500 plus \$2.65 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$59.25 for the first \$2,000 plus \$11.90 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$332.95 for the first \$25,000 plus \$8.55 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$546.70 for the first \$50,000 plus \$5.95 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$844.20 for the first \$100,000 plus \$4.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,684.20 for the first \$500,000 plus \$3.95 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,659.20 for the first \$1,000,000 plus \$2.65 for each additional \$1,000 or fraction thereof

**Other Permit Fees**

Miscellaneous Permit Fees:

Solar Systems	\$300.00
Mobile Home Set-up w/elec	\$125.00
Construction trailer w/elec	\$125.00
Banners	\$25.00
Bus Bench	\$25.00
Election Sign	\$25.00
Permanent Sign	Per Fee Schedule

Miscellaneous SFD Residential Permit Fees:

Detached Storage Shed	\$80.00
Re-Roofing	\$100.00
Water Heater Replacement	\$40.00
Air Conditioner*	\$80.00
Furnace Replacement*	\$60.00
Evaporative Cooler*	\$60.00
Lawn Irrigation Sprinkler	\$60.00
Aboveground Pool	\$50.00
Spas/Hot Tub*	\$80.00
Gas Log	\$60.00**
Fence	\$50.00

**Fire Department Fees**

- 1. Operational permits, per event \$50.00
- 2. Construction permits Based on valuation and assessed in accordance with the building permit fee schedule.

**Other Inspections and Fees:**

- 1. Inspections outside of normal business hours (minimum charge of two hours) \$50.00 per hr.
- 2. Reinspection fees \$50.00
- 3. Inspections for which no fee is specifically indicated \$50.00 per hr.
- 4. Additional plan review required by changes, additions, or other revisions to plans including individual residential lot grading re-reviews or re-inspections \$50.00 per hr.
- 5. For use of outside consultants for plan review and inspection, or both actual costs\*\*\*
- 6. Copies of previously issued Certificate of Occupancy \$5.00 each
- 7. Letter of code compliance \$25.00
- 8. Removal of stop work order \$250.00
- 9. Temporary Certificate of Occupancy 5% of building permit fee but not less than \$100.00
- 10. Plan Review Fee 65% of building permit fee
- 11. Estimated Use Tax 3.85% of 50% of total valuation
- 12. Plan Review and Inspection Fee for Individual Residential Lot Grading \$400 per lot

\*May also require an electrical permit fee.

\*\*See Section 11-9-3(E)2 for exceptions.

\*\*\*Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4.

PASSED AND ADOPTED this 9th day of August, 2010.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 9, 2010



**SUBJECT:** Resolution No. 28 re DRCOG Application for Sustainable Communities  
Regional Planning Grant

**Prepared By:** Tony Chacon, Senior Projects Coordinator

**Recommended City Council Action**

Adopt Resolution No. 28 supporting the submittal of a comprehensive joint application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments.

**Summary Statement**

- On June 16, 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) announced the Partnership for Sustainable Communities (The Partnership) to reshape the Federal government’s role in helping achieve economically prosperous, healthy, environmentally sustainable and opportunity-rich communities.
- In conjunction with the Federal effort, the US Department of Housing and Urban Development (HUD) recently announced that it will award \$100 million in grants as part of the Sustainable Communities Regional Planning Grant program.
- Grants from the program are to be directed towards regional planning efforts directed towards the development of sustainable community policies and programs pertaining to development, transportation and environmental stewardship.
- The Denver Regional Council of Governments (DRCOG), the Metro Mayors Caucus, the Metro Area County Commissioners and the Colorado Tomorrow Alliance have facilitated a region-wide discussion with a wide range of stakeholders over the past three months to develop a regional proposal under this grant program.
- The Denver Regional Council of Governments’ Board of Directors adopted a resolution affirming its support for the Partnership and agreeing to integrate the Livability Principles into ongoing and future Metro Vision discussions and is preparing a grant application for submittal to HUD.
- DRCOG is seeking a resolution in support of the application given the City of Westminster has been a strong, committed member of the Denver Regional Council of Governments and is committed to regional cooperation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

## **Policy Issue**

Should the City support the DRCOG in its efforts to secure Federal funding to conduct regional planning relative to future development, transportation improvements and environmental stewardship?

## **Alternative**

The City Council could choose not to adopt the resolution; however, this could impact DRCOG's competitiveness in obtaining a planning grant from HUD.

## **Background Information**

In June of 2009, the U.S. Department of Housing and Urban Development (HUD) joined with the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) to form a "Partnership for Sustainable Communities." This federal partnership is focused on improving access to affordable housing, providing more transportation options, and lowering transportation costs while protecting the environment in communities nationwide. The partnership is governed by a set of six "Livability Principles" as follows:

1. Provide more transportation choices;
2. Promote equitable, affordable housing;
3. Enhance economic competitiveness;
4. Support existing communities;
5. Coordinate and leverage federal policies and investment; and
6. Value communities and neighborhoods.

Several funding opportunities have emerged from the federal partnership, including HUD's \$100 million Sustainable Communities Regional Planning Grant (SCRPG) Program. This grant program will support multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments.

The Denver Regional Council of Governments (DRCOG), Colorado Tomorrow Alliance (CTA), Metro Mayors Caucus (MMC) and Metro Area County Commissioners (MACC) have taken the lead in bringing together a wide variety of partners to develop a joint application for the SCRPG. This grant program provides a valuable opportunity for the Denver region to leverage investment in FasTracks and to build on the success of Metro Vision, the metro area's shared vision for the future that establishes a framework for coordinated land use, transportation and environmental planning across the region.

Specifically, DRCOG, CTA, MMC and MACC are working with their partners to develop a "**Centers and Corridors**" proposal to fund the planning, financing, and implementation of transit-oriented development (TOD) and urban centers throughout the region, key elements of Metro Vision. The proposal builds on the draft Metro Vision goal of accommodating 50% of new housing and 75% of new employment in urban centers throughout the region, which in turn will support other current and draft Metro Vision goals including improving air quality, reducing vehicle miles traveled per capita, reducing greenhouse gas emissions, and conserving water. The proposal identifies two main tasks:

1. **Augmenting Metro Vision** for the purposes of:
  - a) Addressing the range of housing, economic development, environmental and other factors that are critical for successful transit-oriented and urban center development throughout the region; and,
  - b) Engaging a wide variety of stakeholders and create broad support for the regional vision, and
  - c) more fully integrate the federal Livability Principles and serve to direct federal funding toward regional priorities.

- 2. Focusing resources on local implementation efforts.** Many local governments are struggling with challenges associated with successful transit-oriented and urban center development, such as providing the urban infrastructure necessary to support compact development, preserving or creating affordable housing, and connecting residents with employment, shopping, recreation and other opportunities. Through the establishment of a stable and enduring “Metro Vision Implementation and Action Partnership,” this grant would bring a wide variety of resources to bear on the overarching mission of helping local governments transform the vision into reality.

To be eligible to apply for the SCRPG, DRCOG must demonstrate a commitment of support from local jurisdictions representing at least 50% of the region’s population. A successful application will make the region more competitive for future funding opportunities emerging from the federal partnership, by earning the region “preferred status.” The grant announcement makes it clear that future funding will be tied to the planning efforts and implementation programs completed under the SCRPG. The SCRPG is part of a larger shift away from formula-based funds to a nationally-competitive funding process. This competitive focus requires greater regional coordination and prioritization of potential projects going forward. Support and input from all of DRCOG’s diverse membership will help ensure that grant-funded activities focus on the region’s highest priorities and create widespread benefits for local communities throughout the region. Strong partnerships are crucial not only to the development of a successful grant application, but also to successful completion of the work plan laid out in the application, and ultimately to the achievement of Metro Vision goals.

DRCOG is asking local governments to pass resolutions that support DRCOG’s submittal of a comprehensive joint application for the SCRPG, and commit to continue working collaboratively with DRCOG and stakeholders from across the region to refine and implement Metro Vision to achieve the outcomes envisioned in the Federal Livability Principles.

Should DRCOG be successful in obtaining a Sustainable Communities Grant from HUD, the resulting planning effort involving the City could have favorable benefit towards the City meeting its strategic plan goals and objectives relative to:

- VIBRANT NEIGHBORHOODS AND COMMERCIAL AREAS;
- STRONG, BALANCED LOCAL ECONOMY; and,
- BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

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**A RESOLUTION SUPPORTING THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' COMPREHENSIVE JOINT APPLICATION TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT PROGRAM**

WHEREAS, on June 16, 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) announced the Partnership for Sustainable Communities (The Partnership) to reshape the Federal government's role in helping achieve economically prosperous, healthy, environmentally sustainable and opportunity-rich communities; and

WHEREAS, the Partnership seeks to foster such communities consistent with the following Livability Principles:

1. **Provide more transportation choices.** Develop safe, reliable and economic transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.
2. **Promote equitable, affordable housing.** Expand location-and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility, and lower the combined cost of housing and transportation.
3. **Enhance economic competitiveness.** Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services, and other basic needs by workers as well as expanded business access to markets.
4. **Support existing communities.** Target funding toward existing communities through such strategies as transit-oriented, mixed-use development and land recycling – to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.
5. **Coordinate policies and leverage investment.** Align policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy
6. **Value communities and neighborhoods.** Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods – rural, urban or suburban; and

WHEREAS, the Denver Regional Council of Governments' Board of Directors adopted a resolution affirming its support for the Partnership and agreeing to integrate the Livability Principles into ongoing and future discussions through its adopted regional development policy plan, "Metro Vision;" and

WHEREAS, this new Partnership recognizes the need to support metropolitan scale, multi-jurisdictional solutions in meeting these Livability Principles; and

WHEREAS, the US Department of Housing and Urban Development (HUD) recently announced that it will award \$100 million in grants as part of the Sustainable Communities Regional Planning Grant program; and

WHEREAS, the Denver Regional Council of Governments, the Metro Mayors Caucus, the Metro Area County Commissioners and the Colorado Tomorrow Alliance have facilitated a region-wide discussion with a wide range of stakeholders over the past three months to develop a regional proposal under this grant program; and

WHEREAS, as an outcome of these discussions, the Denver Regional Council of Governments is now finalizing a grant application focused on 1) refining Metro Vision to attend to the Livability Principles and 2) providing financial support to advance the successful implementation of the Livability Principles at the local level; and

WHEREAS, the City of Westminster is a strong, committed member of the Denver Regional Council of Governments and is proud of the region's long history of collaborative action on matters of regional concern for the collective betterment of the region as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the City strongly supports submittal of a comprehensive joint application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments and commits to continue working collaboratively with the Denver Regional Council of Governments and stakeholders from across the region to refine and implement Metro Vision to achieve the outcomes envisioned in the Federal Livability Principles.

PASSED AND ADOPTED this 9<sup>th</sup> day of August, 2010.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office



# Agenda Item 10 C

## WESTMINSTER COLORADO

### Agenda Memorandum

City Council Meeting  
August 9, 2010



**SUBJECT:** Resolution No. 29 re Stating the City Council’s Position in Opposition to Constitutional Amendment 60, Constitutional Amendment 61, and Statutory Proposition 101

**Prepared By:** Bob Byerhof, Senior Financial Analyst  
Ben Goldstein, Management Analyst

### Recommended City Council Action

Adopt Resolution No. 29 stating the City Council’s position in opposition to Constitutional Amendment 60, Constitutional Amendment 61 and Statutory Proposition 101, all of which will appear on the November 2, 2010, General Election ballot.

### Summary Statement

- Proposition 101 and Amendments 60 and 61 will be on the ballot for the November 2, 2010, election. These three initiatives are projected to have significant negative impacts on the finances of the City of Westminster and other cities, the State, counties, schools and special districts. If passed, the changes become effective January 1, 2011 and will require significant reductions to the 2011 and future budgets.
- A summary of the ballot measures follow:
  - Amendment 60 – This is a constitutional amendment that affects the collection of property taxes by: eliminating all prior “de-Brucings;” requiring enterprises and authorities to pay property taxes; and requiring school districts to phase out half of their 2011 tax rates (excluding debt service levies) by 2020 and requiring the state to backfill the lost revenues.
  - Amendment 61 – This constitutional amendment impacts the ability of state and local governments to incur debt by prohibiting State debt and instituting new limits and requirements on local government borrowings.
  - Proposition 101 – A statutory change that reduces vehicles taxes and fees; reduces the state income tax; and reduces telecommunication related revenue. This measure would be implemented over the course of four years and ultimately result in vehicle ownership fees of \$1 for older vehicles and \$2 for new vehicles, reduce annual registration and title fees to \$10, and eliminate telecommunication franchise fees.
- Per City Council direction at the August 2<sup>nd</sup> Study Session, Staff prepared the attached resolution to state City Council’s official opposition to these ballot measures due to the wide ranging and negative impact on the City’s long-term finances and ability to provide services to residents and businesses. Also attached, are the Briefing Papers regarding Amendments 60 and 61, and Proposition 101, prepared by the Colorado Legislative Council Staff, a nonpartisan State research group.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should City Council take an official position on Constitutional Amendments 60 and 61 and Proposition 101?

**Alternative**

1. City Council could decide to oppose one or more of these measures.
2. City Council could decide to support one or more of these measures.
3. City Council could decide to take no position on these measures.

**Background Information**

Per the City Council discussion at the August 2 Study Session, Staff prepared estimated financial and operational impacts of the measures on the City of Westminster based on the current interpretations of the ballot measures and information available at this time. Some aspects of these measures will likely require interpretations by the Courts and the Legislature. As more information becomes available, Staff will continue to refine estimates of the impacts.

The impacts of Proposition 101 and Amendment 60 are shown as estimates based on 2009 actual revenues unless otherwise noted. The impacts of Amendment 61 simply reflect the potential individual impacts in years when existing debt reach their final maturity.

The following is a more detailed analysis of the provisions of the three ballot issues and the anticipated impacts on the City of Westminster.

**Proposition 101**

Vehicle Taxes and Fees:

- Specific ownership taxes must decrease in four equal yearly steps to reach \$1 for older vehicles and \$2 for new vehicles. Impact on Westminster – Reduce revenue by \$101,435 in the first year of implementation and increasing to \$405,740 over the 4-year phase-in period. Total reduction of revenue by 2014 is \$405,740 per year.
- All registration, license, and title charges combined shall total \$10 yearly per vehicle. Impact on Westminster – Reduce revenue by \$255,486 per year. Total reduction of revenue for 2011 is \$255,486.
- There will be no state or local taxes on vehicle rentals or leases. Impact on Westminster – Reduce revenue by \$39,470 per year. Total reduction of revenue for 2011 is \$39,470.
- There will be no state or local taxes on the first \$10,000 of value of vehicle sales prices (phased in over four yearly equal steps). Impact on Westminster – Reduce revenue by \$676,618 in 2011 and increasing to \$2,706,473 per year over the 4 year phase-in period. Total reduction of revenue by 2014 is \$2,706,473.
- Total revenue reduction at full implementation = \$3,407,169.

Telecommunication Revenue:

- Eliminates charges and taxes on telephone, pagers, cable, television, radio, internet, computer, satellite, or other telecommunication services except for the E911 fees that can continue at 2009 rates. The assumption in this calculation is that franchise fees are also eliminated. Impact on Westminster – Reduce revenue by \$3,689,430 per year (effective immediately in 2011).
- Total revenue reduction at full implementation = \$3,689,430

Income Tax:

- State of Colorado income tax rate would be set at 4.5%, down from the current 4.63%. Rates then decrease by 0.1% yearly in each of the first ten years that yearly income tax revenue net growth exceeds 6% until the rate reaches 3.5%. Impact on Westminster – Unknown but most likely the decrease in State revenues will result in reduction of State funding to the City.

Other Provisions:

- The measure states that it is a “voter-approved revenue change” that “shall be strictly enforced to reduce government revenue” which seems to be intended to reduce the TABOR permitted revenue limits and apply to governments that had de-Brucing elections. Impact on Westminster – Reversal of the citizens’ prior vote to be de-Bruced, which will have significant impacts on the City that are not yet quantifiable.

<b>Total Estimated Reduction of Revenues Due to Provisions of Proposition 101</b>				
	Fiscal Year 2011	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014
Vehicle Taxes and Fees	-\$1,073,009	-\$1,851,062	-\$2,629,115	-\$3,407,169
Telecommunication Revenue	-\$3,689,430	-\$3,689,430	-\$3,689,430	-\$3,689,430
<b>Total Proposition 101</b>	<b>-\$4,762,439</b>	<b>-\$5,540,493</b>	<b>-\$6,318,546</b>	<b>-\$7,096,599</b>

**Amendment 60**

Property Taxes:

- Electors may vote on property taxes where they own real property as opposed to current law where only registered voters with residence in the City may vote on taxes. Impact on Westminster – Can not be determined. The amendment will allow property owners, not just those people who live in Westminster, to vote on property tax issues. (Note: The City is projected to receive \$4,441,222 in property taxes in 2010.)
- All districts must allow petitions from citizens to propose property tax reductions. Impact on Westminster – Extent unknown but each petition will impact staff time devoted to research the estimated impact of revenue loss.
- Property tax increases must be voted separately from related debt questions. Impact on Westminster – With two ballot questions, the City could have an election resulting in a conflicting outcome, .e.g. property taxes might be approved to increase but the corresponding debt issuance might be rejected.
- Enterprises and authorities must pay property taxes but tax rates must be lowered to avoid any windfall revenues to the taxing entities. Entities will likely need to raise their rates and fees to do so, meaning that users would pay higher fees for services such as utilities (which are not deductible for federal income tax purposes) and lower property taxes (which are deductible). Impact on Westminster – Unknown but could result in significant increase to utility bills if property tax liability costs are passed on to the users. This impacts the City’s Water and Wastewater utility and Westminster Commons. Estimating the market value of the various properties would be an expense as the City only keeps a historical cost. The estimated impact on the utility is based on a range between the year-end 2009 net asset value of \$270 million to the estimated 2008 replacement cost of value of \$1.125 billion. Assuming an average millage rate of 89 between the two counties, the Utility would need to pay between \$7 million to \$29 million in property taxes. This would equate to an \$18 to \$76 monthly increase in fees per water customer to cover property taxes.
- Enterprises and unelected boards may not levy mandatory fees or taxes on property. Impact on Westminster – This may impact the Utility’s Storm Drainage fee. At jeopardy is approximately \$2.04 million in storm drainage revenues.



- Future property tax rate increases shall expire within ten years. Impact on Westminster – If the voters approved an increase, the sunset provision would require voter re-approval. A sunset provision may impact the ability to issue future debt as any such revenue stream is subject to being completely eliminated after the 10 year period. Additionally, the City would likely not fund ongoing expenses such as police, fire and parks with property taxes since the funding source could be eliminated in 10 years.
- Prior revenue change (i.e., “de-Brucing”) elections allowing property tax revenue to be retained are expired. Future de-Brucings are tax increases and expire in four years. Impact on Westminster – De-Brucing related to retaining property tax revenue would have to be voted on again and on a regular basis, leading to increase costs for elections as well as an unreliable revenue source for debt and operating purposes.
- By 2020, school districts must phase out one-half of their 2011 tax rates (excluding debt service levies). The State must backfill the lost revenues. Impact on Westminster – any State funding the City receives is in jeopardy as the State would need to back-fill any loss of education dollars. Preliminary studies have indicated that if all the initiatives pass, the State would need to use about 99% of its General Fund revenues for education, leaving very little money left to fund other State programs, let alone funding to local governments. Given this requirement, the State may not be able to provide revenues to the City, such as the Highway Users Tax Fund. Last year, the City received nearly \$2.9 million in revenues.
- The State must conduct annual audits of TABOR and enforce “strict compliance” with its property tax provisions. Impact on Westminster – See above regarding funds available after back filling education needs. In addition, the City would need to offset the “windfall” property tax revenue received from the Utility by reducing property tax collections by the same amount. This will completely eliminate the property tax revenue, based on the projections above of \$4,441,211 to be collected in 2010.

**Total Estimated Reduction of Revenues Due to Provisions of Amendment 60**

Total City Property Tax is currently \$4,441,211

- Increase to Utility Fund of \$7 million to \$29 million based on valuation of Utility (Historical Cost versus Replacement Value)
- Utility Bills increased by \$18 to \$76 MONTHLY to cover property tax cost
- Reduction of General Fund Property Tax Revenues of \$286,000 to \$1,191,000
- Recalculation of Property Tax Base to "undebruce"
- Potential loss of storm drainage fee of \$2,040,000
- School Districts must phase out 1/2 of their 2011 tax levies which would have an extremely negative impact on property tax increment for WEDA

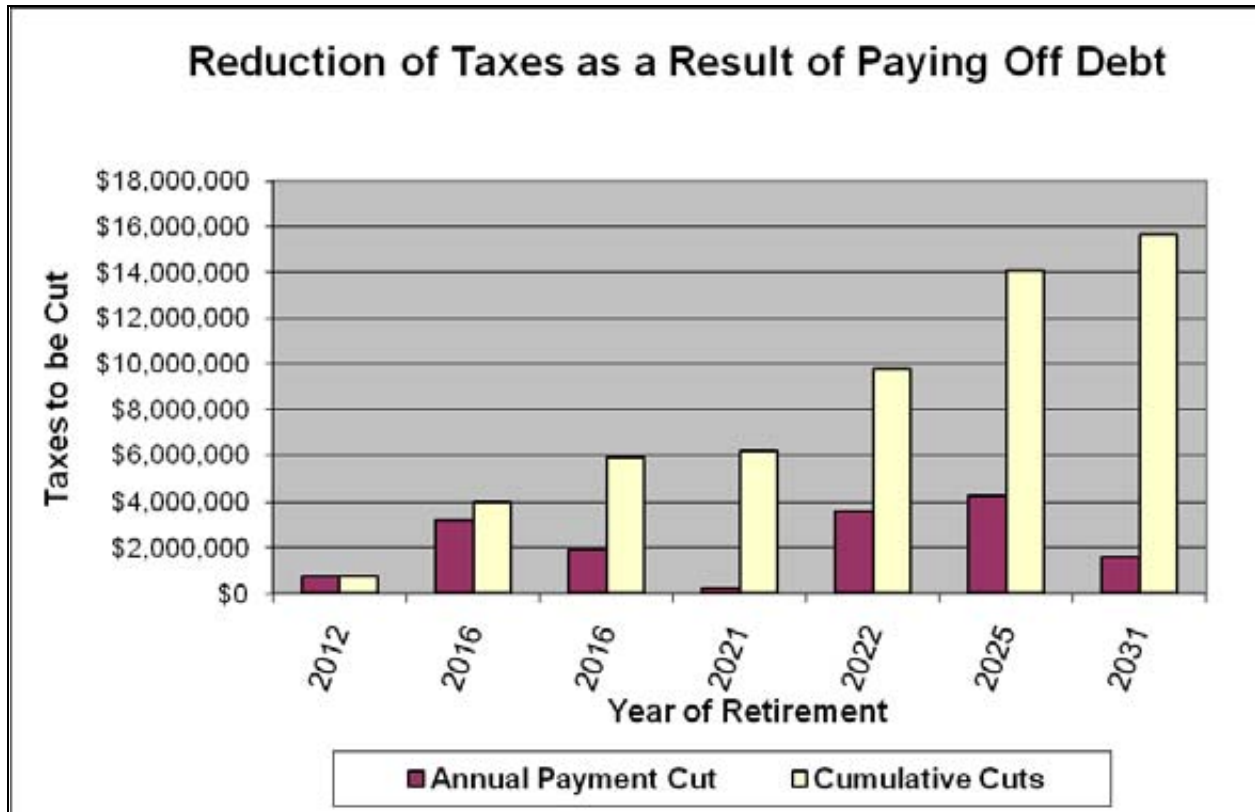
**Amendment 61**

State & local government debt

- Redefines the obligations that will be considered “debts” of the state and local governments. It applies to any loan, whether or not it lasts for more than one year; or is subject to annual appropriation. Traditional lease-purchase and sale-leaseback financings would now be considered debt. Impact on Westminster – Definition broadened to include other forms of financing, such as Certificates of Participation (COPs) and equipment leases. (For example, fire trucks and parks’ equipment). Impact carries through the other restrictions embedded in the Amendment as noted below.
- The State and its enterprises, authorities and other political entities are prohibited from borrowing, directly or indirectly, money or other items of value for any reason or any period of time. Impact on Westminster – Indirectly through the City’s inability to no longer borrow funds through State run agencies. Most significantly, the City would no longer be able to borrow low interest funds from the Colorado Water Resources and Power Development Authority. The City has benefited from low interest rate loans from this entity and currently has four loans outstanding for various Utility Fund related projects. The interest rate is estimated to be 0.30-0.50% less than what the Utility could borrow on its own rating.

- Borrowings may only be in the form of bonded debt; must be subject to prepayment without penalty at any time; and no debt may be issued for longer than ten years. Impact on Westminster – Indirectly, the on-demand “call” provision will increase the cost of borrowing as investors will lose the certainty of knowing what their invested funds will earn over a set period of time. This lack of certainty will then drive the premium to borrow up in order for the investors to be compensated for the added risk. The 10 year maximum borrowing period will reduce the amount of money that the City could borrow as the decrease in years to pay the debt will generally cut in half the City’s current normal borrowing period of 20 years. This does not equate to an exact doubling of the total payment; however, the City would be forced to borrow significantly less to finance capital projects in order to cover the increased debt service.
- All borrowings of local government, including their enterprises, authorities and other local political entities, are subject to voter approval, which can only occur in November. Impact on Westminster – Indirectly, this will increase the cost to issue debt with a requirement to seek voter approval for any borrowing, including refinancings. This would significantly impact the ability of the City to engage in necessary financing as currently voter approval is not needed for any lease purchases (COPS or equipment leases), Utility Fund issued debt, and WEDA debt issues. This will significantly hinder the City’s ability to efficiently make small lease purchase transactions as the cost to seek voter approval may at times exceed the cost of the item to be purchased, such as copiers and small park equipment. In addition, the restriction to seek vote approval once a year will hinder the ability of the City to take advantage of favorable market conditions to issue and refinance debt.
- With the exception of enterprises, there will be a debt limit of ten percent of the assessed taxable value of the real property in the jurisdiction. Impact on Westminster – The City’s current borrowings exceeds the limit by \$140 million. The City would not be able to borrow until approximately 2017.
- Except for enterprise borrowings, when a borrowing is repaid, tax rates must decline in an amount equal to its planned average repayment, even if the debt is not repaid from taxes. Impact on Westminster – Depends on the year of retirement but based on the average annual debt service in place today, approximately \$9 million in taxes would need to be eliminated between the years 2011-2031. The first round of debt retirement would be in December 2016 and based on the average debt service of the issues to be retired, approximately \$5.7 million in taxes would need to be reduced. POST taxes would need to be reduced by \$1.95 million. This equates to approximately 34% of the \$5.753 million in 2009 POST revenues.
- The implications of Amendment 61 on the Westminster Economic Development Authority (WEDA) are being reviewed with bond counsel relative to current debt outstanding, which may require refinancing of the three debt issues and the requirement to reduce sales tax revenue as debt is retired. Currently, WEDA has approximately \$112 million in debt outstanding, which equates to an average annual debt service of \$7.77 million in additional taxes that would need to be reduced. Also concerning is the inability to issue debt beyond a 10-year amortization period given the significant costs associated with the redevelopment projects within any Urban Renewal Area (URA) since WEDA debt is typically amortized over a 25-year period. This generally means that projects would be delayed until enough cash is identified to make-up the financing difference and put into jeopardy the feasibility to commence a major WEDA project.

**Total Estimated Reduction of Revenues Due to Provisions of Amendment 61**



**Summary**

The list of impacts above is based on the current understanding of potential impacts on the City of Westminster. All of these impacts and estimates are based on current interpretations of the ballot questions as well as the data currently available relating to each issue. Due to the language used by the authors of the ballot measures, it is likely that the exact impacts will ultimately be decided by the Courts. However, it is clear that the City will be significantly impacted jeopardizing the City’s ability to fund basic services such as police, fire, emergency medical, parks, streets, street lighting, open space and more. Staff will continue to work on revising the estimates as new information becomes available.

Based on City Council’s direction at the August 2nd Study Session, Staff prepared the following resolution in opposition to these ballot measures.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Resolution
- Colorado Legislative Council – Ballot Issue Analysis

RESOLUTION

RESOLUTION NO. 29

INTRODUCED BY COUNCILLORS

SERIES OF 2010

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**A RESOLUTION STATING CITY COUNCIL'S  
OPPOSITION TO 2010 STATE BALLOT MEASURES:  
PROPOSITION 101, AMENDMENT 60 AND AMENDMENT 61**

WHEREAS, City of Westminster residents, along with state voters, will have the opportunity at the November 2, 2010, statewide election to protect the future of Colorado by defeating Proposition 101, Amendment 60, and Amendment 61; and

WHEREAS, these measures individually and collectively significantly undermine both state and local revenues in a number of different ways, including: specific ownership taxes, telecommunication taxes, state income taxes, state-shared revenues to assist municipalities with local street and transit improvements, other state grants and loans to help local government, and property taxes; and

WHEREAS, statewide estimates show the potential for the loss of over 70,000 jobs if Amendment 60, 61, and Proposition 101 pass. This would be on top of the 100,000 jobs that Colorado has lost in the 2008/2009 recession; and

WHEREAS, during this current economic downturn, the City of Westminster has already cut over 70 full-time equivalent (FTE) staff and reduced the General Fund Budget by \$3.4 million to ensure fiscal responsibility; and

WHEREAS, the ability to finance long-term capital improvement projects like the Westminster Urban Renewal Project for the Westminster Mall site, water and wastewater treatment plants, recreation projects, fire stations and equipment, and other public facilities are dramatically impaired by the restrictions on debt financing as proposed by Amendment 61; and

WHEREAS, an analysis by the City estimates that Proposition 101 will result in an annual loss of revenues to the City of over \$7,000,000 by 2014, which will force a significant reductions in vital City services including Police, Fire, Emergency Medical Service, Street Maintenance, Park Maintenance, Street Lighting, and more; and

WHEREAS, this analysis also estimates that Amendment 60 will result in increases in Westminster residents' and business's water and wastewater bills of between \$18 and \$76 monthly; and

WHEREAS, the analysis by the City estimates that Amendment 61 will result in further cumulative cuts to City revenues of over \$15,000,000, which will further reduce essential City services; and

WHEREAS, the City of Westminster is concerned about the impact these three measures will have on the City's ability to work effectively to recruit and retain businesses and jobs in our community and the State of Colorado; and

WHEREAS, a number of prominent individuals, newspapers, political leaders from both parties, and organizations, including the Colorado Municipal League, are voicing opposition to these measures as undermining the ability of local communities to provide fundamental services to citizens and businesses.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that these three ballot measures, if passed, would significantly impact the City, its services, and its residents. The City Council opposes Proposition 101, Amendment 60, and Amendment 61 and urges the citizens of Westminster to become educated and vote against all three measures.

PASSED AND ADOPTED this 9th day of August, 2010.

ATTEST:

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Nancy McNally, Mayor

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City Clerk

APPROVED AS TO LEGAL FORM:

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City Attorney's Office



Colorado  
Legislative  
Council  
Staff

Room 029 State Capitol, Denver, CO 80203-1784  
(303) 866-3521 FAX: 866-3855 TDD: 866-3472

MEMORANDUM

*Pursuant to section 24-72-202(6.5)(b), research memoranda and other final products of Legislative Council Staff research that are not related to proposed or pending legislation are considered public records and are subject to public inspection. If you think additional research is required and this memorandum is not a final product, please call the Legislative Council Librarian at (303) 866-4011 by July 15, 2010.*

July 8, 2010

**TO:** Members of the General Assembly

**FROM:** Legislative Council Staff (303-866-3521)

**SUBJECT:** Amendments 60 and 61, and Proposition 101

The following memorandum responds to requests for information regarding the fiscal impacts of Amendments 60 and 61, and Proposition 101. The memo briefly describes each ballot measure and its fiscal impact, assuming each measure is fully implemented in FY 2010-11. Although the estimated fiscal impacts will differ in the future once inflation and growth increase the overall size of the economy, the comparable budget impacts on taxpayers and governments are expected to remain relatively the same. This approach was taken to provide the best information available concerning the projected final impacts of the measures, recognizing that the full effects of some of the provisions will take several years to occur. Please note that these estimates are preliminary and will be revised as new information is received. The last section of the memo discusses the combined impacts of all three measures if each receives voter approval.

**Summary**

These ballot measures contain provisions that affect state and local government finances by decreasing taxes for households and businesses and restricting government borrowing. How these measures work together may require clarification from the state legislature or the courts. Since these measures are all phased in over time, the actual impacts to taxpayers and governments will be less in the initial years of implementation and grow over time.

### Summary (continued)

If all of these measures were fully implemented in FY 2010-11, the state would lose \$2.1 billion in revenue and would have to increase K-12 education funding by \$1.6 billion. The combined impacts mean that K-12 education funding would require about 99 percent of the General Fund budget. A homeowner earning \$55,000 per year with a \$295,000 home would save approximately \$1,800 annually in taxes.

Amendment 60 reduces school district property taxes by an estimated \$1.5 billion each year, which the state is required to backfill. Property taxpayers will see savings of about 23 percent, which amounts to a decrease in property taxes of \$376 per year for a \$295,000 home. Cities and towns, counties, and special districts will also lose an indeterminate amount of property tax revenue.

Proposition 101 is expected to reduce state revenue by \$1.6 billion annually. This results from decreases in income and sales taxes, vehicle registration fees, and telecommunications fees. Local governments will lose \$936 million in revenue from specific ownership taxes and local sales taxes. Of the local government decrease, school districts will lose about \$150 million, which the state is required to backfill. A household earning \$55,000 per year is estimated to save \$604 annually.

Amendment 61 prohibits the state from incurring new debt, imposes new limits on the amount of local government debt, and requires tax rates to be reduced when debt is repaid. If the repayment of existing debt requires a reduction in tax rates, the amendment will require the state to cut its tax revenue by \$500 million and local governments to cut \$2.8 billion. These tax rate cuts are expected to reduce property taxes by \$678 for a \$295,000 home and save the average household earning \$55,000 about \$130 per year in income taxes. In addition, an estimated 36 school districts will exceed or equal the new debt limits and be unable to borrow money to build public school facilities. These school districts represent almost half of the students in the state.

### **Amendment 60: Limit Property Taxes**

*Description of Amendment 60.* This measure amends Section 20, Article X, of the Colorado Constitution, commonly known as TABOR. Some of the amendment's provisions are unclear and may require clarification from the state legislature or the judicial system. Effective January 1, 2011, the amendment limits property taxes by:

- ✓ requiring school districts to reduce their non-debt mill levies by 50 percent between 2011 and 2020 and requiring the state to increase state spending on K-12 education by backfilling the loss in property taxes;

- ✓ repealing any property tax increase, extension, or abatement rate increase that occurred after 1992 without voter approval. This is subject to legal interpretation, but based on information provided by the proponents at the review and comment hearing for an earlier version of this measure, this could be interpreted to include, but is not necessarily limited to, the mill levy freeze resulting from Senate Bill 07-199;
- ✓ requiring government authorities and enterprises to pay property taxes and requiring local governments to lower tax rates to offset the additional revenue;
- ✓ repealing, presumably on Amendment 60's effective date, the results of local elections allowing governments to retain property tax revenue above their TABOR limit;
- ✓ allowing property owners to vote in any election involving property tax issues where they own property;
- ✓ placing limits on future ballot questions by:
  - requiring ballot questions that raise property taxes to be separate from debt-related questions;
  - requiring a ten-year sunset on voter-approved property tax rate increases; and
  - requiring a four-year sunset on voter-approved retention of revenue above a government's TABOR limit.
- ✓ legally defining certain actions as tax increases, including voter-approved revenue changes above a government's TABOR limit and the extension of an expiring tax;
- ✓ requiring property tax bills to list only property taxes and late charges. The measure does not specify how fees or special assessments currently levied on property tax bills should be assessed and does not address whether the intent is to eliminate such fees and special assessments;
- ✓ prohibiting enterprises and unelected boards from levying a mandatory fee or tax on property; and
- ✓ providing for the enforcement of the amendment, including, but not limited to:
  - requiring the state to enforce the amendment and conduct annual audits of property taxing districts; and
  - stating that the amendment supercedes conflicting laws, opinions, and constitutional provisions and shall always be strictly interpreted to favor taxpayers.

***Fiscal Impact of Amendment 60.*** The measure contains several provisions that decrease local property taxes for individuals and businesses, which reduces the amount of tax revenue received by cities, counties, school districts, and special districts. In addition, the measure requires the state to replace the property tax losses of school districts, so that they continue to receive the same levels of funding. For the provisions that have been quantified to date, the measure is expected to lower school district property tax collections by an estimated \$1.5 billion annually, assuming the measure is fully implemented today. The average homeowner will save \$376 per year



and the average commercial business owner will save \$5,574 per year in property taxes. The \$1.5 billion property tax loss for school districts will increase state expenditures under the school finance act by \$1.5 billion each year as a result.

Counties, cities and towns, and special districts that had previously received voter approval to keep property tax revenue above their limit will lose an indeterminate amount of tax revenue. This loss for local governments will add to the tax savings of individuals and businesses described above. Table 1 illustrates the projected impacts that have been estimated to date.

Property taxes will also fall further for individuals and businesses if their property is located in districts with government enterprises and authorities. These entities are required to pay property taxes under the measure, which are offset by lower mill levies in the districts where that property is located. For example, homeowners and businesses in Boulder County will see an additional reduction in property taxes because of the property taxes paid by the University of Colorado. However, the property taxes paid by the University of Colorado will have to be recovered through some other means, such as tuition increases, reductions in services, or increases in other fees.

**Table 1**  
**Selected Annual Impacts of Amendment 60, Fully Implemented**  
*(In Today's Dollars)*

<b>Impacted Group</b>	<b>Current Law</b>	<b>Amendment 60</b>	<b>Difference</b>	<b>% Change</b>
Property Tax Payment for Average Homeowner (\$295,000 home)	\$1,636	\$1,262	-\$376	-23.0%
Property Tax Payment for Average Commercial Property Valued at \$1.2 million*	\$24,277	\$18,703	-\$5,574	-23.0%
Property Tax Collections for School Districts	\$3.3 billion	\$1.8 billion	-\$1.5 billion	-44.6%
State Expenditures for K-12 Education	\$3.7 billion	\$5.2 billion	\$1.5 billion	39.2%
K-12 as % of State Operating Budget (General Fund)	49%	67%	NA	NA

\* Assumes average for commercial manufacturing establishment.

### **Amendment 61: Prohibition on Debt**

**Description of Amendment 61.** This measure amends Article XI (concerning public debt) and Section 20, Article X (TABOR), of the Colorado Constitution, to limit debt. Some of the amendment's provisions are unclear and may require clarification from the state legislature or the judicial system. The amendments to Article XI:

- require the ballot title for any question seeking voter approval to specify how the moneys to be borrowed are to be used and prohibits any subsequent change in the use of the borrowed moneys.

The amendment to Article X, Section 20, imposes specific limits on borrowing beginning in 2011. Specifically:

- ✓ The state and all of its political subdivisions are prohibited from borrowing money in any form;
- ✓ no borrowing may continue past its original term, and all current borrowing must be repaid;
- ✓ whether or not the debt is secured with taxes, a government's tax rates are required to decrease as the debt is repaid by the amount of the average annual repayment. The measure defines this as "a voter-approved revenue change," and
- ✓ local governments could borrow with voter approval only if:
  - the debt is bonded and repaid within ten years; and
  - for non-enterprises, the total principle does not exceed 10 percent of the assessed taxable value of real property in the government's jurisdiction.

***Fiscal impact of Amendment 61.*** The measure contains several provisions that create fiscal impacts for the state and local governments. Key to many of these impacts is the assumption that at least one provision—requiring a reduction in tax rates when borrowed money is repaid—will apply to current outstanding debt and other borrowed money.

If this assumption holds, state and local government tax revenue will fall because of the requirement to reduce tax rates when debt is retired. In 2008, the state and all of its enterprises had about \$16 billion in outstanding debt, which will be retired over the next 40 years. About two thirds of the state's debt is owed by state enterprises, and is therefore not subject to the tax rate reduction requirement. The average annual principal and interest payment for the remaining state debt is estimated at approximately \$514 million, based on a repayment term of 15 years and an annual interest rate of 5 percent. When the state's debt is retired, tax rates must be cut by an amount equal to the average annual payment, or \$514 million per year. Although this will occur over several years, the fiscal analysis assumes that this provision is fully phased in today. The revenue reduction for the state is equivalent to cutting the income tax rate from 4.63 percent to 4.18 percent, or by 0.45 percentage points in today's dollars. The rate cut will save a household earning \$55,000 per year about \$130 in income taxes annually.

Similarly, local governments in Colorado have about \$29 billion in outstanding debt, excluding enterprises, with an estimated average annual principal and interest payment of \$2.8 billion in total. As local government debt is retired, local tax rates are assumed to fall by an amount that reduces local tax revenue by \$2.8 billion, which will occur over several years. If this were fully implemented today, the revenue reduction for local governments is equivalent to decreasing the statewide average property tax rate from about 70 mills to 41 mills. For a homeowner with a house worth \$295,000, the property tax cut will reduce their property taxes by \$678 per year. Table 2 illustrates these impacts.

In both cases, permanently reducing tax rates will produce increasingly larger fiscal impacts in the future because of growth in the applicable tax base. For example, a one percentage point decrease in the income tax rate will reduce income taxes by a specific amount initially, but the impact in subsequent years will grow because of increases in taxable income over time. The same applies to cuts in the property tax rate. As assessed values grow, the loss for local governments becomes greater than the initially targeted reduction.

**Table 2**  
**Annual Impacts of Amendment 61 on State and Local Government Revenue,**  
**Fully Implemented**  
*(In Millions of Today's Dollars)*

	Current Outstanding Debt (excluding enterprises)	Current Average Annual Debt Payment	Annual Tax Revenue Reduction Under 61	Change in Income and Property Tax Rates to Implement Revenue Reduction
State Government	\$5,338	\$514	(\$514)	4.03% to 4.18%
Local Governments	\$29,259	\$2,819	(\$2,819)	70 mills to 41 mills

Second, the measure prohibits the state from borrowing any money in the future and restricts the ability of local governments to borrow, both of which will reduce the overall size of government. The debt restriction provisions in the amendment will prevent or constrain the state and local governments from borrowing money to build highways, bridges, low-income housing, sewer and water systems, and schools. For instance, local governments cannot borrow money for a term longer than 10 years, which increases the average annual payments needed to pay for those projects. The measure also imposes lower debt limitations for school districts, which will further impede their ability to borrow money. Table 3 illustrates the 36 school districts that, based on existing debt levels, are expected to exceed or equal the new debt limit imposed by Amendment 61. These districts, representing almost half of the students enrolled in public schools in the state, will be unable to borrow any money in the future until their existing debt is repaid or assessed values increase. For example, the outstanding debt of the Adams 12 Five Star School District is \$392 million and the new debt limit imposed by Amendment 61 is estimated at \$158 million. As a result, the district's debt is \$234 million above the limit imposed by Amendment 61, or 148 percent above the new limit.

Third, the measure prohibits the state from short-term borrowing for cash flow purposes. In FY 2009-10, the state had two types of short-term borrowing: General Fund tax and revenue anticipation notes (GFRAN) and education tax and revenue anticipation notes (ETRAN). In that year, the state issued \$650 million of outstanding GFRAN debt, which was used to bridge the costs of state government to when tax collections were received, primarily at the end of the fiscal year. The state issued \$515 million of outstanding ETRAN debt, which was used to finance local school district spending. In FY 2009-10, 27 school districts borrowed money short-term from the state's education loan program, which was repaid in the spring when property taxes were collected. Amendment 61 would prevent this type of borrowing by the state in the future, which could constrain the ability of both state government and school districts to manage their short term cash flows.

**Table 3  
School Districts Estimated to Equal or Exceed the Amendment 61 Debt Limit\***

County	School District	Debt as % of Amendment 61 Limitation	County	School District	Debt as % of Amendment 61 Limitation
Adams	Adams 12 Five Star	248%	El Paso	Miami-Yoder	193%
Adams	Bonnett	124%	El Paso	Poyton	109%
Adams	Brighton	242%	Elbert	Elizabeth	102%
Adams	Commerce City	177%	Fremont	Canon city	108%
Adams	Strasburg	224%	Fremont	Horocco	125%
Adams	Westminster	220%	Gunnison	Gunnison	100%
Arapahoe	Aurora	211%	Larimer	Thompson	101%
Arapahoe	Cherry Creek	106%	Logan	Buffalo	140%
Arapahoe	Shordan	144%	Logan	Valley	153%
Boulder	St. Vrain	183%	Morgan	Wiggins	100%
Castilla	Centennial	112%	Otero	East Otero	141%
Douglas	Douglas	138%	Otero	Fowler	105%
El Paso	Academy	153%	Otero	Swink	187%
El Paso	Edison	164%	Pueblo	Pueblo City	116%
El Paso	Ellicott	111%	Pueblo	Pueblo Rural	113%
El Paso	Hanover	180%	Weld	Briggsdale	210%
El Paso	Harrison	135%	Weld	Granloy	100%
El Paso	Lowie-Palmer	201%	Weld	Windsor	140%

\* Assumes 10 percent of each district's assessed value is personal property.

**Proposition 101: Limit State and Local Government Revenue**

**Description of Proposition 101.** This measure seeks to amend Article 25, Title 39, Colorado Revised Statutes, to limit government revenue. Some of the provisions of the measure are unclear and may require clarification from the state legislature or the judicial system. Effective January 1, 2011, the amendment would limit state and local government revenue by:

- ✓ Reducing the state income tax rate over time from 4.63 percent to 3.5 percent. After initially falling to 4.5 percent in 2011, the rate is required to be reduced by one tenth of a percentage point each year for ten years, but only during years in which income tax revenue increases by more than 6.0 percent. As a result, this is likely to occur over a period of time greater than 10 years.

- ✓ Reducing **automobile-related** revenue by:
  - reducing annual **specific ownership taxes** over a four-year period to \$2 per new vehicle and \$1 for older vehicles;
  - exempting the first \$10,000 of a vehicle's price from sales tax over a four-year period;
  - eliminating **taxes on vehicle rentals or leases**;
  - prohibiting **taxes on vehicle sales rebates**;
  - reducing annual **registration and title fees** to \$10 per vehicle;
  - prohibiting tax, fine, parking, seizure, inspection, and new plate fees on vehicles or vehicle uses by state and local governments; and
  - defining "added charges" as tax increases.
  
- ✓ Reducing **telecommunication-related** revenue by:
  - prohibiting state and local governments from charging any fee or tax on, or aiding any program related to, telephone, pager, cable, television, radio, Internet, computer, satellite, or other telecommunication service customer accounts; and
  - defining "added charges" as tax increases.

***Fiscal impact of Proposition 101.*** Proposition 101 will reduce **income taxes** by 26.0 percent from levels expected under current law assuming the income tax rate cut is fully implemented today. That amount is equivalent to about \$1.3 billion this year. The measure exempts telecommunications services, vehicle leases, and vehicle rentals from **state and local sales tax** beginning in 2011. It also phases in a sales and use tax exemption on the first \$10,000 of a purchased vehicle's sales price over a four-year period. Proposition 101 phases in a near elimination of **specific ownership taxes** over a four-year period and collapses all fees collected on **motor vehicle registrations** into a single \$10 fee beginning in 2011. It also eliminates local and state **telecommunications fees** beginning in 2011. Three state telecommunication fees are eliminated: the universal charge which subsidizes service to rural areas of the state; the uniform charge which subsidizes service to low income people; and the relay charge which subsidizes telephone service for the deaf and hearing impaired.

Table 4 shows the annual impact of Proposition 101 on three households with different incomes. Table 5 shows the annual impact of Proposition 101 on government. The figures in both tables show the impact of Proposition 101 if it were fully implemented in 2011. Because some of the reductions are phased in over time, the full impact shown in these tables will not occur immediately. Specific information about each of these reductions follows.

**Table 4**  
**Annual Change In Representative Households' Tax and Fee Bills**  
**As a Result of Proposition 101, Fully Implemented /a**  
*(In Today's Dollars)*

	<b>Income Taxes</b>	<b>Vehicle Fees &amp; Taxes</b>	<b>Telecommunication Fees &amp; Taxes</b>	<b>Total</b>	<b>% of Household Income</b>
<b>Household A</b>	<i>Household Description:</i> Yearly Income: \$35,000; owns a 10-year-old car worth \$3,500; \$60 monthly combined phone bills.				
	(\$185)	(\$61)	(\$43)	(\$289)	-0.8%
<b>Household B</b>	<i>Household Description:</i> Yearly Income: \$60,000; owns a 5-year-old car worth \$7,000 and an 8-year-old car worth \$10,000; \$130 monthly combined phone bills.				
	(\$320)	(\$191)	(\$93)	(\$604)	-1.1%
<b>Household C</b>	<i>Household Description:</i> Yearly Income: \$110,000; bought a new car worth \$20,000 and owns a 3-year-old car worth \$15,000; \$180 monthly combined phone bills.				
	(\$780)	(\$1,335)	(\$128)	(\$2,243)	-2.0%

*/a This analysis assumes an 1.0 percent combined state and local sales tax rate. Assumes no sales tax on cable television, although some home-rule cities levy a sales tax on cable.*

**Impact on households.** Table 4 shows savings for three different households resulting from Proposition 101 assuming the measure is fully implemented today. Proposition 101 will impact each household differently depending on that household's yearly income, vehicles owned, whether they buy a vehicle that year, and how much they pay for phone and cable service. For example, a household with \$35,000 in income and a ten-year-old vehicle worth \$3,500 will save \$289 under the measure, which is a savings of 0.8 percent of their income. Another household with \$110,000 in income, which purchases a new car worth \$20,000 and owns a three-year-old vehicle worth \$15,000 will save \$2,243 each year. This represents a savings of 2.0 percent of the household's income.

**Impact on local governments.** Table 5 shows the estimated reduction in vehicle specific ownership taxes and sales taxes for local governments. The types of local governments affected by this include school districts, cities, counties, and special districts such as recreation, fire, water, sewer, and public transportation districts. The money collected in taxes and fees pays for different services depending on the local government. Most of the money is used for public safety, road construction and maintenance, trash service, parks and recreation, and education. As required by state law, school districts will be reimbursed by the state for their loss of specific ownership taxes. The impact on local governments will be phased in over a four year period.

**Table 5**  
**Annual Change in Government Tax and Fee Collections**  
**As a Result of Proposition 101, Fully Implemented**  
*(In Millions of Today's Dollars)*

<b>Government</b>	<b>Current Law</b>	<b>Prop 101</b>	<b>Change</b>	<b>Percent Change</b>
<b>Local Governments</b> Vehicle Specific Ownership Taxes and Local Sales Taxes	\$3,866	\$2,930	(\$936)	-24.2%
<b>State Government</b> <b>General Operating Budget</b> Sales and Income Taxes and Telecommunication Fees	\$7,169	\$5,547	(\$1,622)	-22.6%
<b>Transportation Budgets - City, County, and State Governments</b> Vehicle Registration Fees and State Rental Fee	\$392	\$50	(\$342)	-87.2%

**Impact on the state government.** Table 5 shows that the state government will collect \$1.6 billion less from sales taxes, income taxes, and telecommunication fees, assuming the measure is fully implemented. The state spends 96 percent of the General Fund budget on: preschool through higher education; health care; prisons; the courts; and programs that help low-income, elderly, and disabled people. Once Proposition 101 is fully phased in, the amount of money available to pay for General Fund appropriations will be reduced by about 23 percent.

The state will also be required to reimburse school districts for their loss of vehicle specific ownership taxes. This increases the total impact on the state budget from the \$1.6 billion figure shown in Table 5 to close to \$1.8 billion.

**Impact on state and local government transportation budgets.** Table 5 shows that there will be a decrease of \$342 million in revenue to the Highway Users Tax Fund (HUTF). This money is shared between the state, cities, and counties. The state constitution requires that vehicle-related fees collected by the state be spent on road safety, construction, and maintenance.

Vehicle registration fees, which are deposited into the Highway Users Tax Fund (HUTF) and distributed to the Colorado Department of Transportation (CDOT), cities, and counties, will decrease by 87.2 percent. The vehicle rental fee will be eliminated. Both of these impacts will occur immediately in 2011. The state's transportation budget, which includes CDOT's share of the HUTF, federal funding, and other sources of money, will decrease by an estimated 27 percent. The impact on city and county government transportation budgets will vary by jurisdiction.

### **Combined Fiscal Impacts of Amendments 60, 61, and Proposition 101**

These ballot measures contain provisions that affect state and local government finances by decreasing taxes for households and businesses and restricting government borrowing. How these

measures work together may require clarification from the state legislature or the courts. Since these measures are all phased in over time, the actual impacts to taxpayers and governments will be less in the initial years of implementation and grow over time.

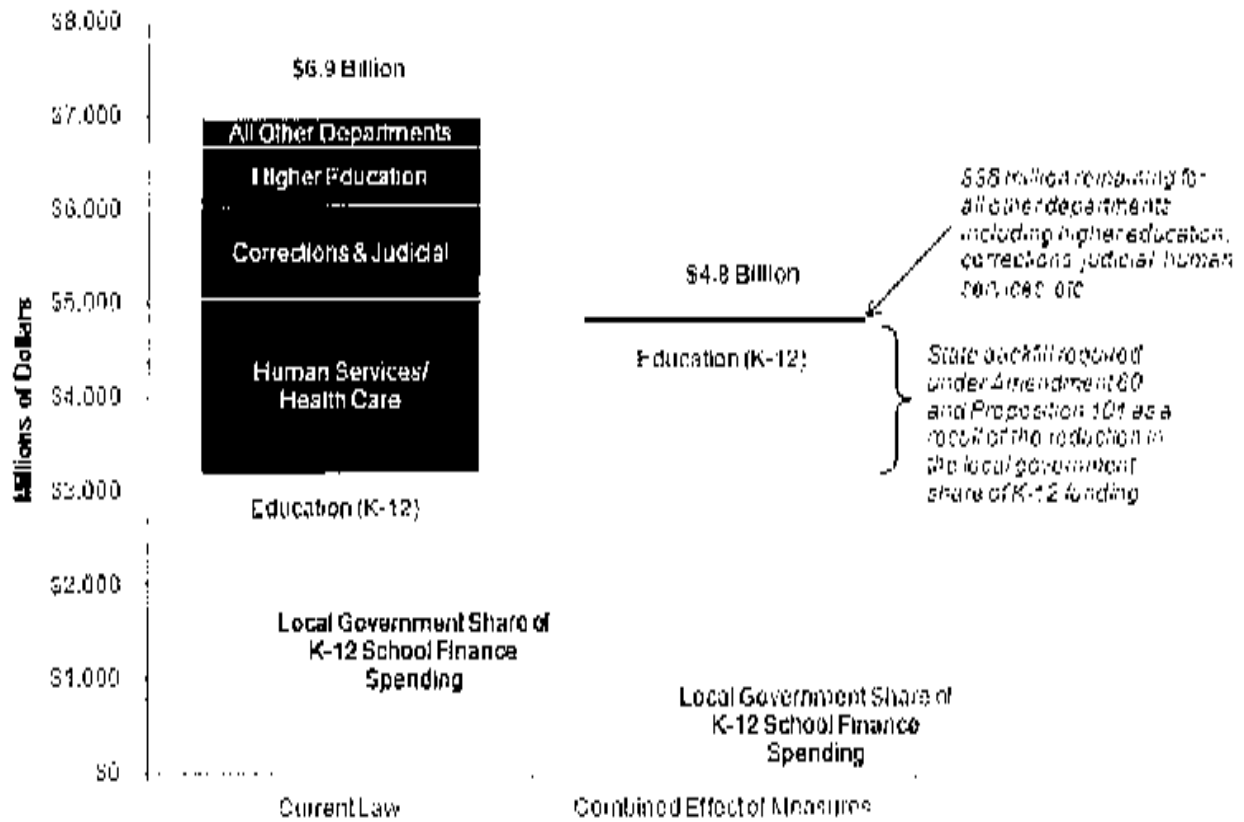
Amendment 60 reduces local property taxes, while requiring state expenditures for K-12 education to increase by an amount that offsets the property tax loss for school districts. Amendment 61 reduces state and local government revenue by requiring a decrease in tax rates when debt is repaid. The analysis of Amendment 61 assumes that this provision applies to the existing debt of state and local governments. Proposition 101 reduces state and local government revenue by cutting income taxes, sales taxes, specific ownership taxes, vehicle registration fees, and telecommunications fees.

The estimated savings to taxpayers and the financial impacts to governments assume that all three measures are approved by voters and fully implemented in FY 2010-11. An average household making \$55,000 per year that owns a \$295,000 house would save an estimated \$1,800 per year in taxes. State government would lose an estimated \$2.1 billion annually, while state spending for K-12 education would increase by \$1.6 billion per year to offset local funding losses for school districts. This would leave the state's general operating budget almost entirely committed to paying for the constitutional requirements of K-12 education, with no money left to pay for other government functions. Local government would lose an estimated \$3.8 billion per year if these measures were fully implemented today.

Figure 1 shows how the state's General Fund budget was appropriated in FY 2010-11, and how it would look if all of these measures passed and were fully implemented that year. In the current budget year, K-12 education accounts for about 46 percent of General Fund appropriations. If these ballot measures were fully implemented that year, the entire General Fund budget, except for an estimated \$38 million, would be allocated to K-12 education.



**Figure 1**  
**General Fund Appropriations Under Current Law and With Passage of All Three Measures, FY 2010-11**





## Agenda Item 10 D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 9, 2010



**SUBJECT:** Councillor's Bill No. 42 re Amendments to Title IV of the Westminster Municipal Code concerning the Time to File Tax Protests

**Prepared By:** Barb Dolan, Sales Tax Manager  
Josh Pens, Audit Supervisor

### Recommended City Council Action

Adopt Councillor's Bill No. 42 on first reading amending Title IV of the Westminster Municipal Code concerning the time to file tax protests.

### Summary Statement

- The *Westminster Municipal Code* ("Code") permits taxpayers who dispute tax assessments and refund denials to file a written protest and request a hearing before the Finance Director.
- On March 29, 2010, Governor Ritter signed Senate Bill 10-142, which provides for a statewide uniform 30-day deadline to protest assessments and refund denials. This bill was jointly supported by the Colorado Association of Commerce and Industry and the Colorado Municipal League. Accordingly, the Councillor's Bill includes amendments extending the City's current 20-day deadline to 30 days.
- This item was reviewed with City Council at the July 19 Study Session, and Staff was directed to bring the ordinance forward for action. Other amendments discussed at the July 19 Study Session will be forwarded at a later date.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City modify Title IV of the Westminster Municipal Code to extend the protest deadline for tax assessments and refund denials from 20 to 30 days?

**Alternative**

Leave the current Code provisions in place and not make the recommended changes. Staff does not recommend this alternative. If the deadline for filing protests is not changed to 30 days, the Code will be in conflict with State Statute.

**Background Information**

In 2009, the Colorado Association of Commerce and Industry ("CACI") approached the Colorado Municipal League ("CML") with three proposals for the upcoming session of the Colorado General Assembly. The proposals were concerning changes to procedures for resolving disputes of local tax assessments and refund claim denials.

The CML Sales Tax Simplification committee convened in October and its members, including the City, discussed the proposals. Among them was a proposal to provide for a minimum of 30 days to protest a notice of assessment or denial of a refund claim. Westminster, along with a number of other cities, currently requires that such a protest be filed within 20 days. Some cities, and the State, already allow 30 days to protest.

The simplification committee did not object to extending the minimum time limit to 30 days, but recommended that the deadline be uniform rather than adopting CACI's proposal of a minimum and a maximum timeframe. Accordingly, Senate Bill 10-142 was enacted amending the *Colorado Revised Statutes* to provide for a uniform, 30-day protest timeline. The State act takes effect on August 12, 2010. As such, the proposed ordinance making the corresponding changes to the Westminster Municipal Code will take effect upon second reading, currently scheduled for August 23, 2010.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING TITLE IV OF THE WESTMINSTER MUNICIPAL CODE  
CONCERNING THE TIME TO FILE TAX PROTESTS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-1-23, subsection (B), W.M.C., is hereby AMENDED to read as follows:

**4-1-23: NOTICE OF ASSESSMENT:** The Finance Director or specifically authorized agent shall issue a Notice of Assessment for any tax deficiency, penalties, or interest due.

(B) The payment due date for remittance of the total tax liability pursuant to a Notice of Assessment shall be ~~twenty (20)~~ thirty (30) days after the date of the Notice of Assessment.

Section 2. Section 4-1-25, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

**4-1-25: PROTEST OF NOTICE OF ASSESSMENT OR DENIAL OF REFUND:**

(A) Any Notice of Assessment may be protested by the taxpayer to whom it is issued.

(1) A protest of a Notice of Assessment issued to a vendor or taxpayer for failure to file a return, for underpayment of tax owed, or as a result of an audit shall be submitted in writing to the Finance Director within ~~twenty (20)~~ thirty (30) calendar days from the date of the Notice of Assessment. Any such protest shall identify the amount of tax disputed and the basis for the protest.

(2) When a timely protest is made, no further enforcement action will be instituted by the City for the portion of the assessment being protested unless:

- (a) the taxpayer fails to pursue the protest in a timely manner; or
- (b) the total tax liability will be jeopardized by delay and the City Manager has issued a jeopardy assessment and demand for payment pursuant to this Chapter.

(B) Protest of Denial of Refund. A protest of a denial of a refund shall be submitted in writing to the Finance Director within ~~twenty (20)~~ thirty (30) calendar days from the date of the denial of the refund and shall identify the amount of the refund requested and the basis for the protest.

Section 3. Section 4-1-33, subsection (A), paragraph (1), W.M.C., is hereby AMENDED to read as follows:

**4-1-33: LEVY, DISTRAINT AND SALE:**

(A) The City Manager may sign and issue a warrant directed to any employee or agent of the City, or any sheriff of any county in Colorado, sometimes in this Section collectively referred to as "agent," commanding the levy upon, and distraint and sale of all property and rights to property, except as exempted by this Section of the taxpayer or on which a lien has attached for the payment of the total tax liability.

(1) Such warrant may be issued if the total tax liability is not remitted on or before ~~twenty (20)~~ thirty (30) days from the date of a Notice of Assessment and no protest of such assessment has been timely filed.

Section 4. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of August, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of August, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office