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even more scarce.

“Caring for Denver” - Initiated Ordinance 301 - will help our friends, family and neighbors facing a crisis of mental health or addiction in Denver get help when they need it. For just \$0.25 on \$100 in sales tax, this dedicated funding stream will provide approximately \$45 million per year for youth and adults in Denver. This means more support for people facing a mental health or substance abuse crisis in Denver by improving mental health services for children and adults, suicide prevention programs and opioid and substance abuse prevention and treatment programs. In addition, Initiated Ordinance 301 will provide long-term care for those who are dealing with mental health and substance abuse problems and create alternatives to jail for people who need mental health or addiction support services--keeping them out of the criminal justice system, saving money, and reducing the strain on our first responders.

In Denver, taking care people who are suffering a mental health or addiction crisis isn't just the right thing to do; it will save lives, and make our entire community stronger. Vote yes on Initiated Ordinance 301 and make Denver a healthier, happier, and safer place for everyone.

## Summary of Written Comments AGAINST Initiated Ordinance 301

Mental Health and Housing is one of four proposed tax increases for new programs on the 2018 Denver ballot. The proposals cumulatively increase the City sales tax 18% from 3.65% to 4.31%. The four proposals will take from voters an additional \$116 million per year.

However, there is no need for a sales tax increase to fund these programs. In 2018, the city's general operating fund will collect \$44 million of new revenues compared to 2017. Next year, the City projects that \$58 million of new revenues will be collected, a total of \$102 million for the two years. Especially given the strong local economy, it is likely that \$44-58 million of new tax revenue will also be collected in 2020. It would have been fiscally prudent for the City Council to allocate the new revenues to these four programs instead of raising the sales tax.

Clearly, when the City is already collecting many

millions of extra dollars each year there is no need to increase the sales tax by 18%. Voters should vote no on this tax increase.

## Healthy Foods for Denver's Kids Initiated Ordinance 302

SHALL DENVER SALES AND USE TAXES BE INCREASED \$11.2 MILLION ANNUALLY, COMMENCING JANUARY 1, 2019, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH DECEMBER 31, 2029, FROM AN EIGHT ONE-HUNDREDTHS OF ONE PERCENT (.08%) SALES AND USE TAX RATE (ABOUT A PENNY ON A TEN DOLLAR PURCHASE) WITH THE TAX REVENUES BEING USED TO PROVIDE HEALTHY FOOD AND FOOD-BASED EDUCATION TO DENVER'S KIDS, PRIMARILY LOW INCOME AND AT-RISK YOUTH, AND THE TAX REVENUES BEING DISTRIBUTED THROUGH THE ESTABLISHMENT OF A DENVER FOOD COMMISSION WITH 13 COMMISSIONERS TO APPROPRIATE NONPROFIT AND LOCAL GOVERNMENTAL ENTITIES; AND PROVIDING THAT THE TAX EXPIRES IN TEN YEARS, THE REVENUES FROM THESE INCREASED TAXES SHALL BE COLLECTED AND SPENT BEFORE DECEMBER 31, 2029 BY DENVER WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

## Text of Measure

BE IT ENACTED BY THE PEOPLE OF THE CITY AND COUNTY OF DENVER:

**Section 1.** Subject to the approval of the voters, Account Number 97000-282110 of the Fund Plan in Section 20-18, D.R.M.C., concerning apportionment of the sales, use and lodger's tax, shall be amended by the addition of a new subsection (j), to read as follows (with existing subsection (j) being re-designated as subsection(k)):

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Sec. 20-18. Fund-Plan

**Account No.** 97000-282110

**Name of account:** Unapportioned sales, use and lodger's tax

**Source of funds:** City retail sales taxes, city use taxes and city lodger's taxes that have been collected, returned, and await apportionment

**Disposition of funds:**

(j) Monthly, (1) allocation apportionment and transfer of those revenues raised at the rate of .08 percent of gross taxable sales from sales and use taxes levies to a Healthy Food for Denver's Kids Initiative Fund in the General Government Special Revenue Fund.

**Section 2.** Subject to the approval of the voters, subsection (a) of the section 53-27, D.R.M.C., concerning sales taxes, shall be amended to read as follows:

(a) **Tax rates.** A tax of three and ~~sixty-five~~ seventy-three one-hundredths (3.6573) percent is imposed and levied upon all taxable sales of commodities and services *except* those commodities or services specified in subsection (b) of this section. In order to avoid amounts that are fractions of pennies, taxpayers shall use a rounding procedure approved by the manager when computing the tax.

On those taxable sales of commodities or services specified in subsection (b) of this section, there is levied and imposed upon all taxable sales a tax in accordance with the rates set forth in subsection (b).

**Section 3.** Subject to the approval of the voters, Section 53-27, D.R.M.C. concerning sales taxes shall be amended by the addition of a new subsection (h) to read as follows:

(h) Sales tax increment to fund the Healthy Food for Denver's Kids Initiative. In addition to the sales tax otherwise imposed by this section, a tax of eight one-hundredths of one (.08) percent shall be paid on all taxable sales of commodities or services, except on commodities or services specified in subsection (b) of this section, beginning January 1, 2019 and expiring December 31, 2028. The revenue from such additional tax shall be used for the sole purpose of funding Healthy Food for Denver's Kids Initiative pursuant to Division 6 of Article VIII of Chapter 2. Providing that the tax expires in ten years, the revenues from these increased taxes shall be collected and spent before December 31, 2029 by Denver. Notwithstanding any limitations on revenue, spending, or appropriations contained in Section 20 of Article X of the Colorado Constitution

or any other provision of law, any revenues generated by this sales tax increment, as approved by the voters at the municipal election on November 6, 2018, may be collected and spent as a voter-approved revenue change and shall not require further voter approval to modify the tax rate as provided in section 53-85 or to collect and spend any revenue derived from a modified tax rate.

**Section 4.** Subject to the approval of the voters, subsection (a) of section 53-28, D.R.M.C, concerning sales taxes, shall be amended to read as follows:

**Sec. 53-28. Retailer responsible for payment of tax.**

(a) *Amount.* Every retailer shall, irrespective of other provision of this article, be liable and responsible for the payment of an amount equivalent to three and ~~sixty-five~~ seventy-three one hundredths (3.6573) percent of the retailers' gross taxable sales of commodities or services specified in this article, except: (1) Aviation and railway fuel, as to which the rate of four cents (\$0.04) for each gallon purchased shall apply; (2) Automotive vehicles when they are for any term of thirty (30) days or less hired for use, rented, leased, or transferred under a grant of a license to use, as to which a rate of taxation as set forth in section 53-27 (b)(2) shall apply; and (3) Food and beverages not exempted from taxation under section 53-26(8) of this article, as to which the rate of four (4) percent shall apply, and for each of which respective rates aforesaid the retailer shall be liable for an equivalent amount, and every retailer shall on or before the twentieth day of each month pay over such amount and make a return to the manager, less one-half of one (.5) percent of such amount as a discount allowable for prompt payment. If any vendor is delinquent in remitting the tax levied by this article, other than in usual circumstances shown to the satisfaction of the manager, the vendor shall not be allowed to retain any discount allowable for prompt payment and the full amount shall be remitted to the manager by any such delinquent vendor, together with any other applicable penalty or interest payable under the terms of this article.

**Section 5.** Subject to the approval of the voters, subsection (a) of section 53-98, D.R.M.C., concerning use taxes, shall be amended to read as follows:

(a) *Tax rates.* A tax of three and ~~sixty-five~~ seventy-three one-hundredths (3.6573) percent is imposed and levied and there shall be collected and paid a tax upon the exercise of the privilege of storing, using, distributing or consuming in the city a service subject to the provisions

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of this article or any item of tangible personal property purchased at retail, or deemed to be purchased at retail, except those commodities or services specified in subsection (b) of this section. In order to avoid amounts that are fractions of pennies, taxpayers shall use a rounding procedure approved by the manager when computing the tax.

On those taxable uses, consumptions, distributions and storages of commodities or services specified in subsection (b) of this section, there is levied and imposed upon the privilege of storing, using, distributing or consuming in the city a tax in accordance with the rates set forth therein.

**Section 6.** Subject to the approval of the voters, Section 53-98, D.R.M.C., concerning use taxes shall be amended by the addition of a new subsection (l) to read as follows: (l) *Use tax increment to fund Healthy Food for Denver's Kids Initiative.* In addition to the use tax otherwise imposed by this section, a tax of three and ~~sixty-five~~ seventy-three one-hundredths (3.6573) percent shall be paid on all taxable uses, consumptions, distributions, and storages of commodities and services, except on commodities and services specified in subsection (b) of this section, beginning January 1, 2019 and expiring December 31, 2028. The revenue from such additional tax shall be used for the sole purpose of funding Healthy Food for Denver's Kids Initiative pursuant to Article IV of Chapter 23.

**Section 7.** Subject to the approval of the voters, subsection (a) of section 53-99, D.R.M.C., concerning collection of use taxes, shall be amended to read as follows:

**Sec. 53-99. Retailer responsible for payment of tax.**

(a) *Amount.* Every retailer shall, irrespective of other provisions of this article, be liable and responsible for the payment of an amount equivalent to three and ~~sixty-five~~ seventy-three one-hundredths (3.6573) percent of gross taxable sales made by him of services and tangible personal property specified in this article, except (1) aviation and railway fuel, as to which the rate of four cents (\$0.04) for each gallon purchased shall apply, (2) automotive vehicles when they are for any term of thirty (30) days or less hired for use, rented, leased or transferred under a grant of a license to use, as to which a rate of taxation as set forth in section 53-98(b)(2) shall apply, and (3) food and beverages not exempted from taxation under section 53-26(8) of the city retail sales

tax article, as to which the rate of four (4) percent shall apply, and for each of which respective rates aforesaid the retailer shall be liable for an equivalent amount; and every retailer shall on or before the twentieth day of each month pay over such amount and make a return to the manager, less one-half of one (.5) percent of such amount as a discount allowable for prompt payment If any vendor is delinquent in remitting the tax levied by this article, other than in unusual circumstances shown to the satisfaction of the manager, the vendor shall not be allowed to retain any discount allowable for prompt payment, and the full amount shall be remitted to the manager by any such delinquent vendor, together with any other applicable penalty or interest payable under the terms of this article.

**Section 8.** Subject to the approval of the voters, Article VIII of Chapter 2 of the Denver Revised Municipal Code pertaining to Boards, Commissions, and Committees shall be amended by the addition of a new Division 6, to read as follows:

**DIVISION 6. - DENVER FOOD COMMISSION**

**Sec. 2-240. Establishment.** There is hereby created a Denver food commission which is established to determine distribution of the sales and use tax increment and any other funds raised or allocated to support the Healthy Food for Denver's Kids Initiative.

**Sec. 2-241. Purpose.** The intent of this commission is to achieve the most effective possible coordination and impactful utilization of all city, private and public resources generated to support the Healthy Food for Denver's Kids Initiative and other related efforts.

**Sec. 2-242. Appointment, qualifications, and terms.**

(a) The Denver food commission shall consist of the following thirteen (13) commissioners: three (3) persons from the mayor's cabinet, or department heads, who shall be appointed to the commission by the mayor; Two (2) members of city council, who shall be approved by city council; four (4) residents of the city, who shall be appointed to the commission by the mayor; and four (4) representatives of city-wide organizations or institutions engaged in food related activities, who shall be appointed to the commission by the mayor.

(b) In making appointments, the mayor and city council will give consideration to assure a balance of knowledge and skill including, but not limited to, experience with food, gardening, youth development, non-profit administration, public health, grant-making, and

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business development.

(c) The Denver food commission shall reflect the geographic, demographic, socioeconomic, and ethnic diversity and composition of the City and County of Denver.

(d) Each commissioner must be a resident of the City and County of Denver, over the age of twenty-one (21) years, not currently a volunteer or paid staff person of an organization applying for Healthy Food for Denver's Kids Initiative funding, and willing to disclose any potential conflicts of interest.

(e) Commissioners will serve without compensation.

(f) A commissioner may be removed by the mayor for cause. A commissioner may also be removed by ordinance for cause, provided that the councilmembers sponsoring the bill shall notify the commissioner in writing at least fourteen (14) days prior to the first reading of the bill. If the commissioner chooses, they may resign before the bill is introduced. If the commissioner does not resign, then they shall be permitted to address the council at a public meeting prior to final approval of the bill.

(g) The terms of the commissioners shall be three (3) years; the terms shall be staggered so that at least three (3) of the commissioner shall be appointed each year. In the event of the death or resignation of any commissioner, their successor shall be appointed in the manner provided for original appointment, to serve for the unexpired portion of the term for which such commissioner has been appointed. No commissioner shall serve more than two (2) terms.

## **Sec. 2-243. Powers and duties.**

(a) The Denver food commission shall institute and promulgate procedures for the application, consideration, and determination of distribution of revenues from the Healthy Food for Denver's Kids Initiative Fund and any other funds raised or allocated to support the Healthy Food for Denver's Kids Initiative. The procedures shall expressly prohibit any and all discrimination on the basis of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability.

(b) The Denver food commission shall create criteria for the selection of organizations to receive monies from the Healthy Food for Denver's Kids Initiatives fund.

(c) At the minimum, criteria shall include the following:

(i) The requirement that all distributions of

revenues shall help Denver's kids, primarily Denver's low income and at-risk youth, through year-round access for up to three healthy meals and healthy snacks per day for Denver's youth under the age of 18; hands-on experiential education and public health programs associated with farming, gardening, cooking, home economics, and healthy eating; and preferentially procuring food from Colorado farms, ranches, and food manufacturing businesses so long as they are less than 10% more expensive than comparable out-of-state foods.

(ii) The requirement that revenues be distributed by the Denver food commission only to organizations which conduct a majority of their activities within the city and county of Denver, and which principally benefit the residents of the city and county of Denver.

(iii) The requirement that any recipients provide regular reporting on their activities.

(iv) An allowance for the payment or reimbursement of basic operations and special project costs, provision for a diversity of participation, and provision for participation by new and emerging organizations as well as by stable and established organizations.

(v) An allowance for no more than 10% of the total revenues raised for and by the Healthy Food for Denver's Kids Initiative be used to cover city expenses directly related to the administration of this initiative.

(d) The Denver food commission shall only distribute monies from the Healthy Food for Denver's Kids Initiatives fund to recipients who are either non-profit organizations in good standing that have a determination letter in effect from the U.S. internal revenue service confirming the organization meets the requirements of 26 USC 501(c)(3) and whose primary purpose is to provide healthy meals and healthy snacks for Denver's youth under the age of 18; hands-on experiential education and public health programs associated with farming, gardening, cooking, home economics, and healthy eating; or the preferential procurement of food from Colorado farms, ranches, and food manufacturing businesses so long as they are less than 10% more expensive than comparable out-of-state foods; OR agencies of local government, including Denver Public Schools, that have programs directly furthering such primary purposes.

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(e) The Denver food commission shall conduct all meetings subject to and in compliance with the requirements of Denver open meetings law set forth in article III of chapter 2 of the Denver Revised Municipal Code.

(f) By December 30 of each year the Denver food commission shall provide annually to the Denver city council a report on funds distributed and any changes to policies and procedures

(g) The Denver department of public health and environment shall provide administrative support to the Denver food commission.

(h) Notwithstanding the above, the Denver food commission shall be authorized to adopt additional by-laws and guidelines governing its internal operations.

## Fiscal Information on Initiated Ordinance 302

The estimated or actual total of the City's fiscal year spending for the current year and each of the past four years is as follows:

<u>Fiscal Year</u>	<u>Fiscal Year Spending</u>
<u>2018</u>	\$ 2,128,463,600 (estimated)
<u>2017</u>	\$ 1,982,548,073
<u>2016</u>	\$ 1,606,028,695
<u>2015</u>	\$ 1,511,682,898
<u>2014</u>	\$ 1,391,737,227

The overall increase, as a percentage and dollar amount, in the City's fiscal year spending from 2014 to 2018, inclusive, is 53% and \$736,726,384, respectively.

Estimated maximum annual dollar amount of the proposed tax increase for the first full fiscal year :  
\$13,000,000

Estimated 2019 City fiscal year spending without the proposed tax increase: \$2,381,750,800

## Summary of Written Comments FOR Initiated Ordinance 302

Despite government and charitable programs including school breakfasts/lunches, the health department's most recent study still finds that 1 in 7 kids go hungry each

month in Denver.

Voting 'Yes' on 302 will help ensure every kid has healthy meals, year-round. Healthy food should not be a privilege.

Denver kids get the majority of their meals from school, but that leaves many kids, particularly those from lower income families, vulnerable to hunger during the summer and weekends. Healthy food enables kids to learn and succeed in school and beyond, but hunger causes lifelong harm to the health and prosperity of too many kids.

Simply, Denver kids should not go without healthy food. There is enough food for everyone, but it is not always affordable or accessible for those who need it most.

Voting 'Yes' on 302 provides healthy meals along with cooking, gardening, and nutrition education to ensure that kids have both the skills and the desire to eat healthy foods. When kids experience growing, picking, and cooking healthy food they are much more likely to eat healthy food and to share it with others.

Voting 'Yes' on 302 not only helps Denver kids but also supports Colorado farmers, ranchers, and food businesses by including a preference for food to be purchased from Colorado sources when affordable. Voting 'Yes' on 302 is a vote to use public funds in an efficient and transparent way. 302 creates a cap for administrative costs to ensure benefits will go directly to helping kids rather than administration or bureaucracy. Voting 'Yes' on 302 also creates a majority public board to ensure that healthy food and food education is most efficiently and effectively getting to the kids who need it most. In addition, 302 requires annual reports to the public and city council to ensure transparency and accountability.

Most importantly, the modest sales tax (under a penny on a \$10 purchase) will expire in 10 years, allowing voters to ensure that tax dollars continue to address only the greatest needs in the most efficient way.

Voting 'Yes' on 302 is not just the right thing to do – it's also a smart investment that ensures healthy food for a decade of Denver kids and positive impacts for generations to come.

To learn more, visit [www.HealthyFoodForDenver.com](http://www.HealthyFoodForDenver.com)

## Summary of Written Comments AGAINST Initiated Ordinance 302

The Healthy Food initiative is one of four proposed tax increases for new programs on the 2018 Denver ballot.

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The proposals cumulatively increase the City sales tax 18% from 3.65% to 4.31%. The four proposals will take from voters an additional \$116 million per year.

However, there is no need for a sales tax increase to fund these programs. In 2018, the city's general operating fund will collect \$44 million of new revenues compared to 2017. Next year, the City projects that \$58 million of new revenues will be collected, a total of \$102 million for the two years. Especially given the strong local economy, it is likely that \$44-58 million of new tax revenue will also be collected in 2020. It would have been fiscally prudent for the City Council to allocate the new revenues to these four programs instead of raising the sales tax. Clearly, when the City is already collecting many millions of extra dollars each year there is no need to increase the sales tax by 18%. Voters should vote no on this tax increase.

**PROTECTING PROPERTY, AND RESTORING NATURAL BEAUTY; WITH THE DISTRICT'S ENTIRE MILL LEVY RATE SUBJECT TO STATUTORY CAPS AND TO ADJUSTMENT TO OFFSET REFUNDS, ABATEMENTS AND CHANGES TO THE PERCENTAGE OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION; AND SHALL ALL DISTRICT REVENUES BE COLLECTED, RETAINED AND SPENT NOTWITHSTANDING ANY LIMITS PROVIDED BY LAW?**

## Fiscal Information on Referred Question 7G

The estimated or actual total of the City's fiscal year spending for the current year and each of the past four years is as follows:

Total District Fiscal Year Spending	Government	Non-Government	Total
2018 (estimated)	\$31,804,022	\$700,000*	\$32,504,022
2017 (actual)	\$30,594,495	\$0	\$30,594,495
2016 (actual)	\$29,375,465	\$0	\$29,375,465
2015 (actual)	\$28,405,608	\$0	\$28,405,608
2014 (actual)	\$26,624,268	\$0	\$26,624,268
Overall percentage change from 2014 to 2018:	19.46%	N/A	22.08%
Overall dollar change from 2014 to 2018:	\$5,179,754	\$700,000*	\$5,879,754

### Proposed District Tax Increase:

Estimated first full fiscal year maximum dollar amount of increase:	\$14,900,000	\$0	\$14,900,000**
Estimated first full fiscal year spending without the increase:	\$33,000,000	\$16,000,000*	\$49,000,000

\*Non-Government Spending consists of 100% voluntary land development fees through the District's Development Services Enterprise to guide responsible development and preserve floodplains.

\*\*If the District were to certify the maximum mill levy

## Urban Drainage and Flood Control District

### Ballot Issue 7G

**SHALL URBAN DRAINAGE AND FLOOD CONTROL DISTRICT TAXES BE INCREASED \$14.9 MILLION IN 2019 (RESULTING IN AN ANNUAL TAX INCREASE NOT TO EXCEED \$1.97 IN 2019 FOR EACH \$100,000 OF ACTUAL RESIDENTIAL VALUATION) AND BY SUCH AMOUNT AS MAY BE RAISED ANNUALLY THEREAFTER FROM A LEVY NOT TO EXCEED 1.0 MILLS TO PAY FOR DISTRICT WORK IN COORDINATION WITH LOCAL GOVERNMENTS, INCLUDING:**

- 1. MAINTAINING EARLY FLOOD WARNING GAUGES TO PROVIDE POTENTIAL EVACUATION WARNINGS,**
- 2. PROVIDING TRAILS, WILDLIFE HABITAT, AND RECREATIONAL ACCESS TO RESIDENTS BY PRESERVING THOUSANDS OF ACRES OF PARKS AND OPEN SPACE IN FLOODPLAIN AREAS WHICH PROTECT THE ENVIRONMENT AND PRIVATE PROPERTY, AND**
- 3. REMOVING DEBRIS, GARBAGE AND OBSTRUCTIONS FROM STREAMS, CREEKS AND RIVERS RESULTING IN REDUCED RISK TO THE HEALTH AND SAFETY OF RESIDENTS,**