

REGIONAL TRANSPORTATION DISTRICT

RESOLUTION NO. 009, SERIES OF 2024

A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE REGIONAL TRANSPORTATION DISTRICT, AT AN ELECTION TO BE HELD ON NOVEMBER 5, 2024, A BALLOT QUESTION AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM WHATEVER SOURCES WITHOUT REGARD TO THE LIMITATIONS SET FORTH IN TABOR.

WHEREAS, the Regional Transportation District in the City and County of Broomfield, the City and County of Denver and the Counties of Adams, Arapahoe, Boulder, Douglas, Jefferson and Weld in the State of Colorado (the “District”) was created by the General Assembly of the State of Colorado in 1969 by Chapter 231, Laws of Colorado 1969, which is currently codified as Part 1 of Article 9 of Title 32, inclusive, Colorado Revised Statutes, (the “Act”); and

WHEREAS, the members of the Board of Directors of the District (the “Board”) have been duly elected, chosen, and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt, and for spending certain moneys above limits established by TABOR; and

WHEREAS, pursuant to a ballot question approved by the eligible electors of the District on November 2, 1999 (the “1999 Ballot Question”), the District is currently authorized to collect, retain and expend all revenue from any source as a voter approved revenue change under TABOR, so long as the debt issued pursuant to the 1999 Ballot Question remains outstanding; and

WHEREAS, the District is scheduled to pay off the debt issued pursuant to the 1999 Ballot Question in 2024; and

WHEREAS, the Board has determined that the interest of the District and the public interest and necessity demand and require that the District seek voter approval to allow the District to continue to collect, retain and spend all revenues it receives from whatever sources, without regard to the limitations set forth in TABOR, in order to enable the District to continue to provide vital District services; and

WHEREAS, pursuant to Section 32-9-119.3(4) of the Act, the District is authorized to seek the approval of the registered electors of the District regarding whether it shall be authorized to continue to collect, retain and spend all revenues it receives from whatever sources, without regard to the limitations set forth in TABOR; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 5, 2024, is one of the election dates at which ballot issues may be submitted to the eligible electors of the District pursuant to TABOR; and

WHEREAS, the County Clerk and Recorder (the “County Clerk”) in each of the City and County of Broomfield, the City and County of Denver and the Counties of Adams, Arapahoe, Boulder, Douglas, Jefferson and Weld (collectively, the “Counties”) will conduct the election on November 5, 2024, as a coordinated election (the “election”); and

WHEREAS, it is necessary to submit to the eligible electors of the District, at the election, the proposition of collecting, retaining and expending all revenues received by the District without regard to the limits of TABOR.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers and agents thereof, directed towards the election and the objects and purposes herein stated and the question set forth herein are, ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein have the meanings specified in Section 1-1-104, C.R.S.

Section 2. The election shall be conducted as a coordinated election in each of the Counties pursuant to TABOR, the Act, and Articles 1 to 13 of Title 1, inclusive, C.R.S. (the “Uniform Election Code of 1992”), and all laws amendatory thereof and supplemental thereto. The election shall also be conducted pursuant to the provisions of intergovernmental agreements (the “intergovernmental agreements”) between the District and the County Clerk of each of the Counties. The District hereby determines that the election shall be held on November 5, 2024, and that there shall be submitted to the eligible electors of the District the question set forth in Section 3 below. Because the election will be held as part of the coordinated election, the Board hereby determines that each County Clerk shall conduct the election on behalf of the District pursuant to the Uniform Election Code of 1992 and the applicable intergovernmental agreement. The General Manager and Chief Executive Officer or the General Counsel of the District are hereby authorized to enter into one or more intergovernmental agreements with each County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 3. The Board hereby authorizes and directs the General Counsel to certify on or before September 6, 2024, the following question in substantially the form hereinafter set forth to each County Clerk. Such question shall be submitted to the eligible electors of the District at the election.

BALLOT ISSUE NO. []

WITHOUT IMPOSING ANY NEW TAX OR INCREASING ANY TAX RATE, SHALL THE REGIONAL TRANSPORTATION DISTRICT’S (“RTD”) AUTHORIZATION TO COLLECT, RETAIN AND SPEND ALL REVENUES IT RECEIVES FROM ALL SOURCES, INCLUDING

ITS SALES TAX REVENUES, GRANT FUNDS AND OTHER MONEYS LAWFULLY RECEIVED BY RTD FROM THE STATE OF COLORADO OR ANY OTHER SOURCE, ORIGINALLY APPROVED BY THE VOTERS IN 1999, BE CONTINUED TO PERMIT RTD TO RETAIN REVENUE NECESSARY TO PROVIDE VITAL RTD SERVICES, INCLUDING BUT NOT LIMITED TO:

- PROVIDING TRANSPORTATION CHOICES TO LOCAL RESIDENTS BY MAINTAINING AND GROWING CURRENT LEVELS OF BUS, AND RAIL SERVICES;
- REPAIRING AND IMPROVING RAIL LINES, BUSES, BUS STOPS AND STATIONS AND OTHER INFRASTRUCTURE TO PRESERVE THE PUBLIC'S INVESTMENT IN TRANSIT;
- MAINTAINING THE AVAILABILITY OF SERVICES FOR PEOPLE WITH DISABILITIES;
- CONTINUING TO PROVIDE CLEANER, MORE EFFICIENT METHODS OF TRANSPORTATION OTHER THAN DRIVING ON ROADS AND HIGHWAYS; AND
- PROVIDING TRANSPORTATION SERVICES FOR YOUTH 19 YEARS OF AGE OR YOUNGER AT REDUCED OR NO FARES;

WITH ALL FUNDS SUBJECT TO INDEPENDENT AUDIT AND OVERSEEN BY THE ELECTED RTD BOARD; AS A VOTER APPROVED REVENUE CHANGE AND EXEMPTION FROM ANY REVENUE AND SPENDING LIMITATIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 4. General Counsel Melanie J. Snyder is hereby appointed as the designated election official of the District for purposes of performing acts required or permitted by law in connection with the election.

Section 5. If a majority of the votes cast on the question submitted at the election to authorize the District to collect, retain and spend all District revenues shall be in favor of such measure as provided in such question, such authorization shall be deemed and considered a continuing authority to collect, retain and spend such revenues at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 6. Nothing in this resolution commits the District to participate in the election should the Board decide not to participate prior to the September 6, 2024, deadline to submit the certified ballot to each of the County Clerks or should the Board withdraw the ballot issue prior to October 11, 2024, pursuant to C.R.S. § 1-5-208.

Section 7. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a ballot issue election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue is set.

Section 8. The General Manager and Chief Executive Officer or the General Counsel of the District are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 9. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

Section 10. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution, and to this end the provisions of this resolution are severable.


Section 11. The Board of Directors formally endorses and supports the ballot question for this election.

ADOPTED, this 25th day of June, 2024.


Erik Davidson, Chair

(SEAL)

ATTEST:


Michael Guzman, Secretary