

**CITY OF DELTA, COLORADO
RESOLUTION #19, 2019**

**A RESOLUTION OF THE CITY OF DELTA, COLORADO, PROVIDING
FOR THE ALLOCATION OF EXCESS FUNDS COLLECTED BY THE
CITY DURING THE 2018 FISCAL YEAR PURSUANT TO ARTICLE X,
SECTION 20 OF THE COLORADO STATE CONSTITUTION.**

WHEREAS, Article X, Section 20 of the Colorado State Constitution (commonly referred to as the Taxpayer's Bill of Rights or "TABOR") imposes certain spending limits on the City; and

WHEREAS, Section 7(d) of TABOR provides that if City revenues exceed the spending limits set forth in Section 7, then the excess shall be refunded in the next fiscal year; and

WHEREAS, Section 1 of TABOR authorizes the City to use any reasonable method for refunds; and

WHEREAS, the City received revenue in excess of TABOR's limitations during fiscal year 2018 in the amount of \$36,315, which must be refunded no later than December 31, 2019; and

WHEREAS, the City Council has reviewed several options for the refund and finds and determines that a direct refund to taxpayers as a credit on utility bills or similar approach would provide a negligible benefit to individual citizens of the City; and

WHEREAS, the City Council has identified certain Main Street improvements as described below that are not otherwise planned or budgeted and which would serve as a community asset and provide community benefits that the citizens and taxpayers of Delta would not otherwise be able to enjoy; and

WHEREAS, the City Council finds and determines that allocating the \$36,315 as set forth below would be a reasonable method to provide the refund required by TABOR and would be in the best interest of the City, its taxpayers, and citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Delta, Colorado as follows:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2. TABOR Refund. The City Council hereby allocates the amount of \$36,315 (the "Refund") and directs City Staff to spend the full amount of the Refund no later than December 31, 2019, towards the following capital improvements:

Including but not limited to:

- New and additional trash cans.

- New and additional benches matching trash can design/color.
- Banners for street poles and for the tall light poles.
- Additional outlets with LED lighting on corners.
- Hardware for tall poles on the corners for the banners and the lighting.
- One set of across the street banner poles.

SO RESOLVED AND ADOPTED this 3rd day of September, 2019.

CITY OF DELTA, COLORADO

R. G. Austin, Mayor

ATTEST:

Jolene E. Nelson, CMC, City Clerk