



VOTE BROOMFIELD.COM

GENERAL ELECTION NOVEMBER 3, 2020

NOTICE OF ELECTION

**TO INCREASE TAXES/TO INCREASE DEBT/
ON A REFERRED MEASURE**

For further information, contact:
City and County of Broomfield
Elections Division
Phone 303.464.5857
One DesCombes Drive, Broomfield
www.votebroomfield.com

THIS PAMPHLET CONTAINS SUMMARY STATEMENTS FOR BALLOT PROPOSITIONS AS REQUIRED BY THE STATE OF COLORADO CONSTITUTION, ARTICLE X, SECTION 20.

A 'yes/for' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no/against' vote on any ballot issue is a vote against changing current law or existing circumstances.

This notice is mailed to each address with one or more active registered electors.

The information contained in this notice was prepared by persons required by law to provide summaries of ballot issues and fiscal information.

ELECTION DAY IS TUESDAY, NOVEMBER 3, 2020



BALLOTS WILL BE MAILED ON OCTOBER 9.
FOR MORE INFORMATION, CALL 303.464.5857 OR VISIT
WWW.VOTEBROOMFIELD.COM

VOTE IN PERSON AT ANY VOTER SERVICE AND POLLING CENTER (VSPC)

GEORGE DI CIERO CITY AND COUNTY BUILDING - One DesCombes Dr
Monday through Friday (October 19 - October 30) 8 a.m. to 5 p.m.
Saturday (October 31) 8 a.m. to 5 p.m.
Monday (November 2) 8 a.m. to 5 p.m.
Tuesday (November 3) Election Day 7 a.m. to 7 p.m.

FLATIRON MARKETPLACE - 170 E Flatiron Crossing Dr
Friday (October 30) 8 a.m. to 5 p.m.
Saturday (October 31) 8 a.m. to 5 p.m.
Monday (November 2) 8 a.m. to 5 p.m.
Tuesday (November 3) Election Day 7 a.m. to 7 p.m.

PAUL DERDA RECREATION CENTER - 13201 Lowell Blvd
Monday (November 2) 8 a.m. to 5 p.m.
Tuesday (November 3) Election Day 7 a.m. to 7 p.m.

PROSPECT RIDGE ACADEMY - 2555 Preble Creek Pkwy
Monday (November 2) 8 a.m. to 5 p.m.
Tuesday (November 3) Election Day 7 a.m. to 7 p.m.

ADA accessible voting machines are available at any VSPC listed above.

24 HOUR BALLOT DROP OFF LOCATIONS (OCTOBER 9 - NOVEMBER 3)

GEORGE DI CIERO CITY AND COUNTY BUILDING - One DesCombes Dr

PAUL DERDA RECREATION CENTER - 13201 Lowell Blvd

REDPOINT RIDGE PARK AT ARISTA - 11337 Central Ct (Northwest Corner)

**FLATIRON MARKETPLACE - 170 E Flatiron Crossing Dr
(Next to Men's Wearhouse)**

GUARD HOUSE AT ANTHEM - 16591 Lowell Blvd

VISTA PARK - 17159 Osage St (In Parking Lot Roundabout)

SKYESTONE LODGE - 11097 N Montane Dr

TO: ALL REGISTERED VOTERS

**NOTICE OF ELECTION TO INCREASE TAXES AND
ON A REFERRED MEASURE**

City and County of Broomfield, Colorado

Election Date:

Tuesday, November 3, 2020

Election Hours:

7:00 a.m. to 7:00 p.m.

Local Election Office Address and Telephone Number:

Jennifer Robinson

City and County of Broomfield

Office of the Clerk and Recorder - Elections Division

P.O. Box 328

Broomfield, CO 80038-0328

One DesCombes Drive

Broomfield, CO 80020

Telephone: 303-464-5857

Ballot Title and Text:

BALLOT ISSUE NO. 2A:

SHALL THE CITY AND COUNTY OF BROOMFIELD'S SALES TAXES BE INCREASED BY \$3.5 MILLION ANNUALLY IN THE FIRST FISCAL YEAR STARTING JANUARY 1, 2021, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING A NEW SALES TAX OF FOUR PERCENT (4%) OF THE SALE PRICE OF RETAIL MARIJUANA, RETAIL MARIJUANA PRODUCTS, AND RETAIL MARIJUANA ACCESSORIES, IF THE PROHIBITION ON RETAIL MARIJUANA STORES IS ALLOWED TO EXPIRE ON FEBRUARY 1, 2021, WITH SUCH TAX TO BE IN ADDITION TO THE APPLICATION OF THE CITY AND COUNTY OF BROOMFIELD'S SALES TAX, WITH THE RATE OF THE SALES TAX BEING ALLOWED TO BE INCREASED BY THE CITY COUNCIL WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 10%, AND SHALL THE REVENUE RECEIVED BY THE CITY AND COUNTY FROM THE COLLECTION OF THE SALES TAX REVENUES BE USED TO FUND BROOMFIELD HEALTH AND HUMAN SERVICE PROGRAMS AND OTHER GENERAL PURPOSES OF THE CITY AND COUNTY AS A VOTER APPROVED REVENUE CHANGE, AND WITH THE RESULTING TAX REVENUE BEING ALLOWED TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

BALLOT ISSUE NO. 2B:

SHALL THE CITY AND COUNTY OF BROOMFIELD BE ABLE TO ANNUALLY ADJUST ITS FUTURE MILL LEVIES FOR TAX COLLECTION YEAR 2022 AND THEREAFTER FOR THE PURPOSE OF MAINTAINING PROPERTY TAX REVENUES THAT WOULD OTHERWISE BE LOST AS A RESULT OF ADJUSTMENTS, IF ANY, MADE TO THE RATIO OF ACTUAL VALUATION USED TO DETERMINE ASSESSED VALUATION FOR RESIDENTIAL PROPERTY PURSUANT TO THE GALLAGHER AMENDMENT TO THE COLORADO CONSTITUTION, SO THAT THE ACTUAL PROPERTY TAX REVENUES GENERATED BY THE CITY AND COUNTY'S MILL LEVIES ARE EQUAL TO THE PROPERTY TAX REVENUES THAT WOULD HAVE BEEN GENERATED HAD SUCH ADJUSTMENTS NOT OCCURRED, WITH ALL ADJUSTMENTS AND EXPENDITURES SUBJECT TO ANNUAL FINANCIAL AUDIT; AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES COLLECTED AS A RESULT OF SUCH ADJUSTMENTS AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS THAT WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Total City and County Fiscal Year Spending

<u>Fiscal Year</u>	
2020 (estimated)	\$ <u>214,812,900</u>
2019 (actual)	\$ <u>223,880,647</u>
2018 (actual)	\$ <u>184,890,734</u>
2017 (actual)	\$ <u>159,166,906</u>
2016 (actual)	\$ <u>154,371,104</u>
Overall percentage change from 2016 to 2020	<u>39.15%</u>
Overall dollar change from 2016 to 2020	<u>\$60,441,796</u>

Proposed Tax Increase

City and County Estimate of the Maximum Dollar Amount of the Proposed Tax Increase for Fiscal Year 2021 (the First Full Fiscal Year of the Proposed Tax Increase):

BALLOT ISSUE NO. 2A: \$3,500,000

City and County Estimate of 2021 Fiscal Year Spending Without Proposed Tax Increase: \$293,558,717

Summary of Written Comments FOR Ballot Issue No. 2A:

As Broomfield has grown, residents continue to call for more small, locally run, independent businesses to drive our culture and economy. By approving a sales tax on retail marijuana products and accessories, Broomfield will open our economy to taxpayers of million-dollar businesses.

In 2014, a majority of Broomfield voters approved Amendment 64 to allow the regulated and taxed sale of retail marijuana. The passage of this local measure is expected to generate the revenue necessary to fully support the robust regulation of the Broomfield market and the necessary enforcement to restrict access for those individuals under the age of 21. Residents will have the convenience of buying marijuana locally, knowing the exact potency and quality, while preventing the operations of the local black market.

In the last few years, Broomfield has discussed the importance of mental health, affordable housing, and access to healthcare. This tax money generated from these sales will primarily go to fund those services in the Broomfield Health and Human Services, along with substance abuse education efforts, ensuring all of Broomfield benefits.

While medical marijuana would not be taxed at an additional rate, residents who have been diagnosed with chronic pain, cancer, AIDs, HIV, Alzheimer's, Hepatitis C and amyotrophic lateral sclerosis would benefit from the measure by having safe and local options for alternative medicine.

In order for these businesses to legally operate, they need to be licensed and taxed at the local level. Broomfield voters can reverse a decade of bans on this industry by voting to support this tax measure. A series of regulations for the numbers and locations of marijuana businesses will be developed to make this industry operate in the Broomfield way.

Quoting Broomfield City Council meeting: "Currently, the cultivation, manufacturing and sale of retail marijuana are prohibited..." but this will automatically end on February 1, 2021. Then the City can tax sales from those stores with a special marijuana sales tax.

A YES vote creates additional 4% sales tax on marijuana. City Council could adjust it up to a maximum of 10%.

Summary of Written Comments AGAINST Ballot Issue No. 2A:

This tax measure would allow the City Council to raise the special tax on retail marijuana up to 10% without the future vote of the people. Taxpayers should always be allowed to vote when the City Council is asking for their money to fund a special interest.

The question allows the tax revenue to be spent for "other general purposes"

which increases the City budget for any purpose the City Council chooses.

This is not a fair ballot question and is deceptive because it does not address the real underlying question of whether marijuana sales should be allowed in Broomfield. Currently marijuana sales are not allowed in Broomfield. Citizens of Broomfield voted against allowing medical marijuana business in Broomfield in 2010, and it is the right of citizens of Broomfield to vote on whether to allow retail marijuana now. People are opposed to allowing marijuana sales at all in Broomfield.

Marijuana sales will reduce our quality of life in Broomfield due to more traffic which will lead to more accidents, longer driving times and more people driving under the influence. 27% of Colorado marijuana users admit to driving under the influence on a daily basis, with 69% saying they have driven under the influence. Further, marijuana sales will lead to increased crime and violence near marijuana stores, stores that may be in areas adjacent to grocery stores, strip malls, restaurants, dentists, kids activities, schools and homes.

An environment with retail marijuana sales is not an environment that people want to raise their children in and the sales will not benefit the community. Marijuana use by young people is likely to increase with local sales and disregards the City and County of Broomfield's message that marijuana is harmful to adolescents and young adults and can have long lasting impacts on their lives.

This ballot question prioritizes tax revenue over the economic and social costs of marijuana. The 2018 QREM report, "An economic and Social Costs of Legalized Marijuana Study" found for every dollar gained in tax revenue, Coloradans spend approximately \$4.50 to mitigate the effects of legalization. The desire for Broomfield to gain tax revenue now going to other cities should not outweigh the health, safety, and welfare of our citizens and community. Voting no on this question will send the message to City Council that Broomfield residents do not want marijuana sales at all in the City.

I am opposed to a New Special Sales Tax on retail marijuana because I am opposed to retail marijuana in Broomfield. I have a 10 year old and I feel this is not the environment I want to raise my child in. I don't believe allowing retail sales of marijuana would be a benefit to the Broomfield Community.

A NO vote means no additional sales tax on marijuana, but marijuana shops will still be legal next February. (Having no additional sales tax could result in more people coming in from out of state to buy marijuana.)

Summary of Written Comments FOR Ballot Issue No. 2B:

Coloradans pay one-fourth of the property taxes on their home since 1982.

Constitutional amendments have resulted in forcing a continued reduction in the residential property tax rate and the resulting revenues which pay for services like Social, Library, Recreation, Senior, Capital Improvements, Roads and Sustainability. Prior to 1992 - Counties floated mill levies to stabilize revenue. But the frozen residential/non-residential ratio is decreasing assessed values of houses and jeopardizing services. In 1982, residential property comprised 45% of the state's property tax revenue. Today, Residential property value constitutes about 80% of the actual market value of all property in the state. Residential property value growth has outpaced non-residential property value growth but the 45%/55% formula forces continued revenue reduction. As residential property tax revenues decrease, local governments may decrease funding for vital services. There is an unsustainable, declining revenue stream to support county roads, fire districts and local school districts. Additionally, with the Commercial rate frozen at 29%, small businesses are bearing the lion's share of the tax burden. Commercial and industrial property owners bear 4 times more property tax burden than residential property owners. Why should YOU care? Colorado's residential property rates are ranked from 3rd to 10th lowest in the country. The existing imbalance between residential and non-residential tax revenue sources is unhealthy. A further imbalance will be critical. If residential property tax revenues decrease, then that harms the city's ability to reduce taxes on our overburdened commercial sector. Until the total residential property value in Colorado ceases to grow faster than the total commercial property value, the Gallagher Amendment will continually force downward the Residential Property Tax Assessment Rate, which will continually erode local property tax bases. Voting to approve 2B allows Broomfield to stabilize property tax revenue to maintain current service levels. Broomfield citizens are proud of the community they have built. Their hard work has led to increased prosperity and uplifting changes.

Tax breaks enticing businesses to Broomfield are expensive, often last 10 years and are balanced on homeowners' backs and also renters who pay landlords who pay taxes. Businesses may not need these rebates. Raising taxes by at least \$6 million could allow Council to distribute \$6 million in tax breaks. Even for companies with large annual revenue, someone pays for these rebates.

One in five Coloradans worry about losing their homes. The U.S. Census Bureau found almost one in four adults missed rent or mortgage payments in July. If property taxes increase and residents can't pay, their homes will be sold, leading to higher home values as seniors and lower income residents move out of Broomfield.

Asking voters for property tax increases can be a drag for some Council members, this ballot issue ensures that voters won't be asked for future property tax increases. Future council and mayor candidates won't have to focus on contentious property tax issues going forward.

A YES vote means taxes and revenues stay the same regardless of whether Amendment B passes.

Summary of Written Comments AGAINST Ballot Issue No. 2B:

The ballot question would give the Broomfield City Council the ability to increase Broomfield's local property tax mill levy not just one time, but forever. If this ballot measure is approved, the City and County of Broomfield will not be required to ask the voters to increase the city's property tax mill levy ever again. If this ballot measure is passed, the Broomfield City Council could increase the city's property tax mill levy through a simple vote of the Broomfield City Council.

The ballot question will hurt home affordability for Broomfield home owners, families, seniors, and renters. If this ballot measure is approved and Colorado's state level residential property tax rate is decreased, the City and County of Broomfield would impose a higher local property tax mill levy on its citizens compared to other North Metro municipalities.

The ballot question wording is confusing, overly complex, and misleading. It is worded to downplay how it intends to maintain and increase the amount of the property taxes collected by the City and County of Broomfield. The language includes confusing conditions dependent on the outcome of other ballot questions aiming to change the Colorado Constitution. The language fails to describe the mechanism, formula, or variables that could be used by the City and County of Broomfield to determine the amount of property taxes it would need to collect through increasing the local property tax mill levy. Finally, the language states that the City and County of Broomfield would have the right to keep and spend ALL property taxes collected, even if they are in excess of what is projected to be collected.

The ballot question is also confusing because they are actually talking about the assessment rate that would decrease from 7.15% to 5.88% due to the Gallagher amendment but the language states that it is a city's property tax mill levy which confuses it with the other assessed mill levies.

Unlike the City and County of Denver, which is looking at ending the year with a \$220 million budget shortfall, the City and County of Broomfield is facing a \$6 million surplus at the end of this year in addition to looking to receive \$6 million next year in reimbursements from the Coronavirus Aid, Relief, and Economic Security Act. They also plan on increasing water and sewer rates almost twice as fast as the consumer price index year to date. The cost to live in Broomfield has continued to rise, starting off with a \$6 million a year property tax increase is bad news for renters and homeowners.

A NO vote means taxes and revenue will be subject to any statewide Gallagher dictates. This could result in reduced taxes, but it could also mean reductions in K-12 education, police and fire, and municipal services for residents.

TO: ALL REGISTERED VOTERS
NOTICE OF ELECTION ON A REFERRED MEASURE

City and County of Broomfield, Colorado

Election Date: Tuesday, November 3, 2020
Election Hours: 7:00 a.m. to 7:00 p.m.

Local Election Office Address and Telephone Number:

Jennifer Robinson
City and County of Broomfield
Office of the Clerk and Recorder - Elections Division
P.O. Box 328
Broomfield, CO 80038-0328
One DesCombes Drive
Broomfield, CO 80020
Telephone: 303-464-5857

Ballot Title and Text:

BALLOT ISSUE NO. 2C:

Shall Section 18.3 of the Charter for the City and County of Broomfield, which sets forth restrictions on the sale of municipally owned real property and changes in use of open space property, be amended to remove the language excepting mineral extraction from the definition of change in use and thereby allowing the extraction of minerals to be considered a change in use of Open Space, subject to all applicable requirements?

Summary of Written Comments FOR Ballot Issue No. 2C:

SB-19-181, passed by the Colorado Legislature in 2019, granted additional regulatory authority to local governments over oil and gas operations within their borders. Acting on that authority, the City Council passed Ordinance No. 2123 in May 2020 which prohibits oil and gas development on open lands, open space, and parks.

Section 18(3)(b) of the Home Rule Charter was passed by the voters in 2006 to limit the City Council's ability to change the use of open space, however, there was an exception for the extraction of minerals.

Ballot Issue 2c eliminates that exception so that extraction of minerals will be considered a change of use of Open Space subject to the same limitations as other changes in use of Open Space.

The way things stand now, Open Space lands, public roads and rights of way, utility lines or transmission devices, allow oil and gas drilling (Fracking) to use "the extraction of minerals" as a way around existing rules, thus permitting drilling on open space land.

This ballot measure would remove the existing exception which allows for drilling on Broomfield open space. A YES vote will prohibit drilling on open space.

Summary of Written Comments AGAINST Ballot Issue No. 2C:

A NO vote will continue to allow drilling on open space.

Colorado Voter Registration Form Fill out all fields marked with an asterisk (*)

Eligibility **1** * Are you a citizen of the United States? Yes No **If you answered "No", do not complete this form.**

Name **2** _____
 * Last Name * First Name Middle Name Suffix

Identification
 Provide your birth date and your identification information.
3 Remember to write your birth date below.
 I have a valid CO Driver's License or ID card. **Write that number here:** _____ - _____ - _____
 I do not have a CO Driver's License or ID card. **Write the last four digits of your SSN here:** X X X - X X - _____
 I do not have a Colorado Driver's License, ID card, or a Social Security Number.
 *MM *DD *YYYY

The address where you live **4** _____
 * Address (no P.O. Boxes) Unit Number * City or Town
 CO
 State * Zip Code Colorado County
 I am homeless. This is a location I regularly return to. I have also provided a mailing address in Section 5.

The address where you receive mail **5** Same as above _____
 Address
 City or Town State Zip Code

The address to mail your ballot **6** Same as above _____
 Address
 City or Town State Zip Code
 The County will mail your ballot here until you say otherwise.

Political affiliation
 Choose only **7a** or **7b**
7a I would like to be a member of the following political party:
 American Constitution Approval Voting Democratic Green Libertarian Republican Unity
or
7b I would like to be Unaffiliated, but I want to receive the following party's ballot in the next primary election:
 All Major Parties' Ballots American Constitution Approval Voting Democratic Green
 Libertarian Republican Unity

Updating a current record? **8**
 If so, you must provide the applicable changes here.
 I am not updating a current record I am no longer overseas I am no longer absent from Colorado due to military service
 Previous home address _____ Previous legal name _____
 Previous mailing address _____ Previous party affiliation _____

Declaration **9** 
Warning: It is a Class 1 misdemeanor to swear or affirm falsely as to your qualifications to register to vote.
Self-Affirmation: I affirm that I am a citizen of the United States; I have been a resident of Colorado for at least twenty-two days immediately before an election I intend to vote in; I am at least sixteen years old; and I understand that I must be at least seventeen and turning eighteen on or before the date of the next general election to be eligible to vote in a primary election, and at least eighteen to be eligible to vote in any other election. I further affirm that the residence address I provided is **my sole legal place of residence**. I certify under penalty of perjury that the information I have provided on this application is true to the best of my knowledge and belief; and that I have not, nor will I, cast more than one ballot in any election.

 * Signature or mark * Date Witness Signature Date
 If you are unable to sign, you must make a mark and have the mark witnessed by another person.

Optional information **10** _____
 Phone number with area code Gender Identity I would like to be an election judge
 I want to receive election information by email: _____
 (You will not receive a ballot by email) Email address _____

The Broomfield City and County Clerk certifies that the
Ballot Issue Notices are complete as submitted by the political subdivisions.



City and County of Broomfield
Election Division
PO Box 328
Broomfield, CO 80038

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FORWARDING SERVICE REQUESTED