

RESOLUTION NO. 16-06

A Resolution of the Scientific and Cultural Facilities District Pertaining to the November 2016 Election

WHEREAS, the Denver Metropolitan Scientific and Cultural Facilities District (the "District") is a validly organized and existing special district organized pursuant to Title 32, Article 13, Colorado Revised Statutes ("C.R.S."); and

WHEREAS, the Board of the Directors of the District (the "Board") has been duly and validly appointed and qualified; and

WHEREAS, the Board has determined that it is in the best interest of the District and public interest and necessity to seek voter approval to extend the current sales and use tax currently levied and collected by the District after its expiration on June 30, 2018 to June 30, 2030; and

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, or extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to any district; and

WHEREAS, TABOR requires the District to submit ballot issues (as defined in TABOR) to the District's electors on limited election days; and

WHEREAS, the General Election to be held on November 8, 2016 is one of the election dates at which ballot issues may be submitted to the registered electors of the District pursuant to TABOR; and

WHEREAS, the County Clerk and Recorders of Adams, Arapahoe, Boulder, Douglas and Jefferson Counties and the Clerk and Recorders of the City and County of Broomfield and the City and County of Denver (collectively, the "Clerks") will conduct coordinated elections on November 8, 2016 (the "Election"); and

WHEREAS, it is necessary to submit to the registered electors of the District, at the Election, the proposition of extending the existing sales and use tax currently levied within the District pursuant to Section 32-13-105, C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the District and the officers thereof, directed towards the Election and the objects and

purposes herein stated, are ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 32-13-103, C.R.S. or Section 1-1-104, C.R.S.

Section 2. Pursuant to TABOR, Article 13 of Title 32, C.R.S., and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto, the District hereby determines that the District shall take part in the Election, and that the question set forth herein shall be submitted to the registered electors within the geographical boundaries of the District, including all of the registered electors within the area of the boundaries of Adams, Arapahoe, Boulder, and Jefferson Counties, and all of the registered electors within the boundaries of the City and County of Broomfield and the City and County of Denver, and all of the registered electors within Douglas County, excluding the electors within the boundaries of the Town of Castle Rock and the Town of Larkspur.

Section 3. The Board hereby determines that the Clerks shall conduct the Election on behalf of the District and that the City and County of Denver shall be designated the controlling county pursuant to 8 C.C.R.1505-1. The Board authorizes the officers of the District with the assistance of the law firm Icenogle Seaver Pogue, P.C. to enter into one or more intergovernmental agreements with the Clerks 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 4. The Board hereby appoints the Clerk and Recorder for the City and County of Denver as Coordinated Election Official and Designated Election Official (the "Designated Election Official") for purposes of performing acts required or permitted by law in connection with the Election. The Board also appoints Stacie L. Pacheco of Icenogle Seaver Pogue, P.C. as assistant designated election official for purposes of the Election, and Ms. Pacheco shall act as the primary contact with the Clerks and the Designated Election Official.

Section 5. The Board hereby authorizes and directs the officers of the District, the Designated Election Official, and/or the assistant designated election official to certify to the Clerks on or before September 9, 2016, the following question in substantially the form hereinafter set forth as provided by Section 32-13-105(10)(d)(I). Such question shall be submitted to the registered electors of the District at the Election.

SHALL THERE BE AN EXTENSION UNTIL JUNE 30, 2030, OF THE AGGREGATE 0.1 PERCENT SALES AND USE TAXES CURRENTLY LEVIED AND COLLECTED BY THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT THAT ARE SCHEDULED TO EXPIRE ON JUNE 30, 2018, FOR ASSISTING SCIENTIFIC AND CULTURAL FACILITIES WITHIN THE DISTRICT, WHILE AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN,

AND SPEND ALL REVENUE GENERATED BY SUCH TAX IN EXCESS OF THE LIMITATION PROVIDED IN ARTICLE X OF SECTION 20 OF THE COLORADO CONSTITUTION AND WHILE MODIFYING THE RATES OF THE THREE INDIVIDUAL SALES AND USE TAXES COLLECTED BY THE DISTRICT AS FOLLOWS: FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT UP TO THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .0655 PERCENT SALES AND USE TAX TO .064 PERCENT; INCREASING THE .021 PERCENT SALES AND USE TAX TO .022 PERCENT; AND INCREASING THE .0135 PERCENT SALES AND USE TAX TO .014 PERCENT; AND, FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT THAT EXCEED THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .064 PERCENT SALES AND USE TAX TO .057 PERCENT; INCREASING THE .022 PERCENT SALES AND USE TAX TO .026 PERCENT; AND INCREASING THE .014 PERCENT SALES AND USE TAX TO .017 PERCENT?

Section 6. If the question set forth above is approved by the registered electors of the District, the District will continue to levy and collect the aggregate one-tenth of one percent sales and use tax specified in Section 32-13-105(5)(a), C.R.S., as modified pursuant to Section 32-13-105(10)(a), C.R.S., for a period not to exceed twelve years from the date upon which the authority of the District to levy and collect the sales and use taxes is scheduled to expire (i.e., until June 30, 2030). The District's authority to levy such sales and use taxes currently is scheduled to expire on June 30, 2018.

Section 7. Pursuant to Section 32-13-105(10)(d)(II), C.R.S., the ballot title for the question set forth above shall be as follows:

AN EXTENSION UNTIL JUNE 30, 2030, OF THE AGGREGATE 0.1 PERCENT SALES AND USE TAXES CURRENTLY LEVIED AND COLLECTED BY THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT THAT ARE SCHEDULED TO EXPIRE ON JUNE 30, 2018, FOR ASSISTING SCIENTIFIC AND CULTURAL FACILITIES WITHIN THE DISTRICT, WHILE AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN, AND SPEND ALL REVENUE GENERATED BY SUCH TAX IN EXCESS OF THE LIMITATION PROVIDED IN ARTICLE X OF SECTION 20 OF THE COLORADO CONSTITUTION AND WHILE MODIFYING THE RATES OF THE THREE INDIVIDUAL SALES AND USE TAXES COLLECTED BY THE DISTRICT AS FOLLOWS: FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT UP TO THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .0655 PERCENT SALES AND USE TAX TO .064 PERCENT; INCREASING THE .021 PERCENT SALES AND USE TAX TO .022 PERCENT; AND INCREASING THE .0135 PERCENT SALES AND USE TAX TO .014 PERCENT; AND, FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT THAT EXCEED THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .064 PERCENT SALES AND USE TAX TO .057 PERCENT; INCREASING THE .022 PERCENT SALES AND USE TAX TO

.026 PERCENT; AND INCREASING THE .014 PERCENT SALES AND USE TAX TO .017 PERCENT.

Section 8. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question 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 or ballot question is set.

Section 9. The officers of the District, the Designated Election Official, and the assistant designated election official are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 10. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

Section 11. 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.

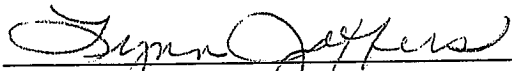
INTRODUCED AND APPROVED AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT, THIS 26TH DAY OF MAY, 2016.



Dan Hopkins, Chairman of the Board of Directors
Denver Metropolitan Scientific and Cultural Facilities
District

(SEAL)

ATTEST:



Secretary of the Board of Directors
Denver Metropolitan Scientific and Cultural
Facilities District

STATE OF COLORADO)
)
 COUNTY OF DENVER) SS.
)
 DENVER METROPOLITAN SCIENTIFIC)
 AND CULTURAL FACILITIES DISTRICT)

I, Lynn Jeffers, the Secretary of the Board of Directors of the Denver Metropolitan Scientific and Cultural Facilities District (the "District"), do hereby certify:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of Directors (the "Board") of the District at a meeting of the Board held on May 26, 2016.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of May 26, 2016, by an affirmative roll call vote of a majority of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Dan Hopkins	X			
Kathy Kucsan	X			
Hal Logan Jr.	X			
Rob Johnson	X			
Kathy Imel	X			
Kendra Black	X			
Ann Speer			X	
Damon O. Barry	X			
Peggy Lehmann	X			
Elaine D. Torres	X			
Lynn Jeffers	X			

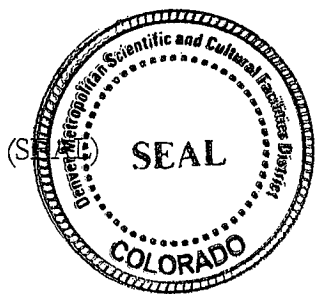
3. The members of the Board were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Chairman of the Board, sealed with the District seal, attested by the Secretary and recorded in the minutes of the Board.

5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.

6. Notice of the public meeting of May 26, 2016, in the form attached hereto as Exhibit A was posted at the location designated by the Board not less than twenty-four hours prior to the meeting as provided by law.

WITNESS my hand and the seal of said District affixed this 26th day of May, 2016.





Lynn Jeffers, Secretary

EXHIBIT A

SCFD BOARD OF DIRECTORS MEETING

Thursday, May 26, 2016

Denver Center for Performing Arts

Helen Bonfils Theatre Complex

1400 Curtis Street, Denver, CO 80202

12:30 p.m. Lunch, 1 p.m. Board meeting



AGENDA

Tabs

Board of Directors

Arapahoe County
Dan Hopkins
Chairman

Adams County
Kathy Imel

Boulder County
Kathy Kucsan
Vice Chairman

Broomfield County
Lynn Jeffers
Secretary

Denver County
Councilwoman
Kendra Black

Douglas County
Ann Speer

Jefferson County
Rob Johnson

Governor Appointees
Hal Logan, Treasurer
Damon O. Barry
Elaine D. Torres
Peggy Lehmann

Executive Director
Peg Long

1. Introductions and Quorum Determination
2. Welcome by Denver Center for Performing Arts
3. Approval of Agenda
4. Approval of April 28, 2016 Meeting Board Minutes (1)
5. Reports
 - 5.1 Treasurer (2)
 - 5.1.1 Resolution 16-05 Pertaining to Amended FY 2016 Budget (3)
 - 5.2 Chairman
 - 5.2.1 Resolution 16-06 Pertaining to November 2016 Election (4)
 - 5.2.2 Executive Director Search Committee Update
 - 5.3 Executive Director
6. Tier I 2016 Distribution Certification
 - 6.1 Presentations by Organizations (6 min. per organization)
 - 6.2 Resolution 16-07: Pertaining to 2016 Tier I Budgeted Distributions (5)
7. Public Comment
8. Other Matters (new/old business)
9. Adjournment
 - Documents:
 1. Minutes of April 28, 2016 Board Meeting
 2. Financial Reports: April 2016 Financial Statements and Investment/Deposit Reports
 3. Resolution 16-05: Pertaining to Amended FY 2016 Budget
 4. Resolution 16-06: Pertaining to the November 2016 Election
 5. Resolution 16-07: Pertaining to 2016 Tier I Budgeted Distributions

Next scheduled SCFD Board Meeting:

Thursday, June 23, 2016

Longmont Museum

400 Quail Rd., Longmont, CO 80501

12:30 Board lunch, 1 p.m. Board Meeting