

RESOLUTION NO. R-2021-3

A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AT THE CITY ELECTION TO BE HELD ON APRIL 6, 2021 A BALLOT ISSUE AND TITLE CONCERNING AN INCREASE IN THE CITY LODGERS' TAX

WHEREAS, the City of Durango, in the County of La Plata and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR"), requires voter approval for any new tax, any increase in any tax rate, the creation of any multiple fiscal year financial obligation, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the City currently imposes a Lodgers' tax of 2% of gross taxable rent for lodging pursuant to Section 23-89 of the City Code; and

WHEREAS, the Council wishes to submit to the registered electors of the City a ballot issue to authorize an increase in the lodgers' tax from 2% to 5.25%; and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, Article VI of the Charter provides that regular City elections will be held on the first Tuesday in April in odd-numbered years and that City elections are governed by the Colorado municipal election law; and

WHEREAS, on April 6, 2021, the City Clerk (the "City Clerk") will be conducting the City general election (the "Election") pursuant to the Colorado Municipal Election Code of 1965 (the "Election Code"); and

WHEREAS, April 6, 2021 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DURANGO, IN THE COUNTY OF LA PLATA AND THE STATE OF COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City and the officers thereof, directed toward the Election and the objects and purposes herein stated is ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Election Code.

Section 2. The City hereby determines that the Election shall be held on April 6, 2021, and that there shall be submitted to the eligible electors of the City the question set forth herein.

Section 3. Pursuant to Section 31-11-111, C.R.S., the title and submission clause which shall be submitted to the eligible electors of the City at the Election shall be in substantially the following form:

QUESTION 1-A: AUTHORIZATION TO INCREASE THE CITY LODGERS' TAX FROM 2% TO 5.25%.

SHALL CITY OF DURANGO TAXES BE INCREASED NOT MORE THAN \$900,000.00 IN TAX COLLECTION YEAR 2021 AND BY WHATEVER AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE CITY LODGERS' TAX FROM 2% TO 5.25% EFFECTIVE JUNE 1, 2021 AND SHALL THE LODGERS' TAX REVENUES RECEIVED ANNUALLY BE USED FOR THE FOLLOWING PURPOSES:

55% FOR SUSTAINABLE TOURISM MARKETING, INCLUDING ADVERTISING AND ATTRACTING CONFERENCES, CONVENTIONS, AND MEETINGS;

20% FOR TRANSPORTATION AND TRANSIT SERVICES, EQUIPMENT, AND FACILITIES;

14% FOR ARTS AND CULTURAL EVENTS, PROGRAMS AND FACILITIES; AND

11% FOR ANY OF THE ABOVE PURPOSES OR OTHER PURPOSES RELATED TO THE IMPACTS OF TOURISM AS COUNCIL MAY DETERMINE;

PROVIDED THAT THE COUNCIL SHALL ADOPT AN ORDINANCE TO IMPLEMENT THE TAX INCREASE AS PROVIDED IN THIS QUESTION AND MAY ADJUST THE RATE OF THE LODGERS' TAX FROM TIME TO TIME SO LONG AS IT DOES NOT EXCEED 5.25%?

Section 4. Pursuant to C.R.S. § 31-10-1308 and C.R.S. § 1-11-203.5, C.R.S., any election contest concerning the order on the ballot or concerning whether the form or content of any ballot title meets the requirements of TABOR 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 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section 7. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

ADOPTED AND APPROVED this February 2, 2021.



Mayor

(SEAL)

ATTEST:



City Clerk

57073225.v1

