

RESOLUTION NO. 23-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, SUBMITTING TO THE ELECTORATE OF THE TOWN OF RIDGWAY, DURING A NOVEMBER 7, 2023, SPECIAL MUNICIPAL ELECTION TO BE HELD WITH A COORDINATED ELECTION, A QUESTION SEEKING AUTHORITY TO INCREASE THE LODGING TAX; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER MATTERS RELATING THERETO

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality and political subdivision of the State of Colorado (“State”) organized and existing under a home rule charter (“Charter”) pursuant to Article XX of the Constitution of the State; and

WHEREAS, pursuant to the Charter, the Town has full authority, power to enact taxes and tax increases, subject to approval of the voters pursuant to Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the Town has a lodging tax with a rate previously approved by the voters of 3.5% of the entire amount charged for furnishing the room or accommodations with 70% of the net lodging tax revenues received by the Town to be used for tourism promotion and economic development purposes, and the remainder to be used for expenses attributable to tourism and growth; and

WHEREAS, after due consideration the Town Council has determined to propose a ballot question to voters to allow the lodging tax to be increased to a rate of 6.0% of the entire amount charged for furnishing the room or accommodations with 50% of the proceeds of the tax to be used for tourism promotion and economic development, and the remainder to be used for the development, operation, maintenance of, and any other action(s) by the Town or in partnership, to provide affordable and workforce housing, and improve early childhood care and education, and fund programs to facilitate homeownership, and other actions and programs not inconsistent with these purposes; and

WHEREAS, pursuant to Section 4-3 of the Charter, special municipal elections may be called by the Town Council, and pursuant to Section 4-4 of the Charter, Town elections are to be governed by Colorado Revised Statutes (“C.R.S.”), except as otherwise provided in the Charter or as the Town Council may otherwise prescribe by ordinance; and

WHEREAS, C.R.S. 31-10-102.7 provides that any municipality may decide by resolution to utilize the procedures and requirements of the Uniform Election Code of 1992, which the Council finds is appropriate to use, in order to participate in the coordinated election of November 7, 2023; and

WHEREAS, the Town Council has determined to set the ballot title for the ballot issue to be submitted at a special municipal election to be held on November 7, 2023; and

WHEREAS, pursuant to the criteria for ballot titles set forth at Section 31-11-111 and 1-11-203.5, C.R.S., in fixing this ballot title, the Town Council finds that the title set forth in Exhibit A is not misleading, clearly identifies the effect of a “yes” or “no” vote, does not conflict with title of any other measure that will appear on the ballot, and correctly and fairly expresses the true intent and meaning of the measure.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO:

1. At a special municipal election of the Town to be held on November 7, 2023, as a coordinated election using the procedures of the Uniform Election Code of 1992, there shall be submitted to the eligible electors of the Town a ballot issue authorizing an increase and amendment in the lodging tax and the use of the proceeds therefrom, which ballot issue shall be in substantially the form attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Resolution as if set forth in full herein.

2. For purposes of Section 1-11-203.5, C.R.S. and Section 31-11-111, C.R.S., this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Pursuant to Section 1-11-203.5, C.R.S., any contest by a person of the form or content of a ballot title must be filed within five days of the Town Council's final action concerning the ballot title.

3. The Town Clerk, as well as the appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the Town Clerk shall enter into a contract with the Ouray County Clerk for the conduct of the coordinated election.

4. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the Town acting through the Council shall be authorized to proceed with the necessary action to amend the lodging tax by ordinance and expend tax revenues, in accordance with the ballot issue which has been so approved. Any authority to increase taxes and amend the tax ordinance, if conferred by the results of the election, shall be deemed and considered a continuing authority 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.

5. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Town Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

6. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

8. This Resolution shall take effect immediately upon its passage.

ADOPTED AND APPROVED this 9th day of August 2023.



John Clark, Mayor

ATTEST:



Pam Kraft, Town Clerk

EXHIBIT A

BALLOT ISSUE ____:

SHALL THE TOWN OF RIDGWAY LODGING TAX BE INCREASED BY \$100,000.00 BEGINNING IN 2024 (FIRST FULL FISCAL YEAR), AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY INCREASING THE RATE OF THE TOWN'S LODGING TAX BY TWO AND A HALF PERCENT (2.5%), FOR A TOTAL LODGING TAX OF SIX PERCENT (6%), WITH UP TO 50% OF THE PROCEEDS OF THE LODGING TAX TO BE USED FOR TOURISM PROMOTION AND ECONOMIC DEVELOPMENT AND THE REMAINDER TO BE USED FOR THE DEVELOPMENT, OPERATION, MAINTENANCE OF, AND ANY OTHER ACTION(S) BY THE TOWN, OR IN PARTNERSHIP, TO PROVIDE WORKFORCE SUPPORT THAT INCLUDES AFFORDABLE AND WORKFORCE HOUSING AND CHILDHOOD CARE AND EDUCATION, AND FUND PROGRAM(S) TO FACILITATE HOMEOWNERSHIP, AND OTHER ACTION(S) AND PROGRAM(S) NOT INCONSISTENT WITH THESE PURPOSES, EXCEPT THAT NO VENDOR PROCESSING FEE SHALL APPLY TO THE TAX INCREASE; AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE BE COLLECTED AND SPENT BY THE TOWN AS A VOTER APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND SHALL THE RIDGWAY TOWN COUNCIL BE AUTHORIZED TO ADOPT AN ORDINANCE IMPLEMENTING SUCH INCREASE AND USE OF THE PROCEEDS IN SUBSTANTIAL CONFORMITY HEREWITH?