

**RESOLUTION NO. 2-16**

**A RESOLUTION OF THE TOWN OF BERTHOUD, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE BERTHOUD MUNICIPAL ELECTION TO BE HELD APRIL 5th, 2016, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF BERTHOUD SHOULD IMPOSE AND ASSESS AN EXCISE TAX ON THE SHORT-TERM RENTAL ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS;**

**WHEREAS**, the Town of Berthoud, Colorado ("Town"), is a statutory town; and

**WHEREAS**, C.R.S. 31-15-501(1)(c) authorizes the Town to levy excise taxes within its borders; and

**WHEREAS**, the provision of lodging rooms and accommodations to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection, and has substantial effect upon the health, safety, and welfare of the citizens of the Town of Berthoud and upon the expenditures budgeted by the Town; and

**WHEREAS**, the Board of Trustees desires and finds that it is necessary to adopt a Lodging Excise Tax, and desires to designate the revenues raised from such tax to be deposited into the general fund; and

**WHEREAS**, the development of hotels and motels into the community create additional stress and impact upon the Town infrastructure including streets, storm water, sanitary sewer, and water consumption; and

**WHEREAS**, the development of hotels and motels also impacts general fund services such as police and other general fund operations; and

**WHEREAS**, hotels and motels are significant economic drivers for the community; and

**WHEREAS**, hotels and motels positively impact other economic development immediately adjacent to it and throughout the community; and

**WHEREAS**, the Town desires to have developed in the community lodging facilities to meet the needs of the community and the region; and

**WHEREAS**, Article X, Section 20, of the Colorado Constitution ("TABOR Amendment") limits the ability of the Town to enact new taxes without a vote of the electorate; and

WHEREAS, the TABOR Amendment permits electors of the Town to approve the adoption of new taxes and to authorize the expenditure of revenues from such taxes; and

WHEREAS, the Board finds and determines that it is necessary and desirable to submit to the electors of the Town voting at the Berthoud Municipal Election to be held on April 5th, 2016, the question of enacting an excise tax on the short-term rental of any hotel room, motel room, lodging room, motor hotel room, guesthouse room, or other similar accommodation located within the Town.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed toward the election in the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The following Ballot Issue shall be submitted to the qualified electors of the Town voting at the Berthoud Municipal Election to be held on April 5th, 2016:

"BALLOT TITLE

SHALL THE TOWN OF BERTHOUD TAXES BE INCREASED \$-0- IN THE FIRST FULL FISCAL YEAR (2016) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE IMPOSITION AND ASSESSMENT OF A THREE PERCENT (3%) EXCISE TAX COMMENCING JANUARY 1, 2017, TO BE PAID BY LODGERS WITHIN THE TOWN OF BERTHOUD ON THE PURCHASE PRICE PAID OR CHARGED FOR THE FURNISHING OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS; AND SHALL ALL REVENUES DERIVED FROM SUCH EXCISE TAX BE COLLECTED AND SPENT ON ANY LAWFUL USE, INCLUDING BUT NOT LIMITED TO STREETS, TRAFFIC, WATER, WASTEWATER, UTILITIES, ECONOMIC DEVELOPMENT AND TOURISM?

\_\_\_\_\_ YES                      \_\_\_\_\_ NO"

Section 3. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title for the ballot issue set forth above, and the ballot title for the ballot issue shall be the text of such ballot issue.

Section 4. In addition to the notice of election required to be published by the Uniform Election Code of 1992, the Town Clerk shall also caused to be published a notice stating that written comments for or against the ballot issue described above may be filed with the Town Clerk on or before 5:00 PM, on February 22, 2016, and that a summary of such

comments will be distributed to registered voters in accordance with law.

Section 5. The 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.

Section 6. Upon approval of the above Ballot Issue by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinance consistent with all of the terms and conditions contained in the above Ballot Issue.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26th DAY OF JANUARY, 2016

TOWN OF BERTHOUD

BY: \_\_\_\_\_



David Gregg, Mayor

ATTEST:



Alisa Darrow, Town Clerk