

## **RESOLUTION NO. 2014-06-02**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING A BALLOT QUESTION TO THE ELECTORS OF THE CITY RELATING TO THE ESTABLISHMENT OF A LODGING TAX**

**WHEREAS**, the City of Fort Morgan (the "City"), is a home rule municipality duly organized and existing under the Constitution and laws of the State of Colorado and its City Charter; and,

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

**WHEREAS**, Article X, Section 20 of the Colorado Constitution, known as the Tax Payer's Bill of Rights ("TABOR"), requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and,

**WHEREAS**, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City's electors on limited election days before action can be taken on such ballot issues; and,

**WHEREAS**, City Council wishes to seek voter approval of a tax upon individuals who frequent the City and use short-term lodging accommodations for less than 30 days.

**WHEREAS**, November 4, 2014, is one of the election dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and,

**WHEREAS**, the County Clerk and Recorder in Morgan County (the "County Clerk") will conduct the election on November 4, 2014, as a coordinated election (the "election"); and,

**WHEREAS**, pursuant to C.R.S. § 31-10-103, of the Municipal Election Code, the City has determined to coordinate such general election with Morgan County; and,

**WHEREAS**, the Council hereby determines that it is necessary to submit to the electors of the City, at the general election to be held on November 4, 2014, the question of creating a lodging tax as further described in Section 2 below; and,

**WHEREAS**, it is necessary to set forth certain procedures concerning the conduct of the general election.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**Section 1:** Pursuant to the Charter of the City of Fort Morgan, and the

Constitution of the State of Colorado, all action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed. This proposal shall hereby be submitted to the electors of the City, shall become effective if, and only if, it is approved by the majority of the voters at the general election to be held November 4, 2014.

**Section 2:** That the following ballot language is hereby referred to the voters at said election:

PROPOSED BALLOT QUESTION REGARDING THE ESTABLISHMENT OF A TWO PERCENT (2%) LODGING TAX

<p><b>SHALL THE CITY OF FORT MORGAN TAXES BE INCREASED BY UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000) ANNUALLY IN THE FIRST FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR BY THE LEVY OF A LODGING TAX OF TWO PERCENT (2%) OF THE PURCHASE PRICE PAID OR CHARGED FOR THE FURNISHING OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM, RECREATIONAL VEHICLE PAD, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS WITHIN THE CITY OF FORT MORGAN, COMMENCING ON JANUARY 1, 2015; WITH THE PROCEEDS OF SUCH TAXES TO BE USED FOR COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES, INCLUDING WITHOUT LIMITATION MARKETING, TOURISM, AND ADVERTISING FOR THE CITY AND ITS BUSINESSES, GRANTS, EVENTS AND FACILITIES CONSTRUCTION AND RENOVATION; AND SHALL THE FULL PROCEEDS OF SUCH TAXES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION , AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF FORT MORGAN UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?</b></p>	<p>YES _____</p> <p>NO _____</p>
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**Section 3:** The provisions of the Uniform Election Code of 1992 as amended are hereby adopted with respect to the conduct of said election in lieu of the provisions of the Municipal Election Code 1965.

**Section 4:** The City Clerk is hereby directed to certify the ballot content for the election to the Morgan County Clerk not later than September 5, 2014.

**Section 5:** The Mayor is hereby authorized to enter into an intergovernmental agreement with Morgan County for conduct of the election, pursuant to Section 1-7-116(2) of the Colorado Revised Statutes.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of June, 2014, the vote upon roll call being as follows:

Ayes: Mayor McAlister, Councilmembers Castoe, Lindell, Northrup, Segura and Shaver

Nays: None.

Absent /Abstain: Councilmember Mussman Absent (excused)

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: /s/ Terry McAlister  
Terry McAlister, Mayor

ATTEST:

/s/ John Brennan  
John Brennan, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss.  
CITY OF FORT MORGAN )

**CERTIFICATE**

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 3<sup>rd</sup> day of June, 2014.

/s/ John Brennan  
John Brennan, City Clerk