

ORDINANCE 17 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO, CALLING A SPECIAL ELECTION ON NOVEMBER 5, 2024, FIXING BALLOT TITLES AND QUESTIONS, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

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

WHEREAS, pursuant to Article II, Section 2.1 of the Charter and Section 31-10-102.7, C.R.S., the Town may provide by resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to any election; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, the Council has determined that it is in the best interest of the residents of the Town and public interest and necessity that the Town increase the Lodging Tax on short term rentals of residential property by 5% from a current rate of 1.5% to a rate of 6.5% as further described herein; and

WHEREAS, Pursuant to TABOR and Article VIII Section 8.2 of the Charter, the Town is required to seek voter approval prior to the imposition of such tax; and

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

WHEREAS, November 5, 2024, is one of the election dates at which ballot issues may be submitted to the Town's electors pursuant to TABOR; and

WHEREAS, the County Clerk of Eagle County (the "County Clerk") is conducting a coordinated election on November 5, 2024, pursuant to Section 1-7-116, C.R.S.; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MINTURN, COLORADO, AS FOLLOWS:**

Section 1. All action heretofore taken (not inconsistent with the provisions of this

resolution) by the Town and the officers thereof, directed towards the Election and the objects and purposes herein stated, is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the “Uniform Election Code”).

Section 3. Pursuant to TABOR and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the Town hereby determines that a special Election shall be held within the Town on November 5, 2024, and that there shall be submitted to the eligible electors of the Town the election questions set forth herein. Because the Election will be held as part of the coordinated election, the Council hereby determines that the County Clerk and Recorder (the “Clerk”) shall conduct the election on behalf of the Town. The officers of the Town are hereby authorized to enter into one or more intergovernmental agreements with the County for the conduct of the Election 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 Council hereby authorizes and directs the officers of the Town to certify on or before September 6, 2024, the following election questions in substantially the form hereinafter set forth to the Clerk, which such questions shall be submitted to the eligible electors of the Town at the Election:

EXCISE TAX ON SHORT TERM RENTALS

SHALL THE TOWN OF MINTURN EXCISE TAXES ON SHORT TERM RENTALS BE INCREASED NOT MORE THAN \$1.5 MILLION COMMENCING JANUARY 1, 2025, AND BY WHATEVER AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER BY IMPOSITION OF A TOWN SHORT TERM RENTAL TAX IN THE TOTAL AMOUNT OF 6.5% (THE EXISTING 1.5% LODGING TAX PLUS A NEW 5% TAX), ON THE TOTAL AMOUNT OF RENT OR COMPENSATION PAID BY PERSONS RENTING ROOMS OR ACCOMMODATIONS FOR A PERIOD OF THIRTY (30) DAYS OR LESS, BUT NOT INCLUDING HOTELS/MOTELS, HOTEL/MOTEL-SUITE, BED AND BREAKFAST, DORMITORY, AND SHALL SUCH TAX REVENUES RECEIVED ANNUALLY BE USED FOR COMMUNITY PROJECTS AND SERVICES ADDRESSING VISITOR IMPACTS IN THE AREAS OF RECREATION, PUBLIC SAFETY, STREET IMPROVEMENTS, PARKING IMPROVEMENTS, CHILD CARE, COMMUNITY HOUSING, AND ANY OTHER CAPITAL PURPOSES, AS HEREAFTER DETERMINED BY THE TOWN COUNCIL; PROVIDED THAT THE COUNCIL SHALL ADOPT AN ORDINANCE TO IMPLEMENT THE TAX INCREASE AS PROVIDED IN THIS QUESTION (INCLUDING PROVISIONS FOR THE METHOD OF COLLECTION AND ENFORCEMENT, ANY EXEMPTIONS FROM THE TAX, AND OTHER DETAILS) AND MAY ADJUST THE RATE OF THE SHORT TERM RENTAL TAX FROM TIME TO TIME SO LONG AS IT DOES NOT EXCEED 6.5%; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH EXCISE TAX REVENUES, INCLUDING ANY INVESTMENT EARNINGS AND INTEREST ON SUCH REVENUES, AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 5. The Town Clerk of the Town of Minturn (the “Town Clerk”) is hereby

appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the Election.

Section 6. Pursuant to Article X, Section 20(3)(b)(v) of the Colorado Constitution, written comments for the TABOR notice must be submitted to the Town forty-five (45) days before the election. The written comments must be signed by an eligible elector before submission.

Section 7. Pursuant to Article X, Section 20(3)(b) of the Colorado Constitution, at least thirty (30) days before the election, the Town Clerk shall mail at the least cost, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered voters concerning the ballot question referenced in this Ordinance No. 17-2024. The notice shall be entitled "NOTICE OF ELECTION TO INCREASE TAXES." The notice shall also include all information required by TABOR.

Section 8. If a majority of the votes cast on the question to impose a use tax and lodging tax submitted at the election shall be in favor of imposing such taxes as provided in such questions, the Town acting through the Council shall be authorized to proceed with the necessary action to impose such taxes in accordance with such questions. Any authority to impose use taxes or lodging taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to impose such taxes so authorized, and no lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 9. 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 10. The officers of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 11. If any section, subsection, 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, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 12. All orders, resolutions, bylaws, ordinances or regulations of the Town, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17th DAY OF JULY 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 7th DAY OF AUGUST 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON
SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN
FULL ON THE OFFICIAL TOWN WEB SITE THIS 7th DAY OF AUGUST 2024.**

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

STATE OF COLORADO)
)
COUNTY OF SUMMIT) SS.
)
TOWN OF MINTURN)

I, Jay Brunvand, the Town Clerk of the Town of Minturn, Colorado (the “Town”), do hereby certify:

1. The foregoing pages are a true and correct copy of an Ordinance (the “Ordinance”) passed and adopted by the Town Council of the Town (the “Council”) at a regular meeting of the Council held on July 17, 2024.

2. The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of July 17, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

The Ordinance was duly introduced, moved and seconded and passed on at the regular meeting of August 7, 2024, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Earle Bidez, Mayor				
Eric Gotthelf, Mayor Pro Tem				
Lynn Feiger, Councilman				
Gusty Kanakis, Councilman				
Tom Priest, Councilman				
Brian Rodine, Councilman				
Kate Schifani, Councilman				

1. The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.

2. The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

3. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

4. Notice of the regular meeting of July 17, 2024 and August 7, 2024, are attached hereto as Exhibit A was posted at the Minturn Town Hall, 302 Pine St, Minturn, Colorado, not less than twenty-four hours prior to the meeting in accordance with law.

(SEAL)

Town Clerk

EXHIBIT A
(Attach Notice of Meeting)

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