



# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	August 6, 2024

## **AGENDA ITEM**

Resolution 2024 – 48, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Collect and Retain Authority Revenue

## **BACKGROUND**

The City of Salida, Town of Buena Vista and Chaffee County (contracting members), collectively formed the Chaffee Housing Authority (CHA), a multi-jurisdictional housing authority, overseen by Section 18 of Article XIV of the Colorado Constitution and Section 29-204.5 of the Colorado Revised Statutes. As a multi-jurisdictional housing authority, the CHA is held to statutory requirements and obligations pertaining to the collection and retention of tax dollars. The Board of Directors of the CHA have determined that it is necessary to ask voters for the authority to collect and retain all revenue, including state and local grants without regard to Article X, Section 20 of the Colorado Constitution, otherwise known as the Taxpayer Bill of Rights, TABOR.

The founding IGA requires that the contracting members consent to the submission of ballot issues.

## **RECOMMENDATION**

As a multi-jurisdictional housing authority, the CHA Board is made up of representatives from each of the member jurisdictions. Mayor Dan Shore and Cory Riggs sit as Salida's representatives on the Board. The CHA Board is in full support of this Resolution. Staff understands the importance of a fully funded housing authority, with a multi-year revenue stream that allows the organization to provide housing, services and programs to community members.

## **FISCAL IMPACT**

There is no fiscal impact.

## **MOTION**

A City Councilmember should state "I move to \_\_\_\_\_ Resolution 2024 – 48, A Resolution of the City Council of the City of Salida, Colorado Consenting to the Calling of an Election by the Chaffee Housing Authority on November 5, 2024, and the Submission of a Question to Collect and Retain Authority Revenue", followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 48  
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,  
CONSENTING TO THE CALLING OF AN ELECTION BY THE CHAFFEE HOUSING  
AUTHORITY ON NOVEMBER 5, 2024 AND THE SUBMISSION OF A QUESTION TO  
COLLECT AND RETAIN AUTHORITY REVENUE**

**WHEREAS**, Chaffee County, Colorado (the “County”) is a duly created and organized county existing under the Constitution and the laws of the State of Colorado (the “State”); and

**WHEREAS**, the City of Salida, Colorado (“Salida”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected City Council (the “City Council”); and

**WHEREAS**, the Town of Buena Vista, Colorado (“Buena Vista”) is a statutory town and political subdivision of the State, duly organized and existing as a statutory municipality under the laws of the State, acting through its elected Board of Trustees (the “Board”); and

**WHEREAS**, the County, Buena Vista and Salida are collectively referred to herein as the “Contracting Members”; and

**WHEREAS**, pursuant to Section 18 of Article XIV of the Colorado Constitution and Section 29-1-204.5, Colorado Revised Statutes (the “Act”), the Contracting Members, created the Chaffee Housing Authority, a multijurisdictional housing authority (the “Authority”), which Authority operates pursuant to the Act and an intergovernmental agreement establishing the Authority (the “Contract”); and

**WHEREAS**, the governing bodies of each of the Contracting Members (the “Governing Bodies”) have heretofore approved the Contract for the Authority; and

**WHEREAS**, pursuant to the Contract for the Authority, the Board of Directors of the Authority has a duty to annually adopt an Administrative Plan, Strategic Plan, and/or Community Guidelines for deed restriction management; and

**WHEREAS**, the Board of Directors of the Authority has determined that public interest and necessity require the submission to the voters of the Authority the ability to collect and retain all revenue of the Authority including state and local grants without regard to Article X, Section 20 of the Colorado Constitution (“TABOR”); and

**WHEREAS**, TABOR requires voter approval granting the ability to keep and retain revenues; and

**WHEREAS**, TABOR requires elections on ballot issues (as defined in TABOR) to be held on limited election days; and

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

**WHEREAS**, the Board of Directors of the Authority has requested that each of the Contracting Members consent to the Authority submitting a ballot issue to the voters of the Authority at the November 5, 2024 election to collect and retain revenue in excess of TABOR; and

**WHEREAS**, it is necessary for the governing bodies of the Contracting Members to consent to the calling of the election by the Authority; and

**WHEREAS**, the City Council finds that retaining revenue in excess of TABOR furthers the goals of the Authority, including but not limited to providing attainable and affordable housing projects or programs for employees of employers located within the jurisdictional boundaries of the Authority, which is in the best interest of Salida.

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

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

**Section 2.** The City Council hereby consents to the participation of the Authority in an election to be held on November 5, 2024, in the manner prescribed by resolution of the Authority attached hereto as **Exhibit A**.

**Section 3.** 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 4.** All orders, resolutions, bylaws, ordinances or regulations of Salida, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

**RESOLVED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.

CITY OF SALIDA, COLORADO

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Dan Shore, Mayor

(SEAL)

ATTEST:

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City Clerk/Deputy City Clerk

EXHIBIT A

FORM OF AUTHORITY RESOLUTION – COLLECT AND RETAIN REVENUE

## CHAFFEE HOUSING AUTHORITY

A RESOLUTION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CHAFFEE AUTHORITY, AT THE ELECTION TO BE HELD NOVEMBER 5, 2024, A BALLOT QUESTION AUTHORIZING THE COLLECTION AND RETENTION OF AUTHORITY REVENUE.

WHEREAS, the Chaffee Housing Authority (the “Authority”), is a multi-jurisdictional housing authority formed pursuant to an agreement authorized by Section 29-1-204.5 (the “Act”) between Chaffee County, the City of Salida, and the Town of Buena Vista, Colorado (the “Contracting Members”); and

WHEREAS, the members of the Board of Directors of the Authority (the “Board”) have been duly appointed and qualified; and

WHEREAS, the Contracting Members have previously approved an establishing contract setting forth certain powers and functions of the Authority (the “Contract”); and

WHEREAS, the Board has determined that public interest and necessity require an election within the Authority to authorize the Authority to collect, retain and spend all revenues without regard to the limitations of Article X, Section 20 of the Colorado Constitution (“TABOR”); and

WHEREAS, TABOR requires voter approval to allow for the collection and retention of revenues; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CHAFFEE HOUSING AUTHORITY:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. All terms used herein and not otherwise defined shall have the meanings set forth in Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto.

Section 2. Pursuant to TABOR, the Uniform Election Code and the Act, the Board hereby determines to call an election to be conducted on November 5, 2024, as a coordinated mail ballot election (the “Election”). The Board hereby determines that at the Election, there shall be submitted to the qualified electors of the Authority the question set forth in Section 3 hereof. Because the election will be held as part of the coordinated election, the Board hereby determines that the County Clerk and Recorder for Chaffee County (the “County Clerk”) shall conduct the election on behalf of the Authority. The officers of the Authority are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk 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 3. The Board hereby authorizes and directs the designated election official to certify to the County Clerk on or before September 6, 2024, a ballot question in substantially the following form. Such question shall be submitted to the eligible electors of the Authority at the Election:

#### BALLOT QUESTION TO RETAIN REVENUE

WITHOUT INCREASING TAXES, SHALL THE CHAFFEE HOUSING AUTHORITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL GRANTS OR INTERGOVERNMENTAL REVENUES RECEIVED FROM THE STATE OR OTHER LOCAL GOVERNMENTS AND ALL OTHER REVENUE RECEIVED BY THE AUTHORITY FROM WHATEVER SOURCE PREVIOUSLY RECEIVED AND IN EACH YEAR HEREFTER AS A VOTER APPROVED REVENUE CHANGE AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. [ ] is hereby appointed as the designated election official of the Authority for purposes of performing acts required or permitted by law in connection with the Election. Further, all officers of the Authority shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If a majority of the votes cast on the question of collecting and retaining all revenue for the purposes specified in the Contract submitted at the Election shall be in favor of same, the Authority shall be authorized to proceed with the necessary action to comply with such questions.

Section 6. Any authority to collect and retain revenue, if conferred by the results of the Election, shall be deemed and considered a continuing authority to collect and retain such revenue, 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.

Section 7. 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 8. All orders, resolutions, bylaws, ordinances or regulations of the Authority, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

UPON a motion duly made, seconded and carried, the foregoing Resolution was adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

CHAFFEE HOUSING AUTHORITY

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Chairperson

ATTEST:

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Secretary