

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: X.1
Meeting Date: January 16, 2018**

TO: Mayor Sullivan and Members of Board of Trustees

FROM: Kathie Guckenberger, Town Attorney

DATE: January 12, 2018 (prepared for January 16, 2018 meeting)

ITEM: A Resolution of the Board of Trustees of the Town of Lyons, Colorado Approving a Ballot Question to be Submitted to the Voters at the Regular Mail Ballot Election to be Held April 3, 2018 Related to the Imposition of a Lodging Occupation Tax for the Town of Lyons

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The Board of Trustees directed staff to prepare a ballot question regarding the Town's ability to impose a lodging occupation tax to present to the voters in the April 3, 2018 regular mail ballot election. The Resolution sets the title and content for the ballot question, refers such question to the voters in the upcoming election, and authorizes staff to take such actions as may be required to place this question on the mail ballot for the April 3, 2018 regular election. It also directs the Town Clerk to comply with certain election notice requirements set forth in Article X, Section 20 of the Colorado Constitution (also known as the Taxpayers' Bill of Rights or TABOR).
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution 2018-12. Upon such approval, Town staff will take steps as directed and necessary to place the question contained in the Resolution on the ballot for the April 3, 2018 election and to comply with TABOR notice provisions.
- III. **FISCAL IMPACTS:** There are no immediate budget implications for this Resolution. However, if the Board of Trustees refers the ballot question set forth in proposed Resolution 2018-11 to the voters, and that question is approved at the April 3, 2018 regular election, Ordinance No. 1026 will take effect and the Town will receive additional revenue as a result of the new tax, which may be deployed for any lawful municipal purpose.
- IV. **BACKGROUND INFORMATION:**

If the Board adopts Resolution 2018-11 as it is currently worded, that ballot question is:

SHALL TOWN OF LYONS TAXES BE INCREASED BY \$88,000.00
ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY

WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE ADOPTION A TOWN OCCUPATION TAX ON THE SHORT-TERM RENTAL (LESS THAN 30 CONSECUTIVE DAYS) OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE ROOM, BED AND BREAKFAST ROOM, CAMPSITE, OR OTHER SIMILAR ACCOMMODATION LOCATED IN THE TOWN IN THE AMOUNT OF THREE DOLLARS (\$3.00) PER DAY EFFECTIVE JUNE 1, 2018, AND SHALL ALL REVENUES DERIVED FROM SUCH OCCUPATION TAX BE COLLECTED AND SPENT ON ANY LAWFUL MUNICIPAL PURPOSE, INCLUDING BUT NOT LIMITED TO THE GENERAL MARKETING AND PROMOTION OF THE TOWN OF LYONS AND THE MARKETING AND PROMOTION OF LYONS SPECIAL EVENTS, WITH SUCH REVENUES TO BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?

TABOR requires an estimated figure for annual revenue anticipated in the first full year in which the tax will be in effect if approved. Staff estimates that with camping, this figure will not exceed \$88,000.00 based upon the recommended occupation tax amount of \$3.00 per day. Without camping, staff estimates that this figure will not exceed \$68,000.00.

- V. **LEGAL ISSUES:** TABOR requires voter approval in advance of any new tax.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VII. **SUMMARY AND ALTERNATIVES:** The Board of Trustees has the following options:
 - (1) Adopt Resolution 2018-11, as it may or may not be amended;
 - (2) Reject or deny Resolution 2018-11.

PROPOSED MOTION: "I MOVE TO APPROVE RESOLUTION 2018-11, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS AT THE REGULAR MAIL BALLOT ELECTION TO BE HELD APRIL 3, 2018 RELATED TO THE IMPOSITION OF A LODGING OCCUPATION TAX FOR THE TOWN OF LYONS."

Attachment:

Resolution 2018-11