

**TOWN OF LYONS, COLORADO
RESOLUTION NO. 2022-81**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
REFERRING A QUESTION TO THE ELECTORS OF THE TOWN OF LYONS
ON WHETHER THE LODGING OCCUPATION TAX SHALL BE INCREASED
TO A MAXIMUM OF 8% PER NIGHT**

WHEREAS, the Town of Lyons ("Town") is a statutory municipality organized under the laws of the State of Colorado; and

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

WHEREAS, pursuant to Ordinance 1026, the Town previously referred a question to the registered electors of the Town of Lyons whether the Town should implement a \$2.00 per night lodging occupation tax on the provision of lodging rooms and accommodations including camping; and

WHEREAS, at the April 3, 2018, regular election the registered electors of the Town voted to approve the lodging occupation tax; and

WHEREAS, the provision of lodging and accommodations, including camping or campsites, and short-term rentals to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, and increased demands upon municipal services all of which have an impact on the health, safety, and welfare of Town residents; and

WHEREAS, in the four years since the adoption of the lodging occupation tax, the Town has learned that the existing \$2.00 per night tax does not adequately address the impacts of the provision of lodging and accommodation; and

WHEREAS the Town of Lyons Board of Trustees desires to increase the lodging occupation tax to up to 8% of the price of the provision of lodging and accommodations, including camping or campsites with the initial rate set at 5%; and

WHEREAS, the Board of Trustees deems it appropriate to submit one ballot question for the Ballot Issue to the electorate of the Town at the municipal election on November 8, 2022; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. The following ballot question shall appear on the ballot at the coordinated Town election to be held on November 8, 2022:

Question 1. Shall the Town of Lyons change the Town's lodging occupation tax from \$2.00 per day per occupied lodging room or accommodation, including camping or campsites, and short-term rentals, to up to 8% of the cost of the rental fee, price, or other consideration paid, with

the initial rate set at 5%, adjustable by resolution of the Board of Trustees, commencing on bookings made after January 1, 2023, increasing tax revenues up to \$135,000 the first fiscal year and whatever amounts are raised annually thereafter, to be used to address visitor impacts and fund community projects and capital improvements as determined by the Town of Lyons Board of Trustees, with any additional funds used to fund any lawful municipal purpose as determined by the Board of Trustees; and shall the Town be permitted to collect, retain, and expend all revenues derived from such tax as a voter-approved revenue change and an exception to limits which would otherwise apply under Article X, Section 20 of the Colorado Constitution or any other law?

YES ____

NO ____

Section 2. In connection with the fixing of the ballot title, the Board finds and determines as follows:

- A. The Board finds that the general understanding of the effect of a “yes” or “no” vote on the Ballot Issues will be clear to the electors.
- B. The ballot title for the Ballot Issue will not conflict with those titles selected for any other Town measure that will appear on the ballot at the November 8, 2022, Town election; and
- C. The ballot titles for the Ballot Issues correctly and fairly express the true intent and meaning of the measure.

Section 3. The Town Clerk shall serve as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election on the Ballot Questions and shall take such action as may be required to comply with all applicable laws pertaining to the conduct of the election.


Section 4. The Town Clerk, the Town Administrator, and Town Attorney are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot questions and issues to be printed and placed on the ballot for the November 8, 2022, coordinated election.

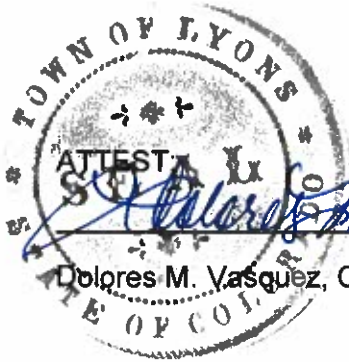

Section 5. Implementation of Tax. Upon approval of the above Ballot Issue by the majority of the registered electors of the Town, the Board shall enact an implementing ordinance consistent with the terms and conditions contained in the above Ballot Issue.

Section 6. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be ineffective, invalid, or unenforceable, the ineffectiveness, invalidity, or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining issues of this Resolution.

ADOPTED THIS 15th DAY OF AUGUST, 2022.

TOWN OF LYONS, COLORADO

By: 
Hollie Rogin, Mayor

 ATTEST

Dolores M. Vasquez, CMC Town Clerk