

RESOLUTION NO. 18

SERIES 2021

A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL CONCERNING AFFORDABLE HOUSING AND SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN AT THE ELECTION TO BE HELD ON NOVEMBER 2, 2021 TWO BALLOT ISSUES CONCERNING TAXES AND DEBT FOR AFFORDABLE HOUSING PURPOSES.

WHEREAS, the Town of Crested Butte, in the County of Gunnison 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, the Town is experiencing a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and character of the Town, its citizens, and its businesses and due to this severe shortage the Town Council declared a disaster emergency regarding affordable housing on June 7, 2021; and

WHEREAS, the Council wishes to submit to the registered electors of the Town two ballot issues seeking to authorize an increase in Town taxes and Town debt to fund affordable housing programs; and

WHEREAS, the Taxpayers Bill of Right found in Article X of the Colorado Constitution ("TABOR") requires that the Town submit ballot issues, as defined in TABOR, to the Town's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, Section 2.1 of the Charter provides that Town elections shall be governed by the Colorado municipal election law; and

WHEREAS, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code, provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

WHEREAS, on November 2, 2021, the Gunnison County Clerk and Recorder (the "County Clerk") will be conducting a coordinated election (the "Election") pursuant to the Uniform Election Code of 1992 (the "Election Code"); and

WHEREAS, the general Town election will be held on November 2, 2021 in conjunction with the Election being conducted by the County; and

WHEREAS, November 2, 2021 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the Town pursuant to TABOR.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, IN THE COUNTY OF GUNNISON AND THE STATE OF COLORADO:

Section 1. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Election Code.

Section 2. The Election shall be conducted as a coordinated election by the

County Clerk pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "intergovernmental agreement") between the Town and the County Clerk of the County. The Town hereby determines that the Election shall be held on November 2, 2021, and that there shall be submitted to the eligible electors of the Town the questions set forth herein. Because the Election will be held as part of the coordinated election, the Council hereby determines that the County Clerk shall conduct the Election on behalf of the Town pursuant to the Uniform Election Code of 1992 and the applicable intergovernmental agreement. The officers of the Town 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. Pursuant to Section 31-11-111, C.R.S., the title and submission clause which shall be submitted to the eligible electors of the Town at the Election shall be in substantially the following form:

QUESTION 2-A: AUTHORIZATION TO IMPOSE A COMMUNITY HOUSING TAX AND INCREASE THE SALES AND USE TAX AND TO INCUR DEBT TO FUND AFFORDABLE HOUSING PROGRAMS.

SHALL TOWN OF CRESTED BUTTE DEBT BE INCREASED \$24,040,000 WITH A TOTAL REPAYMENT COST OF \$46,353,000 AND A MAXIMUM ANNUAL REPAYMENT COST OF \$1,545,000 AND SHALL TOWN OF CRESTED BUTTE TAXES BE INCREASED \$521,553 IN 2022, \$1,634,053 IN 2023, AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF A NEW COMMUNITY HOUSING TAX AND A SALES AND USE TAX INCREASE, SUBJECT TO THE FOLLOWING:

BEGINNING JANUARY 1, 2022, THE TOWN COUNCIL MAY IMPOSE BY ORDINANCE A COMMUNITY HOUSING TAX ANNUALLY ON (1) RESIDENTIAL UNITS IN TOWN THAT ARE NOT A PRIMARY RESIDENCE UNLESS THE RESIDENCE IS RENTED FOR RESIDENTIAL PURPOSES FOR AT LEAST 6 MONTHS PER YEAR IN PERIODS OF 6 CONSECUTIVE MONTHS OR MORE AND (2) UPON UNDEVELOPED PROPERTY THAT IS ZONED FOR RESIDENTIAL USE;

THE COMMUNITY HOUSING TAX MAY NOT EXCEED \$2,500 PER RESIDENCE OR UNDEVELOPED PARCEL OF PROPERTY IN 2022 WHICH AMOUNT MAY BE INCREASED BY COUNCIL IN SUBSEQUENT YEARS BY NOT MORE THAN THE CUMULATIVE PERCENTAGE INCREASE IN THE UNITED STATES BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX (CPI) FOR DENVER-AURORA-LAKEWOOD;

THE TOWN WILL IMPOSE AND COLLECT THE COMMUNITY HOUSING TAX PURSUANT TO AN ORDINANCE TO BE ADOPTED BY COUNCIL, FOLLOWING NOTICE AND PUBLIC HEARING, SETTING FORTH THE TAX, PROVIDING THE METHOD OF COLLECTION AND ENFORCEMENT, DESCRIBING ANY EXEMPTIONS FROM THE TAX, AND PROVIDING OTHER DETAILS;

BEGINNING JANUARY 1, 2022, THE TOWN COUNCIL MAY IMPOSE BY ORDINANCE AN INCREASED SALES AND USE TAX FOR AFFORDABLE HOUSING AT A RATE OF 0.5% WHICH MAY NOT BE COLLECTED ON THE SALE OF FOOD FOR HOME CONSUMPTION;

THE PROCEEDS OF THE DEBT SHALL BE USED FOR AFFORDABLE HOUSING INCLUDING ACQUIRING LAND OR OTHER INTERESTS IN REAL PROPERTY OR ACQUIRING, DESIGNING, FINANCING, CONSTRUCTING OR EQUIPPING AFFORDABLE HOUSING PROJECTS;

THE PROCEEDS OF THE TAXES SHALL BE DEPOSITED TO THE AFFORDABLE HOUSING FUND AND USED FOR AFFORDABLE HOUSING PURPOSES INCLUDING PAYING THE PRINCIPAL AND INTEREST ON SUCH DEBT;

THE RATE OF EACH TAX MAY BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE DOES NOT EXCEED THE MAXIMUM AUTHORIZED BY THE VOTERS IN THIS QUESTION;

THE DEBT MAY BE EVIDENCED BY THE ISSUANCE OF BONDS OR OTHER FINANCIAL OBLIGATIONS PAYABLE FROM ANY LEGALLY AVAILABLE TOWN REVENUES AS DETERMINED BY THE TOWN COUNCIL TO BE IN THE BEST FINANCIAL INTEREST OF THE TOWN AND MAY BE SOLD IN ONE SERIES OR MORE ON SUCH TERMS AND CONDITIONS AS THE TOWN COUNCIL MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, KEEP AND SPEND THE REVENUES FROM SUCH TAXES, THE PROCEEDS OF SUCH DEBT, AND ANY INVESTMENT INCOME THEREFROM NOTWITHSTANDING THE LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

QUESTION 2-B: AUTHORIZATION TO INCREASE THE VACATION RENTAL TAX AND TO INCUR DEBT TO FUND AFFORDABLE HOUSING PROGRAMS.

SHALL TOWN OF CRESTED BUTTE DEBT BE INCREASED \$8,985,000 WITH A TOTAL REPAYMENT COST OF \$17,328,000 AND A MAXIMUM ANNUAL REPAYMENT COST OF \$580,000 AND SHALL TOWN OF CRESTED BUTTE TAXES BE INCREASED \$300,000 IN 2022 AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE EXCISE TAX ON VACATION RENTALS BEGINNING JANUARY 1, 2022, FROM 5.0% TO 7.5% ON THE AMOUNT CHARGED TO ANY PERSON FOR A VACATION RENTAL SUBJECT TO THE FOLLOWING:

THE PROCEEDS OF THE DEBT SHALL BE USED FOR AFFORDABLE HOUSING INCLUDING ACQUIRING LAND OR OTHER INTERESTS IN REAL PROPERTY OR ACQUIRING, DESIGNING, FINANCING, CONSTRUCTING OR EQUIPPING AFFORDABLE HOUSING PROJECTS;

THE PROCEEDS OF THE EXCISE TAX SHALL BE DEPOSITED TO THE AFFORDABLE HOUSING FUND AND USED FOR AFFORDABLE HOUSING PURPOSES INCLUDING PAYING THE PRINCIPAL AND INTEREST ON SUCH DEBT;

THE RATE OF THE EXCISE TAX MAY BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 7.5%;

THE DEBT MAY BE EVIDENCED BY THE ISSUANCE OF BONDS OR OTHER FINANCIAL OBLIGATIONS PAYABLE FROM ANY LEGALLY AVAILABLE TOWN REVENUES AS DETERMINED BY THE TOWN COUNCIL TO BE IN THE BEST FINANCIAL INTEREST OF THE TOWN AND MAY BE SOLD IN ONE SERIES OR MORE ON SUCH TERMS AND CONDITIONS AS THE TOWN COUNCIL MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT

PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM;

AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, KEEP AND SPEND THE REVENUES FROM SUCH TAX, THE PROCEEDS OF SUCH DEBT, AND ANY INVESTMENT INCOME THEREFROM NOTWITHSTANDING THE LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 4. 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 5. 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.

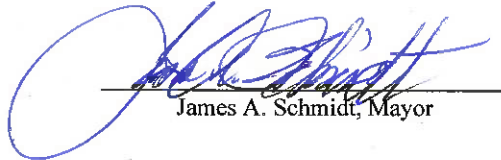
Section 6. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 7. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Town, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section 8. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

ADOPTED AND APPROVED this August 16, 2021.


James A. Schmidt, Mayor

(SEAL)

ATTEST:


Lynelle Stanford, Town Clerk

