

**Town of Basalt, Colorado
Resolution No. 31
Series of 2014**

A RESOLUTION OF THE TOWN COUNCIL OF BASALT, COLORADO, CALLING AN ELECTION ON NOVEMBER 4, 2014 TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL TAX OF UP TO TWO PERCENT ON LODGING ACCOMMODATIONS; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR THE ELECTION; PROVIDING OTHER MATTERS AND RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION

RECITALS

- A. By Ordinance No. 01 Series of 2004, the Town Council, in accordance with a November 4, 2003, election, declared the enactment of a 2.0% Lodging Tax and the expenditure of the receipts of such tax for the promotion of tourism and for acquisition, maintenance, repair and replacement of parks and trails within the Town as provided in the ordinance.
- B. By Ordinance No. 11 Series of 2014, the Town Council granted certain approvals for the Willits Town Center PUD.
- C. Condition 21 of the Ordinance approved financial assistance by the Town for the hotel to be located on Block 12.
- D. Condition 21A of the Ordinance requires the submittal of a ballot question for the November 2014 election asking for the voters to approve an additional two percent (2%) lodging tax, whereby any hotel making capital improvements would receive the additional lodging tax funds collected for that hotel to recoup expenses for capital projects approved by the Town Council, for up to 10 years after the improvements are completed or the hotel units have a certificate of occupancy whichever is later. After ten years the funds would be reserved for the Town's use. The Willits Developer would not be eligible to receive the lodging tax funds unless conditions listed in Condition 21 of the ordinance are satisfied.
- E. The Council has determined that commercial hotels are important to the economic viability of the Town of Basalt and therefore should be financially supported in part by the imposition of a lodging tax upon the leasing or renting of rooms or other accommodations in commercial lodging by short-term visitors and guests.

- F. The Council has determined that guests of the Town should be required to help defray the costs of providing capital improvements and promoting tourism within the Town.
- G. The Town Council (the "Council") of Basalt, Colorado (the "Town") has determined that the public interest and the needs of the Town require that provision be made for the imposition of the additional lodging tax with the revenues generated therefrom to be used as specified above.
- H. The Council has determined to set the title and content of the ballot issue to be submitted at the election called by this Resolution.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:

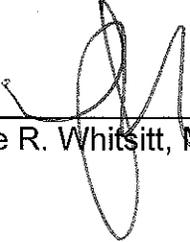
1. An election shall be held on Tuesday, November 4, 2014 at which there shall be submitted to the eligible electors of the Town a question authorizing the imposition of an additional 2% lodging tax, which question shall be in substantially the form attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Resolution as if set forth in full herein.
2. The election shall be conducted as a coordinated election in Pitkin and Eagle Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"), and Intergovernmental Agreements (the "Intergovernmental Agreements") between the Town and the Pitkin and Eagle County Clerk and Recorders (the "County Clerks").
3. No later than September 5, 2014, the Designated Election Official shall certify the order of the ballot and ballot text to the County Clerks. The "Designated Election Official" is the person designated as such in the Intergovernmental Agreements or, if no person is designated in the Intergovernmental Agreements, the Town Clerk.
4. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots, which are to be performed by the designated election official, shall be performed by the County Clerks.
5. No later than September 23, 2014, the Town Clerk shall deliver the full text of any required ballot issue notices (pro/con statements) to the County Clerks in order to be included in the issue mailing.
6. No later than October 3, 2014, the Town Clerk shall submit to the County Clerks, in the form, if any, specified by the County Clerks, the Notice of Election required by Article X, Section 20(3)(b) of the Colorado Constitution.

7. The Designated Election Official, or if so provided in the Intergovernmental Agreements the County Clerks, shall cause a Notice of Election to be published in accordance with C.R.S. § 1-5-205 on or before October 24, 2014.
8. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such questions, respectively, the Town acting through the Council shall be authorized to proceed with the necessary action to impose a lodging tax in accordance with such question. Any authority to impose a lodging tax, if conferred by the results of the election, shall be deemed and considered a continuing authority to impose a lodging tax so authorized at any one time, or from time to time, 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.
9. For purposes of C.R.S. § 1-11-203.5, this Resolution shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself.
10. 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.
11. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
12. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.
13. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.
14. This Resolution shall take effect immediately upon its passage.

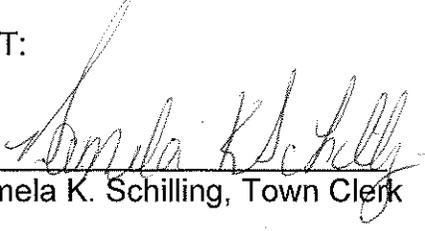
ADOPTED AND APPROVED this 24th day of June, 2014 by a vote of 5 to 0.

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TOWN OF BASALT, COLORADO

By 
Jacques R. Whitsitt, Mayor

ATTEST:

By 
Pamela K. Schilling, Town Clerk

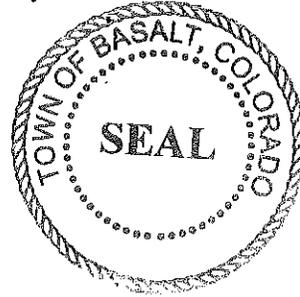


EXHIBIT A

FORM OF BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, ACTING THROUGH ITS TOWN COUNCIL, BE AUTHORIZED TO IMPOSE AN ADDITIONAL TWO PERCENT LODGING TAX ON THE LEASING OR RENTING OF ROOMS IN LODGING FACILITIES OR OTHER ACCOMMODATIONS AND DWELLINGS USED FOR SHORT-TERM RENTAL BY SHORT-TERM VISITORS AND GUESTS (FOR A MAXIMUM OF A FOUR PERCENT LODGING TAX) WHEREBY A COMMERCIAL HOTEL MAKING CAPITAL IMPROVEMENTS IN 2014 AND AFTER WOULD RECEIVE THE REVENUES GENERATED BY THE ADDITIONAL TAX AT THAT HOTEL FOR THEIR COMMERCIAL HOTEL FOR UP TO 10 YEARS SUBJECT TO TOWN APPROVAL AND AFTER 10 YEARS THE ADDITIONAL TAX FUNDS WOULD BE RESERVED TO THE TOWN'S USE. THE TOWN WOULD ALLOCATE THE ADDITIONAL TAX FUNDS NOT USED FOR APPROVED CAPITAL IMPROVEMENTS FOR MARKETING OF HOTELS, SHORT-TERM LODGING AND THE BASALT AREA