

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2022-6

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL SUBMITTING TO THE QUALIFIED ELECTORS OF THE TOWN OF NEW CASTLE AT THE APRIL 5, 2022, REGULAR ELECTION A BALLOT ISSUE CONCERNING THE INCREASE OF THE LODGING TAX FROM 2.5% TO 5%

WHEREAS, the Town of New Castle, Colorado (“Town”) is a duly organized home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the Town; and

WHEREAS, the members of the Town Council of the Town of New Castle (“Town Council”) have been duly elected and qualified; and

WHEREAS, since the imposition of the 2.5% lodging tax in 2004, the cost of community development enhancements and marketing of the Town has increased; and

WHEREAS, the Town Council has determined that visitors to the Town should continue to help defray the costs of marketing and developing in the Town and that the public interest and the needs of the Town require that the lodging tax be increased from 2.5% to 5%; and

WHEREAS, the Town Council desires to adopt an ordinance increasing the lodging tax, but pursuant to C.R.S. § 29-2-102, such ordinance can only become effective upon the approval of a majority of the registered electors in the Town voting thereon at a regular or special election; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) limits the ability of the Town to enact new taxes unless the eligible electors of the Town to approve such new taxes and authorize the expenditure of revenues from such taxes; and

WHEREAS, April 5, 2022, is the date of the next regular election of the Town and, therefore, one of the election dates at which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

WHEREAS, the Town Council desires to submit to the electors of the Town voting at such election the question of increasing the lodging tax from 2.5% to 5% on the price paid or charged for leasing or renting of rooms or other accommodations in commercial lodging within the Town for less than 30 days.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.

2. Ballot Issue. The following Ballot Issue shall be submitted to the qualified electors of the Town voting in the regular election to be held on April 5, 2022:

SHALL TOWN OF NEW CASTLE TAXES BE INCREASED BY AN ESTIMATED \$70,000.00 ANNUALLY IN THE FIRST FULL FISCAL YEAR, COMMENCING JANUARY 1, 2023, AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER, BY INCREASING THE EXISTING LODGING TAX FROM 2.5% TO 5% ON THE PRICE PAID OR CHARGED FOR LEASING OR RENTING OF ROOMS OR OTHER ACCOMMODATIONS IN COMMERCIAL LODGING WITHIN THE TOWN FOR LESS THAN 30 DAYS, WITH SAID TAX TO BE ADMINISTERED UNDER THE EXISTING TOWN MUNICIPAL CODE, THE PROCEEDS OF WHICH TAX, TOGETHER WITH INVESTMENT EARNINGS THEREON, SHALL BE USED SOLELY FOR ECONOMIC DEVELOPMENT, COMMUNITY ENHANCEMENTS, OR MARKETING OF THE TOWN, AND IN CONNECTION THEREWITH SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN, AND EXPEND THE PROCEEDS OF SUCH TAX AND INVESTMENT EARNINGS THEREON AS A VOTER-APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY APPLICABLE LIMITATIONS SET FORTH IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

_____ YES

_____ NO

3. Direction to Town Clerk. The Town Clerk is hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Resolution.

4. Severability. If any section, 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, paragraph, clause or provision shall in no manner affect any remaining provision of this Resolution.

5. Effective Date. The effective date of this Resolution shall be immediately upon adoption.

INTRODUCED, READ, AND ADOPTED at a regular meeting of the Town of New Castle Town Council held on February 1, 2022.

TOWN COUNCIL OF THE TOWN OF
NEW CASTLE, COLORADO

By: _____

Art Riddile, Mayor

ATTEST:

Melody Harrison CMC
Melody Harrison, Town Clerk

