

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 48, SERIES 2009

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
REFERRING A BALLOT QUESTION CONCERNING THE IMPOSITION OF A
LODGING TAX TO THE ELECTORS AT THE NOVEMBER 3, 2009 COORDINATED
ELECTION AND APPOINTING THE TOWN CLERK AS THE DESIGNATED
ELECTION OFFICIAL**

WHEREAS, the Town of Timnath, Colorado (the "Town"), is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Timnath Home Rule Charter ("Charter"); and

WHEREAS, the members of the Town Council (the "Council") have been duly elected and qualified; and

WHEREAS, the Council hereby finds and determines that it is in the public interest to adopt a three percent (3%) lodging tax to be imposed and collected upon compensation paid for lodging within the Town; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR"), requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, and the spending of certain funds above limits established by TABOR; and

WHEREAS, TABOR requires the Town to submit ballot issues, as defined in TABOR, to the Town's electors on limited election days; and

WHEREAS, an election will be coordinated by the Larimer County Clerk and Recorder on November 3, 2009; and

WHEREAS, pursuant to Section 20(3)(a), Article X of the Colorado Constitution and C.R.S. § 1-41-103, the November 3, 2009 election is an election date at which ballot issues may be submitted to the Town's electors; and

WHEREAS, the Council is of the opinion that the Town should seek voter approval of a new tax for the purpose provided in this resolution.

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH,
COLORADO:**

Section 1. Ballot Question Established. The following ballot question shall be placed upon the ballot of the coordinated election to be held on November 3, 2009:

SHALL TOWN OF TIMNATH TAXES BE INCREASED IN FISCAL YEAR 2010
AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED BY \$10,000.00
ANNUALLY THEREAFTER THROUGH THE ADOPTION OF A LODGING

TAX TO BE COLLECTED ON ALL COMPENSATION PAID FOR LODGING WITHIN THE TOWN OF TIMNATH, COMMENCING ON JANUARY 1, 2010, AT THE RATE OF THREE PERCENT (3%), AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND THE FULL AMOUNT OF SUCH REVENUES, INCLUDING ANY INTEREST AND INVESTMENT INCOME THEREON, FOR ANY GOVERNMENTAL PURPOSE AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATION, INCLUDING THOSE CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?


Section 2. Authority of Town Clerk. Pursuant to Charter Section 4.2, the Council hereby authorizes the Town Clerk, in lieu of an Election Commission, to take all actions necessary or appropriate to effectuate the provisions of this resolution. The Town Clerk is further authorized to act as the designated election official for all purposes concerning the November 3, 2009 coordinated election, as permitted or required by state statute or the state Constitution.

PASSED, APPROVED AND ADOPTED THIS 2ND DAY OF SEPTEMBER, 2009.

TOWN OF TIMNATH, COLORADO


Donna Benson, Mayor

ATTEST:


Milissa McGuire, Town Clerk

