SAN MIGUEL COUNTY LODGING TAX PANEL

BOARD OF COUNTY COMMISSIONER MEETING AGENDA
TUESDAY, DECEMBER 7, 2021 – 1:00 PM

1. **1:00 pm CALL TO ORDER. Join a Meeting, Zoom.us, Meeting ID #886.0478.7748, Password 198905, audio 1-301-715-8592 or 1-253-215-8782**

2. **REVIEW OF AGENDA**

3. **APPROVAL OF MINUTES**

   a. Approval of Minutes June 8, 2021.
   LTP-Minutes 6.8.2021-Draft.pdf

4. **Review of the Lodging Tax Report.**

   a. Review of the 3rd quarter and prior Lodging Tax Reports.
   1st Qtr 2021 - Adj #1 Lodging Tax.pdf
   1st Qtr 2021 - Adj #2 Lodging Tax.pdf
   2nd Qtr 2021.pdf
   3rd Qtr 2021.pdf

5. **Update with the Norwood Chamber.**

   a. Norwood Chamber of Commerce of Wright's Mesa budget documents
   NCC .pdf

6. **Report from Telluride Tourism - Michael Martelon**

7. **Other Business -**
   Consideration of the next meeting date.
   Other, as needed.

   a. Discussion regarding the impact of the 2021 election results.
   Presented By: Keith Hampton, Chair
   Lodging Tax Meeting Backup 20211207.pdf

8. **2:00 pm ADJOURNMENT**
   NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager reports may include administrative items not listed. Regular meetings, Public Hearings, and Special Meetings are recorded, and ACTION MAY BE TAKEN ON ANY ITEM. Formal Action cannot be taken at Work Sessions. For further information, contact the County Administration office at 970-728-3844. If special accommodations are necessary per ADA, contact 970-728-3844, via email bocc@sanmiguelcountyco.gov prior to the meeting.

   Request to speak during a meeting via zoom: Via Computer - Click Raise Hand in the Webinar Controls or

Telephone - Dial #9 to raise your hand.

The official, designate posting place for all meeting notices will be online at https://www.sanmiguelcountyco.gov/liveagenda. Use this link to view the live agenda with any last-minute changes. To be automatically notified, please sign up at www.sanmiguelcountyco.gov, sign up for alerts, and follow the prompts.

AGENDA ITEM 3.a

TITLE:
Approval of Minutes June 8, 2021.

Presented by:
Time needed:

PREPARED BY:
Carmen Warfield, Board of County Commissioners

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
LTP-Minutes 6.8.2021-Draft.pdf

Description:

SAN MIGUEL COUNTY LODGING TAX PANEL
REGULAR MEETING
MINUTES
Tuesday, June 8, 2021
Via Zoom.us meeting

Present: Keith Hampton, Chair
Frank Ruggeri, Vice Chair
Gretchen Wells, Member

Others Present: Lance Waring, County Commissioner
Michael Martelon, Marketing Telluride Inc.
Douglas Tooley, County resident

Staff Present: Carmen Warfield – Secretary

1. Regular Meeting.

2. Call to Order
1:00 pm.

3. Review of Agenda

4. Approval of Minutes.
a. Approval of March 30, 2021 minutes.

MOTION by Frank Ruggeri to approve the minutes for the March 30, 2021, meeting. **SECONDED** by Keith Hampton. **MOTION PASSED** 3-0.

5. Review of the Lodging Tax Report.
a. Review of the 4th quarter of 2020 Lodging Tax Report.
Review of the 1st quarter of the 2021 Lodging Tax Report.

6. Update with the Norwood Chamber.

Presenter: Gretchen Wells, Member

Requested to provide the following at each meeting.
1. Profit/Loss VS. Budget
2. Balance Sheet
3. Forcast for the year

7. Report from Telluride Tourism - Michael Martelon
1. Review of the Telluride Tourism
2. Review of Paid/Owner Occupancy
3. Messaging to visitors

8. Other

Consideration of the next meeting date. – December 7, 2021, at 1 pm (in person if possible)

a. Update on the Dolores School District Lodging Tax approved funding by the Board of County Commissioners of the UT Byway Council Website rebuild.

Presenter: Lance Waring, Commissioner

<u>Note</u>: $400.00 was approved by the Board of County Commissioners to assist the UT Byway Council in rebuilding the Website. Funding was provided through the Dolores School District Lodging Tax fund.

MOTION by Frank Ruggeri to adjourn the meeting. **SECONDED** by Keith Hampton. **MOTION PASSED** 3-0.

9. Adjournment.
1:46 pm.

Respectfully Submitted,

____
Carmen Warfield

SAN MIGUEL COUNTY LODGING TAX PANEL

____
Keith Hampton, Chair

Approved .

AGENDA ITEM 4.a

TITLE:
Review of the 3rd quarter and prior Lodging Tax Reports.

Presented by:
Time needed:

PREPARED BY:
Carmen Warfield, Board of County Commissioners

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

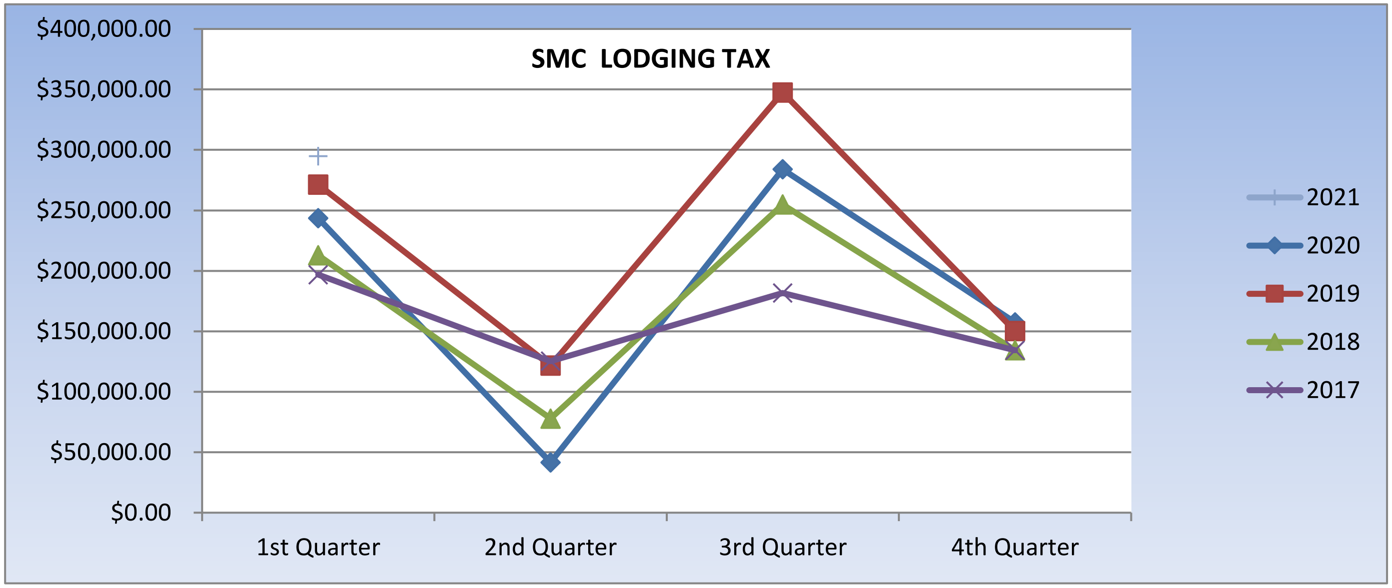
ATTACHMENTS:
1st Qtr 2021 - Adj #1 Lodging Tax.pdf
1st Qtr 2021 - Adj #2 Lodging Tax.pdf
2nd Qtr 2021.pdf
3rd Qtr 2021.pdf

Description:

SAN MIGUEL COUNTY LODGING TAX REPORT

Qtr	Total Collections	Prior Period Adjustments	% + (-) without prior period adjs	R1 School Dist	R2 & Dolores County School Districts	(without prior period adjustments) 2020	(without prior period adjustments) 2019
1st	$294,900.26	$293.00	21.01%	$ 292,458.20	$ 2,442.06	$243,463.11	$271,063.54
2nd						$41,547.16	$107,633.27
3rd						$283,927.78	$248,638.14
4th						$157,326.29	$143,177.57
TOTAL	**$294,900.26**	**$ 293.00**		**$ 292,458.20**	**$ 2,442.06**	$726,264.34	$770,512.52

Year-to-date is up 21.01% from the same period in 2020

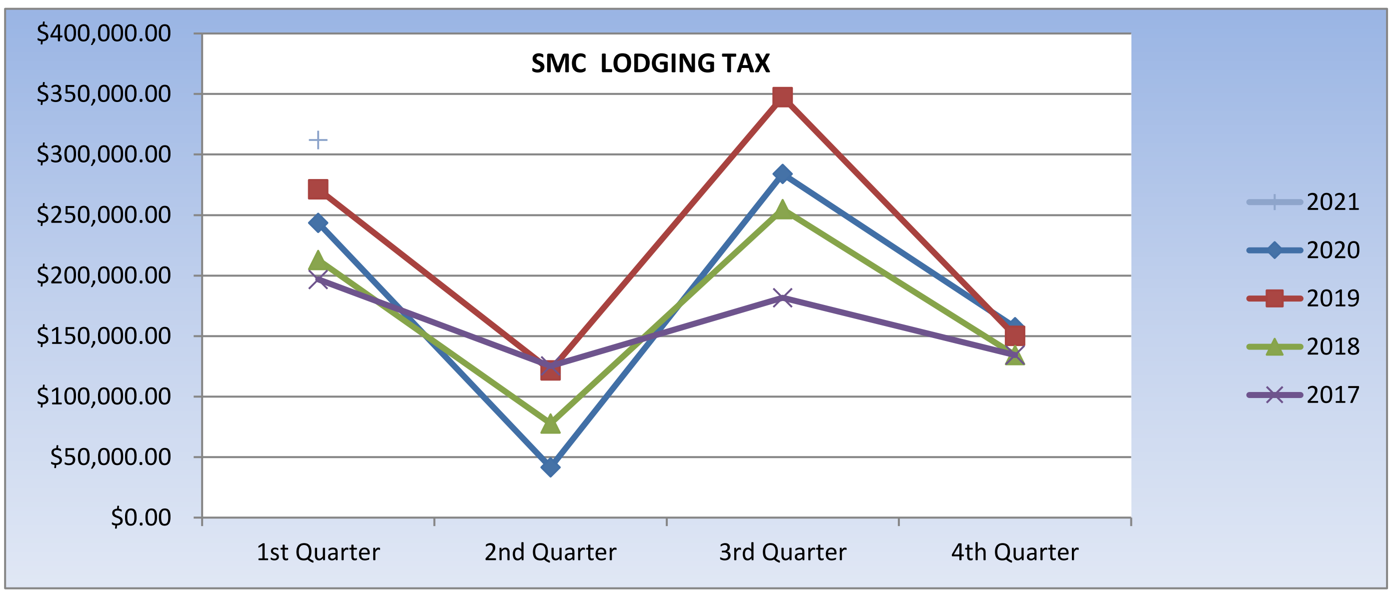


7/17/2021

SAN MIGUEL COUNTY LODGING TAX REPORT

Qtr	Total Collections	Prior Period Adjustments	% + (-) without prior period adjs	R1 School Dist	R2 & Dolores County School Districts	(without prior period adjustments) 2020	(without prior period adjustments) 2019
1st	$312,069.44	($1,817.00)	27.43%	$ 309,627.38	$ 2,442.06	$243,463.11	$271,063.54
2nd						$41,547.16	$107,633.27
3rd						$283,927.78	$248,638.14
4th						$157,326.29	$143,177.57
TOTAL	**$312,069.44**	**$ (1,817.00)**		**$ 309,627.38**	**$ 2,442.06**	$726,264.34	$770,512.52

Year-to-date is up 27.43% from the same period in 2020

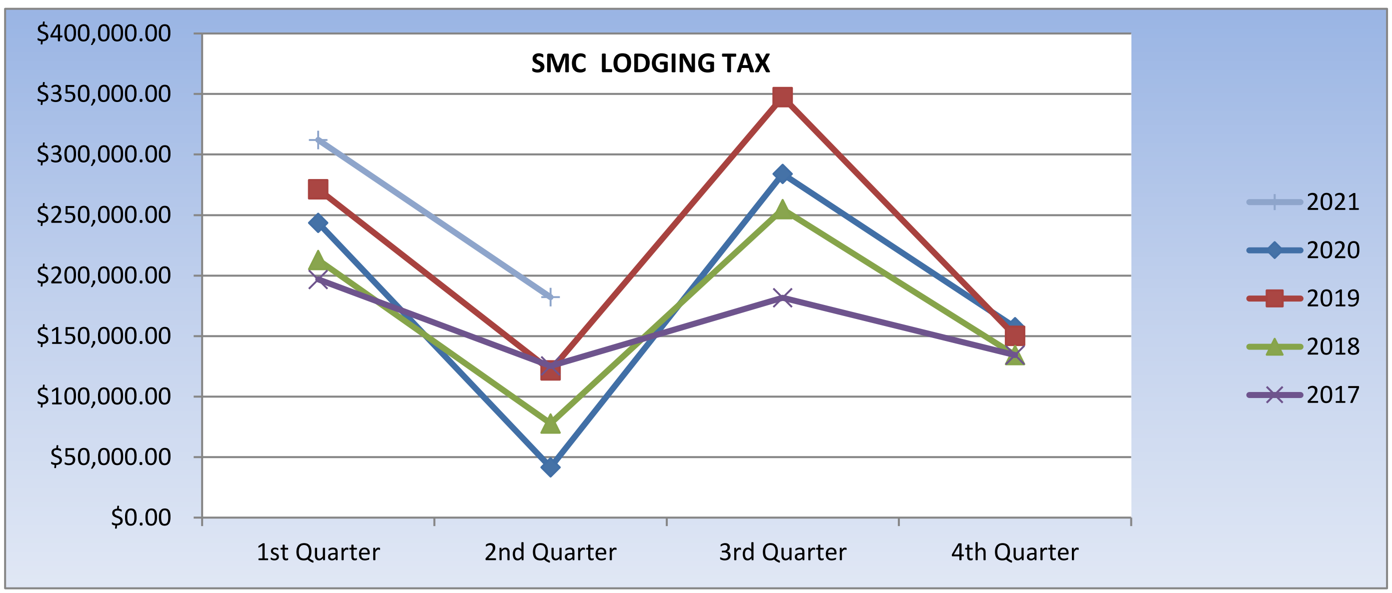


7/17/2021

SAN MIGUEL COUNTY LODGING TAX REPORT

Qtr	Total Collections	Prior Period Adjustments	% + (-) without prior period adjs	R1 School Dist	R2 & Dolores County School Districts	(without prior period adjustments) 2020	(without prior period adjustments) 2019
1st	$312,069.44	($1,817.00)	27.43%	$ 309,627.38	$ 2,442.06	$243,463.11	$271,063.54
2nd	$182,147.81	$ 5,316.89	325.61%	$ 179,907.11	$ 2,240.70	$41,547.16	$107,633.27
3rd						$283,927.78	$248,638.14
4th						$157,326.29	$143,177.57
TOTAL	**$494,217.25**	**$ 3,499.89**		**$ 489,534.49**	**$ 4,682.76**	$726,264.34	$770,512.52

Year-to-date is up 72.18% from the same period in 2020

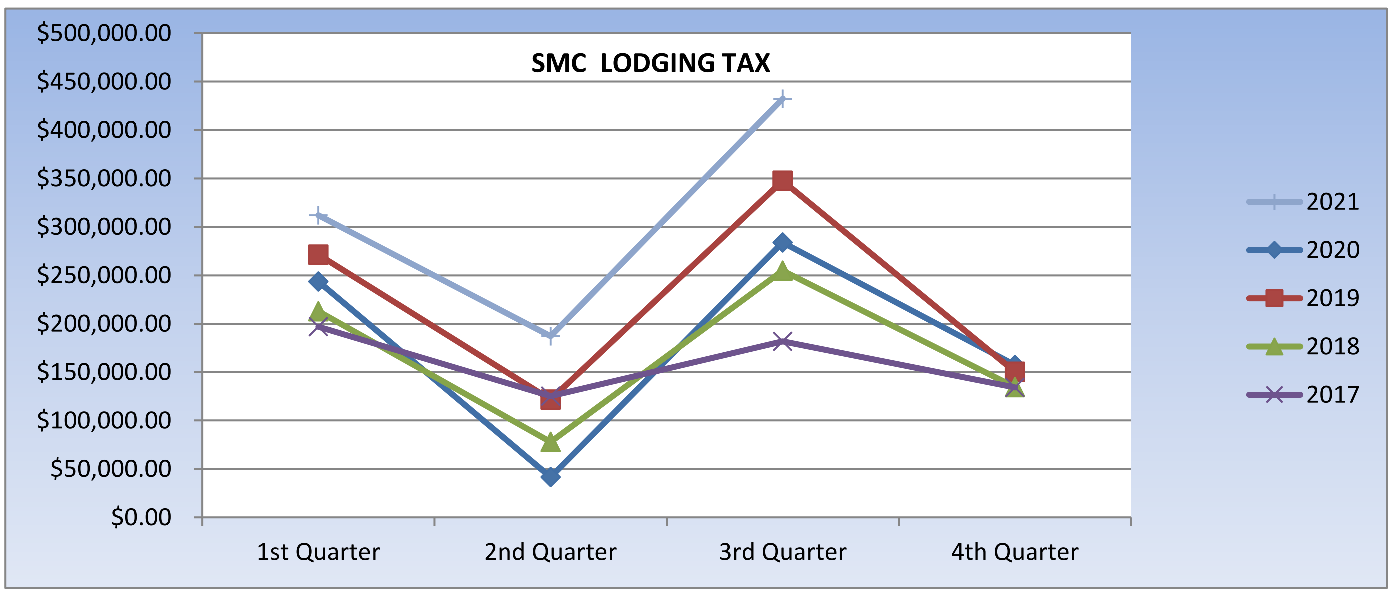


8/19/2021

SAN MIGUEL COUNTY LODGING TAX REPORT

Qtr	Total Collections	Prior Period Adjustments	% + (-) without prior period adjs	R1 School Dist	R2 & Dolores County School Districts	(without prior period adjustments) 2020	(without prior period adjustments) 2019
1st	$312,069.44	($1,817.00)	27.43%	$ 309,627.38	$ 2,442.06	$243,463.11	$271,063.54
2nd	$187,133.68	$ 2,568.97	356.60%	$ 181,933.62	$ 5,200.06	$41,547.16	$107,633.27
3rd	$432,439.04	$ 3,734.00	50.99%	$ 427,727.97	$ 4,711.07	$283,927.78	$248,638.14
4th						$157,326.29	$143,177.57
TOTAL	**$931,642.16**	**$ 4,485.97**		**$ 919,288.97**	**$ 12,353.19**	$726,264.34	$770,512.52

Year-to-date is up 62.96% from the same period in 2020



11/14/2021

AGENDA ITEM 5.a

TITLE:
Norwood Chamber of Commerce of Wright's Mesa budget documents

Presented by:
Time needed:

PREPARED BY:
Carmen Warfield, Board of County Commissioners

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
NCC .pdf

Description:

6:40 PM

12/01/21

Cash Basis

Norwood Chamber of Commerce of Wrights Mesa
Profit & Loss Budget Overview
January through December 2022

	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22	Aug 22	Sep 22	Oct 22	Nov 22	Dec 22	TOTAL Jan - Dec 22
Income													
2020 BALANCE FORWARD	9,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,500.00
DUES	250.00	250.00	0.00	50.00	50.00	49.50	50.00	100.50	200.00	0.00	0.00	0.00	1,000.00
INTEREST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
LODGING TAX	0.00	0.00	3,000.00	0.00	0.00	4,000.00	0.00	0.00	3,000.00	0.00	0.00	3,000.00	13,000.00
Total Income	9,750.00	250.00	3,000.00	50.00	50.00	4,049.50	50.00	100.50	3,200.00	0.00	0.00	3,000.00	23,500.00
Expense													
ADVERTISING & PROMOTION	1,100.00	1,100.00	1,100.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	12,300.00
BEAUTIFICATION	83.34	83.34	83.34	83.34	83.34	83.34	83.34	83.34	83.34	83.34	83.30	83.30	1,000.00
DUES PAID	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00
INSURANCE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.00	0.00	0.00	700.00
MEMBER EVENTS	0.00	0.00	0.00	0.00	0.00	500.00	0.00	0.00	0.00	0.00	0.00	1,000.00	1,500.00
NOEL NIGHT	500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
OFFICE SUPPLIES	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	150.00
PIONEER DAY	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00	0.00	0.00	0.00	500.00
SMB FAIR & RODEO	0.00	0.00	0.00	0.00	0.00	0.00	750.00	0.00	0.00	0.00	0.00	0.00	750.00
WEBSITE & DIGITAL MARKETING	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	6,000.00
Total Expense	2,333.34	1,683.34	1,783.34	1,583.34	1,583.34	2,083.34	2,333.34	1,583.34	2,083.34	2,283.34	1,583.30	2,583.30	23,500.00
Net Income	**7,416.66**	**-1,433.34**	**1,216.66**	**-1,533.34**	**-1,533.34**	**1,966.16**	**-2,283.34**	**-1,482.84**	**1,116.66**	**-2,283.34**	**-1,583.30**	**416.70**	**0.00**

6:06 PM
12/01/21
Cash Basis

Norwood Chamber of Commerce of Wrights Mesa
Profit & Loss Budget vs. Actual
January through December 2021

	Jan - Dec 21	Budget	$ Over Budget	% of Budget
Income				
2020 BALANCE FORWARD	0.00	5,000.00	-5,000.00	0.0%
DUES	1,029.00	1,000.00	29.00	102.9%
INTEREST	0.43	0.00	0.43	100.0%
LODGING TAX	13,750.38	6,000.00	7,750.38	229.2%
Total Income	14,779.81	12,000.00	2,779.81	123.2%
Expense				
ADVERTISING & PROMOTION	2,281.15	1,590.00	691.15	143.5%
BEAUTIFICATION	259.56	650.00	-390.44	39.9%
DUES PAID	0.00	100.00	-100.00	0.0%
INSURANCE	655.00	660.00	-5.00	99.2%
MEMBER EVENTS	0.00	1,500.00	-1,500.00	0.0%
NOEL NIGHT	95.02	300.00	-204.98	31.7%
OFFICE SUPPLIES	102.00	100.00	2.00	102.0%
PIONEER DAY	317.78	400.00	-82.22	79.4%
POKER RUN	0.00	200.00	-200.00	0.0%
SMB FAIR & RODEO	500.00	500.00	0.00	100.0%
VISITOR CENTER	0.00	0.00	0.00	0.0%
WEBSITE & DIGITAL MARKETING	4,573.02	6,000.00	-1,426.98	76.2%
Total Expense	8,783.53	12,000.00	-3,216.47	73.2%
Net Income	**5,996.28**	**0.00**	**5,996.28**	**100.0%**

Norwood Chamber of Commerce of Wrights Mesa
Balance Sheet
As of December 31, 2021

	Dec 31, 21
ASSETS	
Current Assets	
Checking/Savings	
CHAMBER	10,973.77
Total Checking/Savings	10,973.77
Total Current Assets	10,973.77
TOTAL ASSETS	**10,973.77**
LIABILITIES & EQUITY	
Equity	
Opening Balance Equity	8,372.60
Unrestricted Net Assets	-3,395.11
Net Income	5,996.28
Total Equity	10,973.77
TOTAL LIABILITIES & EQUITY	**10,973.77**

AGENDA ITEM 7.a

TITLE:
Discussion regarding the impact of the 2021 election results.

Presented by: Keith Hampton, Chair
Time needed:

PREPARED BY:
Carmen Warfield, Board of County Commissioners

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
Lodging Tax Meeting Backup 20211207.pdf

Description:

Carmen Warfield <carmenw@sanmiguelcountyco.gov>

Re: Reminder: Lodging Tax Meeting Tuesday, December 7, 2021 at 1:00 pm

1 message

Amy Markwell <amym@sanmiguelcountyco.gov> Tue, Dec 7, 2021 at 9:48 AM
To: Lance Waring <lancew@sanmiguelcountyco.gov>
Cc: Carmen Warfield <carmenw@sanmiguelcountyco.gov>, Carrie Andrew <carrie@loneconelibrary.org>, Frank Ruggeri <frank@telluride.com>, Gretchen Wells <gretchen.wells@gmail.com>, John Metzger <john@metzger.com>, Keith Hampton <keith@silverstartelluride.com>, Michael Martelon <michael@telluride.com>, Norwood Chamber of Commerce <info@norwoodcolorado.com>, Kris Holstrom <krish@sanmiguelcountyco.gov>, Mike Bordogna <mikeb@sanmiguelcountyco.gov>

All,

In advance of the meeting today, here is some information for reference:

1) a breakdown of lodging tax collection since 2018
2) the current statute re: county lodging tax and
3) the county lodging tax ballot language from 1993 which specifically limits the use of the funds to advertise marketing and tourism to the area in which they were collected (attached).

Amy

Amy T. Markwell
County Attorney

P.O. Box 1170 (mailing address/USPS)
333 West Colorado Avenue, 3rd Flr. (physical address/Fed Ex & UPS)
Telluride, CO 81435
Tel.: 970-728-3879
FAX: 970-728-3718
amym@sanmiguelcountyco.gov

Ramona Rummel 6:00 AM (3 hours ago)
to Lance, Hilary, Mike, Kris, me, Carmen

Hi all -

Below is a quick recap of the lodging tax breakdown as requested. Please note that this is based on all collections (including prior period adjustments for each respective year):

Year	Town of Telluride	Unincorporated R1	R2	Total
2021 thru Q3	$880,728.43	$38,560.54	$12,353.19	$931,642.16
2020	$818,961.63	$46,301.51	$7,987.32	$873,250.46
2019	$841,110.93	$40,307.20	$9,340.85	$890,758.98
2018	$622,121.14	$46,369.93	$11,311.43	$679,802.50
Totals	$3,162,922.13	$171,539.18	$40,992.79	$3,375,454.10

Please let me know what else may be needed for today's meeting. Thanks.

Ramona Rummel
Finance Director
PO Box 486, Norwood CO 81423
(O)970-327-4885
(C) 970-729-9057

CRS 30-11-107.5

(1) In accordance with the procedures set forth in this section, the board of county commissioners of each county, for the purpose of advertising and marketing local tourism, may levy a county lodging tax of not more than two percent on the purchase price paid or charged to persons for rooms or accommodations as included in the definition of "sale" in section 39-26-102(11), C.R.S . No tax shall apply within any municipality levying a lodging tax.

(2)(a) The county lodging tax shall be collected, administered, and enforced, to the extent feasible, pursuant to section 29-2-106, C.R.S .

(b) The department of revenue shall perform, on an annual basis, an analysis to determine the net incremental cost of such collection, administration, and enforcement. The department of revenue shall retain only the amount determined to be necessary by the cost analysis, and in no event shall that amount exceed three and one-third percent of the amount collected. Such amount retained shall be transmitted to the state treasurer, who shall credit the same to the general fund, and such amount shall be subject to appropriation by the general assembly for the net incremental cost of such collection, administration, and enforcement.

(c) Any person or entity providing rooms or accommodations as included in the definition of "sale" referred to in subsection (1) of this section shall be liable and responsible for the payment of an amount equivalent of up to two percent of all such sales made and shall quarterly, unless otherwise provided by law, make a return to the executive director of the department of revenue for the preceding tax-reporting period and remit an amount equivalent up to the said two percent on such sales to said executive director.

(3)(a) The board of county commissioners may, by resolution, approve a proposal for a county lodging tax; thereupon, such proposal for the county lodging tax shall be referred to the registered electors of the unincorporated areas and the municipalities subject to the lodging tax at a special election held for such purpose. Any such election may be combined with any other special election. On and after January 1, 1989, such tax may only be approved at a general election.

(b)(I) Such proposal shall contain a description of the proposed county lodging tax, including its purposes, and shall state the amount to be imposed and shall describe any municipality within the county which has such a tax and which shall therefore be excluded from the election proposed in paragraph (a) of this subsection (3) and any resulting lodging tax.

(II) If any additional lodging tax or statewide tax on lodging facilities is enacted or levied after January 1, 1987, which in combination with the lodging tax authorized by this section exceeds two percent, the tax under this section shall be reduced by that amount that the total tax exceeds the two percent maximum specified in subsection (1) of this section.

(c) Repealed by Laws 1987, S.B.223, § 2.

(d) No public moneys from any source shall be expended directly or indirectly to urge electors to vote in favor or against the imposition of the lodging tax. Nothing in this paragraph (d) shall be construed as prohibiting an elected official from expressing his personal opinion concerning the imposition of the lodging tax.

(e) Upon the adoption of the resolution by the board of county commissioners approving such county lodging tax proposal, the county clerk and recorder shall publish the text of such county lodging tax proposal four separate times, a week apart, in a newspaper of general circulation within the county. The cost of the election shall be initially paid out of the general fund of the county. If the county lodging tax is approved, the general fund of the county shall be reimbursed out of the county lodging tax tourism fund described in paragraph (a) of subsection (4) of this section. The conduct of the election shall conform, so far as practicable, to the general election laws of the state.

(f)(I) If approved by a majority of the registered electors from the municipality or unincorporated area subject to the lodging tax voting thereon, the county lodging tax shall become effective as provided in section 29-2-106(2), C.R.S .

(II) If a majority of the registered electors voting thereon fail to approve the county lodging tax, the question shall not be submitted again to such electors for a period of one year following the date of said election.

(4)(a) All revenue collected from such county lodging tax, except the amounts retained under subsection (2) of this section, shall be credited to a special fund designated as the county lodging tax tourism fund, hereby created. The fund shall be used only to advertise and market tourism in accordance with paragraphs (b) and (c) of this subsection (4) and to reimburse the general fund of the county for the cost of the election in accordance with paragraph (d) of subsection (3) of this section. No revenue collected from such county lodging tax shall be used for any capital expenditures, with the exception of tourist information centers.

(b) Upon approval of a lodging tax by the electors pursuant to this section, the county commissioners shall select a panel of no less than three citizens to administer the tourism fund. Members of the panel shall be appointed from the tourism industry within the municipalities or unincorporated areas from which the lodging tax is collected. Where there is an established and proven marketing entity within the county formed for the purpose of advertising and marketing tourism, the panel is encouraged to use that entity, and that entity shall provide an accounting to the panel and to the county commissioners.

(c) The panel, to the extent feasible, shall advertise and market tourism for the benefit of those unincorporated areas and municipalities from which the lodging tax originated.

(5) Nothing provided in this section shall in any way prohibit municipalities and counties from cooperating to create countywide uniform lodging taxes with voluntary abandonment of municipal lodging tax ordinances.

(6) Repealed by Laws 1990, S.B.90-33, § 1, eff. April 3, 1990.

On Mon, Dec 6, 2021 at 1:10 PM Lance Waring <lancew@sanmiguelcountyco.gov> wrote:

> Hello All,
> I will be traveling and unable to attend the meeting tomorrow.

Kris Holstrom will be there. I believe Amy Markwell will also.
Thank you for excusing my absence,
LW

On Mon, Dec 6, 2021 at 9:20 AM Carmen Warfield <carmenw@sanmiguelcountyco.gov> wrote:

> The agenda and packet are available at https://www.sanmiguelcountyco.gov/661/Agendas-and-Minutes.
>
> Topic: Lodging Tax Panel Meeting
>
> Join Zoom Meeting
> https://us02web.zoom.us/j/88604787748
>
> Meeting ID: 886 0478 7748
> Passcode: 198905
> One tap mobile
> +16699009128,,88604787748# US (San Jose)
> +12532158782,,88604787748# US (Tacoma)
>
> Dial by your location
> +1 669 900 9128 US (San Jose)
> +1 253 215 8782 US (Tacoma)
> +1 346 248 7799 US (Houston)
> +1 646 558 8656 US (New York)
> +1 301 715 8592 US (Washington DC)
> +1 312 626 6799 US (Chicago)
> Meeting ID: 886 0478 7748
> Find your local number: https://us02web.zoom.us/u/k2pNHSK9z
>
> Carmen L. Warfield
>
> Carmen L. Warfield
>
> Chief Deputy Clerk - BOCC
>
> San Miguel County
>
> 333 W. Colorado Ave, 3rd Floor
>
> PO Box 1170
>
> Telluride, CO 81435
>
> 970-369-5429
>
> 970-708-8399 cell
>
> E:carmenw@sanmiguelcountyco.gov
>
> W:www.sanmiguelcountyco.gov

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Lance Waring
San Miguel County Commissioner District Two
970 708-0629 (cell)

BOCC RES.LodgingTax.#1993-60.pdf
316K

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO ESTABLISHING A COUNTY WIDE LODGING TAX FOR TOURISM PROMOTION AND MANAGEMENT WITHIN SAN MIGUEL COUNTY; SAID TAX TO APPLY WITHIN THE TOWN OF TELLURIDE ONLY ON REPEAL OF THE TELLURIDE LODGING TAX; AND, PROVIDING FOR THE SUBMISSION OF SAID TAX TO THE REGISTERED, QUALIFIED ELECTORS OF THE TOWNS OF NORWOOD, OPHIR, SAWPIT, AND TELLURIDE, AND OF THE UNINCORPORATED AREAS OF THE COUNTY AT THE NOVEMBER 2, 1993 SPECIAL ELECTION

RESOLUTION #1993-60

WHEREAS, C.R.S. § 30-11-107.5 authorizes San Miguel County to impose a county-wide lodging tax of up to 2% on the price paid or charged to persons for rooms or accommodations, as defined in C.R.S. § 39-26-102(11), for the purpose of raising revenue for advertising and marketing local tourism; and

WHEREAS, the Colorado Constitution, Article X, Section 20 requires that ballot issues shall be decided in a state general election, in a biennial local district election, or on the first Tuesday in November of odd-numbered years; and

WHEREAS, C.R.S. § 30-11-107.5(3)(a) provides that a county wide lodging tax shall only be approved at a general election; because this provision conflicts with Colorado Constitution Article X, Section 20, the constitutional provision shall supersede the statute; and

WHEREAS, any lodging tax proposed by the County shall not apply within any municipality already levying a lodging tax; and

WHEREAS, the Town of Telluride currently imposes a lodging tax of 2%, codified at Chapter 3.20 of the Town of Telluride Municipal Code; and Section 3.20.390 thereof provides a Sunset Clause for the Town lodging tax and requires coordination with the County at such time as the County proposes to enact, in the determination of the Telluride Town Council, a substantially similar lodging tax which would apply within the Telluride region; and Section 3.20.390.B provides a mechanism by which the Town lodging tax may be repealed by the voters of the Town of Telluride, conditional upon the approval of the voters of the County of a substantially similar county-wide lodging tax, at an election to be held prior to or simultaneous with the election for the county-wide tax; and

WHEREAS, the county-wide lodging tax proposed herein is substantially similar to the Town of Telluride lodging tax codified at Chapter 3.20 of the Telluride Municipal Code; and

WHEREAS, the county-wide lodging tax proposed herein shall not be imposed unless approved by the majority of the registered electors of the municipalities of Norwood, Ophir, Sawpit, and

Telluride, and of the unincorporated areas of San Miguel County subject to the lodging tax voting thereon; and it shall not apply within the Town of Telluride unless the Town lodging tax is repealed by the Town of Telluride electors prior to or simultaneous with approval of the county-wide tax, and unless such electors also vote to approve the imposition of the County lodging tax within the Town of Telluride;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY AS FOLLOWS:

<u>Section 1.</u> <u>Lodging Tax Imposed on Transaction of Furnishing Rooms or Accommodations.</u>

Subject to the approval of the eligible registered electors of San Miguel County at the general election to be held on November 2, 1993, there is hereby imposed and levied and shall be collected a lodging tax of up to 2.0% on the purchase price paid or charged to persons for rooms or accommodations as included in the definition of "sale" in C.R.S. § 39-26-102(11). Thus, the lodging tax shall be imposed on the transaction of furnishing rooms or accommodations by any person, partnership, limited liability company, association, corporation, estate, receiver, trustee, assignee, lessee, or person acting in a representative capacity or any other combination of individuals by whatever name known to a person who for consideration uses, possesses, or has the right to use or possess any room in a hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. The lodging tax shall apply to such transactions of thirty days or less.

<u>Section 2.</u> <u>Point of Imposition.</u>

For the purpose of the lodging tax imposed by this Resolution, all sales are consummated at the place where the actual rooms or accommodations, which are provided, are located.

<u>Section 3.</u> <u>Administration.</u>

The County lodging tax shall be collected, administered, and enforced, to the extent feasible, pursuant to C.R.S. § 29-2-106, as Amended.

<u>Section 4.</u> <u>Persons Liable.</u>

Any person or entity providing rooms or accommodations as defined in Section 1. of this Resolution, and at C.R.S. § 39-26-102(11), as Amended, shall be liable and responsible for the payment of an amount equal to 2.0%, or such other lower rate of tax as shall be imposed pursuant to Section 7. of this Resolution and C.R.S. § 30-11-107.5(3)(b)(II), of all such sales made, and shall quarterly, unless otherwise provided by law, make a return to the Executive Director of the Department of Revenue for the preceding tax-reporting period and remit an amount equivalent up to the said 2.0%, or other rate, on such sales to said Executive Director.

Section 5. Relationship to Town of Telluride Lodging Tax.

At the time of this Resolution there exists a substantially similar lodging tax of 2% in the Town of Telluride. See Chapter 3.20 of the Town of Telluride Municipal Code. The county-wide lodging tax shall not apply within the Town of Telluride unless the Town tax is repealed by the electors of the Town of Telluride at the special election to be held on November 2, 1993. To that effect, the Board of County Commissioners of San Miguel County hereby submits this Resolution to the Town Council of the Town of Telluride so that it may refer the question of a repeal to the Town electors, in accordance with the Telluride Home Rule Charter and Municipal Code, Section 3.20.390.

The lodging tax ballot question shall be referred separately to the registered electors of (1) the Town of Telluride, where a lodging tax already exists, and where the Town of Telluride electors will simultaneously decide on a repeal of the Town lodging tax contingent upon the approval of this County-wide Lodging Tax; and (2) the Towns of Norwood, Ophir, and Sawpit, and the unincorporated area of the County.

The Town of Telluride electors shall vote on the repeal of the Town lodging tax, such repeal to be contingent upon their approval of the County-wide lodging tax, and shall also vote on approval of the County lodging tax. If the Town of Telluride electors do not approve a repeal of the Town lodging tax, their votes in favor or opposed to the County lodging tax shall not be counted and the County lodging tax shall not apply within the Town of Telluride. If the Town of Telluride electors approve the repeal of the Town lodging tax, their votes in favor of or opposed to the County lodging tax shall be counted and the County lodging tax shall apply within the Town of Telluride only if approved by a majority of the Town of Telluride electors. If the Town of Telluride electors approve the repeal of the Town lodging tax but do not approve the County lodging tax, then the County lodging tax shall not apply within the Town of Telluride, the repeal shall be ineffective because it is contingent upon approval of the County lodging tax, and the Town lodging tax shall remain in effect according to its terms.

If the Town of Telluride electors do not to repeal the Town lodging tax, the County lodging tax may still apply throughout the remainder of the County.

Section 6. Limits on Expenditures.

No public monies from any source shall be expended directly or indirectly to urge electors to vote in favor of or against the imposition of the lodging tax. Nothing in this paragraph shall be construed as prohibiting an elected official from expressing his or her personal opinion concerning the imposition of the lodging tax.

Section 7. Limit on Tax.

If any additional lodging tax or statewide tax on lodging facilities is enacted or levied after January 1, 1987, which in combination with the lodging tax authorized and imposed by this Resolution, exceeds two percent, the tax under this Resolution shall be reduced by the amount that the total tax exceeds the two percent maximum. See C.R. S. § 30-11-107.5(3)(b)(II).

Therefore, the lodging tax authorized and imposed by this Resolution shall be at the rate of 2.0% because there are no other lodging taxes or statewide taxes on lodging currently in effect. At such time as such other tax is imposed, the County lodging tax authorized and imposed by this Resolution shall be reduced accordingly.

Section 8. Publication and Costs of Election.

Upon adoption of this Resolution, the San Miguel County Clerk and Recorder shall publish the text of this County lodging tax proposal four separate times, a week apart, in a newspaper of general circulation within the County. The cost of the election shall be initially paid out of the general fund of the County. If the County lodging tax is approved, the general fund of the County shall be reimbursed out of the County lodging tax tourism fund described in Section 9. of this Resolution, for the cost allocated by the County to the lodging tax election. All initial revenues which are deposited into the County Lodging Tax Tourism Fund shall first be applied to reimbursing the County for the costs of said election. The conduct of the election shall conform, so far as practicable, to the general election laws of the State of Colorado.

Section 9. County Lodging Tax Tourism Fund Created.

All revenue collected from such County lodging tax, except for the amounts retained by the State Department of Revenue for collection and enforcement, under the authority of C.R.S. § 29-2-106, as Amended, and the amounts retained pursuant to C.R.S. § 30-11-107.5(2)(b), which, in no event shall exceed 3.33% of the amount collected, shall be credited to a special fund designated as the County Lodging Tax Tourism Fund, which is hereby created. The fund shall be used only to advertise and market tourism in accordance with Section 10. of this Resolution and to reimburse the general fund of the County for the cost of the election in accordance with Section 8. of this Resolution. No revenue collected from such County lodging tax shall be used for any capital expenditures, with the exception of tourist information centers.

Section 10. Lodging Panel.

Upon approval of the lodging tax by the electors pursuant to this Resolution, the County Commissioners shall select and appoint a panel of no less than three citizens of San Miguel County to administer the tourism fund. Members of the panel shall be appointed from the tourism industry for terms of no more than two years, but shall serve at the pleasure of the Board. At least one of the panel members shall be a resident of the R2 School District. Where there is an established and proven marketing entity within the County formed for the purpose of advertising and marketing tourism, the panel is encouraged to use that entity, and that entity shall provide an audited accounting to the panel and to the County Commissioners, on an annual basis. The panel shall administer the fund for the promotion and advertising of tourism in specific areas of the County, including, but not limited to, the Norwood or R2 School District region and the Telluride or R1 School District region, in proportion to the amount of tax collected in each such area. In so administering the fund, the panel may contract with or use a single, separate marketing entity as referred to above in each specific area. The panel may receive proposals from and contract with marketing entities as referred to above on an annual basis. The panel shall be subject to the general supervision of the San Miguel County Board of County Commissioners.

Section 11. Submission to Electors.

Upon approval of this Resolution by the Board of County Commissioners of San Miguel County, the lodging tax proposal contained herein is hereby referred to the registered electors of (1) the Town of Norwood, the Town of Ophir, and the Town of Sawpit, and of the unincorporated area of San Miguel County and (2) the Town of Telluride, at the special election to be held on November 2, 1993, and conducted by the San Miguel County Clerk and Recorder in accordance with the applicable provisions of Colorado Law.

The question to be submitted to the registered electors of the county at such election shall be as follows:

"SHALL SAN MIGUEL COUNTY, COLORADO, TAXES BE INCREASED UP TO $676,287.00* ANNUALLY by the imposition, commencing January 1, 1994 and thereafter, of a lodging tax of up to 2.0%, and shall San Miguel County be entitled to collect and spend the full revenues from such tax increase regardless of whether the annual revenues from such tax increase in any year after the first full year in which it is in effect exceed the estimated dollar amount stated above and without any other limitation or condition, and without limiting the collection or spending of any other revenues or funds by San Miguel County, under Article X, Section 20 of the Colorado Constitution or any other law?

"This lodging tax shall be imposed on the price paid or charged to persons for rooms or accommodations, as defined in Colorado Revised Statutes, § 39-26-102(11), rented for a period of 30 days or less, for the purpose of raising revenue dedicated solely for tourism promotion and management throughout San Miguel County, which may include the operation of a tourist information center or centers."

"The proceeds of the tax will be administered for the promotion, marketing, and management of tourism in the Norwood Region and the Telluride Region, as defined by the R1 and R2 School Districts, respectively, in proportion to the amount of tax collected in each area."

"This county-wide lodging tax will, if approved, apply to lodging transactions within the Town of Telluride limits only if the electors of the Town of Telluride vote in this election to repeal the current Town of Telluride 2% lodging tax."

"* This figure is based on projections of lodging sales and estimates of lodging tax revenue to be received in Telluride and San Miguel County in the year 1999. Actual revenue from this lodging tax is estimated to be much lower than this figure in the initial years of its imposition."

FOR APPROVAL OF COUNTY-WIDE LODGING TAX ________

AGAINST APPROVAL OF COUNTY-WIDE LODGING TAX ________

<u>Section 12.</u> <u>Procedure After Approval of Tax.</u>

If approved by a majority of the registered electors from the municipalities or unincorporated areas subject to the lodging tax voting thereon, the County lodging tax shall become effective on January 1, 1994, as provided in C.R.S. § 29-2-106(2). Upon such approval, the San Miguel County Clerk and Recorder shall, at least 45 days prior to the effective date of the tax, submit notice of the adoption of the tax to the Executive Director of the Department of Revenue, together with a certified copy of this Resolution.

Section 13. Administration.

The Board of County Commissioners of San Miguel County may adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this proposal and Resolution, and the Board of County Commissioners of San Miguel County or their authorized representatives are hereby empowered to enter and execute on behalf of San Miguel County any agreements necessary for the administration and enforcement of this proposal and Resolution.

Section 14. Severability.

If any provision of this proposal and Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared to be severable. Nothing herein shall prevent San Miguel County from conforming this lodging tax to the requirements of Colorado or United States law.

APPROVED by the San Miguel County Board of Commissioners on this 12th day of August, 1993.

SAN MIGUEL COUNTY
BOARD OF COUNTY COMMISSIONERS

By: Wm Wenger
William Wenger, Chair

ATTEST:

By: Darlene Freeman
Deputy Clerk

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