



AGENDA
for the Board of Trustees
of the Town of Palisade, Colorado
341 W 7th Street (Palisade Civic Center)

September 8, 2022

6:00 pm SPECIAL Meeting and Work Session

A live stream of the meeting may be viewed at:

<https://us06web.zoom.us/j/3320075780>

- I. **SPECIAL MEETING CALLED TO ORDER AT 6:00 pm**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **AGENDA ADOPTION**
- V. **NEW ITEMS**
 - A. **Resolution 2022-17 – Coordinated Election Ballot Language**
The Board of Trustees will consider Resolution 2022-17, setting the ballot language to increase Lodging Fees for the November 8, 2022, coordinated election.
 1. Staff Presentation
 2. Board Discussion
 3. Decision - Motion, Second, and Rollcall Vote
 - B. **Resolution 2022-18 – Appointing Election Official**
The Board of Trustees will consider Resolution 2022-18 appointing the Town Clerk as the Designated Election Official for the November 8, 2022, coordinated election.
 1. Staff Presentation
 2. Board Discussion
 3. Decision - Motion, Second, and Rollcall Vote
- VI. **ADJOURNMENT**
- VII. **WORK SESSION**

The work session will not be broadcast on Zoom. Interested citizens may attend in person; however, questions and/or comments are not accepted during work sessions.

 - A. **2023 Town of Palisade Budget – Capital Projects Section**



PALISADE BOARD OF TRUSTEES
Agenda Item Cover Sheet

Meeting Date: September 8, 2022

Presented By: Keli Frasier, Town Clerk

Department: Clerk/Elections

Re: November 8, 2022 Coordinated Election

SUBJECT:

Resolution 2022-17: Ballot Language for Increase to Lodging Tax

SUMMARY:

The Palisade Board of Trustees approved an Internal Governmental Agreement (IGA) with Mesa County Elections Department to coordinate a mail ballot election on November 8, 2022, to ask the voters of Palisade to increase the Lodging Tax current imposed on all lodging businesses in Town limits.

On September 1, 2022, the Tourism Advisory Board (TAB) voted 7-1 (3 members were absent) to recommend an increase from \$2.00 per day per occupied room to \$6.00 per day per occupied room, with \$2.00 from each fee allocated to public safety (fire and police services).

Town Attorney Jim Neu drafted the attached Resolution and proposed ballot language based upon TAB's recommendation. TABOR (Tax Payors Bill of Rights) has very specific requirements for ballot language and how ballot questions are written. The bulk of the language cannot be changed. What the Board CAN consider amending is the amount of increase (TAB recommended increasing to \$6.00. The Board can approve an amount they feel is appropriate to ask the voters for), and allocation of the revenues (i.e., 50% to tourism, 50% to Emergency Services, etc.).

If the Board amends the Resolution, Town Attorney Neu has already agreed to modify the language in time to submit it to Mesa County Elections on 9/9/2022.

BOARD DIRECTION:

Approve Resolution 2022-17 with a motion, second, and rollcall vote

Option 1: As presented.

Option 2: As amended. *Please be specific in the motion of what is being amended.*

TOWN OF PALISADE, COLORADO
RESOLUTION NO. 2022-17

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO, SUBMITTING A BALLOT ISSUE TO THE REGISTERED ELECTORS OF THE TOWN OF PALISADE, COLORADO, AT THE COORDINATED ELECTION TO BE HELD ON NOVEMBER 8, 2022, CONCERNING WHETHER THE TOWN OF PALISADE SHOULD INCREASE THE OCCUPATION TAX IMPOSED BY THE TOWN ON THE PROVISION OF LODGING ROOMS AND ACCOMMODATIONS FROM \$2.00 PER DAY PER OCCUPIED ROOM TO \$6.00 PER DAY PER OCCUPIED ROOM WITH THE REVENUES FROM THE TOTAL OCCUPATION TAX COLLECTED TO BE USED 67 PERCENT TO FUND THE PROMOTION OF TOURISM AND 33 PERCENT TO FUND EMERGENCY SERVICES.

WHEREAS, the Town of Palisade, Colorado (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the Board of Trustees finds and determines that the provision of lodging rooms and accommodations and recreational vehicle park or campground spaces to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police and fire protection, and has a substantial affect upon the health, safety and welfare of the citizens of the Town of Palisade and upon the expenditures budgeted by the Town, which is a matter of local concern; and

WHEREAS, Section 31-15-501(1)(c), C.R.S., authorizes the Town of Palisade to tax the owners of businesses on the privilege of conducting various classes of businesses within the Town; and

WHEREAS, the Board of Trustees desires to submit to the registered voters of the Town of Palisade the question of whether to increase the occupation tax imposed by the Town on the provision of lodging rooms and accommodations from \$2.00 per day per occupied room to \$6.00 per day per occupied room with the revenues from the total occupation tax collected to be used 67 percent to fund the promotion of sustainable tourism and 33 percent to fund emergency services (the “Ballot Question”), which question will be submitted to the registered voters at the coordinated election to be held on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO, THAT:

Section 1. Submission to Voters. There shall be submitted to the eligible electors of the Town at the coordinated election held on November 8, 2022, a question authorizing the increase in the occupation tax is imposed by the Town on lodging rooms and accommodations, which question shall be in substantially the form attached to and incorporated into this resolution

as Exhibit A.

Section 2. Implementation of the Increased Occupation Tax. If a majority of the votes cast on the Ballot Question submitted at the election are in favor of such question, the Board of Trustees shall be authorized to proceed with the necessary action to increase the occupation tax imposed by the Town in accordance with such question. Any authority to increase the occupation tax, if conferred by the results of the election, shall be deemed and considered a continuing authority to increase the occupation 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.

Section 3. Effective Date. Subject to voter approval of the Ballot Question at the November 8, 2022 coordinated election, the increase in the occupation tax shall commence on or after January 1, 2023.

Section 4. TABOR Notice. At least thirty (30) days prior to the election, on or before October 7, 2022, the Town Clerk shall mail at the least cost, a titled notice or set of notices addressed to “All Registered Voters” at each address of one or more active registered voters concerning the ballot question referenced in this resolution. The notice shall be entitled “**NOTICE OF ELECTION TO INCREASE TAXES.**” The notice shall also include all information required by Article X, Section 20(3)(b) (“The Taxpayer’s Bill of Rights”).

Section 5. Effect of Election Results. If a majority of the votes cast on the Ballot Question submitted at the election shall be in favor of the ballot issue, the Board of Trustees shall take such action, by ordinance, to amend the Palisade Municipal Code to incorporate the Ballot Question so approved consistent with the terms and provisions of the Ballot Question and this resolution.

Section 6. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and officers thereof, directed toward the election and the objects and purposes herein stated are hereby ratified, approved, and confirmed.

Section 7. The officers and employees of the Town are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this resolution.

INTRODUCED, PASSED, AND APPROVED this 8th day of September 2022.

TOWN OF PALISADE, COLORADO

Greg Mikolai, Mayor

ATTEST:

Keli Frasier, Town Clerk

EXHIBIT A

SHALL THE TOWN OF PALISADE'S TAXES BE INCREASED BY \$200,000 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE TOWN'S LEVY OF AN OCCUPATION TAX BY \$4.00 FROM THE CURRENT \$2.00 TO \$6.00 PER DAY PER OCCUPIED ROOM ON THE SHORT TERM RENTAL (LESS THAN 31 CONSECUTIVE DAYS) OF ANY HOTEL ROOM; MOTEL ROOM; LODGING ROOM, MOTOR HOTEL ROOM, BED AND BREAKFAST GUEST ROOM; GUEST HOUSE ROOM; RECREATIONAL VEHICLE PARK, RESORT OR CAMPGROUND SPACE; OR OTHER SIMILAR ACCOMMODATION LOCATED IN THE TOWN;

AND SHALL ALL REVENUES DERIVED FROM SUCH TOTAL OCCUPATION TAX BE COLLECTED AND SPENT, WITH 67 PERCENT OF SUCH REVENUES DIRECTED TO A FUND TO PROMOTE SUSTAINABLE TOURISM AND 33 PERCENT TO FUND EMERGENCY SERVICES, AS A VOTER APPROVED REVENUE CHANGE, AND IN CONNECTION THEREWITH SHALL THE TOWN BE AUTHORIZED TO COLLECT AND RETAIN OR EXPEND THE PROCEEDS OF SUCH TAX AND INVESTMENT EARNINGS THEREON FOR SUCH PURPOSES, NOTWITHSTANDING ANY APPLICABLE LIMITATION ON REVENUES AND EXPENDITURES, INCLUDING THE LIMITATIONS SET FORTH IN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?

YES_____ NO_____



**PALISADE BOARD OF TRUSTEES
Agenda Item Cover Sheet**

Meeting Date: September 8, 2022
Presented By: Keli Frasier, Town Clerk
Department: Clerk/Elections
Re: November 8, 2022 Coordinated Election

SUBJECT:

Resolution 2022-18: Appointing the Town Clerk as the Designated Election Official

SUMMARY:

In accordance with the Internal Governmental Agreement (IGA) with the Mesa County Elections Department, the Town of Palisade is required to designate an election official for the November 8, 2022, coordinated election.

The Designated Election Official is required, but not limited to, the following duties to complete in order to comply with the IGA with Mesa County:

- providing ballot language and notices by specified deadlines
- publishing all required notices in the newspaper by specified deadlines
- being available from 7:00 am – 7:00 pm on Election Day

Calendar of Election Events:

- **September 09, 2022: Ballot Language must be submitted to Mesa County**
- **September 23, 2022:** Last day written comments on ballot issues may be submitted to the Election Official/Town Clerk in order to be included in the ballot issue notice
- **September 26, 2022:** Last day for Election Official/Town Clerk to deliver full TABOR notice language to Mesa County
- **October 07, 2022:** Last day for Mesa County to mail TABOR notice to every household with a registered elector of the Town of Palisade
- **October 17, 2022:** First day Mesa County may mail ballots to registered electors
- **November 8, 2022: ELECTION DAY**

BOARD DIRECTION:

Approve Resolution 2022-18 appointing the Town Clerk as the Designated Election Official with a motion, second, and rollcall vote.

**TOWN OF PALISADE, COLORADO
RESOLUTION NO. 2022-18**

**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF PALISADE,
COLORADO, DESIGNATING THE TOWN CLERK AS THE ELECTION OFFICIAL
FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION WITH MESA COUNTY**

WHEREAS, the Board of Trustees of Palisade is desirous of engaging as many registered electors of the Town of Palisade as possible in the coordinated election of November 8, 2022; and,

WHEREAS, previous Elections conducted as coordinated ballot elections have resulted in higher voter participation by the registered electors; and,

WHEREAS, the Board of Trustees of the Town of Palisade believes a coordinated election will encourage voter participation; and

WHEREAS, Part 9, Article 10, Title 31 of the Colorado Revised Statutes sets forth the process and procedures for conducting municipal elections; and

WHEREAS, the Board of Trustees of the Town of Palisade seeks to appoint the Palisade Town Clerk as the Designated Election Official for the coordinated election, and to comply with all applicable election procedures, including, but not limited to compliance with the Colorado Municipal Election Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR
THE TOWN OF PALISADE, COLORADO, THAT:**

Section 1. The above recitals are hereby incorporated as findings of the Town of Palisade.

Section 2. The Palisade Town Clerk is hereby authorized and directed, as the Designated Election Official for the coordinated election, to conduct such election scheduled for November 8, 2022, under the supervision of the Colorado Secretary of State, in coordination with Mesa County and subject to rules promulgated by the Colorado Secretary of State, pursuant to C.R.S. §31-10-101 et seq. (hereinafter "Colorado Municipal Election Code").

Section 3. The Palisade Town Clerk, as the Designated Election Official for the coordinated election, is further authorized and directed to take all actions necessary to conduct the coordinated election pursuant to Part 9, Article 10, Title 31, C.R.S.

Section 4. There shall be one (1) precinct for this mail ballot election. The mail ballot polling location for the said precinct shall be the Palisade Veterans Memorial Community Center, 120 W 8th Street, Palisade, Colorado 81526.

RESOLVED, APPROVED, and ADOPTED this 8th day of September 2022.

TOWN OF PALISADE, COLORADO

(Seal)

Greg Mikolai, Mayor

ATTEST:

Keli Frasier, Town Clerk