

RESOLUTION NO. R-2025-0001

A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AT THE APRIL 1, 2025, ELECTION, A BALLOT ISSUE AND TITLE CONCERNING AN EXTENSION OF AN EXPIRING SALES AND USE TAX

WHEREAS, the City of Durango, in the County of La Plata and State of Colorado (the “City”), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the “Charter”); and

WHEREAS, the members of the City Council of the City (the “Council”) have been duly elected and qualified; 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 multiple fiscal year financial obligation, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the City currently imposes a sales and use tax of one half of one percent for open space, parks and trails and restricted capital improvements pursuant to Section 23-73 of the City Code; and

WHEREAS, the Council wishes to submit to the registered electors of the City a ballot issue to authorize an extension of the one half of one percent sales and use tax until December 31, 2056, for the purposes described in the ballot question below; and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City’s registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, Article VI of the Charter provides that regular City elections will be held on the first Tuesday in April in odd-numbered years and that City elections are governed by the Colorado municipal election law; and

WHEREAS, on April 1, 2025, the City Clerk (the “City Clerk”) will be conducting a coordinated election (the “Election”) pursuant to the Colorado Municipal Election Code of 1965 (the “Election Code”); and

WHEREAS, April 1, 2025 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DURANGO, IN THE COUNTY OF LA PLATA AND THE STATE OF COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City and the officers thereof, directed toward the Election and the objects and purposes herein stated is ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Election Code. The officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such

intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 2. The City hereby determines that the Election shall be held on April 1, 2025, and that there shall be submitted to the eligible electors of the City the question set forth herein.

Section 3. Pursuant to Section 31-11-111, C.R.S., the title and submission clause which shall be submitted to the eligible electors of the City at the Election shall be in substantially the following form:

QUESTION [___]: AUTHORIZATION TO EXTEND THE CITY’S ONE HALF OF ONE PERCENT SALES AND USE TAX FOR OPEN SPACE, PARKS AND TRAILS, AND RESTRICTED CAPITAL IMPROVEMENTS, IN ORDER TO INCUR DEBT TO FINANCE THE CONSTRUCTION OF A NEW CITY HALL AND POLICE FACILITY

WITHOUT IMPOSING ANY NEW TAX OR INCREASING ANY TAX RATE, SHALL THE ONE-HALF OF ONE PERCENT SALES AND USE TAX (ONE-HALF CENT FOR EACH DOLLAR OF PURCHASE) APPROVED BY THE VOTERS IN 2005 CONTINUE TO BE COLLECTED UNTIL DECEMBER 31, 2056, WITH THE TAX PROCEEDS TO CONTINUE TO BE UTILIZED AND DIVIDED IN THE FOLLOWING MANNER:

- FIFTY PERCENT TO FINANCE THE ACQUISITION AND MAINTENANCE OF LAND PARCELS FOR THE PURPOSE OF PUBLIC PARKS, OPEN SPACE PRESERVATION, NATURAL RESOURCE PROTECTION, AND RECREATIONAL PURSUITS, INCLUDING BUT NOT LIMITED TO SUCH PROJECTS AS THE ANIMAS RIVER TRAIL AND SOFT SURFACE TRAIL SYSTEM EXPANSION AND ONGOING FACILITATION OF THE ANIMAS RIVER CORRIDOR MANAGEMENT PLAN; AND OTHER PROJECTS PRIORITIZED BY THE PARKS, OPEN SPACE, TRAILS, AND RECREATION MASTER PLAN, SUCH AS DEVELOPMENT OF DEDICATED PARKLAND, TRAILS AND AMENITIES WITHIN DURANGO MESA PARK AREA (WITH ALL ASSOCIATED PROJECT EXPENDITURES BEING FIRST SUBMITTED TO A CITIZEN ADVISORY BOARD FOR A RECOMMENDATION TO THE CITY COUNCIL);
- FIFTY PERCENT TO FINANCE CAPITAL IMPROVEMENTS, INCLUDING THE PAYMENT OF THE DEBT AUTHORIZED BY THIS QUESTION;

AND SHALL THE CITY OF DURANGO DEBT BE INCREASED \$61 MILLION, WITH A REPAYMENT COST OF \$123 MILLION FOR THE PURPOSE OF FINANCING THE RESTORATION AND EQUIPPING OF THE HISTORIC DURANGO HIGH SCHOOL BUILDING AND ADJACENT FACILITIES FOR USE AS A NEW CITY HALL AND NEW POLICE FACILITY, AND TO PAY THE COST OF THE ISSUANCE OF SUCH DEBT AND THE FUNDING OF ANY NECESSARY RESERVES, WITH THE SPECIFIC TERMS OF SUCH DEBT BEING

DETERMINED BY THE CITY AS NECESSARY AND PRUDENT INCLUDING THE PLEDGE TO THE PAYMENT OF THIS DEBT OF ANY LEGALLY AVAILABLE REVENUE OF THE CITY AND A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM OF NOT MORE THAN 3%; AND SHALL THE CITY BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE CITY PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL THE EARNINGS FROM THE INVESTMENT OF SUCH BOND PROCEEDS MAY BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND ANY OTHER REVENUE LIMITATIONS CONTAINED IN THE LAWS OF THE STATE?

Section 4. Pursuant to C.R.S. § 31-10-1308 and C.R.S. § 1-11-203.5, C.R.S., any election contest concerning the order on the ballot or concerning whether the form or content of any ballot title meets the requirements of TABOR shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section 7. If a majority of the votes cast on the question authorize the issuance of bonds as described in the bond question set forth above, the City intends to issue such bonds in the approximate aggregate principal amount of \$61,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the City prior to the execution and delivery of such bonds, upon terms acceptable to the City, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 8. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the

form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 9. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 10. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 11. ADOPTED AND APPROVED this January 7, 2025.

Mayor

(SEAL)

ATTEST:

City Clerk

CERTIFICATE OF THE CITY CLERK

I, Faye Harmer, am the duly qualified and acting City Clerk of the City of Durango (the “City”) in the State of Colorado, and I do hereby certify:

- 1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the City Council of the City (the “City Council”) at a meeting of the City Council held on January 7, 2025.
- 2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of January 7, 2025, by an affirmative vote of a majority of the members of the City Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Jessika Buell, Mayor				
Gilda Yazzie, Mayor Pro Tem				
Olivier Bosmans, Councilor				
Dave Woodruff, Councilor				
Melissa Youssef, Councilor				

- 3. The members of the City Council were present at such meeting and voted on the passage of such Resolution as set forth above.
- 4. The Resolution was approved and authenticated by the signature of the Mayor of the City, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the City Council.
- 5. Attached hereto as Exhibit A is a copy of the notice of the meeting on January 7, 2025, which notice was posted in one place within the City at least 24 hours before such meeting and which notice included agenda information, if available.
- 6. There are no bylaws, rules or regulations of the City Council which prevent the immediate adoption of the Resolution set forth in the foregoing proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this January 7, 2025.

Faye Harmer, City Clerk

(SEAL)

EXHIBIT A

(Form of Notice of Meeting)