



**GUNNISON RIVER VALLEY  
LOCAL MARKETING DISTRICT**

**RESOLUTION NO. 2022-1**

**A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 A BALLOT ISSUE AND TITLE TO ALLOW THE DISTRICT'S MARKETING AND PROMOTION TAX REVENUES TO BE USED FOR THE ADDITIONAL PURPOSES OF HOUSING AND CHILDCARE FOR THE TOURISM-RELATED WORKFORCE AND OTHER WORKERS IN THE COMMUNITY, AND FOR FACILITATING AND ENHANCING VISITOR EXPERIENCES; AND AUTHORIZING ACTIONS REGARDING THE CONDUCT OF SUCH ELECTION.**

**WHEREAS**, Gunnison County, Colorado, is a Colorado county created by the Constitution and laws of the State of Colorado and is a political subdivision of the State of Colorado;

**WHEREAS**, the Gunnison River Valley Local Marketing District (the "District"), in Gunnison County, Colorado, is a political subdivision and body corporate duly organized and existing under the Constitution and laws of the State of Colorado, including particularly the Local Marketing District Act, Title 29, Article 25, of the Colorado Revised Statutes (the "Act");

**WHEREAS**, the Board of County Commissioners of Gunnison County, Colorado serves as the Board of Directors of the District (the "Board"), and each member of the Board has been duly elected and qualified;

**WHEREAS**, pursuant to Resolution 2002-47, Gunnison River Valley Local Marketing District Ballot Question 1B, November 5, 2002, Gunnison River Valley Local Marketing District Ballot Issue 5A, November 3, 2009, and other applicable authorities, the District may currently provide the following services: (a) Organization, promotion, marketing, and management of public events; (b) activities in support of business recruitment, management, and development; and (c) coordinating tourism promotion activities;

**WHEREAS**, in March 2022 the Colorado General Assembly passed and the Governor signed into law House Bill 22-1117, which amends Colo. Rev. Stat. § 29-25-111 and -112 to authorize local marketing districts to refer to their voter's proposals to allow up to 90 percent of county marketing and promotion tax revenues to be used for housing and



childcare for the tourism-related workforce, including seasonal workers, and for other workers in the community, and for facilitating and enhancing visitor experiences;

**WHEREAS**, in passing HB 22-1117, the General Assembly found and declared that:

In recent years, the role of destination marketing and management organizations in Colorado has evolved to not only support economic growth through tourism, but also to address the social, cultural, and environmental issues related to tourism. In addition to inspiring travel to and within a destination and enhancing a visitor's experience, destination marketing, and management organizations now use their expertise to protect our destinations' cultural and natural assets and improve our residents' quality of life;

**WHEREAS**, in passing HB 22-1117, the General Assembly also found and declared that:

Destination marketing and management organizations across the state are increasingly using their marketing budgets and robust communication channels to disperse travelers and educate visitors on how to travel responsibly and lessen their impact;

**WHEREAS**, in passing HB 22-1117, the General Assembly also found and declared that:

A visitor's experience is also heavily influenced by the host community's ability to support their residents and local workforce with housing and other essential services, as well as a strong quality of life that comes with our amazing natural and cultural assets. A thriving community ensures more positive visitor interactions and experiences in our restaurants, on our trails, and throughout our main streets. This, in turn, increases the likelihood that a visitor will return and continue to support our local businesses. Robust support for our residents' needs is essential to the long-term health of both our communities and our economy;

**WHEREAS**, since the early 2000s the costs of housing and childcare has skyrocketed and availability has plummeted for the tourism-related workforce, including seasonal workers, and for other workers in the community, such that marketing and promotion tax revenues are needed to, for example, support and facilitate the opening of new child care facilities or the training and licensing of child care workers, as well as to, for example, to support additional affordable housing opportunities or projects;

**WHEREAS**, since the early 2000s the increased number of visitors has dramatically increased the need for new and improved recreation infrastructure with regard to public lands, public waters, and associated recreational opportunities, such as: Access to trails



and trail maintenance; trailhead parking areas; boat ramps; hunting, wildlife viewing and fishing areas; signage; and bathrooms and kiosks;

**WHEREAS**, there remains a continuing need to properly fund the organization, promotion, marketing, and management of public events; activities in support of business recruitment, management, and development; and coordinating tourism promotion activities in order to maintain the economic health and viability of Gunnison County;

**WHEREAS**, Article X, Section 20 of the Colorado Constitution, known as the Tax Payer's Bill of Rights ("TABOR"), requires voter approval for tax policy change directly causing a net tax revenue gain to any district;

**WHEREAS**, there exists no evidence that the ballot issue that is the subject of this Resolution, if passed by the voters, will directly cause a net tax revenue gain to the District; therefore, the Board hereby determines that TABOR is not applicable to the ballot issue that is the subject of this Resolution;

**WHEREAS**, the County and the District hereby determine that it is in the public interest and necessary to seek voter approval to allow up to 90 percent of county lodging tax revenues to be used for housing and childcare for the tourism-related workforce, including seasonal workers, and for other workers in the community, and for facilitating and enhancing visitor experiences;

**WHEREAS**, the Gunnison County Clerk and Recorder will conduct the 2022 General Election on November 8, 2022, and the District, pursuant to Colo. Rev. Stat. § 1-7-116, intends to and shall notify the County Clerk and Recorder of its intent to participate in the 2022 General Election as a coordinated mail ballot election pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, inclusive, of the Colorado Revised Statutes (the "Code"); and

**WHEREAS**, it is necessary to set forth certain procedures concerning the conduct of such election.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:**

**Section 1.** All actions heretofore taken by the District and its directors and officers, directed toward the Election and the objects and purposes of this Resolution, and



consistent with this Resolution and applicable law, are ratified, approved, and confirmed. Unless otherwise expressly defined in this Resolution, all terms used in this Resolution shall have the meanings specified in the Code.

**Section 2.** Pursuant to the Code and other applicable laws of the State of Colorado, the Board hereby determines that the District shall participate in and that a coordinated mail ballot election shall be held on November 8, 2022 (the “Election”), at which time there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the “Agreement”) between the Board and the County Clerk of Gunnison, County, Colorado (the “County Clerk”), who shall conduct the Election on behalf of the District. The Board hereby authorizes the District, through either its Chair or the Gunnison County Manager as its designated agent, to enter into the Agreement with the County Clerk pursuant to Section 1-7-116 of the Colorado Revised Statutes.

**Section 3.** The Board hereby designates the County Clerk as the Designated Election Official for purposes of performing acts required or permitted by law in connection with the Election.

**Section 4.** The following ballot language, title and issue, in substantially the form set forth below, are hereby referred to the eligible voters of the District at the Election:

WITHOUT RAISING TAXES, SHALL THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BE AUTHORIZED TO USE UP TO 40 PERCENT OF REVENUE FROM THE MARKETING AND PROMOTION TAX ON THE PURCHASE PRICE FOR ROOMS OR ACCOMMODATIONS PURSUANT TO C.R.S. SECTION 29-25-112 TO SUPPORT HOUSING OR CHILDCARE FOR THE TOURISM-RELATED WORKFORCE AND OTHER WORKERS IN THE COMMUNITY, INCLUDING SEASONAL WORKERS, OR TO SUPPORT RECREATION INFRASTRUCTURE IN ORDER TO FACILITATE AND ENHANCE VISITOR EXPERIENCES, AND FOR ALL OTHER PURPOSES PERMITTED BY LAW, WITH AT LEAST 60 PERCENT OF MARKETING AND PROMOTION TAX REVENUE TO CONTINUE TO BE SPENT FOR ORGANIZATION, PROMOTION, MARKETING AND MANAGEMENT OF PUBLIC EVENTS; ACTIVITIES IN SUPPORT OF BUSINESS RECRUITMENT, MANAGEMENT AND DEVELOPMENT; AND COORDINATING TOURISM PROMOTION ACTIVITIES?

**Section 5.** The Designated Election Official (the Gunnison County Clerk and Recorder) is authorized and directed to take all action necessary or appropriate to conduct the Election and effectuate the provisions of this Resolution consistent with the Code and



Article X, Section 20 of the Colorado Constitution, including but not limited to mailing, posting and publishing notices of the Election, including any required TABOR notice, mailing the mail ballot packets, certification of ballot order and content pursuant Colo. Rev. Stat. § 1-5-203, receipt of comments regarding the ballot issue pursuant to Colo. Rev. Stat. § 1-7-091. Pursuant to Colo. Rev. Stat. § 29-25-112, the District shall pay the costs incurred to conduct the Election.

**Section 6.** If a majority of the votes cast on the question set forth in Section 4 in favor of authoring the additional uses of revenue from the tax as provided in the ballot question, then the District, acting through the Board, or as authorized by, delegated to or pursuant to agreement with the Gunnison County Board of County Commissioners, shall be authorized to the fullest extent permitted by law to proceed with the necessary actions to use tax revenues for additional purposes in accordance with the ballot question.

Any authority for additional uses of marketing and promotion tax revenue, if conferred by the results of the Election, shall be deemed and considered a continuing authority for such uses 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 7.** 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 governed by Colo. Rev. Stat. § 1-11-203.5 and other applicable law, as if fully set forth herein.

**Section 8.** The officers and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

**Section 9.** All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed.

**Section 10.** 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 not affect any of the remaining provisions of this Resolution.



**Section 11.** This Resolution shall be delivered to the Gunnison County Clerk and Recorder and shall constitute the notice required by Colo. Rev. Stat. §§ 1-1-106 and 1-7-116.

**Section 12.** This Resolution shall be effective immediately upon its adoption by the Board.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of July, 2022.

Jonathan Houck  
Chair, Board of Directors  
Gunnison River Valley Local Marketing District

(SEAL)

Attest:

Melanie Bolig  
Deputy Clerk/Secretary  
Gunnison River Valley  
Local Marketing District

