

**TOWN OF PAGOSA SPRINGS, COLORADO  
URBAN RENEWAL AUTHORITY**

**RESOLUTION NO. 2020-03**

**A Resolution Opposing the Proposed Amendment to Article 9 of the Pagosa Springs Home Rule Charter (Related to Urban Renewal Authority TIF Funding).**

**WHEREAS**, the Town of Pagosa Springs (“Town”) Resolution 2019-18 created the Pagosa Springs Urban Renewal Authority (“PSURA”); and

**WHEREAS**, the PSURA is authorized, pursuant to C.R.S. Section 31-25-105(1), all powers necessary or convenient to carry out and effectuate the purposes and provisions of the Colorado Urban Renewal Statute, C.R.S. 31-25-101 et seq. (“URA”); and

**WHEREAS**, the Town passed Ordinance 932 calling for a special election of the registered electors of the Town to be held on July 14, 2020, as a mail ballot election, designating an election official and setting the ballot title for a proposed addition of Section 9.19 to the Home Rule Charter requiring voter approval prior to the Town Council or Pagosa Springs Urban Renewal Authority (PSURA) using Tax Increment Financing (TIF) whenever the total TIF revenues are expected to exceed \$1,000,000 over the life of the project; and

**WHEREAS**, the Town was required by C.R.S. Sections 31-2-210(3) and (4) and obligated by the Constitution of the State of Colorado, defending the petitioners’ right of initiative, to set a ballot title for the proposed amendment and call for a special election of the registered electors of the Town; and

**WHEREAS**, the PSURA is aware of the First Judicial District Court’s decision in the case, Longs Peak Metropolitan District v. City of Wheat Ridge, Jefferson County, Colorado, wherein the Court invalidated an amendment to the City of Wheat Ridge Charter, which amendment was nearly identical to the currently proposed amendment to the Pagosa Springs Town Charter; and

**WHEREAS**, the City of Wheat Ridge amendment to the City Charter sought to require the approval of Wheat Ridge voters for URA projects exceeding \$2.5 million in Tax Increment Financing (TIF) revenues, and the Pagosa Springs proposed ballot question seeks to amend the Town Charter to require the approval of Pagosa Springs voters for URA projects exceeding \$1 million in TIF revenues; and

**WHEREAS**, Colorado’s First Judicial District Court in Wheat Ridge determined that, because the amendment required additional procedures for approval of TIF beyond those required by the URA, the amendment was in conflict with state law and therefore invalid; and

**WHEREAS**, the PSURA is concerned about the impact of adopting an amendment to the Town Charter that has been substantively invalidated by Colorado’s First Judicial District Court, namely the impact of significant time, money, and other resources spent in litigation defending an amendment likely to be ruled invalid; and

**WHEREAS**, the provisions of the URA and state law allow the PSURA to put forth this resolution as a statement of opposition to the proposed charter amendment.

**NOW, THEREFORE**, the Pagosa Springs Urban Renewal Authority hereby opposes the proposed addition of Section 9.19 to the Town Charter and urges our citizens to vote against the ballot measure proposing the amendment set for vote on July 14, 2020.

**ADOPTED** this 2nd day of June, 2020.

PAGOSA SPRINGS URBAN RENEWAL  
AUTHORITY

By \_\_\_\_\_  
Don Volger, Board Chair

Attest:

\_\_\_\_\_  
April Hessman, Secretary