

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 1014
(SERIES 2025)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS REPEALING ARTICLE 3, CHAPTER 16 OF THE TOWN OF PAGOSA SPRINGS MUNICIPAL CODE; CALLING AN ELECTION ON THE QUESTION OF IMPOSING A ONE PERCENT (1%) SALES TAX; AND UPON A FAVORABLE VOTE AT THE NOVEMBER 4, 2025 COORDINATED ELECTION, READOPTING ARTICLE 3, CHAPTER 16 TO IMPOSE THE SALES TAX

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended (“Charter”); and

WHEREAS, the Town of Pagosa Springs (“Town”) voters previously approved a sales tax as authorized by Ordinance 543 and codified in Article 3 of Chapter 16 of the Pagosa Springs Municipal Code as amended, which sales tax has never been implemented and the Town Council now wishes to repeal Article 3 of Chapter 16, and subject to voter approval, re-adopt it to enact the new sales tax as set forth herein; and

WHEREAS, the Town Council has determined that the Town requires additional revenue to fund the construction, reconstruction, improvement, repair, operation and maintenance of wastewater facilities that serve the Town, including payment of contracts, leases, lease-purchase agreements, and bonds whether issued by the Town or the Pagosa Springs Sanitation General Improvement District; and

WHEREAS, Section 9.15 of the Charter and Article 2, Title 29, C.R.S., (“Sales Tax Act”) authorize the Town to adopt and amend the tax on sales of tangible personal property at retail and services, subject to the approval of the Town’s registered electors; and

WHEREAS, it is necessary to submit to the eligible electors of the Town the question of imposing a one percent sales tax (“Sales Tax”), and the Town Council hereby determines that such question(s) should be presented to the electors at the election to be conducted on November 4, 2025 (“Election”), in accordance with the provisions of the Charter, the Sales Tax Act, the Municipal Election Code, the Uniform Election Code of 1992, and TABOR (jointly as the “Election Laws”); and

WHEREAS, the Election is required to be conducted as a coordinated election, and the Archuleta County Clerk and Recorder (“County Clerk”) is the Coordinated

Election Official for the Election and shall be responsible for mailing the notice required pursuant to Article X, Section 20 of the Colorado Constitution (“TABOR Notice”); and

WHEREAS, the Town is required to enter into an agreement (“Intergovernmental Agreement”) with the County Clerk regarding the conduct of the Election and mailing of the TABOR Notice on or before August 26, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, AS FOLLOWS:

Section 1. Repeal of Article 3, Chapter 16. Article 3, Chapter 16 of the Town of Pagosa Springs Municipal Code is hereby repealed.

Section 2. Readoption of Article 3, Chapter 16. Article 3, Chapter 16 of the Town of Pagosa Springs Municipal Code, imposing the Sales Tax as set forth in Exhibit A attached hereto and incorporated herein is readopted, subject to voter approval as set forth herein.

Section 3. Submission to Registered Electors. A special election of the eligible electors of the Town shall be held on Tuesday, November 4, 2025, in coordination with the County Clerk at which Election there shall be submitted to the eligible electors of the Town the question of imposing the Sales Tax as stated in the form of ballot title hereafter set forth.

Section 4. Appointment of Election Officials. The Town Clerk shall serve as the Election Official for the conduct of the election on behalf of the Town, with the authority and direction to execute and implement the Intergovernmental Agreement and proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and the Election Laws. The County Clerk shall be the Coordinated Election Official for the Election. Any and all actions previously taken by the Election Officials or any other persons acting on their behalf pursuant to the Election Laws to effectuate the Election that are consistent with the intent of this Ordinance are hereby ratified and confirmed.

Section 5. Intergovernmental Agreement. The Town Clerk shall execute the Intergovernmental Agreement in a form approved by the Town Clerk and the Town Attorney. To the extent the Town Clerk executed the Intergovernmental Agreement prior to the effective date of this Ordinance, authority for the Town Clerk to execute the Intergovernmental Agreement is ratified by the Town Council. Mailing of the TABOR Notice shall be in accordance with the provisions of the Intergovernmental Agreement.

Section 6. Ballot Title. The ballot title for the Sales Tax question shall be in substantially the following form:

SHALL TOWN OF PAGOSA SPRINGS TAXES BE INCREASED \$3,675,692 IN THE FIRST FULL FISCAL YEAR AND BY SUCH ADDITIONAL AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER FROM THE IMPOSITION OF A SALES TAX OF 1.00% AS SET FORTH IN ORDINANCE NO. 1014, (SERIES 2025); SUCH TAX INCREASE TO BEGIN ON JANUARY 1, 2026, TO:

- CONSTRUCT, RECONSTRUCT, IMPROVE, REPAIR, BETTER, EXTEND, OPERATE AND MAINTAIN SEWERAGE AND WASTEWATER REUSE FACILITIES TO SERVE THE TOWN, INCLUDING FACILITIES OF THE PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT, AND
- FUND SUCH PURPOSES, SUBJECT TO ANNUAL APPROPRIATION BY THE TOWN, BY PLEDGING THE REVENUES FROM SUCH SALES TAX FOR PAYMENT OF CONTRACTS, LEASES, LEASE-PURCHASE AGREEMENTS, AND BONDS, WHETHER ISSUED BY THE TOWN OR THE DISTRICT

AND SHALL THE TOWN BE AUTHORIZED TO COLLECT, RETAIN AND SPEND THE PROCEEDS FROM SUCH TAX AND ANY INVESTMENT INCOME EARNED FROM SUCH PROCEEDS AS A VOTER-APPROVED REVENUE CHANGE UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION?

YES: _____

NO: _____

Section 7. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 8. Severability. If any portion of this ordinance or the sales tax adopted herein is declared to be void or ineffective by a court of competent jurisdiction, it shall be deemed severed from this ordinance. The remaining portions shall remain valid and in full force and effect.

Section 9. Public Hearing. A public hearing on this Ordinance shall be held on the _____ day of _____, 2025, at 7:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 10. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2025.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk