

RESOLUTION NO. 5
(Series of 2020)

**A RESOLUTION OF THE BOARD OF SELECTMEN FOR THE TOWN OF
GEORGETOWN, COLORADO AUTHORIZING REFUND OF EXCESS
SALES AND USE TAXES PURSUANT TO ARTICLE X, SECTION 20.7(d),
COLORADO CONSTITUTION**

WHEREAS, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter approved in 1868 and governed pursuant thereto by its elected Board of Selectmen; and

WHEREAS, in 2018 the Board of Selectmen (the Board) referred to the voters of the Town a question pursuant to Article X, Section 20 of the Colorado Constitution proposing a one-half percent increase in the Town's sales and use tax, the proceeds from which to be used for park purposes; and

WHEREAS, on November 6, 2018 the voters approved the sales tax increase; and

WHEREAS, the required notice and ballot question for this question estimated collections under the increased sales and use tax to be \$115,000 in fiscal year 2019; and

WHEREAS, at the close of fiscal year 2019, \$146,455.19 had been collected as result of the increased tax, resulting in an excess of \$31,455.19 above the first year tax collection estimate; and

WHEREAS, pursuant to Article X, Section 20.7(d) of the Colorado Constitution, the Town is required to refund this excess; and

WHEREAS, the Colorado Constitution, as interpreted by the Colorado courts, does not require such refunds to be proportional when prior payments are impractical to identify and when proportionate refunds are not practical; and

WHEREAS, the Board of Selectmen finds that it is impractical to identify the prior tax payments for purposes of proportionate refund; and

WHEREAS, the Board of Selectmen finds that a proper method for refund of the \$31,455.19 excess is a credit on the monthly water utility bills issued by the Town; and

WHEREAS, the Board further finds that such water utility bill credit will result in lower cost for individual customers in the Town, which customers pay retail sales and use taxes within the Town; and

WHEREAS, the Board further finds that a water utility bill credit, when received by business owners paying utility bills, will result in decreased operating costs for such businesses, thereby enabling those businesses to hold costs, including prices to retail customers, at current levels, or will reduce the amount of increase in cost to customers' retail costs, thereby benefiting customers who pay retail sales taxes on goods and services within the Town; and

WHEREAS, the Board further finds that as result of the water bill credit authorized hereby, the requirements of Colorado Constitution Article X, Section 20.7(d) will have been satisfied in properly refunding this excess revenue to taxpayers.

NOW THEREFORE, BE IT RESOLVED by the Board of Selectmen of the Town of Georgetown, Colorado:

Section 1. Recitals incorporated. The foregoing recitals are incorporated as findings of the Board.

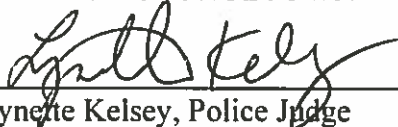
Section 2. Funds transfer. The Board of Selectmen hereby authorizes the transfer of \$31,455.19 from the Town of Georgetown general fund to the Town of Georgetown water fund.

Section 3. Water utility bill credit authorized. The Board of Selectmen hereby authorizes a one-time utility bill credit of \$30.08 per equivalent residential unit (EQR) charged on Town water utility bills for the month of May 2020. The Board finds that this credit, when applied to approximately 1,045 EQR's in water bills throughout the Town, will result in a refund of the \$31,455.19 in excess sales and use tax revenues. The Board of Selectmen hereby authorizes the Police Judge, Town Administrator and Town Treasurer to execute such instruments as necessary to accomplish the refund directed by this Resolution.

Section 4. Effective date. This Resolution shall be effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED this 12th day of May 2020 at a regular meeting of the Board of Selectmen of the Town of Georgetown, Colorado.

TOWN OF GEORGETOWN



Lynette Kelsey, Police Judge

ATTEST:



Jennifer Yobski, Town Clerk

