

**A RESOLUTION APPROVING COMMERCE CITY ACCOMMODATIONS LODGING  
TAX REBATE PROGRAM**

**NO. 2022-48**

WHEREAS, the City Council of the City of Commerce City (“City”) desires to attract new hotel developments to the City in order to improve the quality of life of the City’s residents, support local employer needs, create new employment opportunities, and attract a variety of other commercial development;

WHEREAS, Article X, Section 20 of the Colorado Constitution grants the City, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution;

WHEREAS, during the 2007 election, the City Council previously referred Ballot Issue 2A to the registered electors of the City, which asked voters to consider the imposition of a four percent (4%) excise tax on the leasing or renting of hotel and motel rooms (“Lodging Tax”) within the City for less than thirty (30) days;

WHEREAS, on November 6, 2007, the residents of Commerce City voted to approve Ballot Issue 2A, allowing the City to proceed with imposition of the Lodging Tax pursuant to the City’s taxation authority under the Colorado Constitution;

WHEREAS, notwithstanding the imposition of the Lodging Tax, the City has also historically provided economic development incentives to existing and prospective City businesses on a case-by-case basis for the purpose of spurring economic growth and development within the City;

WHEREAS, consistent with the aforementioned goals of spurring economic growth and development within the City, the City now seeks to incentivize hotels to locate within Commerce City through the creation of a Lodging Tax Rebate Program (“Program”), as set forth at Exhibit A, through which qualified businesses may request partial Lodging Tax rebates from the City’s Economic Development department, consistent with this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1. Findings.** The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Tax Rebate Program.** As an incentive for establishing a new Lodging Establishment, specifically limited to hotels, in the City, a Lodging Tax rebate request of up to 50% for up to 10 years may be requested on a case-by-case basis through the City’s Economic Development Division and assessed consistent with the Program. Final approval of any Lodging Tax rebate incentives with an estimated value over \$50,000 will be subject to the approval of City

Council. Any requests with an estimated value below \$50,000 may be approved by the City Manager.

**SECTION 3. Adoption and Effective Date.** The Program is hereby adopted effective June 1, 2022.

**SECTION 4. Limitation.** This resolution shall not vest rights upon any person, and nothing contained in it shall give or allow any claim or right of action by any person against the City.

RESOLVED AND PASSED THIS 2ND DAY OF MAY 2022.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk