RESOLUTION NO. 9

Series 2017

A RESOLUTION APPROVING THE "RETAIL SALES TAX LOCATION
CODE ERROR REIMBURSEMENT AGREEMENT"

WHEREAS, governmental entities are authorized by Article XIV of the Colorado Constitution and Part 2 of Article 1 of Title 29, C.R.S., to co-operate and contract with one another to provide any function, service, or facility lawfully authorized to each of the co-operating or contracting governmental entities; and

WHEREAS, in Resolution No. 70-34, adopted by the Board of County Commissioners of Summit County on September 18, 1970, it was provided that the countywide retail sales tax would be "distributed based upon the location of the vendor collecting the tax;" and

WHEREAS, pursuant to §39-26-103(2.5)(b), C.R.S., a "Location Code" is the code assigned by the Colorado Department of Revenue to a retailer based on the business address when the retailer obtains a Colorado Sales Tax License, which code represents a specific geographic region of the State of Colorado and the local sales taxes that the retailer is required to collect and remit for such region; and

WHEREAS, the Board of County Commissioners of Summit County, and the Towns of Breckenridge, Blue River, Dillon, Frisco, Montezuma and Silverthorne (collectively, "**Parties**" or individually, a "**Party**") are separate local retail sales taxing jurisdictions located within Summit County, Colorado that are represented by different Location Codes; and

WHEREAS, Location Code errors arising under §39-26-103(2.5)(a), C.R.S., are a very common occurrence; and

WHEREAS, the Parties have agreed on a streamlined and standardized procedure that must be followed if one Party believes that another Party has improperly received a distribution of the Summit County retail sales tax as a result of a Location Code error, all as more fully set forth in a proposed "Retail Sales Tax Location Error Reimbursement Agreement," a copy of which is marked **Exhibit "A"**, attached hereto, and incorporated herein by reference; and

WHEREAS, the Town Council has reviewed the proposed Retail Sales Tax Location Error Reimbursement Agreement and finds and determines that it would be in the best interest of the Town to enter into such agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The proposed "Retail Sales Tax Location Error Reimbursement Agreement" with the Board of County Commissioners of Summit County, and the Towns of Blue River, Dillon, Frisco, Montezuma and Silverthorne (or such entities as may sign the agreement) is approved; and the Town Manager is authorized, empowered, and directed to execute such agreement for and on behalf of the Town of Breckenridge.

Section 2. This resolution is effective upon adoption.

Section 3. Minor changes to or amendments of the approved agreement may be made by the Town Manager if the Town Attorney certifies in writing that the proposed changes or amendments do not substantially affect the consideration to be received or paid by the Town pursuant to the approved agreement, or the essential elements of the approved agreement.

RESOLUTION APPROVED AND ADOPTED this 28th day of March, 2017.

TOWN OF BRECKENRIDGE

By:_____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney   Date