

RESOLUTION NO. 12

Series 2020

A RESOLUTION CONCERNING THE TOWN OF BRECKENRIDGE “SMALL BUSINESS RENT ASSISTANCE PROGRAM”; MAKING CERTAIN LEGISLATIVE FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH; AND RATIFYING ALL PREVIOUS ACTION TAKE WITH RESPECT TO SUCH PROGRAM

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

Section 1. The Town Council of the Town of Breckenridge finds and determines as follows:

- A. On March 10, 2020 Jared Polis, Governor of the State of Colorado, declared a statewide state of emergency in response to the coronavirus (COVID-19) pandemic.
- B. On March 12, 2020 the Town Council adopted Ordinance No. 13, Series 2020, entitled “An Emergency Ordinance Concerning the Coronavirus (COVID-19) Public Health Emergency.” In such ordinance the Town Council formally declared that a public health emergency relating to the coronavirus (COVID-19) exists within the Town. Such public health emergency continues as of the date of the adoption of this resolution.
- C. On March 16, 2020 Amy Wineland, Summit County Public Health Director, issued “Amended and Restated Standing Public Health Order Relating to Public Events; Limitations on the Sale of Food, Beverages, and Retail Goods; and Restrictions on Lodging and Transportation Services.” Among other provisions, such Order: (i) prohibited all large events and gatherings of more than 50 people; (ii) limited the sale of food and beverages, including liquor, beer and wine, to carry-out and delivery only; (iii) required the closure of certain establishments providing retail goods and services, and restricted the operation of others businesses that were permitted to remain open; (iv) limited transpiration services; and (v) limited short-term lodging. Such Order is applicable to the Town of Breckenridge.
- D. On March 17, 2020 Amy Wineland, Summit County Public Health Director, updated and clarified the Order of March 16, 2020.
- E. On March 25, 2020 Governor Polis issued Executive Order D 2020 017 wherein he ordered Coloradoans to stay at home due to the presence of COVID-19 in the state, subject to certain limited exceptions.
- F. Since March 25, 2020 Jill Hunsaker Ryan, Executive Director of the Colorado Department of Public Health and Environment, has issued several Orders directed at the current coronavirus (COVID-19) public health emergency. Included within such Orders are provisions, with certain stated exceptions, requiring that: (i) all individuals currently living with the State of Colorado must stay at home whenever possible; (ii) individuals must comply with social distancing requirements; (iii) all public and private gatherings of any number of people occurring outside of a residence are prohibited; and (iv) travel by automobile or public transit is prohibited, except necessary travel as defined in the Order.
- G. Although some of the governmental orders described above may have been updated since they were issued, the critical substantive provisions of such orders remain in effect as of the date of the adoption of this resolution.
- H. The Town’s economy is tourist-based, and it is essential to both the short term and long term economic vitality of the Town that the geographic area commonly known and described as the Town’s “Downtown Business Core” be preserved.
- I. Approximately 40% of the Town’s general fund revenues come from the Town’s sales tax, a substantial portion of which is generated by businesses located in the Town’s Downtown Core.
- J. The cumulative effect of governmental orders described above has had a dramatic and potentially devastating effect on the businesses located in the Town’s Downtown Business Core.

K. Many of the businesses located in the Town's Downtown Business Core are small businesses.

L. As a result of the governmental orders described above, many of the small businesses located in the Town's Downtown Core have either been forced to close temporarily, or to severely restrict their operations, all of which has placed a tremendous and unanticipated financial burden on many of such small businesses.

M. Many of the businesses located in the Town's Downtown Business Core are operated by tenants who must pay rent to their landlords in order to remain in business.

N. Although federal loans may be available to small businesses, the loan proceeds (even if the loan is approved) will not be received in sufficient time to allow the business owner to make the rental payments required to avoid defaulting under the business' lease.

O. At a special meeting held on March 26, 2020 the Town Council discussed and debated appropriate Town's responses to the COVID-19 public health emergency. At such meeting the Town Council unanimously authorized the creation of the Town's "Small Business Rent Assistance Program" ("**Program**"). The stated purpose of the Program was to immediately provide much needed financial assistance to those tenant-owned small businesses located in the Town's Downtown Core. Such assistance was agreed to be in the form of grants to help the affected small business tenants make their rent payments.

P. As part of the Town Council's decision to create the Program the Town Council explicitly acknowledged the critical role in the Town's overall economic health and well being played by the tenant-owned small businesses located in the Town's Downtown Core.

Q. At the special meeting held on March 26, 2020 the Town Council established the general parameters of the Program, and directed the Town Manager and his staff to immediately take such actions as were necessary to finalize the details of the Program, and to implement and administer the Program.

R. At the special meeting on March 26, 2020 the Town Council also authorized the expenditure of \$1,000,000 from the Town's General Fund to initially fund the Program.

S. Acting pursuant to the Town Council's instructions, the Town Manager and his staff have established and administered the Program as directed by the Town Council.

T. It is necessary and appropriate for the Town Council to adopt this resolution memorializing and confirming in all respects the creation of the Program, and ratifying and confirming all actions taken by the Town Manager and his staff in implementing and administering the Program as directed by the Town Council.

Section 2. The Town Council finds, determines, and declares that the Program has served and will continue to serve the following public purposes:

A. Providing immediate critical financial resources to the tenant-owned businesses located in the Town's Downtown Core.

B. Attempting to preserve the Town's sales tax revenues generated by the tenant-owned businesses in the Town's Downtown Core.

C. Enhancing the likelihood that the impacted tenant-owned businesses in the Town's Downtown Core will be able to survive the current COVID-19 public health emergency, thereby protecting and preserving the short term and long term economic vitality of the Downtown Business Core specifically, as well as the Town as a whole.

Section 3. The Town Council further finds, determines, and declares that the public benefits to be derived from the Program are both significant and substantial, and justify the expenditure of the public funds necessary to establish and administer the Program. The Town Council further finds, determines, and declares that the Town will receive adequate consideration for its financial contribution to the Program in the form of the significant and substantial public benefits described above.

Section 4. For the reasons set forth above, the Town Council finds, determines, and declares that Program will provide a public benefit and further a public purpose within the meaning of Article 11, Section 2 of the Colorado Constitution.

Section 5. The Town Manager, and all other officers, employees, and agents of the Town shall take all action necessary or reasonably required to continue the administration of the Program in all respects.

Section 6. All actions heretofore taken by the Town Manager, and the other officers, employees, and agents of the Town in connection with the establishment and administration of the Program are hereby ratified, approved, and confirmed in all respects.

Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this resolution, and to create and administer the Program described in this resolution, pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution, and the powers contained in the Breckenridge Town Charter.

Section 8. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 10th day of April, 2020.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: \_\_\_\_\_/s/\_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_/s/\_\_\_\_\_  
Town Attorney                      Date