

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
RESOLUTION 21-05**

A RESOLUTION OF THE TOWN OF FRISCO, COLORADO, EXTENDING AN ECONOMIC RELIEF PROGRAM FOR BUSINESSES, DIRECTING THE IMMEDIATE IMPLEMENTATION OF THE PROGRAM IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PROGRAM

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Summit County; and

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council finds that the public health regulations that have been necessary to fight the COVID-19 pandemic have caused the sudden cessation, or near cessation, of most business activities within the Town to the great hardship of many residents, business owners and individuals employed within Frisco; and

WHEREAS, by Resolution 20-11, the Town previously adopted and has implemented economic relief programs for businesses and individuals; and

WHEREAS, by Resolution 20-31, the Town adopted and has implemented additional economic relief programs for businesses and individuals; and

WHEREAS, the Town Council finds and determines that the adoption of this Resolution is necessary to provide additional aid to businesses within the Town in dealing with the continuing extreme economic impacts that have resulted from the public health regulations; and

WHEREAS, the Town Council further finds and determines that the adoption of this ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO THAT:

Section 1. Business Assistance Program. There is hereby reestablished a Business Assistance Program (BAP) to provide grants in aid of Frisco businesses that have had their operations severely limited by public health orders related to the COVID-19 pandemic. Unless there is further action of the Town Council, the program, in combination with the Business Innovation Grant Program, shall not distribute more than Five Hundred Thousand Dollars (\$500,000) in total grants, and no grant to any single business shall exceed the amount set forth in Table A below. For businesses working out of their home, rent and/or mortgage shall be calculated as defined in Section 1, paragraph #9.

Table A: Maximum Amount of Business Assistance Program Grants Per Business					
	Percentage Decline in Revenue Between 2019-2020 (Jan to Nov)				
	Less than 15%	16% to 20%	21% to 25%	26%-30%	31% or greater
Amount of Grant:	Not eligible	\$2,500 or 2x monthly rent/mortgage, whichever is less	\$5,000 or 2x monthly rent/mortgage, whichever is less	\$7,500 or 2x monthly rent/mortgage, whichever is less	\$10,000 or 2x monthly rent/mortgage, whichever is less

To be eligible to receive a grant under the Business Assistance Program, the business must:

1. have had its operations severely limited by having been prohibited in sales or service to the public, or prohibited or severely limited from onsite consumption of foods or beverages, by one or more of the public health orders issued in connection with COVID-19;
2. have a current, valid Town business license issued on or before March 1, 2020 and be current in sales tax remittance to the Town of Frisco;
3. still be in operation as of the date of the grant award;
4. be located within the Town of Frisco jurisdictional boundaries; short-term rental property owners specifically excluded; short-term rental property management companies with a physical business located within the Town of Frisco are specifically included;
5. not be a publicly traded corporation, nor be owned by, controlled by, or a subsidiary of a publicly traded corporation, nor be an entity that has more than Two and a Half Million Dollars (\$2,500,000) in annual gross revenues, nor be owned by, controlled by, or a subsidiary of any such entity;
6. be able to demonstrate a decline in gross sales or revenue between January 1, 2020 to November 30, 2020 as compared to January 1, 2019 to November 30,

2019 as certified and approved by the Town of Frisco through reported gross sales receipts, or a Town-approved affidavit affirming gross revenues, with the exclusion of new businesses as described and defined in Section 2;

7. have at least ONE employee currently employed, which may include the owner/manager if the owner/manager works in the business as an employee;
8. submit a Town-approved application on or before close of business on or before March 31, 2021;
9. for businesses operating out of their primary home, the term “mortgage or rent” will be calculated, on a pro rata basis of business use area to residential use area, as declared by the grantee on their 2019 and, if available, 2020 federal tax return submitted to the IRS;

Section 2. New Businesses. There is hereby established a New Business Grant Program for business that opened in the Town of Frisco between January 1, 2020 and December 31, 2020 to provide economic relief grants to businesses not otherwise qualified under Section 1 of this Resolution. Unless there is further action of the Town Council, the program shall, in combination with the Business Assistance Program in Section 1 and the Business Innovation Grants in Section 2, distribute collectively, not more than Five Hundred Thousand Dollars (\$500,000) in total grants, and no grant to any single business shall exceed the amount set forth in Table B below. To be eligible to receive a grant under the New Business Grant Program, the business must not be otherwise qualified in Section 1 and meet the criteria as described in Section 2 paragraphs one through nine below.

Table B: Maximum Award of New Business Grant				
	2020 Gross Revenue (between date of business opening to December 31, 2020)			
	\$250,000 or less	250,001 to \$500,000	\$500,001 to \$1M	\$1,000,001 or greater
Amount of Grant:	\$2,500 or 2x monthly rent/mortgage whichever is less	\$5,000 or 2x monthly rent/mortgage, whichever is less	\$7,500 or 2x monthly rent/mortgage, whichever is less	\$10,000 or 2x monthly rent/mortgage, whichever is less

1. have had its operations severely limited by having been prohibited in sales or service to the public, or prohibited or severely limited from onsite consumption of foods or beverages, by one or more of the public health orders issued in connection with COVID-19;
2. have a current, valid Town business license issued between January 1, 2020 and December 31, 2020;
3. be current in sales tax remittance to the Town of Frisco;
4. still be in operation as of the date of the grant award;

5. be located within the Town of Frisco jurisdictional boundaries; short-term rental property owners specifically excluded; short-term rental property management companies with a physical business located within the Town of Frisco are specifically included;
6. not be a publicly traded corporation, nor be owned by, controlled by, or a subsidiary of a publicly traded corporation, nor be an entity that has more than Two and a Half Million Dollars (\$2,500,000) in annual gross revenues, nor be owned by, controlled by, or a subsidiary of any such entity;
7. have at least ONE employee currently employed, which may include the owner/manager if the owner/manager works in the business as an employee;
8. submit a Town-approved application on or before close of business on or before March 31, 2021; and
9. not have received a Town of Frisco Business Assistance Grant under section 1 of this resolution.

Section 3. Business Innovation Grant Program. There is hereby established a business innovation grant program to provide grants in aid of Frisco businesses that have implemented innovative or adaptive strategies modifying business operations to meet the crisis. Unless there is further action of the Town Council, the program shall in combination with the Business Assistance Program, distribute not more than Five Hundred Thousand Dollars (\$500,000) in total grants, and no grant to any single business shall exceed Five Thousand Dollars (\$5,000.00) per business. To be eligible to receive a grant under the Business Innovation Grant Program, the business must:

1. have a current, valid Town business license issued on or before October 1, 2020 and be current in sales tax remittance to the Town of Frisco;
2. still be in operation as of the date of the grant award;
3. not be a publicly traded corporation, nor be owned by, controlled by, or a subsidiary of a publicly traded corporation, nor be an entity that has more than Two and a Half Million Dollars (\$2,500,000) in annual gross revenues, nor be owned by, controlled by, or a subsidiary of any such entity;
4. be the owner of a physical business located within the Town of Frisco jurisdictional boundaries and within the Town's commercially zoned areas (not residential areas); Virtual and remotely operating businesses excluded; short-term rental property owners specifically excluded; short-term rental property management companies with a physical business located within the Town of Frisco specifically included;

5. be able to demonstrate expenses incurred for innovative and adaptive measures implementing structural or technical improvements (e.g.: outdoor dining structures, improved air filtration systems, new/improved no-touch features for customers, and improved technology modifying business operations to meet public health constraints, etc.) (operational expenses excluded);
6. submit a Town-approved application on or before close of business December 30, 2020 (for first round of funding) and should funds remain available, submit a Town-approved application on or before March 31, 2021.

Section 4. Town Manager to Implement Program. The Town Manager is hereby authorized and directed to take all actions reasonably necessary or desirable to immediately implement the business assistance programs reestablished herein.

Section 5. Use of Funds from General Fund Contingency Authorized. Pursuant to Section 11-6 of the Code of Ordinances of the Town of Frisco, there is hereby authorized for transfer and expenditure, from the General Fund reserve account to the General Fund, the sum of Five Hundred Thousand Dollars (\$500,000.00) to collectively fund the business assistance and business innovation grant programs, and administration thereof, established by this Resolution. The Council hereby also directs the Town Manager to bring to Council a proposed amendment to the Town's budget that will cause the reserve funds authorized for use herein to be replaced by a transfer of Five Hundred Thousand Dollars (\$500,000) from the Town's Capital Projects fund.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY 2021

TOWN OF FRISCO, COLORADO

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC
Town Clerk