

RESOLUTION NO. 8-17

**A RESOLUTION OF THE TOWN OF BERTHOUD,
COLORADO, SUBMITTING TO THE REGISTERED
ELECTORS VOTING IN THE GENERAL COORDINATED
ELECTION TO BE HELD NOVEMBER 7, 2017, A BALLOT
ISSUE CONCERNING WHETHER THE TOWN OF
BERTHOUD SHOULD IMPOSE AN EXCISE TAX ON THE
SALE OF MARIJUANA AND MARIJUANA PRODUCTS SOLD
AT RETAIL WITHIN THE LIMITS OF THE TOWN:**

WHEREAS, the Town of Berthoud, Colorado ("Town"), is a statutory town; and

WHEREAS, the Town is considering the possibility of allowing the retail sale of Marijuana and Cannabis products within the confines of the Town; and

WHEREAS, the Town will incur costs associated with such retail sales, if it is approved, and the contribution of such a business to the revenues if the Town is one important consideration in determining if it should be allowed; and

WHEREAS, regular sales taxes are inadequate to address both the additional law enforcement, regulatory, and administrative burdens which might arise from retail sales and to provide general revenue to the Town; and

WHEREAS, Article X, Section 20, of the Colorado Constitution ("TABOR Amendment") limits the ability of the Town to impose such a sales and excise tax without a vote of the electorate; and

WHEREAS, the TABOR Amendment permits electors of the Town to approve the imposition of such taxes and to authorize the expenditure of revenues from such taxes; and

WHEREAS, the Board finds and determines that it is necessary and desirable to submit to the electors of the Town voting at the General Coordinated Election to be held on November 7, 2017, the question of enacting a sales and excise tax on the sale of marijuana and marijuana products.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:**

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed toward the election in the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The following Ballot Issue shall be submitted to the qualified electors of the Town voting at the General Coordinated Election to be held on November 7, 2017:

RETAIL MARIJUANA SALES AND EXCISE TAX

SHALL THE TOWN OF BERTHOUD TAXES BE INCREASED BY \$100,000.00 IN THE CALENDAR YEAR 2018 AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, BY THE IMPOSITIONS OF A SALES AND EXCISE TAX ON THE RETAIL SALE OF MARIJUANA AND MARIJUANA PRODUCTS (AS SUCH ARE AUTHORIZED BY STATE LAW, WITH THE EXCEPTION OF MEDICAL MARIJUANA AND PRODUCTS RELATED THERETO), COMMENCING JANUARY 1, 2018 OR AT SUCH LATER TIME AS SUCH SALES MAY BE AUTHORIZED BY THE BOARD OF TRUSTEES OR VOTERS OF THE TOWN, AT THE RATE OF SEVEN PERCENT (7%) OF THE PRICE PAID BY THE PURCHASER IN ADDITION TO THE REGULAR MUNICIPAL SALES TAX, WHICH TAX REVENUES SHALL BE EXPENDED TO PROMOTE STREETS & SIDEWALKS, LAW ENFORCEMENT, AND PARKS & RECREATIONAL PURPOSES OF THE TOWN, AND SHALL THE TOWN BE PERMITTED TO COLLECT, RETAIN AND SPEND THE REVENUES FROM SUCH TAX, INCLUDING ALL INTEREST DERIVED THEREFROM, WITHOUT REGARD TO THE REVENUE RAISING, DEBT LIMITATION OR OTHER RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES

NO

Section 3. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title for the ballot issue set forth above, and the ballot title for the ballot issue shall be the text of such ballot issue.

Section 4. In addition to the notice of election required to be published by the Uniform Election Code of 1992, to the extent required by law for this coordinated election, the Town Clerk shall also cause to be published a notice stating that written comments for or against the ballot issue described above may be filed with the Town Clerk on or before 5:00 PM, on September 22, 2017, and that a summary of such comments will be distributed to registered voters in accordance with law.

Section 5. The officers and employees of the Town are hereby authorized and

directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. Upon approval of the above Ballot Issue by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinance consistent with all of the terms and conditions contained in the above Ballot Issue.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 8TH DAY OF AUGUST, 2017.

TOWN OF BERTHOUD

BY: 
Mayor

ATTEST:



Acting Town Clerk

