

**TOWN OF MOFFAT, COLORADO**

## RESOLUTION NO. 2018-18

A RESOLUTION AUTHORIZING THE SUBMISSION OF A BALLOT QUESTION TO THE VOTERS OF THE TOWN OF MOFFAT CONCERNING A REFERRED MEASURE TO INCLUDE A 5% EXCISE TAX ON ALL COMMERCIAL RETAIL AND MEDICAL MARIJUANA GROW OPERATIONS, SHOPS, STORES, OR OUTLETS WHERE A SALES TRANSACTION OCCURS.

**QUESTION TO BE SUBMITTED**

**WHEREAS**, the Town of Moffat currently does not have a set percentage on excise tax revenue from marijuana grow operations, shops, stores, or outlets conducting sales in the Town of Moffat; and

**WHEREAS**, the Board of Trustees has approved the Town of Moffat to participate in the November 2018 Coordinated Election with Saguache County; and

**WHEREAS** the Town of Moffat is asking: Shall the Town of Moffat implement a 5% Excise Tax on all Commercial Retail & Medical Marijuana grow operations, shops, stores, outlets, or otherwise for the retail cost of such goods, and shall the Town be authorized to collect and spend such revenues as a voter approved revenue change notwithstanding any revenue or expenditure limitations contained in Article X , Section 20 of the Colorado Constitution or ny other law?

**SELECTION OF ELECTION PROCEDURES**

**WHEREAS**, the Town Board has authority pursuant to C.R.S. § 31-11-111(2) to refer ballot questions to the voters of the Town of Moffat; and

**WHEREAS** the Town hereby elects to utilize the requirements and procedures of the *Uniform Election Code of 1992*, Article 1 to 13 of Title 1, C.R.S, in lieu of the *Municipal Election Code of 1965*, and as an alternative thereto; and

**WHEREAS**, the Town Board has determined that it is in the best interest of the Town to conduct a coordinated election pursuant to the *Uniform Election Code of 1992*, for the election scheduled for November 6, 2018;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Town Board of the Town of Moffat, Colorado:



1. An election shall be held as a coordinated election with the regular election on Tuesday, November 6, 2018, at which election there shall be submitted to the eligible electors of the Town the following ballot issue. The ballot issues shall be in substantially the following form:

**Implementation of 5% Excise Tax (de-Brucing question)**

SHALL THE TOWN OF MOFFAT IMPLEMENT A 5% EXCISE TAX ON ALL COMMERCIAL RETAIL & MEDICAL MARIJUANA GROW OPERATIONS, SHOPS, STORES, OUTLETS, OR OTHERWISE FOR THE RETAIL COST OF SUCH GOODS, AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUES AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X , SECTION 20 OF THE COLORADO CONSTITUTION OR BY OTHER LAW, YES FOR OR NO AGAINST?

2. The Town Clerk is hereby directed to act as the Town's Election Official and participate in the preparation for the election with the Saguache County Clerk and Recorder; and to take all necessary actions to conduct the special municipal election with the Saguache County Clerk and Recorder; and to take all necessary actions to conduct the special Municipal Election in accordance with the *Uniform Election Code of 1992*, and all applicable laws.

3. The election shall be conducted as a coordinated mail ballot election in Saguache County pursuant to the provisions of articles 1 to 13 of title 1, Colorado Revised Statutes (the "Uniform Election Code"). The election shall also be conducted pursuant to the provisions of the Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and the Saguache County Clerk and Recorder, concerning the conduct of the election as a coordinated mail ballot election under the Uniform Election Code.

4. All acts required or permitted by the Uniform Election Code relevant to voting which are to be performed by the designated election official, shall be performed in the Town by the Saguache County Clerk and Recorder.

5. For purposes of § 1-11-203.5, Colorado Revised Statutes, the ballot titles for the ballot issues contained in this Resolution are hereby determined to be the text of the ballot issues themselves.

6. 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 in accordance with Colorado law.

7. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Town Board and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

8. All prior resolutions or orders, or parts thereof, by the Town Board in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any resolution or order, or part thereof, heretofore repealed.

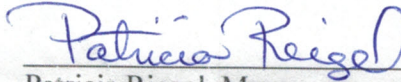
9. Pursuant to C.R.S. § 1-11-203.5, any election contest arising out of a Ballot Issue or Ballot Question election concerning the order of the ballot or the form or content of the ballot



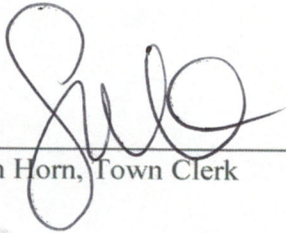
title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

10. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

READ, PASSED AND ADOPTED this 23<sup>rd</sup> day of August, 2018.

  
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Patricia Riegel, Mayor

Attest:

  
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Sarah Van Horn, Town Clerk

