

RESOLUTION NO. 2024-22

A RESOLUTION TO APPROVE A BALLOT MEASURE REGARDING REPEALING AND REPLACING THE TOWN'S CURRENT RETAIL MARIJUANA EXCISE TAX WITH A NEW REGULATED MARIJUANA BUSINESS LICENSE TAX OF TWO THOUSAND DOLLARS (\$2,000.00) PER YEAR ON ALL RETAIL MARIJUANA CULTIVATION BUSINESS LICENSE RENEWALS WITHIN THE TOWN OF MOFFAT TO BE SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION BY MAIL HELD ON NOVEMBER 5, 2024.

WHEREAS, the Town Board ("Board") for the Town of Moffat, Colorado ("Town") intends to ask the qualified voters of the Town to change the Town's current retail marijuana excise tax from a percentage based system to an annual business license fee based system; and

WHEREAS, Section 20 of Article X of the Colorado Constitution (TABOR) requires voter approval of any tax increase or change in tax policy; and

WHEREAS, the Board finds that this TABOR ballot issue can be submitted to the voters at a special election if that election is one that is held in November of either odd or even-numbered years, and that the Town can place the ballot issue on the coordinated election ballot or hold a separate election on the same day as a mail ballot election; and

WHEREAS, the Board further finds it is anticipated that replacing the current voter approved retail marijuana excise tax with the proposed business license tax would generate approximately \$75,000 in additional revenue for the Town each year; and

WHEREAS, the Board intends to use the revenue generated from the new proposed business license tax to pay for Town services and other general operating expenses; and

WHEREAS, the Board has determined that the ballot question is intended to further promote the general health, safety and welfare of the Town's residents and local businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF MOFFAT, COLORADO

SECTION 1. The foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. The Town Clerk is hereby authorized to submit the following question to the registered voters of the Town of Moffat at the November 5, 2024 special election by conducting a mail ballot election:

IN AN EFFORT TO INCREASE TOWN REVENUE APPROXIMATELY \$75,000.00 ANNUALLY FOR THE GENERAL FUNDS ACCOUNT, SHALL THE TOWN OF MOFFAT REPLACE THE 2% EXCISE TAX ON ALL RETAIL

SALES OF CANNABIS FROM RETAIL MARIJUANA CULTIVATIONS TO RETAIL MARIJUANA INFUSED PRODUCTS MANUFACTURERS (MIPS), RETAIL MARIJUANA STORES, AND RETAIL MARIJUANA CULTIVATIONS WITH A NEW REGULATED MARIJUANA BUSINESS LICENSE TAX OF \$2000 ANNUALLY ON ALL RETAIL MARIJUANA CULTIVATION BUSINESS LICENSE RENEWALS WITHIN THE TOWN OF MOFFAT EFFECTIVE JANUARY 1, 2025; AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED AND SPENT, AS A VOTER APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY REVENUE OR EXPENDITURE LIMITATIONS CONTAINED IN ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION, ARTICLE 1 OF TITLE 29, COLORADO REVISED STATUTES OR ANY OTHER LAW?


SECTION 3. This resolution shall become immediately passage and approval and after publication as may be required by law.

READ, PASSED, AND APPROVED by the Board of Trustees for the Town of Moffat, Colorado, on August 27, 2024.


TOWN OF MOFFAT, COLORADO


Don Studinski, Mayor

ATTEST:


Matt Litrenta, Town Clerk

APPROVED AS TO FORM:


Whitt Wyatt, Town Attorney