

CITY OF IDAHO SPRINGS
County of Clear Creek
State of Colorado

Resolution No. 21 , Series 2021

**A RESOLUTION SUPPORTING A “YES” VOTE ON CITY BALLOT QUESTION 2A
CONCERNING THE IMPOSITION OF A CITY MARIJUANA EXCISE TAX**

WHEREAS, pursuant to Articles 10 through 12 of Title 44, C.R.S., the City, acting by and through its City Council (“Council”), has exercised its authority to permit, regulate and license certain types of retail and medical marijuana businesses to operate within the City, including marijuana cultivation operations; and

WHEREAS, pursuant to C.R.S. § 29-2-114(2), municipalities have been granted the authority to impose an excise tax on the first transfer of unprocessed marijuana from a cultivation facility to another qualifying marijuana enterprise; and

WHEREAS, to this point, the City Council has not acted to refer a ballot question concerning the imposition of a marijuana excise tax to City voters; and

WHEREAS, Clear Creek County has referred a ballot question and obtained voter approval to impose an excise tax on marijuana transfers, resulting in the revenues from the excise tax generated by marijuana cultivators located within the City flow to the County; and

WHEREAS, by Resolution No. 17, Series 2021, the City Council referred to City electors a ballot question to impose a City excise tax that, if approved, would result in the excise tax already being imposed and collected by marijuana cultivators in the City being deposited with the City rather than with the County; and

WHEREAS, said ballot question proposes the same City excise tax rate – 5% - as the excise tax rate currently imposed by the County, and will appear on City elector ballots this November as City Ballot Question 2A; and

WHEREAS, the City Council finds that a “yes” vote on Ballot Question 2A will benefit the citizens of Idaho Springs by generating additional tax revenues for any number of necessary City projects, personnel or expenses, all without actually increasing the existing tax burden on any business or person given that the excise tax already exists at the County level; and

WHEREAS, the Fair Campaign Practices Act, in C.R.S. § 1-45-117(1)(b)(III)(A), expressly allows the City Council to adopt a resolution taking a position of advocacy on a ballot issue; and

WHEREAS, the City Council therefore wishes to support and encourage a “yes” vote on City Ballot Question 2A appearing on City elector ballots this coming November 2, 2021.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Idaho Springs, Colorado as follows:

Section 1. The City Council of the City of Idaho Springs supports a “yes” vote on the following City of Idaho Springs Ballot Question 2A at the November 2, 2021 election:

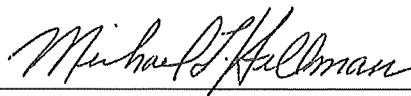
“SHALL CITY OF IDAHO SPRINGS’ TAXES BE INCREASED BY \$50,000 IN 2022 (THE FIRST FULL FISCAL YEAR OF SUCH TAX INCREASE), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING, EFFECTIVE JANUARY 1, 2022, AN EXCISE TAX TO REPLACE THE EXISTING COUNTY EXCISE TAX WITHIN THE CITY AT THE SAME RATE OF FIVE PERCENT (5%) ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA BY RETAIL MARIJUANA CULTIVATION FACILITIES LOCATED WITHIN THE CITY, AND IF THE TRANSFER OR SALE IS BETWEEN AFFILIATED RETAIL MARIJUANA BUSINESS LICENSEES THE RATE OF TAX SHALL BE BASED ON THE AVERAGE MARKET RATE OF UNPROCESSED MARIJUANA, IF THE TRANSFER OR SALE IS BETWEEN UNAFFILIATED RETAIL MARIJUANA BUSINESS LICENSEES THE RATE OF TAX SHALL BE BASED ON THE CONTRACT PRICE, AND SHALL ALL SUCH TAX REVENUES GENERATED THEREBY BE DEDICATED TO PARKS AND RECREATION PURPOSES AND BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____ NO _____

Section 2. The adoption of this Resolution shall not be reported or distributed through any means other than the established, customary means by which information about City Council proceedings is regularly provided to the public, in strict conformance with C.R.S. § 1-45-117(1)(b)(III)(B).

Section 3. This resolution shall become effective upon its adoption.

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 11TH day of October, 2021.



Michael Hillman, Mayor

ATTESTED AND CERTIFIED:



Diane Breece, City Clerk

CITY OF IDAHO SPRINGS
County of Clear Creek
State of Colorado

Resolution No. 22, Series 2021

A RESOLUTION SUPPORTING A “YES” VOTE ON CITY BALLOT QUESTION 2B TO INCREASE THE CITY SALES TAX RATE BY ONE PERCENT (1%) AND DEDICATE THE REVENUES TO WATER AND WASTEWATER CAPITAL IMPROVEMENTS

WHEREAS, the City of Idaho Springs, Colorado (“City”) owns and operates both water and wastewater utilities; and

WHEREAS, both utilities are funded by a variety of sources, including but not limited to user fees and voter-approved debt revenue; and

WHEREAS, both utilities will require future capital improvements as existing improvements age and as demand placed on the utilities increases over time; and

WHEREAS, such capital improvements could be planned, budgeted and saved for by increasing utility user fees, by requesting voter approval for additional debt or by pulling funds from other City reserves and accounts in the future, necessarily diverting those funds from other City projects and needs; and

WHEREAS, in order to reduce or eliminate the need to raise utility customer rates or ask for future additional debt or pull reserves from other accounts, the City Council decided to propose a one percent (1%) increase in the overall general City sales tax rate and to dedicate revenues from said increase to future water and wastewater capital improvements; and

WHEREAS, by Ordinance No. 16, Series 2021, the City Council referred such a ballot question to City electors which will appear on City ballots as City Ballot Question 2B at the November 2, 2021 general municipal election; and

WHEREAS, the City Council finds that a “yes” vote on Ballot Question 2B will benefit the citizens of Idaho Springs by shifting a portion of the financial burden of funding future utility capital improvements from City residents and businesses to all those who purchase taxable items at retail in the City, including tourists and visitors; and

WHEREAS, the Fair Campaign Practices Act, in C.R.S. § 1-45-117(1)(b)(III)(A), expressly allows the City Council to adopt a resolution taking a position of advocacy on a ballot issue; and

WHEREAS, the City Council therefore wishes to support and encourage a “yes” vote on City Ballot Question 2B appearing on City elector ballots this coming November 2, 2021.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Idaho Springs, Colorado as follows:

Section 1. The City Council of the City of Idaho Springs supports a “yes” vote on the following City of Idaho Springs Ballot Question 2B at the November 2, 2021 election:

“SHALL CITY OF IDAHO SPRINGS TAXES BE INCREASED \$762,000 IN 2022 (THE FIRST FISCAL YEAR OF SUCH RATE INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, THROUGH A ONE PERCENT (1.0 %) INCREASE IN THE CITY SALES TAX RATE, COMMENCING ON JANUARY 1, 2022, THE REVENUES FROM SUCH ONE PERCENT (1.0 %) INCREASE TO BE USED SOLELY FOR THE PURPOSES OF FUNDING WATER AND WASTEWATER CAPITAL IMPROVEMENT PROJECTS, AND SHALL ALL SUCH TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____ NO _____”

Section 2. The adoption of this Resolution shall not be reported or distributed through any means other than the established, customary means by which information about City Council proceedings is regularly provided to the public, in strict conformance with C.R.S. § 1-45-117(1)(b)(III)(B).

Section 3. This resolution shall become effective upon its adoption.

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 11TH day of October, 2021.



Michael Hillman, Mayor

ATTESTED AND CERTIFIED:



Diane Breece, City Clerk