



### **Resolution 2024-03**

**A RESOLUTION TO APPROVE AND AUTHORIZE A BALLOT ISSUE FOR THE APRIL 2024 ELECTION FOR THE PURPOSE OF PROPOSING AN ADDITIONAL TOWNWIDE SALES TAX ON RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS WITH THE TAX REVENUES TO BE USED TO FUND THE ADEQUATE ENFORCEMENT AND ADMINISTRATION OF REGULATIONS ON THE RETAIL MARIJUANA INDUSTRY AND OTHER GENERAL PURPOSES OF THE TOWN**

**WHEREAS**, C.R.S & 29-2-101, *et seq.*, authorizes the Town to levy sales tax upon the approval of a majority of the qualified registered electors of the Town voting on such proposal at an election conducted and held according to Colorado law; an

**WHEREAS**, the laws of Colorado permit the sale of retail marijuana and retail marijuana products under Article XVIII of the Colorado State Constitution and the Colorado Retail Marijuana Code (C.R.S & 12-43.4-101, *et seq.*); and

**WHEREAS**, C.R.S. & 39-28.8-203 authorizes local governments to impose, levy and collect taxes on the sale of retail marijuana and retail marijuana products; and

**WHEREAS**, this Board finds that it is in the best interest of the present and future residents of the Town of Ordway to certify a ballot issue to the eligible voters of the Town at the April 2024 election requesting approval of the imposition of an additional town wide sales tax of a minimum of five and one-half percent (5.5%) to a maximum of fifteen percent (15%) on the sale of retail marijuana and retail marijuana products subject to the terms of this Resolution.

**Adoption of State Rules and Regulations:** The imposition of this tax on the sale of medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products shall be accordance with the rules and regulations of the Colorado Department of Revenue, and/or in accordance with any regulations of the Town of Ordway which have been or may be enacted by separate written resolutions.

- 5. Amounts Excluded:** The amounts subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.
- 6. Exemptions:** There shall be exempt from sales taxation under the provisions of this Resolution all of the tangible personal property and services which are exempt from Tow sales taxation under the State Statute, "Sales and Use Tax Exemptions", C.R.S. & 39-26-710, *et seq.*, and the Ordway Municipal Code.
- 7. Acknowledgement of Statutory Exemptions:** As the additional sales tax proposed by this Resolution applies only to medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products and applies to no other tangible personal property, the exemptions for types of tangible personal property other than medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products described n C.R.S. & 29-2-105 are not applicable to this additional sales tax proposal. It is specifically acknowledged that none of the tangible personal property covered by exemptions cited in C.R.S. & 29-2-105 shall not be taxed by the additional sales tax proposed in this Resolution.
- 8. Place of Sale:** For purposes of this Resolution, all sales of medical marijuana, medical marijuana products, retail marijuana, and retail marijuana product sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town. The gross receipts from such sales shall include delivery charges when such chargers are subject to the sales and use tax of the State of Colorado imposed by Article 10 of Title 44, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in the Town, or has more than one place of business, the place, or places at which the retail sales are consummated for the purpose of sales tax imposed by this Resolution shall be determined by the provisions of Article 26 of Title

If the sales and use tax increase proposed by this Resolution is approved by the electorate at the General Election in April, 2024, the Crowley County Clerk and Recorder, shall send notice of said adoption to the Executive Director of the Department of Revenue. Such notice shall include;

- a. A copy of this Resolution, certified by the Clerk and Recorder;
- b. Affidavits of Publication of this Resolution, as provided therein; and
- c. An abstract of election results, certified as to the approval of the sales tax by a majority of the registered, qualified electors of the Town of Ordway voting thereon.

### **USE OF TAX REVENUES**

**12. Distributions of Tax Revenues:** In order to carry out the purposes expressed in this Resolution and in the proposed ballot issue, and pursuant to C.R.S. & 29-2-104(2), the Town of Ordway shall retain all revenue generated by the additional sales tax imposed by this Resolution for the purposes described in paragraph 14 below and there shall be no distribution of revenues generated by this additional sales tax to any incorporated town or outside the Town of Ordway, or to unincorporated Crowley County, Colorado.

**13. Use by Town:** The Board shall direct the utilization of the revenues of the additional sales tax on medical marijuana, medical marijuana products, retail marijuana, and retail marijuana proposed by this Resolution solely as described in the ballot measure referred to the voters of the Town of Ordway by this Resolution.

- a.** Effective July 1, 2024, the Town of Ordway shall expend revenue generated from this additional sales tax on medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products for the purposes listed on Attached Exhibit A (Ballot Issue A) and for no other purposes.
- b.** Revenue generated from this additional sales tax on medical marijuana, medical marijuana products, retail marijuana, and retail marijuana products shall be used to fund the adequate enforcement and administration of

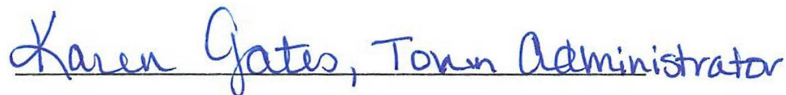
- 20. Statutory Reference:** All statutory citations in this Resolution shall be construed to refer to the Colorado Revised Statutes, 2017 referred to above as C.R.S. and as the same may be from time to time amended.
- 21. Amendments:** Unless otherwise required by Colorado law, the provisions of this Resolution may be amended by resolution of the Board of Trustees.
- 22. Severability:** 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 is the intention of the Board that the various parts of this Resolution are severable.

**ADOPTED AND APPROVED THIS 29<sup>th</sup> DAY OF January, 2024, BY  
THE BOARD OF TRUSTEES OF THE TOWN OF ORDWAY, COLORADO.**



Gerald Barber, Mayor

Town of Ordway



Scarlette Markus, Town Clerk

Town of Ordway