

RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF COMMERCE CITY AT THE REGULAR ELECTION TO BE HELD NOVEMBER 3, 2015 TWO BALLOT QUESTIONS, THE FIRST WHETHER TO CHANGE THE CITY CHARTER REGARDING LOCATIONS FOR POSTING OF ORDINANCES; AND THE SECOND TO PLACE A FIVE PERCENT EXCISE TAX ON CERTAIN MARIJUANA TRANSFERS; AND SETTING THE BALLOT LANGUAGE THEREFOR

NO. 2015-80

WHEREAS, November 3, 2015, is the date for the upcoming 2015 coordinated mail ballot election and is one of the election dates at which ballot issues may be submitted to the electors of the City of Commerce City (“the City”); and

WHEREAS, the City Council of the City hereby determines that it is necessary to submit to the electors of the City at the November 3, 2015 election the question of whether Section 5.6 of the City Charter should be amended to provide for the posting of the full text of ordinances in two (2) locations with the exception of emergency ordinances and codes adopted by reference; and

WHEREAS, this charter amendment change reflects the evolution of the City (both in size and technological access), with 158,586 visitors to the City website’s agenda and minutes portal in 2014 and 201,491 using this electronic tool to procure ordinance information in 2015; and

WHEREAS, the City Council of the City hereby determines that it is necessary to submit to the electors of the City at the November 3, 2015 election the question of whether the City should impose an excise tax on certain marijuana transactions as such are authorized by state law commencing January 1, 2016, at the rate of five percent (5%) of the value of the product transferred; and

WHEREAS, the City Council has the authority to refer both of these measures to the November 3, 2015 municipal election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. All actions, not inconsistent with the provisions of this Resolution, heretofore taken by the City and its officers in advancement of the Coordinated Election, and the objects and purposes herein stated, are hereby ratified, approved and confirmed.
2. Unless defined otherwise herein, all terms used in this Resolution shall have the meanings set forth in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended.

3. The City Council hereby submits to the registered electors of the City, at the Coordinated Election to be held November 3, 2015, the two questions set forth in Exhibits A and B attached hereto.
4. If a majority of the votes cast approve the ballot issue(s) described on attached Exhibit A and/or Exhibit B, then the City, acting through the City Council and the staff of the City, are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.
5. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution are hereby repealed.

RESOLVED AND PASSED THIS ____ DAY OF _____, 2015.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

EXHIBIT A

SHALL SECTION 5.6 OF THE CITY CHARTER OF THE CITY OF COMMERCE CITY BE AMENDED TO PROVIDE TWO LOCATIONS FOR THE POSTING OF THE FULL TEXT OF ORDINANCES ADOPTED BY THE CITY COUNCIL ON FIRST READING WITH THE EXCEPTION OF EMERGENCY ORDINANCES AND CODES ADOPTED BY REFERENCE?

YES _____

NO _____

EXHIBIT B

SHALL THE CITY OF COMMERCE CITY TAXES BE INCREASED BY NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) IN THE FISCAL YEAR COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY THE IMPOSITION OF AN EXCISE TAX ON THE VALUE OF MARIJUANA AND MARIJUANA INFUSED PRODUCTS, AS SUCH ARE AUTHORIZED BY STATE LAW, COMMENCING JANUARY 1, 2016 AT THE RATE OF FIVE PERCENT (5%) OF THE VALUE OF THE MARIJUANA OR MARIJUANA INFUSED PRODUCTS AT THE TIME OF TRANSFER; AND SHALL THE CITY BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES _____ NO _____