

**TOWN OF PALMER LAKE
COUNTY OF EL PASO
COLORADO
RESOLUTION NO. 8 OF 2018**

A RESOLUTION (1) CONDITIONALLY CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018, IN COORDINATION WITH THE EL PASO COUNTY, COLORADO, GENERAL ELECTION AND IN ACCORDANCE WITH THE UNIFORM ELECTION CODE; (2) DESIGNATING THE DESIGNATED ELECTION OFFICIAL; (3) AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH EL PASO COUNTY FOR THE CONDUCT OF THE COORDINATED ELECTION; (3) SUBMITTING A BALLOT ISSUE TO THE ELIGIBLE ELECTORS OF THE TOWN AUTHORIZING THE TOWN TO IMPOSE A SPECIAL SALES TAX ON THE SALE OF RETAIL ; (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AND (4) SETTING THE TITLE FOR THE BALLOT ISSUE

WHEREAS, THE TOWN IS IN RECEIPT OF A FORM OF PETITION FOR CITIZEN INITIATED LEGISLATION TO ALLOW AND REGULATE THE SALE OF RETAIL MARIJUANA; AND

WHEREAS, IF THE PETITION IS SUBMITTED WITH SUFFICIENT VALID SIGNATURES AND IF THE TOWN BOARD OF TRUSTEES FAILS TO ENACT SUCH LEGISLATION UPON RECEIPT OF SUCH SUFFICIENT PETITIONS, THE QUESTION OF ALLOWING AND REGULATING THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN WILL LIKELY BE PLACED ON THE BALLOT AS A SPECIAL ELECTION TO BE HELD IN COORDINATION WITH THE NOVEMBER 6, 2018, STATEWIDE GENERAL ELECTION COORDINATED BY EL PASO COUNTY; AND

WHEREAS, SECTION 29-2-115(4), C.R.S., AUTHORIZES MUNICIPALITIES TO ENACT AN ADDITIONAL SPECIAL SALES TAX SPECIFIC TO THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, SUBJECT TO VOTER APPROVAL; AND

WHEREAS, UNDER THE TAXPAYER'S BILL OF RIGHTS, ARTICLE X, SECTION 20(4) OF THE COLORADO CONSTITUTION ("TABOR") GOVERNMENTAL ENTITIES ARE REQUIRED TO OBTAIN VOTER APPROVAL IN ADVANCE FOR ANY NEW; AND

WHEREAS, IF AND ONLY IF THE QUESTION OF ALLOWING AND REGULATING THE SALE OF RETAIL MARIJUANA WITHIN THE TOWN IS PLACED ON THE BALLOT FOR THE NOVEMBER 6, 2018, GENERAL ELECTION, THE TOWN BOARD OF TRUSTEES HAS DETERMINED THAT IT IS IN THE BEST INTEREST OF THE RESIDENTS OF THE TOWN TO

ALSO SUBMIT TO THE VOTERS THE QUESTION OF IMPOSING AN ADDITIONAL SPECIAL SALES TAX ON THE SALE OF SUCH RETAIL MARIJUANA; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS DETERMINED THAT IT SHOULD FIX THE BALLOT TITLE FOR THE BALLOT ISSUE SET FORTH IN THIS RESOLUTION; AND

WHEREAS, THE TOWN BOARD FINDS THAT THE TITLE SET FORTH HEREIN IS NOT MISLEADING, CLEARLY IDENTIFIES THE EFFECT OF A "YES" OR "NO" VOTE, DOES NOT CONFLICT WITH THE TITLE OF ANY OTHER MEASURE THAT WILL APPEAR ON THE BALLOT, AND CORRECTLY AND FAIRLY EXPRESSES THE TRUE INTENT AND MEANING OF THE ISSUE.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Conditional Call for Election. If and only if the question of allowing and regulating the sale of retail marijuana within the Town is placed on the ballot for the November 6, 2018, general election, the Board of Trustees shall refer the referred ballot issue contained herein to the voters of the Town at a special election to be held in coordination with the regular general election coordinated with El Paso County, Colorado, on November 6, 2018. In accordance with Sections 29-2-115(4), 31-101-108 and 31-10-102.7, C.R.S., the election shall be held in accordance with the Uniform Election Code and the Town Clerk shall act as the Designated Election Official for the Town.

Section 2. Conditional Referral of Ballot Issue. If and only if the question of allowing and regulating the sale of retail marijuana within the Town is placed on the ballot for the November 6, 2018, general election, the Board of Trustees hereby refers and approves the following ballot issue for submission to the voters to appear on the ballot for the election to be held on November 6, 2018:

Ballot Issue:

SHALL THE TOWN OF PALMER LAKE TAXES BE INCREASED BY FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) IN THE FIRST FISCAL YEAR AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS AS DEFINED IN THE COLORADO RETAIL MARIJUANA CODE, CONDITIONED ON THE TOWN ALLOWING AND REGULATING THE SALE OF RETAIL (RECREATIONAL) MARIJUANA AND RETAIL (RECREATIONAL) MARIJUANA PRODUCTS BY SEPARATE ACTION, WITH THE RATE OF SUCH TAX BEING ALLOWED TO BE DECREASED OR INCREASED ON OR AFTER DECEMBER 31, 2020, WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF THE TAX DOES NOT EXCEED 10%, WITH THE REVENUES DERIVED FROM SUCH TAX TO BE COLLECTED AND SPENT TO PROMOTE THE GENERAL PURPOSES OF THE TOWN OF PALMER LAKE 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?

_____ YES

___ NO

Section 3. Approval of Agreement with County. The Town Administrator is hereby authorized to enter into and execute an intergovernmental agreement with El Paso County for the conduct of the November 6, 2018, coordinated election in a form acceptable and approved by the Town Administrator and Town Attorney.

Section 4. Nothing in this Resolution or the ballot title or question shall amend, alter, impair, or affect the prior voter approvals related to the Town's sales, use, and property taxes or otherwise alter any currently effective voter approval to collect, retain and spend excess revenues, such that a failure of any of the ballot issue contained herein will not result in a reversal of any previously obtained voter approval.

Section 5. This Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such shall be the text of the question itself.



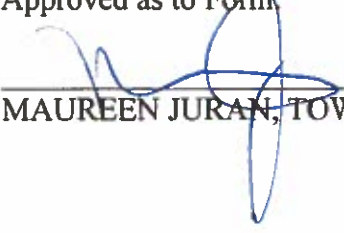
Section 6. The Town Clerk, as the Designated Election Official, is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of the ballot issue the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 7. The Designated Election Official and Town's Attorney are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot issue to be printed and placed on the ballot for the election.

Section 8. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 9. This Resolution shall take effect upon its approval.

APPROVED AND ADOPTED ON THIS 26 DAY OF JULY, 2018, BY A MAJORITY VOTE OF THE TOWN BOARD OF TRUSTEES.

 JOHN CRESSMAN, MAYOR ATTEST:  VERLA BRUNER, TOWN CLERK	Approved as to Form:  MAUREEN JURAN, TOWN ATTORNEY
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