

Commissioner Dahlkemper moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC22-185

RE: Board of County Commissioners - Ballot Issue Regarding Marijuana Establishments for November 2022 Election

WHEREAS, Article XVIII of the Constitution of the State of Colorado, Section 16, Subsection 5(f), approved by voters on November 6, 2012, and effective December 10, 2012, provides that counties may prohibit the operation of marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, and retail marijuana stores (marijuana establishments) through the enactment of an ordinance; and

WHEREAS, the Taxpayer's Bill of Rights, codified in Section 20 of Article X of the Colorado Constitution, also known as TABOR, and other state statutes, including C.R.S. § 29-1-301, impose certain taxing limitations on county government; and

WHEREAS, the Taxpayer's Bill of Rights allows voters to approve new taxes and allows a county to retain revenue collected above the annual limit and spend the same; and

WHEREAS, in June 2013, the Board of County Commissioners prohibited the operation of all marijuana establishments through a County Ordinance; and

WHEREAS, the County Ordinance was amended in 2014 and 2015 to clarify the county's authority and the ordinance was again amended in 2015 to allow marijuana testing facilities; and

WHEREAS, the Board wishes to seek approval from the voters to allow certain marijuana establishments, establish a sales tax, and retain such revenue; and

WHEREAS, the County Clerk of the County is conducting a coordinated election on November 8, 2022 (the "Election"); and

WHEREAS, the Board has reviewed the proposed ballot issues, as set forth below, and is willing to put to a vote of the electors of Jefferson County the issue of whether to allow certain marijuana establishments, establish a sales tax, and retain revenue generated from the establishments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, IN THE STATE OF COLORADO:

1. Pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes., and all other applicable laws of the State of Colorado, the Board hereby submits to the registered electors of the County the question set forth in paragraph 2.
2. The question in substantially the following form shall be submitted to the registered electors of the County at the Election:

BALLOT QUESTION

Shall Jefferson County, Colorado authorize the establishment and operation of marijuana manufacturing facilities as well as sales of medical and retail marijuana and marijuana products in the unincorporated areas of Jefferson County, Colorado, subject to all requirements of state law and subject to and commencing upon Jefferson County's adoption of local regulations by July 1, 2024 governing the time, place, manner, and number of medical and retail marijuana stores and local licensing requirements, as may be amended from time to time, with the authority to collect, retain and spend all application, licensing, renewal fees, and enforcement costs as well as the County's local government share of the retail marijuana state sales tax, beginning in 2024 and thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution or any other law?

BALLOT QUESTION

Shall Jefferson County taxes be increased by \$600,000 annually in the first full fiscal year (2024) and by such amounts as are raised thereafter by imposing a sales tax between three and six percent (3-6%) on the sale of retail marijuana and marijuana products within the unincorporated areas of Jefferson County, which tax shall be in addition to all other sales taxes imposed, with the Board of County Commissioners having authority to increase or decrease the sales tax rate without further voter approval beginning in January 2024 so long as the rate of such sales tax does not exceed six percent (6%), with such tax revenues being used to fund public safety operations as determined by the Board of County Commissioners, and with the resulting tax revenue being allowed to be collected, retained, and

spent beginning in 2024 and thereafter, notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution or any other law?

Commissioner Kerr seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Tracy Kraft-Tharp	Aye
Commissioner Lesley Dahlkemper	Aye
Commissioner Andy Kerr, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: July 19, 2022