

**RESOLUTION NO. 3  
SERIES OF 2020**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO SETTING THE TITLE AND CONTENT OF A BALLOT ISSUE FOR A TAX INCREASE ON THE SALES OF CIGARETTES AND TOBACCO PRODUCTS TO BE SUBMITTED TO THE ELECTORATE OF THE TOWN OF CARBONDALE AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 7, 2020.**

WHEREAS, the Town of Carbondale (the “Town”) is a home rule municipal corporation organized under the laws of the State of Colorado; and

WHEREAS, the Town has a regular municipal election scheduled for Tuesday, April 7, 2020, which, pursuant to Section 2-1-20 of the Town of Carbondale Municipal Code, shall be a mail ballot election; and

WHEREAS, Article X, Section 20 of the Colorado State Constitution (“TABOR”) requires that the Town have voter approval for any increase in taxes; and

WHEREAS, TABOR requires the Town to submit ballot issues (as defined in TABOR) to the Town’s electorate on limited election days before action can be taken on such ballot issues; and

WHEREAS, April 7, 2020 is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR; and

WHEREAS, Section 10-16 of the Town’s Home Rule Charter authorizes the adoption of a municipal tax or increase of a municipal tax by ordinance if such taxes or tax increases satisfy the applicable limitations in the Colorado Constitution, including any requirements for voter approval; and

WHEREAS, by House Bill 1033, the Colorado General Assembly removed various restrictions and penalties on local governments imposing a tax on tobacco products; and

WHEREAS, the Board of Trustees of the Town (“Board of Trustees”) hereby finds that cigarette and tobacco product addiction is a leading cause of preventable death, that people should be deterred from starting the use of cigarettes and tobacco products and encouraged to quit the use of cigarettes and tobacco products, and that taxes on the sale of cigarettes and tobacco products are effective at preventing and reducing cigarette and tobacco product use; and

WHEREAS, the Board of Trustees further determines that it is in the interest of the public health, safety, and welfare of the residents of the Town to submit to the

electorate of the Town the question of authorizing a tax increase on the sale of cigarettes and tobacco products at the regular mail ballot election to be held on April 7, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, THAT:

Section 1 - Form of Ballot Issue. At the election to be held on Tuesday, April 7, 2020, there shall be submitted to the eligible electors of the Town a ballot issue which shall be in substantially the following form:

**TOWN OF CARBONDALE  
BALLOT ISSUE NO. \_\_\_\_**

**TAX INCREASE ON THE SALE OF CIGARETTES AND TOBACCO  
PRODUCTS**

SHALL THE TOWN OF CARBONDALE TAXES BE INCREASED BY UP TO \$700,000.00 ANNUALLY (WHICH AMOUNT REPRESENTS ESTIMATED REVENUES IN 2021, THE FIRST FULL FISCAL YEAR OF COLLECTION) AND BY WHATEVER AMOUNT IS GENERATED THEREAFTER THROUGH THE IMPOSITION OF NEW TAXES TO BE USED FOR PREVENTION, CESSATION, TREATMENT, AND ENFORCEMENT RELATED TO TOBACCO PRODUCT CONSUMPTION, PROMOTION OF MENTAL AND PHYSICAL HEALTH, EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH TOBACCO PRODUCT CONSUMPTION INCLUDING PREVENTION OF UNDERAGE CONSUMPTION, AND OTHER RELATED TOWN EXPENSES AS FOLLOWS: BEGINNING JULY 1, 2020, THERE SHALL BE A NEW SALES TAX OF TWENTY CENTS PER CIGARETTE OR FOUR DOLLARS PER PACK OF TWENTY CIGARETTES SOLD; BEGINNING JULY 1, 2020, THERE SHALL BE A NEW SALES TAX OF 40 PERCENT ON THE SALES PRICE OF ALL OTHER TOBACCO PRODUCTS; THE TERMS "CIGARETTE" AND "TOBACCO PRODUCT" SHALL HAVE THE SAME MEANINGS AS IN THE TOWN OF CARBONDALE MUNICIPAL CODE; AND THAT THE TOWN MAY COLLECT, RETAIN, AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND EARNINGS THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

FOR THE MEASURE: \_\_\_\_\_ AGAINST THE MEASURE: \_\_\_\_\_

Section 2 - Setting Ballot Title and Content. For purposes of C.R.S. § 1-11-203.5, this Resolution shall serve to set the title and content of the ballot issue as set forth in Section 1 of this Resolution.

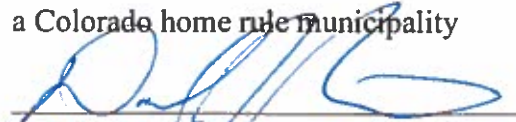
Section 3 - Ballot Results. If a majority of the votes cast on the ballot issue set forth in Section 1 hereof shall be for approval of the ballot measure, the Board of Trustees

shall take the necessary legislative action to amend the Town Municipal Code consistent with the language of the ballot issue, and the authorized tax rate increase shall commence on July 1, 2020.


Section 4. The officers and employees of the Town are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution.

DATED this \_\_ day of January, 2020.

TOWN OF CARBONDALE, COLORADO  
a Colorado home rule municipality

  
\_\_\_\_\_  
Dan Richardson, Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Derby, Town Clerk

14046213\_v1

