

**TOWN OF RED CLIFF, COLORADO
ORDINANCE 2, SERIES 2020**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, SUBMITTING A BALLOT QUESTION TO THE REGISTERED AND QUALIFIED ELECTORS OF THE TOWN OF RED CLIFF, COLORADO, AT THE TOWN'S MUNICIPAL ELECTION TO BE HELD ON APRIL 7, 2020, AUTHORIZING THE LEVY OF A SPECIAL SALES TAX ON THE SALE OF CIGARETTES, TOBACCO PRODUCTS AND NICOTINE PRODUCTS

WHEREAS the Town of Red Cliff, Colorado (the "Town") is a statutory municipal corporation duly organized and existing under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law;

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

WHEREAS, this election shall be conducted by the Town of Red Cliff Clerk in accordance with the "Uniform Election Code of 1992," Articles 1 to 13 of Title 1, C.R.S.

WHEREAS, on March 28, 2019, Governor Polis signed House Bill 19-1033, which took effect on July 1, 2019;

WHEREAS, House Bill 19-1033 allows municipalities to impose a special sales tax on cigarettes, tobacco products and nicotine products, subject to prior voter approval under Article X, Section 20 of the Colorado Constitution ("TABOR");

WHEREAS, House Bill 19-1033 allows the Town to use the revenues collected from such special sales tax for "any purpose determined by the governing body" and

WHEREAS, the Board finds that it is in the best interest of the public health, safety and welfare to submit to the registered and qualified electors of Red Cliff at the Town's April 7, 2020 election a ballot issue to approve the imposition of a special sales tax on cigarettes, tobacco products and nicotine products.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO:

Section 1. **Election.** The election shall be conducted by the Town of Red Cliff Town Clerk in accordance with the "Uniform Election Code of 1992," Articles 1 through 13 of Title 1, C.R.S.

Section 2. Certification of Question to Clerk for Election. The following question is hereby certified to the Town of Red Cliff Town Clerk and the Town's designated election official and shall be presented at the election to be held on Tuesday, April 7, 2020. Notices required by Article X, Section 20 of the Colorado Constitution shall be provided by the Clerk.

Section 3. Form of Ballot Question. At the Town's April 7, 2020 election, the following ballot issue shall be presented to the registered and qualified electors of Red Cliff:

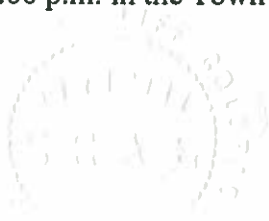
SHALL TOWN OF RED CLIFF, COLORADO TAXES BE INCREASED \$20,000.00 IN THE FIRST FISCAL YEAR, AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER, THROUGH THE IMPOSITION OF A SPECIAL SALES TAX ON CIGARETTES, TOBACCO PRODUCTS AND NICOTINE PRODUCTS, AS THOSE TERMS ARE DEFINED IN C.R.S. §§ 39-28-202 AND 18-13-121 AT THE RATE OF 20 CENTS PER CIGARETTE SOLD OR \$4.00 PER PACK OF 20 CIGARETTES SOLD AND 40% ON THE PRICE PAID FOR THE PURCHASE OF ALL OTHER TOBACCO PRODUCTS AND NICOTINE PRODUCTS, COMMENCING ON JUNE 1, 2020, WITH THE REVENUES FROM SUCH TAX TO BE USED FOR THE SPECIFIC PURPOSES OF YOUTH HEALTH PROGRAMS AND EDUCATION, INCLUDING, WITHOUT LIMITATION, REDUCING TEEN VAPING THROUGH EDUCATION ABOUT THE HARMFUL CONTENTS OF FLAVORED NICOTINE PRODUCTS THAT APPEAL TO YOUTH, AND SHALL THE REVENUES FROM SUCH TAX AND ANY INVESTMENT EARNINGS THEREON BE COLLECTED AND SPENT BY THE TOWN FOR THE ABOVE- STATED PURPOSES AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES _____ NO


Section 4. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which may be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Savings Clause. The Red Cliff Municipal Code, as previously amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED POSTED IN FULL THIS 21st DAY OF JANUARY, 2020. A public hearing on the **SECOND READING** of this Ordinance 2, Series 2020, will be held at the regular meeting of the Board of Trustees of the Town of Red Cliff on the 4th day of February, 2020, at 7:00 p.m. in the Town Hall of the Town of Red Cliff.



BOARD OF TRUSTEES OF TOWN OF RED CLIFF, COLORADO



Duke Gerber, Mayor

ATTEST:

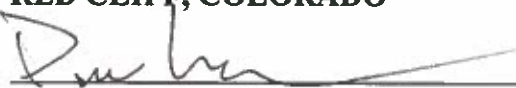


Barb Smith, Town Clerk

ADOPTED AND ORDERED PUBLISHED by a vote of 5 to 0 at a duly noticed public meeting held by the Town of Red Cliff Board of Trustees this 4th day of February, 2020.



BOARD OF TRUSTEES OF TOWN OF RED CLIFF, COLORADO



Duke Gerber, Mayor

ATTEST:



Barb Smith, Town Clerk