

**TOWN OF WELLINGTON  
RESOLUTION 38-2020  
A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF  
WELLINGTON, COLORADO REFERRING TO THE VOTERS THE INITIATED  
ORDINANCE CONCERNING RETAIL MARIJUANA SALES TAX IN THE TOWN OF  
WELLINGTON, COLORADO**

**WHEREAS**, pursuant to C.R.S. § 31-11-104(1) a petition to impose a retail marijuana sales tax in the Town of Wellington was submitted to the Wellington Town Clerk (the “Special Sales Tax Petition”), and

**WHEREAS**, on August 20, 2020, the Town Clerk, in accordance with C.R.S. §31-11-109, issued her statement of sufficiency finding that a sufficient number of signatures had been submitted in support of the Special Sales Tax Petition, and

**WHEREAS**, on September 8, 2020, two C.R.S. §31-11-110 protests were timely filed protesting the sufficiency of the Special Sales Tax Petition and a companion Ordinance Concerning the Regulation of Retail and Medical Marijuana Stores; and

**WHEREAS**, on September 20, 2020 the C.R.S. §31-11-110 hearing officer dismissed one protest and determined that the second protest did not protest the Special Sales Tax Petition, and

**WHEREAS**, the Haring Officer found the companion Ordinance Concerning the Regulation of Retail and Medical Marijuana Stores to not be sufficient and that ordinance is therefore not submitted to the voters but the Hearing Officer’s determination has been appealed; and

**WHEREAS**, the time to appeal the Hearing Officer’s findings as allowed by Colorado Rule of Civil Procedure 106(b) expired on October 19, 2020; and

**WHEREAS**, with the expiration of the C.R.C.P 106(b) appeals period there has been a final determination of petition sufficiency as required by to C.R.S. § 31-11-104(1) as to the Special Sales Tax Petition, and

**WHEREAS**, C.R.S. § 31-11-104 requires that the Town Board to publish the proposed ordinance as other ordinances are published and to refer the proposed ordinance, in the form petitioned for, to the registered electors of the Town at a regular or special election; and

**WHEREAS**, the Town Board may not itself adopt the Special Sales Tax Petition as the Special Sales Tax Petition is required to be adopted by the Town’s voters by the Colo. Const. art. X § 20 (4) (“TABOR”) and by C.R.S. § 29-2-115; and

**WHEREAS**, TABOR at Colo. Const. art. X § 20 (3)(a), requires that the Sales Tax Petition, must be “decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.” (the “TABOR Timing Requirements”); and

**WHEREAS**, to meet the TABOR Timing Requirements, the earliest that the Sales Tax Petition can be submitted to the registered electors of the Town is on Tuesday November 2 2021, and

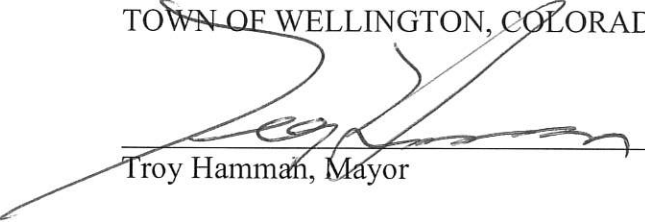
**WHEREAS**, pursuant to C.R.S. 31-11-104, the ordinance shall not take effect unless a majority of the registered electors voting on the measure at the election vote in favor of the measure.

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

The Special Sales Tax Petition is referred captioned as an **Ordinance Concerning Retail Marijuana Sales Tax in the Town of Wellington, Colorado**, adding a new Article 15 Chapter 2 of the Wellington Municipal Code entitled "Retail Marijuana Sales Tax," is, as required by C.R.S. §31-11-104(1), referred by Town Board of Trustees of the Town of Wellington Colorado, in the form petitioned for, to the registered electors of the Town to be voted on at a special election to be held on November 2, 2021.

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted by the Board of Trustees this 27th day of October, 2020.

TOWN OF WELLINGTON, COLORADO

  
Troy Hamman, Mayor

ATTEST:

  
Krystal Eucker, Town Clerk

