## 1 BY AUTHORITY ORDINANCE NO. \_\_\_\_\_ 2 COUNCIL BILL NO. 15-0314 3 SERIES OF \_\_\_\_\_ COMMITTEE OF 4 REFERENCE: **Finance** 5 A BILL 6 and Services 7 For an ordinance referring a question to the ballot at the November 3, 2015 8 coordinated election concerning the retention and continuation of the special retail marijuana sales tax originally approved by the voters at the November 5, 2013 9 10 election. 11 12 13 WHEREAS, at the November 5, 2013 coordinated election, the voters of the City and 14 County of Denver approved the imposition of a special retail marijuana sale tax by a count 15 of 92,838 (68.47%) for and 42,758 (31.53%) against; and 16 WHERAS, as required by Art. X, Sec. 20(3) of the Colorado Constitution (TABOR), in 17 18 advance of the 2013 election the city mailed to all registered electors a notice of the 19 election, including an estimate of the city's total 2014 fiscal year spending, and included 20 within the ballot title an estimate of the first year revenue to be derived from the special retail 21 marijuana tax; and 22 23 WHEREAS, both the total amount of city fiscal year spending, and the specific 24 amount of revenue derived from the special retail marijuana sales tax in 2014 exceeded the 25 estimates provided to the voters in 2013; and 26 27 WHEREAS, Art. X, Sec. 20(3)(c) of TABOR states, "Except by later voter approval, if a tax increase or fiscal year spending exceed any estimate . . . for the same fiscal year, the 28 29 tax increase is thereafter reduced up to 100% in proportion to the combined dollar excess, 30 and the combined excess revenue refunded in the next fiscal year;" and 31 32 WHEREAS, the total amount of revenue collected from the special retail marijuana sales tax in 2014 was \$5,290,016, an amount which must be refunded prior to December 33 31, 2015 unless the voters permit the city to retain this revenue; and 34

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WHEREAS, the purpose of this bill is refer a question allowing the voters of the City and County of Denver to reaffirm and ratify their original decision to authorize the city to impose the special retail marijuana tax.

## NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

**Section 1.** Pursuant to § 8.2.3 of the Charter, the City Council hereby calls a special municipal election to be conducted on November 3, 2015 and coordinated with the regular biennial school district election occurring on said date. In accordance with § 3.3.6 of the Charter and Article X, Section 20(3)(c) of the Colorado Constitution, the following question shall be submitted to a vote of the registered electors of the City and County of Denver at said election. Each elector voting at said election and desirous of voting for or against the tax increase shall cast a vote as provided by law either "Yes" or "No" on the proposition:

## 15 Referred Question \_\_\_\_\_

May the City and County of Denver retain and spend all 2014 revenues derived from the special retail marijuana sales tax as originally approved by the voters on November 5, 2013, and continue to impose and collect the tax to the full extent permitted by the original voter approval?

The proper officials of the City and County of Denver as are charged with duties relating to the election shall, before the election, issue such calls, make such certifications, and publications, give such notices (including, without limitation, the notice required by Art. X, §20(3)(b) of the Colorado Constitution), make such appointments, and do all such other acts and things in connection with the submission of this question to the registered electors of the City and County of Denver at the election as are required by the constitution and laws of the state of Colorado and the Charter and ordinances of the City and County of Denver. The ballots cast at such election shall be canvassed and the results ascertained, determined, and certified in accordance with the requirements of the Constitution and laws of the State of Colorado and the Charter and ordinances of the City and County of Denver.

C	COMMITTEE APPROVAL DATE: May 13, 2015		
Λ	MAYOR-COUNCIL DATE: May 19, 2015		
F	PASSED BY THE COUNCIL		2015
_		PRESIDENT	
Α	APPROVED:		_ 2015
	ATTEST:		
٨	NOTICE PUBLISHED IN THE DAILY JOURNAL	2015;	2015
F	PREPARED BY: David W. Broadwell, Assistant	City Attorney DATE: May 4,	2015
th O	Pursuant to section 13-12, D.R.M.C., this propose the City Attorney. We find no irregularity as to for ordinance. The proposed ordinance is not submitted. 2.6 of the Charter.	m, and have no legal objection to the p	proposed
С	D. Scott Martinez, City Attorney for the City and Co	unty of Denver	
	3Y:, C	City Attorney	DATE: