

# ORDINANCE/RESOLUTION REQUEST

Please email requests to Kiki Turner  
at [Kiki.Turner@DenverGov.org](mailto:Kiki.Turner@DenverGov.org) by **noon on Friday.**

Date of Request: 11/02/2020

Please mark one:  Bill Request or  Resolution Request

## 1. Type of Request:

- Contract/Grant Agreement     Intergovernmental Agreement (IGA)     Rezoning/Text Amendment  
 Dedication/Vacation     Appropriation/Supplemental     DRMC Change  
 Other:

## 2. Title: (Start with *approves*, *amends*, *dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends the DRMC to add CML model ordinance language that will standardize terms and taxation liability for marketplace facilitators and marketplace sellers.

## 3. Requesting Agency: Department of Finance – Treasury Division

## 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Steve Ellington	Name: Kiki Turner
Email: <a href="mailto:steve.ellington@denvergov.org">steve.ellington@denvergov.org</a>	Email: <a href="mailto:Kiki.Turner@denvergov.org">Kiki.Turner@denvergov.org</a>

## 5. General description or background of proposed request. Attach executive summary if more space needed:

This ordinance request seeks to add the “model ordinance” language created in collaboration by CML and various Home-Rule Municipalities across the state into DRMC Chapter 53 Article II (Sales Tax). The need for this new standardized language is critical to have in order to expect online or out-of-state retailers to collect and remit the Denver sales tax on sales in our jurisdiction. Expectations of having sales tax on sales made to Denver residents and businesses creates a fair economy to the local businesses in our city and negates the advantage of ordering online to avoid paying sales tax. Components of the Wayfair vs. South Dakota case at the Supreme Court allowed the state of South Dakota to prevail because their expectations from out of state retailers were simplified and consistent.

The model ordinance language addresses terms to define marketplace facilitators, multi-channel sellers, and marketplaces and defines what may constitute economic nexus within the city so the retailers understand when their liability starts.

In order to expect compliance from out of state and online retailers we need to have the standardized language and having a single point of remittance option to prevail in our expectations learned from the Wayfair ruling.

## 6. City Attorney assigned to this request (if applicable): Rob McDermott & Charles Solomon

## 7. City Council District: All

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: BR20 1303

Date Entered: \_\_\_\_\_