

**RESOLUTION NO. 03-2022**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, SETTING THE TITLE AND CONTENT OF A BALLOT ISSUE TO BE SUBMITTED TO THE ELECTORATE OF THE TOWN OF IGNACIO AND SETTING FORTH OTHER DETAILS RELATING THERETO AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY APRIL 5, 2022.**

**WHEREAS**, the Town of Ignacio (the “Town”), is a Colorado statutory town duly organized and existing under laws of the State of Colorado; and

**WHEREAS**, the members of the Board of Trustees of the Town (the “Board”) have been duly elected and qualified; and

**WHEREAS**, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and

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

**WHEREAS**, April 5, 2022, is one of the dates on which ballot issues may be submitted to the eligible electors of the Town pursuant to TABOR; and

**WHEREAS**, the Board hereby determines that it is necessary to submit to the electors of the Town, at the regular municipal election to be held on April 5, 2022, the question of imposing an occupation tax on the sale of retail and/or medical marijuana within the Town, and whether such sale of retail/medical marijuana shall be permitted within the Town; and

**WHEREAS**, pursuant to the Municipal Code, all elections of the Town are governed by the Colorado Municipal Election Code (defined below) unless otherwise provided in the Charter or by ordinance; and

**WHEREAS**, the Board now determines that it is necessary to submit to the electors of the Town, at the election on April 5, 2022, the ballot questions set forth below; and

**WHEREAS**, it is necessary to set forth certain procedures concerning the conduct of the election.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, AS FOLLOWS:**

1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the "Uniform Election Code") and Title 31, Article 10, C.R.S., as amended (the "Municipal Election Code").
3. Pursuant to TABOR and the Municipal Election Code, and all laws amendatory thereof and supplemental thereto, the Board hereby determines that a regular election shall be held within the Town on April 5, 2022 (the "election"), and that there shall be submitted to the eligible electors of the Town the questions set forth in Section 4 hereof. The election will be held as a polling place election, and the Board hereby determines that the Town Clerk shall conduct the election on behalf of the Town.
4. The following ballot issues, certified in substantially the form set forth below, are hereby referred to the registered electors of the Town and shall appear on the ballot of the Town at the election with the following ballot title which is set pursuant to Section 31-11-111, C.R.S.:

**RETAIL MARIJUANA (OCCUPATION TAX):**

SHALL THE TOWN OF IGNACIO TAXES BE INCREASED BY \$300,000 IN 2022, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING, EFFECTIVE JULY 1, 2022, A NEW OCCUPATION TAX ON THE SELLING WITHIN THE TOWN OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS PERMITTED BY ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, AT THE RATE OF A MAXIMUM OF \$10 PER SINGLE RETAIL TRANSACTION IMPOSED UPON THE RETAILER (WHICH MAY BE ADJUSTED FROM TIME TO TIME BY THE BOARD OF TRUSTEES BUT WHICH SHALL NOT EXCEED \$10 PER TRANSACTION WITHOUT FURTHER VOTER APPROVAL) IN ACCORDANCE WITH ANY ORDINANCES HEREAFTER APPROVED BY THE BOARD OF TRUSTEES, INCLUDING ORDINANCES RESTRICTING THE NUMBER OF SUCH FACILITIES AND OTHER RULES AND REGULATIONS DEEMED NECESSARY AND APPROPRIATE BY THE TRUSTEES; AND SHALL THE PROCEEDS OF SUCH REVENUE BE UTILIZED BY THE TOWN FOR GENERAL PURPOSES; AND SHALL THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY A RETAIL MARIJUANA BUSINESS BE PERMITTED WITHIN THE TOWN; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?

**MEDICAL MARIJUANA (OCCUPATION TAX)**

SHALL THE TOWN OF IGNACIO TAXES BE INCREASED BY \$300,000 IN 2022, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING, EFFECTIVE JULY 1, 2022, A NEW OCCUPATION TAX ON THE SELLING WITHIN THE TOWN OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS PERMITTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION, AT THE RATE OF A MAXIMUM OF \$10 PER SINGLE RETAIL TRANSACTION IMPOSED UPON THE RETAILER (WHICH MAY BE ADJUSTED FROM

TIME TO TIME BY THE BOARD OF TRUSTEES BUT WHICH SHALL NOT EXCEED \$10 PER TRANSACTION WITHOUT FURTHER VOTER APPROVAL) IN ACCORDANCE WITH ANY ORDINANCES HEREAFTER APPROVED BY THE BOARD OF TRUSTEES, INCLUDING ORDINANCES RESTRICTING THE NUMBER OF SUCH FACILITIES AND OTHER RULES AND REGULATIONS DEEMED NECESSARY AND APPROPRIATE BY THE TRUSTEES; AND SHALL THE PROCEEDS OF SUCH REVENUE BE UTILIZED BY THE TOWN FOR GENERAL PURPOSES; AND SHALL THE SALE OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA PRODUCTS, BY A MEDICAL MARIJUANA BUSINESS BE PERMITTED WITHIN THE TOWN; AND SHALL THE TOWN BE AUTHORIZED TO COLLECT AND SPEND SUCH REVENUE AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION?

5. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election.
6. Pursuant to Section 31-10-1308(2), C.R.S. and Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.
7. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.
8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.
9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.
10. The effective date of this resolution shall be immediately upon adoption.

**INTRODUCED, PASSED AND ADOPTED** at a regular meeting of the Board of Trustees of the Town of Ignacio, Colorado, on February 14, 2022.

**TOWN OF IGNACIO, COLORADO**

  
\_\_\_\_\_  
Stella Cox, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tuggy Dunton, Town Clerk

STATE OF COLORADO )  
 )  
 COUNTY OF LA PLATA ) SS.  
 )  
 TOWN OF IGNACIO )

**I, Tuggy Dunton, the Town Clerk of the Town of Ignacio, Colorado (the “Town”), do hereby certify:**

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Board of Trustees of the Town (the “Board”) at a regular meeting of the Board held on February 14, 2022.
2. The Resolution was duly introduced, moved and seconded, passed and adopted at the regular meeting of February 14, 2022, by an affirmative vote of a majority of the members of the Board as follows:

Name	“Yes”	“No”	Absent	Abstain
Stella Cox, Mayor	X			
Alison deKay, Trustee	X			
Tom Atencio, Trustee	X			
Edward Box III, Trustee			X	
Sharon Craig, Trustee	X			
Sandra Maez, Trustee	X			
Dixie Melton, Trustee	X			

3. The members of the Board were present at the meeting and voted on the passage of such Resolution as set forth above.
4. The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Board.
5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.
6. Notice of the regular meeting of February 14, 2022, in the form attached hereto as Exhibit A was posted not less than twenty-four hours prior to the meeting in accordance with law.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Ignacio, Colorado.

*Tuggy Dunton*  
 \_\_\_\_\_  
 Tuggy Dunton, Town Clerk

## EXHIBIT A



### IGNACIO TOWN BOARD MEETING AGENDA Monday, February 14, 2022 – 6:30 PM Abel F. Atencio Community Room, 570 Goddard Avenue or via Remote Public Meeting

*The remote meeting is hosted by Zoom and requires Attendees to login to the Zoom meeting website at the following address: <https://zoom.us/j/95519556854>, or Attendees wishing to participate by phone shall call: 346-248-7799 and key in Webinar ID Number: 955 1955 6854.*

*There is a Zoom Etiquette file on the Town website that details how Zoom meetings work and what is expected of Attendees. All Attendees will be able to hear and/or see the Town Board meeting. Attendees will be muted until the Mayor takes Attendee comments. Attendees wanting to comment must click on the "Raised Hand" tab at the bottom of the screen, or callers will have to enter \*9. The Mayor will acknowledge which Attendee is to speak (by name or phone number) and the meeting host will allow them to speak. The meeting host will unmute the Attendee (or notify the Attendee if they need to unmute themselves by entering \*6). The Attendee shall first provide their name and address before they begin their comments. Failure to follow directions or maintain meeting decorum will result in the muting of your connection.*

- I. **CALL REGULAR MEETING TO ORDER:** Pledge of Allegiance
- II. **ROLL CALL**
- III. **PUBLIC COMMENTS:** *The Town Board values public comment and allows this time for citizens to voice their thoughts and concerns. The Mayor will open the comment period and prior to addressing the Board, state your name and address, and limit your comments to five (5) minutes. Meeting decorum will be maintained and failure to maintain composure and respect will result in the closure of your comment period. The Town Board and/or staff may respond to your comments or take your comments under advisement. Please do not comment on items listed on the Agenda, as opportunity will be given to comment during these discussions. Thank you.*
- IV. **CONSENT AGENDA**
  - A. Regular Town Board Meeting Minutes from January 10, 2022
  - B. Special Town Board Meeting Minutes from January 31, 2022
  - C. Financial Records – January 2022 Check Register and Accounting Reports
- V. **UNFINISHED BUSINESS:**
  - A. Resolution 03-2022 – Setting the Title and Content of a Ballot Issue and Other Details for the Regular Municipal Election to be Held on Tuesday, April 5, 2022
  - B. Rock Creek Housing Plan Presentation
  - C. Broadband Plan Presentation
- VI. **NEW BUSINESS**
  - A. Land Use and Development Code Update and Public Hearing
  - B. Ordinance 350 – Amendment to the Town of Ignacio Municipal Code and Adoption of the Land Use and Development Code and Zoning Map
  - C. Sewer Rate Increase Public Hearing – duly published on February 4 and 11, 2022
  - D. Resolution 04-2022 – Adopting Sewer Rate Increase
  - E. Resolution 05-2022 – Designating Election Official for the Regular Municipal Election on April 5, 2022
  - F. COVID-19 Update
- VII. **STAFF REPORTS**
  - A. Police Department
  - B. Public Works
  - C. Clerk / Treasurer
  - D. Town Manager
  - E. Attorney
- VIII. **TRUSTEE REPORTS**
- IX. **MISCELLANEOUS**
- X. **ADJOURNMENT**