

**CITY OF ENGLEWOOD**

**NOTICE OF APPROVAL  
OF A BILL FOR AN ORDINANCE**

On the 17th day of December 2018, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY  
COUNCIL BILL NO. 51  
INTRODUCED BY  
COUNCIL MEMBER MARTINEZ**

A BILL FOR AN ORDINANCE  
CODIFYING INITIATED ORDINANCE,  
BALLOT ISSUE 300, APPROVED BY  
THE VOTERS ON NOVEMBER 8,  
2016, AT TITLE 4, CHAPTER 4,  
SECTION 4-2A, ALL WITHIN THE CITY  
OF ENGLEWOOD, COLORADO.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

Published: December 19, 2018  
Official Website of the  
City of Englewood, Colorado



# COUNCIL COMMUNICATION

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<b>TO:</b>	Mayor and Council
<b>FROM:</b>	Maria Sobota
<b>DEPARTMENT:</b>	Finance & Administrative Services
<b>DATE:</b>	December 17, 2018
<b>SUBJECT:</b>	CB 51 - Marijuana Tax Rate Increase First Reading

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**DESCRIPTION:**

CB 51 - Marijuana Tax Rate Increase First Reading

**RECOMMENDATION:**

Staff is presenting for codification an initiative ordinance levying an additional sales tax of up to 15% to be imposed upon the sale of retail marijuana within the City, passed by the voters of the City of Englewood on November 8, 2016.

**PREVIOUS COUNCIL ACTION:**

None.

**SUMMARY:**

Section 46 of the Englewood Charter provides that if a majority of the electors voting upon an initiated ordinance shall vote in favor thereof, the same shall thereupon, without further publication, become an ordinance of the City immediately.

On November 8, 2016, the voters of the City of Englewood, passed an initiated ordinance levying an additional sales tax to be imposed upon the sale of retail marijuana within the City.

Ordinances associated with Sales and Use Tax are codified within the Englewood Municipal Code under Title 4, Chapter 4, Section 4.

**ANALYSIS:**

The purpose of codification of all ordinances establishing laws of the City of Englewood is to provide the citizens of Englewood with access to information necessary to conform to those laws. Initiative ordinances establishing duties upon the public, including the levying or collection of sales and use tax, are appropriately codified with all other laws established by the City of Englewood upon similar subjects.

**FINANCIAL IMPLICATIONS:**

The initiative ordinance levied an additional sales tax upon retail marijuana sales. This initiative ordinance is in effect whether or not the information is made readily available to the public through codification.

**ALTERNATIVES:**

To not include the initiative ordinance within the Englewood Municipal Code, making it more difficult for the public to access.

**CONCLUSION:**

Staff recommends including the initiative ordinance within the Englewood Municipal Code to make it more accessible to the public.

**ATTACHMENTS:**

CB 51

2016 Abstract Official Results

**OFFICIAL**  
**ABSTRACT OF VOTES CAST**  
**IN THE CITY OF ENGLEWOOD, COLORADO COORDINATED ELECTION**  
**NOVEMBER 8, 2016**

**Referred**  
**Ballot Issue No. 2B**

SHALL CITY OF ENGLEWOOD TAXES BE INCREASED BY \$512,500 ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THERE AFTER BY IMPOSING AN ADDITIONAL SALES TAX OF 3.5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WITH THE TAX REVENUES BEING USED TO FUND ANY LAWFUL GOVERNMENTAL PURPOSE DETERMINED BY THE CITY COUNCIL, WITH THE RATE OF THE TAX BEING ALLOWED TO BE INCREASED OR DECREASED WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE OF TAXATION DOES NOT EXCEED 15%, AND THE RESULTING TAX REVENUE BEING ALLOWED TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW?

**YES 7,376**

**NO 8,646**

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**Referred**  
**Ballot Issue No. 2C**

SHALL THE CITY OF ENGLEWOOD DEBT BE INCREASED \$27 MILLION, WITH A REPAYMENT COST OF UP TO \$47.9 MILLION, AND SHALL THE CITY TAXES BE INCREASED BY UP TO \$2.2 MILLION ANNUALLY FOR THE PURPOSE OF PROTECTING CRIME VICTIMS, POLICE OFFICERS AND THE COMMUNITY BY FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF LAND, IF NECESSARY, AND RELATED CAPITAL IMPROVEMENTS FOR USE AS A NEW ENGLEWOOD POLICE DEPARTMENT HEADQUARTERS BUILDING INCLUDING:

- PROVIDING MODERN FACILITIES FOR OUR POLICE TO PRESERVE RECORDS AND DNA EVIDENCE FROM COLD CASE FILES TO MEET NATIONAL CERTIFICATION STANDARDS;
- PROVIDING SUFFICIENT SECURED AREAS SO VICTIMS WHO GIVE THEIR STATEMENTS ABOUT A CRIME ARE NOT IN CLOSE PROXIMITY TO THOSE ARRESTED FOR COMMITTING THE CRIME;
- REPLACING THE CURRENT POLICE STATION WITH A FACILITY THAT ALLOWS FOR MODERN INTERNET, MODERN COMPUTERS, LOCKER ROOMS AND TRAINING EQUIPMENT FOR UP-TO-DATE POLICING NEEDS; AND
- PROVIDING ENGLEWOOD POLICE ADDITIONAL TOOLS, SUCH AS MORE HOLDING CELLS THAT THEY NEED TO MORE SAFELY HANDLE THOSE ARRESTED FOR SUSPECTED CRIMINAL ACTIVITY AND PROTECT THE PUBLIC SAFETY, AND SECURED PARKING TO PROTECT OFFICERS AND THEIR FAMILIES;

AND TO THE EXTENT FUNDS ARE AVAILABLE ADDRESSING OTHER SAFETY SERVICES NEEDS, BY THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS WHICH SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED AT SUCH TIME, AT SUCH PRICE (AT ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT WITH THIS BALLOT ISSUE, AS THE CITY COUNCIL MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED WITHOUT LIMIT AS TO THE MILL RATE TO GENERATE AN AMOUNT SUFFICIENT IN EACH YEAR TO PAY THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON SUCH DEBT AND SHALL ANY INVESTMENT EARNINGS FROM THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?

**YES 9,267**

**NO 6,700**

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**Initiated**  
**Ballot Issue No. 300**

SHALL THE CITY OF ENGLEWOOD IMPOSE AN ADDITIONAL SALES TAX OF 3.5% THAT MAY BE RAISED UP TO 15% ON THE SALE OF RETAIL MARIJUANA IN ENGLEWOOD; PROVIDED THE TAX SHALL NOT BE RAISED ABOVE 3.5% ON OR BEFORE JANUARY 1, 2018, AND CANNOT BE RAISED BY MORE THAN 1.5% PER YEAR, WITH THE TAX REVENUES BEING COLLECTED AND USED TO FUND LOCAL LAW ENFORCEMENT, EDUCATIONAL PROGRAMS DESIGNATED BY THE CITY AND OTHER GENERAL OPERATING EXPENSES OF THE CITY OF ENGLEWOOD?

**YES 9,067**

**NO 7,047**

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**Initiated**  
**Ballot Question No. 301**

A "yes" vote for this Initiative will prohibit the retail sale, commercial cultivation and manufacture of Recreational Marijuana within the City Limits of Englewood. A "no" vote indicates the voter does not want to prohibit the retail sale, commercial cultivation and manufacture of Recreational Marijuana within the City Limits of Englewood.

In support of Amendment 64 (Section 5, "Regulation of Marijuana," Part 9F\*) as passed by Colorado voters in 2012, should the citizens of the City of Englewood, Colorado exercise their right and prohibit the sale of Marijuana for recreational use as well prohibit Marijuana cultivation and manufacturing facilities within City Limits? This in no way affects the personal use of Marijuana according to said Amendment.

\*Amendment 64, SECTION 5, Regulation of Marijuana, "Part 9F": "A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES THROUGH THE ENACTMENT OF AN RESOLUTION OR THROUGH AN INITIATED OR REFERRED MEASURE."

**YES 5,996**

**NO 10,167**

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**Initiated**  
**Ballot Question No. 302**

Shall the City of Englewood Municipal Code be amended to permit for the regulation and licensing of Retail Marijuana stores, subject to the conditions and limitations set forth in the Initiative Petition?

**YES 9,965**

**NO 5,812**

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2018

COUNCIL BILL NO. 51  
INTRODUCED BY COUNCIL  
MEMBER \_\_\_\_\_

**A BILL FOR**

**AN ORDINANCE CODIFYING INITIATED ORDINANCE, BALLOT ISSUE 300, APPROVED BY THE VOTERS ON NOVEMBER 8, 2016, AT TITLE 4, CHAPTER 4, SECTION 4-2A, ALL WITHIN THE CITY OF ENGLEWOOD, COLORADO.**

**WHEREAS**, the City of Englewood is a home rule City, established in accordance with Article XX of the Constitution of the State of Colorado;

**WHEREAS**, Section 46 of the Englewood Charter provides that if a majority of the electors voting upon the initiated ordinance shall vote in favor thereof, the same shall thereupon, without further publication, become an ordinance of the City immediately; and

**WHEREAS**, on November 8, 2016, the voters of the City of Englewood, passed an initiated ordinance levying an additional sales tax of up to fifteen percent (15%) upon the sale of retail marijuana within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:**

**Section 1. Title 4, Chapter 4, Section 4-2A shall be adopted to read as follows:**

**4-4-4-2A. Establishment of Sales Tax upon the Sale of Retail Marijuana.**

The City of Englewood shall impose an additional sales tax of 3.5%, that may be raised up to 15% on the sale of retail marijuana in Englewood; provided the tax shall not be raised above 3.5% on or before January 1, 2018, and cannot be raised by more than 1.5% per year, with the tax revenues being collected and used to fund local law enforcement, educational programs designated by the city and other general operating expenses of the City of Englewood.

**Section 2.** Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

**Applicability of Title 1, Chapter 2, Saving Clause.** The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

**Enforcement.** E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

**Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 17<sup>th</sup> day of December, 2018.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 20<sup>th</sup> day of December, 2018.

Published as a Bill for an Ordinance on the City’s official website beginning on the 19<sup>th</sup> day of December, 2018 for thirty (30) days.

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Linda Olson, Mayor

ATTEST:

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Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 17<sup>th</sup> day of December, 2018.

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Stephanie Carlile