

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO,  
SUBMITTING TO THE ELECTORATE OF THE TOWN OF BASALT, A QUESTION SEEKING  
AUTHORITY TO INCREASE TAXES ON THE SALE OF CIGARETTES AND OTHER  
TOBACCO AND NICOTINE PRODUCTS**

**Town of Basalt, Colorado  
Resolution No. 01  
Series of 2018**

WHEREAS, the Town of Basalt, Colorado (the "Town"), is a duly organized and existing home-rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and its Home Rule Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town of Basalt (the "Council") have been duly elected and qualified;

WHEREAS, the Council hereby finds that tobacco and nicotine addiction is a leading cause of preventable death, that people should be deterred from starting the use of tobacco and nicotine products and encouraged to quit the use of tobacco and nicotine products, and that taxes on the sale of tobacco and nicotine products are effective at preventing and reducing tobacco and nicotine use;

WHEREAS, the Council hereby designates that revenues collected through this tax would be placed in the General Fund with the specific purpose of financing health and human services, tobacco related health issues, and addition and substance abuse education and mitigation.

WHEREAS, Section 11-1 of the Charter authorizes the Town to levy and collect sales taxes for municipal purposes;

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any increase in taxes;

WHEREAS, pursuant to Section 2.3 of the Town Charter, the regular Town election is to be held on the first Tuesday in April of even numbered years, and pursuant to Section 2.1 the Town elections are governed by the Colorado municipal election laws except as otherwise provided in the Town Charter or by ordinance; and

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

WHEREAS, April 3, 2018, is one of the election dates at which ballot issues may be submitted to the electorate of the Town pursuant to TABOR;

WHEREAS, the Council hereby determines that it is in the interests of the Town and its residents to submit to the electorate of the Town, the question of authorizing a tax increase on the sale of tobacco and nicotine products at its regular municipal election to be held on April 3, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, THAT:

Section 1. All action heretofore taken (not inconsistent with the provision 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.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code, C.R.S. Title 31, Articles 10 and 11.

Section 3. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the electorate of the Town and shall appear on the ballot of the Town at the regular municipal election of April 3, 2018, with the following ballot title which is set pursuant to C.R.S. 31-11-111.

Tax Increase on the Sale of Tobacco and Nicotine Products.

BALLOT TITLE AND TEXT:

SHALL TOWN TAXES BE INCREASED BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JULY 1, 2018, THERE SHALL BE A NEW TAX OF TEN CENTS PER CIGARETTE OR TWO DOLLARS PER PACK OF TWENTY CIGARETTES SOLD;

BEGINNING JULY 1, 2018, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO AND NICOTINE PRODUCTS;

THE TERMS 'CIGARETTE', 'TOBACCO PRODUCTS', OR 'NICOTINE PRODUCTS', HAVE THE SAME MEANINGS AS IN SECTION 18-13-121 OF THE COLORADO REVISED STATUTES;

THE TAX REVENUES SHALL BE USED FOR THE SPECIFIC PURPOSES OF FINANCING TOBACCO RELATED EDUCATION AND TOBACCO RELATED HEALTH ISSUES, AND ADDICTION AND SUBSTANCE ABUSE EDUCATION AND MITIGATION;

AND THAT THE TOWN MAY COLLECT, RETAIN AND EXPEND ALL OF THE REVENUES OF SUCH TAXES AND THE EARNING THEREON, NOTWITHSTANDING THE LIMITATION OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 4. 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.

Section 5. The officers of the Town are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 6. 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 provision of this resolution.

Section 7. All resolution or parts of resolution inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Basalt on the 9<sup>th</sup> day of January, 2018.

READ AND ADOPTED by a vote of  6  to  0  on January 9, 2018.

TOWN OF BASALT, COLORADO

By:   
Jacquie R Whitsitt, Mayor

ATTEST:

  
Pamela K Schilling, Town Clerk

