

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC 2019-17**

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

**WHEREAS**, the Town of New Castle, 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 it's Home Rule Charter (the "Charter");

**WHEREAS**, the members of the Town Council of the Town of New Castle (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 community health, wellness and youth programs.

**WHEREAS**, Article XI of the Charter authorizes the Town to levy and collect taxes, including 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 Article II of the Charter, 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**, November 5, 2019, 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 November 5, 2019; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, 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 November 5, 2019, 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 UP TO \$65,000 IN 2020 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF NEW TAXES AS FOLLOWS:

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW TAX OF SIXTEEN CENTS PER CIGARETTE OR THREE DOLLARS AND TWENTY CENTS PER PACK OF TWENTY CIGARETTES SOLD PROVIDED THAT SUCH TAX SHALL INCREASE BY AN EQUAL AMOUNT ANNUALLY THEREAFTER FOR EIGHT YEARS UNTIL THE TAX IS TWENTY CENTS PER CIGARETTE OR FOUR DOLLARS PER PACK OF TWENTY CIGARETTES;

BEGINNING JANUARY 1, 2020, THERE SHALL BE A NEW SALES TAX OF 40% ON THE SALES PRICE OF ALL OTHER TOBACCO AND NICOTINE PRODUCTS, INCLUDING NICOTINE DELIVERY PRODUCTS;

THE TERMS 'CIGARETTE', 'TOBACCO PRODUCTS', OR 'NICOTINE PRODUCTS', HAVE THE SAME MEANINGS AS IN SECTION 18-13-121(5)(A) OF THE COLORADO REVISED STATUTES, AS AMENDED;

THE TAX REVENUES SHALL BE USED FOR THE SPECIFIC PURPOSES OF FINANCING COMMUNITY HEALTH, WELLNESS AND YOUTH PROGRAMS;

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 at a Regular Meeting of the Town Council of New Castle, Colorado, on August 20, 2019.

*[Handwritten Signature]*  
Mayor

ATTEST:

*Melany Hanna cmc*  
Town Clerk

*[Handwritten Signature]*  
Town Attorney



STATE OF COLORADO )  
 )  
 COUNTY OF GARFIELD )  
 )  
 TOWN OF NEW CASTLE )

I, the Town Clerk for the Town of New Castle (the "Town"), do hereby certify:

1. The foregoing pages are true and correct copies of the Resolution (the "Resolution") passed and adopted by the Town Council of the Town (the "Council") on August 20, 2019 (the "Regular Meeting").
2. The Resolution was duly introduced, moved, seconded and passed on and at the Regular Meeting by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	"Absent"
Art Riddle, Mayor	✓		
Grady Hazelton, Mayor Pro Tem	✓		
Bruce Leland	✓		
Crystal Mariscal	✓		
Graham Riddle	✓		
Scott Owens	✓		
Brandy Copeland	✓		

3. The members of the Council were present at the meeting and voted on the passage of the 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 Council.
5. There are no bylaws, rules or regulations of the Council that would prohibit the adoption of the Resolution.
6. Notice of the regular meeting of the Council of August 20, 2019 was posted, in the form attached hereto as Exhibit A, at the New Castle Town Hall not less than twenty four (24) prior to the meeting in accordance with law.

*Mary Hoffman*  
 Town Clerk

EXHIBIT A

Posted: \_\_\_\_\_

Remove: \_\_\_\_\_



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Town Council Regular Meeting**

**Tuesday, September 03, 2019, 7:00 PM**

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

#### **Call to Order**

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Meeting Notice**

#### **Conflicts of Interest**

#### **Agenda Changes**

#### **Citizen Comments on Items not on the Agenda**

-Comments are limited to three minutes-

#### **Consultant Reports**

Consultant Attorney  
Consultant Engineer

#### **Items for Consideration**

##### **A. Police Department Update (7:05 p.m.)**

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

##### **B. Consider a Modification of the Premises for Special Events Liquor License for the Town of New Castle & Hogback Pizza Cornhole Tournament (7:20 p.m.)**

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

##### **C. Consider Resolution TC 2019-19 - Accepting Public Improvements and Releasing the LOC for Lakota Ridge Senior Apartments (7:35 p.m.)**

##### **D. Executive Session (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e)**

concerning pending litigation (7:50 p.m.)

- E. Executive Session (1) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a), and (2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) concerning town-owned property (8:05 p.m.)**
- F. Consider Ordinance TC 2019-6 - An Ordinance of the New Castle Town Council Authorizing the Sale of Real Property Owned by the Town (2nd reading) (8:20 p.m.)**
- G. Consider Resolution TC 2019-17, A Resolution of the New Castle Town Council Submitting, For Purposes of Section 31-11-111, C.R.S. and Section 1-45-117, C.R.S., to the Registered Electors of the Town at the Election to be Held on November 5, a Ballot Issue and Title Concerning the Tax Increase on the Sale of Tobacco and Nicotine Products (8:35 p.m.)**
- H. Consider Resolution TC 2019-18, A Resolution of the Town Council of the Town of New Castle, Colorado Submitting to the Electorate of the Town of New Castle, a Question Seeking Authority to Increase Taxes by Extending the Existing 1.645 Mill Levy (8:50 p.m.)**
- I. Consent Agenda (9:05 p.m.)**  
Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.  
July 2, 2019 minutes  
August Bills of \$454,203.26

**Staff Reports (9:10 p.m.)**

Town Administrator  
Town Clerk  
Town Planner  
Public Works Director

**Commission Reports (9:20 p.m.)**

Planning & Zoning Commission  
Historic Preservation Commission  
Climate Action Advisory Committee  
Senior Program  
RFTA  
AGNC  
GCE  
EAB

**Council Comments (9:30 p.m.)**

**Adjourn (9:45 p.m.)**