



**AGENDA
HAYDEN TOWN COUNCIL MEETING
THURSDAY, SEPTEMBER 3, 2015
7:30 P.M.**

HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

WORK SESSION 7:00 P.M. – 7:30 P.M.

1. STAFF REPORTS

REGULAR MEETING – 7:30 P.M.

1a. CALL TO ORDER

1b. OPENING PRAYER

1c. PLEDGE OF ALLEGIANCE

1d. ROLL CALL

2. CONSIDERATION OF MINUTES

A. Regular Meeting August 20, 2015

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3. CONSIDERATION OF BILLS

A. Consideration of payment bill vouchers dated August 31, 2015

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4. PUBLIC COMMENTS

5. PROCLAMATIONS/PRESENTATIONS

6. CONSENT ITEMS

A. Resolution 2015-22 A Resolution authorizing issuance of credit cards and signers on credit cards for the Town of Hayden, Colorado

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7. OLD BUSINESS

A. Public Hearing: Ordinance 668 Referred Ballot Question at the November 3, 2015 General Election regarding whether the Town may impose an excise tax on the wholesale of marijuana and amending Hayden Municipal Code

B. Decision: 2nd Reading Ordinance 668 Referred Ballot Question at the November 3, 2015 General Election regarding whether the Town may impose an excise tax on the wholesale of marijuana and amending Hayden Municipal Code

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8. NEW BUSINESS

9. PULLED CONSENT ITEMS

10. STAFF AND COUNCILMEMBER REPORTS (CONTINUED, IF NECESSARY)

11. EXECUTIVE SESSION

12. ADJOURNMENT

NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.

Staff & Councilmember Reports

Police Chief Greg Tuliszewski reported on Rountt County Fair and gave props to Public Works for control of the parade. Chief updated the Town Council on the Hayden Speedway races and parade. The parade will be at noon.

Jim Folley requested consideration of a handicap space in front of Lift-Up building.

Bill Hayden asked when the Vista Verde crack filling will be scheduled.

Staff reports will continue at the end of the meeting.

Mayor Haskins called the regular meeting of the Hayden Town Council to order at 7:30 p.m. with Councilmembers Hayden, and Folley present. Mayor Pro Tem Robinson present. Also present were Police Chief, Greg Tuliszewski and Deputy Town Clerk, Andrea Salazar.

Opening Prayer Mayor Haskins offered the opening prayer.

Pledge of Allegiance Mayor Haskins led the Pledge of Allegiance.

**Minutes – Councilmember Hayden moved to approve the minutes of the
August 6, 2015 Regular Town Council Meeting held on August 6, 2015.
Councilmember Folley seconded. Roll call vote. Councilmember
Hayden – aye. Councilmember Folley – aye. Mayor Pro Tem
Robinson – aye. Mayor Haskins – aye. Motion carried.**

**Consideration of Bill Councilmember Folley moved to approve the bill payment voucher
Payment Voucher dated August 12, 2015 in the amount of \$92,446.62.
dated August 12, Councilmember Hayden seconded. Roll call vote. Mayor Haskins –
2015 aye. Mayor Pro Tem Robinson – aye. Councilmember Folley – aye.
Councilmember Hayden – aye. Motion carried.**

Public Comments None

**Proclamations/
Presentations None**

**Consent Items: Laura Corriveau, Hayden Heritage Museum Officer presented the
information for the Historic Assessment of Hayden Depot-Moffat
Railroad Depot-Hayden Heritage Center Grant. It was requested
that the Town Council approve the grant funding. Mayor Pro Tem
Robinson moved to approve grant funding. Councilmember Folley
seconded. Roll call vote. Mayor Pro Tem Robinson – aye.
Councilmember Hayden – aye. Mayor Haskins – aye.
Councilmember Folley – aye. Motion carried.**

Old Business

Draft minutes subject to editing and approval prior to becoming official record.

New Business

Pulled Consent Items None

Staff and Councilmember Reports Continued None

Executive Session For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving; any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Mayor Haskins moved to move to Executive Session at 7:41
Councilmember Hagins arrived at 8:00 p.m.

Adjournment Mayor Haskins adjourned the meeting at 8:10 p.m.
Recorded by:

Sharon Johnson, Town Clerk

APPROVED THIS 3rd DAY OF September, 2015.

James M. Haskins, Mayor

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
12204	Altisource Single Family Inc	900.03	Utility deposit refund	08/31/2015	28.90		
Total 12204					28.90	.00	
2440	Almos Energy	AUG2015	Town Hall Gas_R252006 (.80)	08/13/2015	24.14		
			Rec Gas - R252006 (20%)		6.04		
			PD Gas_08K684037		40.06		
			Shop Gas_G0014687		43.76		
			Parks Gas_T820876_15192591		57.89		
			Water Plant Gas_T768776		61.66		
			Golden Meadows Gas_W816504		27.71		
			Crandell Pump House Gas_R331736		27.44		
			Sewer Plant Gas_R910225		43.33		
			Airport Lift Station Gas_6408226		27.44		
			Dry Creek Lift Station Gas_08K458739		18.48		
Total 2440					377.95	.00	
1200	Bear River Valley Co-Op	31056	Parks - mower repair	08/10/2015	20.95		
		32433	PD Vehicle Expense	08/05/2015	25.00		
Total 1200					45.95	.00	
7510	Caterpillar Financial	16554826	Loader Lease	08/19/2015	2,350.07		
Total 7510					2,350.07	.00	
1650	CEBT	21743	Sewer Benefits - JULY	06/11/2015	1,701.56		
			Streets Benefits - JULY		2,508.97		
			Water Benefits - JULY		2,246.58		
			Parks Benefits - JULY		2,811.44		
			Sewer Admin Benefits - JULY		843.09		
			Water Admin Benefit - JULY		1,241.59		
			Admin Benefits - JULY		3,066.06		
			PD Benefits - JULY		7,682.29		
		22454	Sewer Benefits - AUG	08/10/2015	280.86		
			Streets Benefits - AUG		2,508.97		
			Water Benefits - AUG		264.16		
			Parks Benefits - AUG		2,811.44		
			Sewer Admin Benefits - AUG		843.09		
			Water Admin Benefit - AUG		1,241.59		
			Admin Benefits - AUG		3,066.06		
			PD Benefits - AUG		7,682.29		
Total 1650					40,238.32	.00	
3770	CenturyLink	0029AUG15	Water Phones_0029	08/01/2015	119.66		
		1347736628	PD Phones 77563308	08/03/2015	30.25		
		2535AUG15	PD Phones_2535	08/04/2015	325.49		
Total 3770					475.40	.00	
1645	Charter Communications	1237AUG15	PD Charter Internet_1237	08/07/2015	84.90		
Total 1645					84.90	.00	
12099	Chemtrade Chemicals US LLC	91595225	WTP Chemicals	08/04/2015	3,747.40		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 12099					3,747.40	.00	
9410	Colorado Building Supply Inc	C18372	Hayden Daze Corn Hole	07/15/2015	2.63		
		C18382	Streets - Paint Supplies	07/16/2015	22.47		
		C18385	Streets - Paint Supplies	07/16/2015	4.29		
		C18403	Streets - R&M	07/16/2015	11.56		
		C18405	Streets - R&M	07/16/2015	16.96		
		C18418	Hayden Daze Corn Hole	07/16/2015	12.79		
		C18433	Hayden Daze Corn Hole	07/17/2015	35.93		
		C18436	Hayden Daze	07/17/2015	6.29		
		C18441	Streets - Paint Supplies	07/20/2015	7.49		
		C18487	Streets - Paint Supplies	07/22/2015	25.98		
		C18497	Streets Paint Supplies	07/22/2015	6.84		
		C18514	Police Station Fluorescent Tubes	07/23/2015	10.98		
		C18515	Streets - Paint Supplies	07/23/2015	9.98		
		C18528	Police Station Bulbs	07/23/2015	37.99		
		C18564	Restock Shop / Fence Repair	07/27/2015	99.46		
		C18565	Water - PVC	07/27/2015	16.86		
		C18567	Streets - R&M	07/27/2015	21.58		
		C18574	Water Dist - PVC	07/27/2015	1.98		
		C18576	Parks R&M	07/27/2015	8.58		
		C18585	Streets - R&M	07/27/2015	2.19		
		C18627	Streets - Paint Supplies	07/29/2015	4.99		
		C18710	Streets - Paint Supplies	08/04/2015	25.97		
		C18717	WTP - R&M	08/04/2015	16.78		
		C18739	Streets - Paint Supplies	08/05/2015	12.99		
		C18745	Streets - Paint Supplies	08/05/2015	20.98		
		C18763	3rd St Park	08/06/2015	17.32		
		C18768	3rd St Park	08/06/2015	36.99		
		C18776	Streets - Paint Supplies	08/06/2015	20.98		
		C18782	Streets - Paint Supplies	08/07/2015	14.58		
		C18794	Streets - Paint Supplies	08/07/2015	11.96		
		C18813	Streets - Weed sprayer parts	08/10/2015	22.71		
		C18822	Parks - No Camping Signs	08/11/2015	14.97		
Total 9410					584.05	.00	
12205	Curby, Lee	2001.04	Utility deposit refund	08/13/2015	39.57		
Total 12205					39.57	.00	
2050	Dana Kepner Company Inc	1408753-02	Water Distribution Repair	08/11/2015	310.17		
Total 2050					310.17	.00	
4890	FedEx	5-118-70477	Water Sample Shipping	08/06/2015	11.83		
		5-133-33927	Water Sample Shipping	08/20/2015	64.65		
Total 4890					76.48	.00	
12206	Howard, Dennis & Deb	1203.09	Utility deposit refund	08/13/2015	47.45		
Total 12206					47.45	.00	
4535	InSite Media, Inc	1835	Social Media / Webhosting Monthly	08/24/2015	350.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 4535					350.00	.00	
12096	JVA, Inc	56578	Water Treatment Plant Improvements	07/27/2015	768.00		
		56579	Reclaimed Water Permitting	07/27/2015	976.00		
Total 12096					1,744.00	.00	
12207	Marshall, David	118306	Utility deposit refund	08/13/2015	75.00		
Total 12207					75.00	.00	
8375	MASON SIEDSCHLAW	1892	Admin - Mail server repairs	07/23/2015	150.00		
		1895	Install Cisco Router - Police Dept	08/17/2015	428.57		
Total 8375					578.57	.00	
9060	Mid-American Research Chemical	0558153-IN	Parks Striping White Paint	07/31/2015	257.93		
Total 9060					257.93	.00	
2960	MJK Sales & Feed Inc	186568	Streets - Paint supplies	08/07/2015	35.74		
		186832	Streets - Landmaster	08/11/2015	204.97		
		186837	Parks - Paint supplies	08/11/2015	304.37		
		187304	Streets - Pruning Seal	08/17/2015	41.95		
		187571	Hospital Hill supplies	08/20/2015	48.69		
Total 2960					635.72	.00	
1350	Pinnacol Assurance	17718789	Legislative Work Comp	08/20/2015	29.16		
			Court Work Comp		14.58		
			Executive Work Comp		14.58		
			Administration Work Comp		116.64		
			PD Work Comp		1,166.40		
			Streets Work Comp		903.96		
			Rec Work Comp		87.48		
			Parks Work Comp		145.80		
			Water Work Comp		233.28		
			Water Adm Work Comp		29.16		
			Sewer Work Comp		145.80		
			Sewer Adm Work Comp		29.16		
Total 1350					2,916.00	.00	
9260	Routt County Treasurer	08032015	Water sample bottles	08/03/2015	144.00		
Total 9260					144.00	.00	
7090	Samuelson's - Craig	36227	Town Hall Flag pole light	08/13/2015	57.74		
Total 7090					57.74	.00	
7790	Severn Trent De Nora LLC	1129843	Water Plant R&M - Switch and Shaft	08/14/2015	483.41		
Total 7790					483.41	.00	
1655	STANDARD INSURANCE COMPANY INC	SEPT2015	ADMIN LTD	08/17/2015	60.29		
			PD LTD		160.79		
			STREETS LTD		53.59		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
			PARKS LTD		22.78		
			WATER LTD		58.95		
			WTR ADM LTD		23.45		
			SWR LTD		52.25		
			SWR ADM LTD		23.45		
Total 1655					455.55	.00	
10930	Standard Plumbing Supply Co.	EVHH55	Parks - Portable water tank	08/11/2015	158.04		
Total 10930					158.04	.00	
10530	Staples Advantage	3274369886	Police Department Toner	08/03/2015	69.99		
Total 10530					69.99	.00	
3530	Steamboat Pilot	10402001	Legals - Public Works	07/06/2015	429.00		
		10402002	Legals - PD Officer I	07/06/2015	614.00		
		10402003	Legals - Ord. 663	07/05/2015	143.40		
		10402622	Legals - June payables	07/12/2015	30.72		
		10403675	Legals - Public hearing Ord. 666	07/26/2015	16.90		
		10403683	Legals - Public hearing Ord. 669	07/26/2015	13.82		
		10406138	Legals - July Payables	08/23/2015	79.15		
Total 3530					1,326.99	.00	
12208	Sullins, Cory	354.06	Utility deposit refund	08/13/2015	60.45		
Total 12208					60.45	.00	
2770	TASER International, Inc.	SI1393726	PD - TASER Supplies	03/24/2015	8,274.35		
Total 2770					8,274.35	.00	
1380	Tidmore Flags	115760	Flags - Admin Flags - PD	08/13/2015	167.55 68.27		
Total 1380					235.82	.00	
9545	U.S. Tractor & Harvest, Inc.	P10888	Parks Equipment Expense - Wheel kit	07/14/2015	104.45		
		P11070	Parks Equipment Expense - Credit	07/17/2015	29.64		
Total 9545					74.81	.00	
6085	Xerox Corporation	080845325	ADMIN COPIER/PRINTER	08/08/2015	249.02		
		080845326	ADMIN COPIER/PRINTER	08/08/2015	236.57		
Total 6085					485.59	.00	
4010	Yampa Valley Electric	AUG2015	Town Hall Electric 740003406 (.80)	08/17/2015	329.46		
			PD Electric 660020401		472.43		
			Shop Electric 760016201		185.29		
			Community Tree Electric 760016002		29.59		
			Rec Electric 740003406 (.20)		82.37		
			Parks Electric 730013101		407.81		
			Parks Electric 720015501		53.39		
			Parks Electric 730008103		67.61		
			Parks Electric 780017601		32.54		
			Parks Electric 730013501		232.73		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
			Water Plant Electric 660007802		2,281.07		
			Golden Meadows Electric 780008803		949.57		
			Hospital Hill Electric 720008901		31.56		
			Crandell Pump House Electric 720009902		1,002.60		
			Key Pump Electric 730009402		33.52		
			Sewer Plant Electric 760007702		4,643.64		
			Washington Street Electric 700008001		44.20		
			Airport Lift Station Electric 660013202		157.68		
			Dry Creek Lift Station Electric 720021002		174.95		
			Seneca Hill Tank Electric 660021401		27.61		
Total 4010					11,239.62	.00	

Total Paid	-
Total Unpaid	<u>78,030.19</u>
Grand Total	<u><u>78,030.19</u></u>



Town Council Agenda Item

MEETING DATE: September 3, 2015

AGENDA ITEM TITLE: Resolution 2015-22 authorizing issuance of credit cards and signers on credit cards

AGENDA SECTION: Consent

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: If needed

BACKGROUND REVIEW:

Passage of this resolution will add Bryan Richards and Jay Dee Hockaday as an authorized Town credit card holder.

RECOMMENDATION:

Move to approve Resolution 2015-22, A Resolution authorizing issuance of credit cards and signers on credit cards for the Town of Hayden, Colorado.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation.

RESOLUTION 2015-22

A RESOLUTION AUTHORIZING ISSUANCE OF CREDIT CARDS AND SIGNERS ON CREDIT CARDS FOR THE TOWN OF HAYDEN, COLORADO

RECITALS

1. The Town Council has determined that it is necessary for certain personnel of the Town of Hayden to obtain credit cards for Town of Hayden related purchases and travel.
2. The Town Council has recommended that credit cards be issued to specific Town of Hayden employees.
3. The Town Council recognizes that Town of Hayden personnel authorized to be issued credit cards will change periodically.

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

Section 1. Personnel authorized to obtain Town of Hayden credit cards are as follows:

David Torgler, Town Manager
Sam Barnes, Public Works Director
Greg Tuliszewski, Police Chief
Sharon Johnson, Town Clerk
Jill Delay, Recreation Coordinator
Bryan Richards, System Manager
Jay Dee Hockaday, Public Works Superintendent

Section 2. Credit limits on individual cards shall not exceed \$3,000 per user.

Section 3. Individual card holders may grant written permission for other Town of Hayden personnel to use their credit card for purchases related to the operations of the Town of Hayden.

Section 4. This Resolution shall be in full force and effect upon its passage and adoption.

INTRODUCED, PASSED, APPROVED, AND ADOPTED THIS 3rd DAY OF SEPTEMBER, 2015.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk



Town Council Agenda Item

MEETING DATE: September 3, 2015

AGENDA ITEM TITLE: Ordinance 668 Public Hearing and 2nd Reading for submitting to the registered electors voting in the coordinated special election to be held November 3, 2015, a ballot issue concerning the imposition of an excise tax of five percent (5%) on the wholesale of marijuana and, contingent upon elector approval, amending the Hayden Municipal Code to provide for the same.

AGENDA SECTION: Old Business

PRESENTED BY: David Torgler

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW:

The Town Council has approved the cultivation of marijuana as an allowed land use and approved 1st Reading of Ordinance 668 imposing a five percent (5%) excise tax on the wholesale of marijuana, setting a public hearing time for September 3rd. At the August 6th Town Council meeting where 1st Reading was considered Councilmembers discussed dedicating a portion of the excise tax revenue to public education efforts on the effects of marijuana on users. Ordinance 668 adopts this excise tax, subject to voter approval, with an effective date of January 1, 2016, and directs the presentation of this tax to the voters at the November 3, 2015 coordinated election. The ballot language provides an estimate of the tax revenue to be produced in the first year as required by state law, and for the collection of whatever amount is generated by the excise tax thereafter. If approved by the voters this Ordinance also amends the Hayden Municipal Code implementing the five percent excise tax effective January 1, 2016.

RECOMMENDATION:

To hold a public hearing and approve Ordinance 668 which will ask voters to approve a five percent (5%) excise tax on the wholesale of marijuana at the November 3, 2015 coordinated election.

MANAGER'S RECOMMENDATION/COMMENTS:

I concur with the above recommendation and ask direction regarding whether or not to amend the Ordinance directing a portion of the excise tax revenue towards public education. Please recall that the estimated revenue of \$143,000 is based on the amount projected by the Town as revenue for the Vehicle Rental Tax as no Colorado municipalities were able to help estimate this tax due to a lack of information. Due to this lack of information regarding future revenue dedicating a percentage of the revenue rather than a dollar amount would be best.

ORDINANCE NO. 668

AN ORDINANCE OF THE TOWN OF HAYDEN, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE COORDINATED SPECIAL ELECTION TO BE HELD NOVEMBER 3, 2015, A BALLOT ISSUE CONCERNING THE IMPOSITION OF AN EXCISE TAX OF 7.5 PERCENT IN 2016 AND UP TO 15 PERCENT THEREAFTER ON THE WHOLESALE OF MARIJUANA AND, CONTINGENT UPON ELECTOR APPROVAL, AMENDING THE HAYDEN MUNICIPAL CODE TO PROVIDE FOR THE SAME.

RECITALS

1. The Town of Hayden, Colorado (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the Town Council (“Council”) have been duly elected and qualified.
3. Pursuant to Article XX, Section 6 of the Colorado Constitution, the Town has adopted the 2009 Town of Hayden Home Rule Charter and has the full right of self-government in both local and municipal matters, including the authority to impose local excise taxes, with voter approval.
4. Article X, Section 20, of the Colorado Constitution (“TABOR”) authorizes the Town to submit ballot issues proposing new taxes to its eligible electors at an election to be held on the first Tuesday of November of odd-numbered years, which next occurs on November 3, 2015.
5. The Council hereby determines that both the Town’s interest and the public interest and necessity require that the Town impose an excise tax at the rate of seven and one-half percent (7.5%) in 2016 and up to fifteen percent (15%) thereafter on the average market rate of unprocessed marijuana that is sold or transferred from a marijuana cultivation facility.
6. The Council has determined and hereby determines and declares that the interest of the Town and the public interest and necessity require that the Town be allowed to collect, retain and spend all revenues generated from such excise tax, if such tax is approved, regardless of the provisions and restrictions set forth in Article X, Section 20 of the Colorado Constitution.
7. It is appropriate for voters to approve collection, retention and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hayden, Colorado:

Section 1. Excise Tax Imposed. Subject to voter approval as provided in Section 4 of this Ordinance, there is hereby imposed an excise tax of seven and one-half percent (7.5%) in 2016 and up to fifteen percent (15%) thereafter on the average market rate of unprocessed marijuana that is sold or transferred from a marijuana cultivation facility. For purposes of this Ordinance, the term “marijuana” has the same meaning set forth under Section 5.22.020 of the Hayden Municipal Code (“Code”) and expressly includes

both medical marijuana and retail marijuana, as those terms are defined and addressed by state law, including but not limited to the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., and the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S. For purposes of this Ordinance, the term “marijuana cultivation facility” shall have the same meaning as set forth under Section 5.22.020 of the Code.

Section 2. Use of Revenues. The revenues derived from the excise tax shall be used for uses determined reasonable and necessary by the Town Council.

Section 3. Duration. The excise tax shall commence for collection purposes beginning January 1, 2016 and continue until repealed by ordinance.

Section 4. Election. Before the tax provided in this Ordinance shall become effective, it shall be submitted to and receive the approval of a majority of the eligible electors of the Town voting thereon at the coordinated election to be held on Tuesday, November 3, 2015.

(a) Conduct of Election. The election shall be held and conducted in accordance with Section 29-2-102, C.R.S., and in accordance with Article X, Section 20 of the Colorado Constitution. The Town Council hereby approves and authorizes the Town Manager and Town Clerk to execute and enter into such agreements or amendments to agreements, on behalf of the Town, with Routt County, Colorado, regarding the conduct of the election. The Town Council hereby designates the Town Clerk as the Designated Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this election.

(b) Ballot Title. The ballot title for the excise tax shall be in substantially the following form:

SHALL THE TOWN OF HAYDEN'S TAXES BE INCREASED BY ONE HUNDRED FORTY THREE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$143,500) IN FISCAL YEAR 2016 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE IMPOSITION OF AN EXCISE TAX IN THE AMOUNT OF SEVEN AND ONE-HALF PERCENT (7.5%) IN 2016 AND UP TO FIFTEEN PERCENT (15%) THEREAFTER ON THE SALE OR TRANSFER OF MARIJUANA (BOTH MEDICAL AND RETAIL) BY A MARIJUANA CULTIVATION FACILITY AT THE AVERAGE MARKET RATE AT THE POINT OF SALE OR TRANSFER FROM THE CULTIVATION FACILITY, COMMENCING ON JANUARY 1, 2016;

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAX AT SUCH RATE AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE TOWN OF HAYDEN UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 5. Codification. In the event a majority of Town electors voting on the ballot issue referred by Section 4 of this Ordinance vote in favor of the issue, as determined and certified by the election results, the Hayden Municipal Code shall be amended as of January 1, 2016, to implement the approved tax through the adoption of the provisions of **Exhibit A**, attached hereto and incorporated herein by this reference. It is the express intent of the Council that, in the event a majority of Town electors voting on the ballot issue established and referred by this Ordinance vote against the issue, the Code amendment set forth in **Exhibit A** shall not take effect and shall be null and void.

Section 6. Authorization. The officers of the Town are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 7. Severability. If any portion of this Ordinance, the ballot title or Exhibit A is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading, and the tax provided for herein shall be effective January 1, 2016, contingent upon approval by the eligible electors at the November 3, 2015 election.

Section 9. Public hearing. A public hearing on this Ordinance shall be held on the 3rd day of September, 2015, at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 6th DAY OF AUGUST, 2015.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3 (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 3rd DAY OF SEPTEMBER, 2015.

James M. Haskins, Mayor

ATTEST

Sharon Johnson, Town Clerk

EXHIBIT A

TITLE 3 - REVENUE AND FINANCE

CHAPTER 3.16

EXCISE TAX

Sec. 3.16.010 Title and Intent.

This Chapter shall be known and referred to as the Town of Hayden Excise Tax. The legislative intent of the Town Council is that an excise tax be imposed on the first sale or transfer of marijuana by a marijuana cultivation facility, as that term is defined by Section 5.22.020 of this Code, within the Town. The purpose of this tax is to increase the revenue base for the Town for uses determined reasonable and necessary by the Town Council. Revenues from the tax shall be deposited in the general fund and shall be available to pay for the general expenses of government.

Sec. 3.16.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(A) "Average market rate" means the amount determined by the State of Colorado pursuant to § 39-28.8-101(1) C.R.S. or such alternate amount as may be determined by the Town Manager as the average price of unprocessed retail marijuana that is sold or transferred from retail marijuana cultivation facilities to other retail marijuana establishments, and the average price of unprocessed medical marijuana that is sold or transferred from medical marijuana cultivation facilities to other medical marijuana establishments and individuals.

(B) "Person" means a corporation, firm, other body corporate, partnership, association or individual, including an agent, subsidiary corporation, executor, administrator, trustee or receiver or other representative acting in a representative capacity.

(C) "Vendor" means a marijuana cultivation facility, as that term is defined by Section 5.22.020 of this Code.

Sec. 3.16.030 Imposition and Rate of Tax

On and after January 1, 2016, there is levied and shall be paid and collected an excise tax of seven and one-half percent (7.5%) in 2016 and up to fifteen percent (15%) thereafter on the average market rate of unprocessed marijuana that is sold by or transferred from a Vendor.

Sec. 3.16.040 Vendor Liability for Collecting the Tax

(A) Each Vendor shall pay the tax imposed in Section 3.16.030 on every sale or transfer of marijuana from the Vendor.

(B) The burden of proving that any transaction is not subject to the tax imposed by this Chapter is upon the person upon whom the duty to collect the tax is imposed.

(C) All sums of money paid as the excise tax imposed by this Chapter are public monies that are the property of the Town. The person required to collect and remit the excise tax shall hold such monies in trust for the sole use and benefit of the Town until paying them to the Town.

Sec. 3.16.050 Sales Tax License Required

No Vendor within the Town shall engage in business beginning January 1, 2016, without first obtaining a Town sales tax license.

Sec. 3.16.060 Collection and Reporting

Every Vendor with a duty to collect the excise tax shall collect the tax on behalf of the Town and shall act as a trustee therefore. The tax shall be collected from purchasers and remitted to the Town Clerk on or before the twentieth day of the month succeeding the month in which the tax has been paid and collected. Every vendor shall make a monthly report which shall be submitted at the same time the collected tax is remitted. A return must be filed even if no sales or transfers were made or if no tax is due for the period. Returns with a “zero” tax must be filed to avoid non-filer notices and penalty assessments. Such reports shall be upon such forms as may be provided by the Town Clerk.

Sec. 3.16.070 Duty of Vendors to Keep Records

Vendors shall maintain adequate records at the Vendor’s place of business within the Town and such records shall be open to inspection by the Town Clerk during reasonable business hours. All such records shall be maintained by Vendors for a period of not less than three (3) years.

Sec. 3.16.080 Failure to Pay or Make Return; Remedial Action by Town

(A) If any Vendor makes a return as required by this Chapter without paying the excise tax due, or neglects or refuses to make a return and pay the excise tax, such vendor shall be liable to the Town for the tax and a penalty in addition to such tax in the amount of ten percent (10%) of the tax due. The penalty imposed in this section shall become immediately due and payable and the Town shall give the delinquent Vendor written notice of the estimated tax and penalty, which notice shall be served personally upon the Vendor or mailed to the Vendor by certified mail at the address reflected on the Vendor’s sales tax license application.

(B) If any Vendor fails to produce records suitable in the reasonable judgment of the Town Clerk to determine the amount of excise tax due, the Town Clerk shall make an estimate of the amount of the excise tax due, based upon an examination of the Vendor’s books and records, or upon any other information within the possession of the Town Clerk. Promptly thereafter, the Town Clerk shall furnish the delinquent Vendor with written notice of such estimated tax and penalty, which notice shall be served personally upon the Vendor or mailed to the Vendor by

certified mail at the address of the taxable premises as reflected on the sales tax license application for such premises.

(C) If payments are not made by the Vendor within fifteen (15) days after the furnishing of written notice, the Town Clerk shall cause action to be taken for collection of all excise tax due including, without limitation, any and all penalties assessed thereon, interest on the unpaid tax at a rate of five percent (5%) per month, the cost of collection and reasonable attorneys' fees incurred in connection therewith. The Vendor's sales tax license may also be revoked.

Sec. 3.16.090 Administration

Administrative duties under this article shall be the responsibility of the Town Clerk.

Sec. 3.16.100 Town Employee Conflicts of Interest Prohibited

No deputy, agent, clerk, or other officer or employee of the Town engaged in any activity governed by this Chapter shall engage in the business or profession of tax accounting or accept employment with or without compensation from any person holding a sales tax license from the Town for the purpose, directly or indirectly, of preparing tax returns or reports required by the Town, the State of Colorado, its political subdivisions, any other state or the United States, or accept any employment for the purpose of advising, preparing materials or data or auditing books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the Town, the State of Colorado, its political subdivisions, any other state, its political subdivisions or the United States.

Sec. 3.16.110 Use of Revenues

All revenues derived from the excise tax, less costs of collection and administration, shall be accounted for separately from other Town revenues. Excise tax revenues may be appropriated and expended upon authorization by the Town Council for uses determined reasonable and necessary by the Town Council.

Sec. 13.16.120 Right to Amend Article

The Town Council shall have the right to amend or repeal the provisions of this Chapter, including all provisions regarding collection, administration, use and enforcement of the excise tax, except that the amount of the tax and events subject to the tax as approved by the voters on November 3, 2015 shall not be increased, expanded or broadened without additional voter approval.