



WESTMINSTER
COLORADO

AGENDA

**SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, AUGUST 30, 2021
AT 7:00 PM**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Purpose of Special Council Meeting**
 - A. Purpose of the Special Meeting for August 30, 2021
 - B. Second Reading of Councillor's Bill No. 32 Proposing Charter Amendments
 - C. Resolutions No. 30, Resolution No. 31, Resolution No. 32, and Resolution No.33 Proposing Ballot Initiatives
- 4. Adjournment**



Agenda Memorandum

Special City Council Meeting
August 30, 2021



Foster and maintain a beautiful, desirable, safe, and environmentally responsible City.



Cultivate a thriving, inclusive, and engaged community through access to opportunity and a resilient and diverse economy.



Provide visionary, effective, and collaborative government.



Advance the City's long-term sustainability to provide ongoing excellence in City services and a well-planned community that meets the needs of residents now and in the future.

Subject: Purpose of the Special Meeting for August 30, 2021

Prepared By: Abby Fitch, Senior Deputy City Clerk

Respectfully submitted,

Donald M. Tripp

Donald M. Tripp
City Manager

ATTACHMENTS:

Description	Upload Date	Type
Letter from the Mayor calling a special meeting	8/25/2021	Attachment



WESTMINSTER

Anita Seitz
Mayor

August 25, 2021

David DeMott
Mayor Pro Tem

Michelle Parker, City Clerk
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado 80031

Rich Seymour
Councillor

Dear Ms. Parker:

Kathryn Skulley
Councillor

I wish to call a special meeting of the City Council to be held as a hybrid meeting on Monday August 30, 2021 beginning at 7:00 p.m. for the purpose of considering the following item:

Lindsey Smith
Councillor

- Second Reading of Councillor's Bill No. 32 Proposing Charter Amendments
- Resolutions No. 30, Resolution No. 31, Resolution No. 32, and Resolution No.33 Proposing Ballot Initiatives

Jon Voelz
Councillor

Sincerely,

Anita Seitz
Mayor

cc: City Council
Donald M. Tripp, City Manager



Agenda Memorandum

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Advance the City's long-term sustainability to provide ongoing excellence in City services and a well-planned community that meets the needs of residents now and in the future.

Subject: Second Reading of Councillor's Bill No. 32 Proposing Charter Amendments

Prepared By: Chris M. Lindsey, Assistant City Manager
Mathew Munch, Assistant City Attorney

Recommended City Council Action:

Pass Councillor's Bill No. 32 placing questions on the November 2021 election ballot to amend the Charter.

Summary Statement:

- At the August 9th Post Meeting, City Council provided direction on charter amendments to be placed on the November 2021 ballot.
- These involve:
 - Needed alterations to the election sections of Charter;
 - Background checks; and
 - Gender neutral pronouns.

Fiscal Impact:

Dependent upon a number of factors, including the length of the ballot, number of municipalities participating, whether there are state-wide ballot measures, etc.

Source of Funds:

General Fund - Contingency.

Respectfully submitted,

Donald M. Tripp

Donald M. Tripp

City Manager

ATTACHMENTS:

Description

Councillor's Bill 32 Proposing Charter Amendments

Upload Date

8/25/2021

Type

Ordinance

BY AUTHORITY

ORDINANCE NO. **4089**

COUNCILLOR'S BILL NO. **32**

SERIES OF 2021

INTRODUCED BY COUNCILLORS
Skulley, Voelz

A BILL

FOR AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF WESTMINSTER AT THE COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2nd, 2021, A MEASURE AMENDING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF WESTMINSTER REGARDING ELECTION DEADLINES AND BACKGROUND CHECKS FOR ELECTED AND APPOINTED OFFICERS IN ORDER TO BRING THESE SECTIONS INTO COMPLIANCE WITH THE REQUIREMENTS OF STATE AND FEDERAL LAW INCLUDING BUT NOT LIMITED TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT

WHEREAS, it is necessary and appropriate that the City Council review the City's Charter from time to time to assure that its provisions are consistent with the contemporary needs of the City and the current legal requirements of the laws of the State of Colorado and the United States of America; and

WHEREAS, as currently written, the Charter provides that a City Council member may be sworn in to office before final certification of results of the election in which they were elected to office, creating the possibility that such a person could have to be removed from office following certification of different results; and

WHEREAS, as currently written, several election deadlines in the City Charter are not practically compatible with the time requirements set forth in the State of Colorado Uniform Military Overseas Voters Act, and the Federal Uniformed Overseas Citizens Absentee Voting Act; and

WHEREAS, as currently written, recall elections only merge with general or special elections if within 90 days, which is impractical with the changed election deadlines proposed in the amendments; and

WHEREAS, as currently written, the Westminster Police Department is required to conduct background checks on candidates for elected and appointed office, which the Westminster Police Department is unable to do so due to Colorado Bureau of Investigations and NCIC policies and requirements; and

WHEREAS, many locations in the City Charter use masculine pronouns where gender neutral pronouns would be more appropriate; and

WHEREAS, pursuant to the terms of the Colorado Constitution, Article XX, § 9, the Charter of the City of Westminster, § 17.11 and § 31-2-210, C.R.S., the City Council has identified and determined that the proposed amendments to the City's Charter as set forth herein below shall be submitted to a vote of the City's registered electors at the special City election conducted as a coordinated election with Adams and Jefferson counties as part of the state general election to be held on November 2, 2021.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. At the election to be held on November 2, 2021, there shall be submitted to the registered electors of the City the following question:

QUESTION #1:

Shall the Westminster City Charter, Subsection (d) of Section 3.2 entitled **Elective Officers and Terms of Office**, Section 3.5 entitled **Special Elections**, Section 3.18 entitled **Recall**, be amended to bring these sections into compliance with the requirements of state

and federal law, including specifying that an elected officer shall be sworn in after certification of the results of the election, extending election deadlines to allow sufficient time for compliance with the State of Colorado Uniform Military Overseas Voters Act, and the Federal Uniformed Overseas Citizens Absentee Voting Act, and merging recall elections with general and special elections if within 120 days?

_____ FOR _____ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

Section 3.2. - Elective Officers and Terms of Office.

[...]

(d) The terms of office of Councillors and the Mayor shall commence at 8:00 p.m. on the Monday next following the CERTIFICATION BY THE COUNTIES AND THE STATE OF THE RESULTS OF THE ~~regular city~~ election at which they are elected.

Section 3.5. - Special Elections.

Special City elections shall be held when called by resolution of the Council at least NINETY (90) ~~forty~~ (40) days in advance of such election, or when required by this Charter or statute. Any resolution calling a special election shall set forth the purpose of such election.

Section 3.18. - Recall.

Any incumbent of an elective office may be removed from office by the qualified electors of the City after he has held office for six (6) months.

A petition demanding the recall of the officer sought to be removed and signed by registered electors equal in number to twenty-five (25) percent of all votes cast for all the candidates for that particular office at the last preceding regular election, to conform with Article XXI of the Constitution, shall be addressed to the Council and delivered to the City Clerk not more than sixty (60) days after the affidavit making charges against said officer has been filed. Such petition shall meet the requirements of this Charter and the duly adopted Code of the City. Each registered elector signing the petition shall print his name, the date, his home address and County designation after his signature. Said petition may be in sections of one (1) or more sheets fastened securely at the top, and upon each section of the petition shall be written or printed a copy of the charges previously filed with the City Clerk. To each petition section there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the affiant.

All sections of the petition shall be filed as one (1) instrument, with the endorsement of the names of three (3) persons designated as filing the same. Provided, however, that prior to the filing of any recall petition one (1) or more registered electors shall file with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of charges made against him.

Within fifteen (15) days of the filing of said petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and shall attach thereto his certificate showing the result of such examination. If the petition is insufficient he shall forthwith, in writing, notify one (1) or more of the persons designated on the petition as filing the same. The petition may be withdrawn and amended within fifteen (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto his certificate of the result. If the petition is still insufficient, he shall return it to one (1) of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same person.

If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his certificate to the Council without delay and the Council, if the officer sought to be removed does not resign within (5) days thereafter, shall order an election. Such election shall be held on a Tuesday fixed by the Council not less than NINETY (90) ~~forty five (45) nor more than sixty (60)~~ days from the date that the COUNCIL ORDERS SUCH ELECTION ~~City Clerk's said certificate was filed~~; provided that, if any other City election is to occur within ONE HUNDRED AND TWENTY (120) ~~ninety (90)~~ days from the date THAT THE COUNCIL IS TO ORDER SUCH ELECTION ~~of the City Clerk's certificate~~, the Council shall postpone and consolidate the recall election with such other City elections.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (.....)?" Following such question shall be the words "Yes" and "No."

On such ballots, under the question, there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled. Any qualified elector desiring to become a candidate at the recall election shall do so by petition as required by Sections 3.1 and 5.1 hereof, which petition if presented to the City Clerk shall entitle him to have his name placed on the ballot. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If the majority of those voting on said question of the recall of any incumbent from office shall vote "NO", said incumbent shall continue in said office; if a majority shall vote "YES", such incumbent shall thereupon be deemed removed from such office upon the qualification of his successor.

If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as in this article provided.

No person who has been recalled or has resigned while recall proceedings were pending against him shall serve the City in any capacity within two (2) years after such removal or resignation.

No person shall receive any compensation whatsoever for canvassing for signatures to a petition for recall of any official.

Section 2. At the election to be held on November 2, 2021, there shall be submitted to the registered electors of the City the following question:

QUESTION #2:

Shall the Westminster City Charter, Subsection (d) of Section 5.1 entitled **Eligibility for Office and Employment in City**, be amended to provide for background checks by third-parties approved by the Westminster Police Department, in addition to the Westminster Police Department itself, in order to bring the charter into compliance with Colorado Bureau of Investigations and NCIC policies and requirements which prevent the City of Westminster Police Department from conducting such checks?

_____ FOR _____ AGAINST

ACTUAL WORDING OF THE PROPOSED AMENDMENT:

Section 5.1. - Eligibility for Office and Employment in City.

[...]

(d) At the time a candidate submits a petition for elected office, or an applicant submits an application for appointment to a Board or Commission, such person shall also submit an affidavit indicating whether he or she has been convicted of a felony under the laws of the State of

Colorado or in another jurisdiction. The report of the felony shall include the type of offense, the date of the offense, and may include the circumstances and any evidence of rehabilitation. Each candidate or applicant shall also give written permission for a criminal background investigation by the Westminster Police Department OR ANY THIRD-PARTY APPROVED BY THE WESTMINSTER POLICE DEPARTMENT OR THE CITY MANAGER TO CONDUCT SUCH BACKGROUND CHECKS. The Police Department OR APPROVED THIRD-PARTY shall report to the City Clerk any felony convictions of a candidate or applicant found in its investigation. The City Clerk shall maintain the report in a file available to the public.

[...]

Section 3. At the election to be held on November 2, 2021, there shall be submitted to the registered electors of the City the following question:

QUESTION #3:

Shall the Westminster City Charter be amended to replace exclusively masculine pronouns with gender neutral pronouns?

_____ FOR _____ AGAINST

Section 4. The City Clerk is hereby directed to take such action as may be required or permitted by law in connection with the election.

Section 5. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 6. If any section, paragraph, clause or provision of this ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 7. All acts, orders, and resolutions, and parts thereof, inconsistent with this ordinance be, and the same are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. This ordinance shall take effect upon its passage after second reading.

Section 9. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2021.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2021.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



Agenda Memorandum

Special City Council Meeting
August 30, 2021



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Provide visionary, effective, and collaborative government.



Advance the City's long-term sustainability to provide ongoing excellence in City services and a well-planned community that meets the needs of residents now and in the future.

Subject: Resolutions No. 30, Resolution No. 31, Resolution No. 32, and Resolution No.33 Proposing Ballot Initiatives

Prepared By: Chris M. Lindsey, Assistant City Manager
Mathew Munch, Assistant City Attorney

Recommended City Council Action:

1. Adopt Resolution No. 30 placing questions on the November 2021 ballot establishing a tax on the sale of retail marijuana and allowing the operation of retail marijuana businesses.
2. Adopt Resolution No. 31 placing a question on the November 2021 ballot regarding an increase in the Public Safety Sales and Use Tax.
3. Adopt Resolution No. 32 placing a question on the November 2021 ballot regarding the continuation of the Parks, Open Space and Trails (POST) Tax.
4. Adopt Resolution No. 33 placing a question on the November 2021 ballot regarding the creation of a commission to further explore charter amendments providing for the election of City Councillors from geographic wards.

Summary Statement:

- At its August 9th Post Meeting, City Council provided direction on ballot measures to be placed on the November 2, 2021 ballot.
- These involve:
 - Marijuana taxation and operation of retail marijuana businesses within the City;
 - An increase in the Public Safety Tax (PST) and bonding capacity;
 - An extension of Parks, Open Space, and Trails Tax (POST) and bonding capacity; and
 - An advisory question regarding establishing a commission to explore future charter amendments regarding geographic wards.

Fiscal Impact:

Dependent upon a number of factors, including but not limited to the length of the ballot, number of municipalities participating, and whether there are state-wide ballot measures.

Source of Funds:

General Fund - Contingency.

Policy Issue(s):

Does City Council agree with the proposed language for the ballot measures and wish to place them on the November 2, 2021 ballot?

Alternative(s):

City Council could direct Staff to amend the proposed language. This is not recommended, as City Council and Staff have reviewed the proposed language multiple times.

Background Information:

Beginning in the spring of 2020, City Council and Staff have had multiple discussions regarding potential ballot measures and amendments to the Westminster City Charter.

At the Post Meeting Briefing on August 9, City Council directed Staff to return with five ballot measures:

- SHALL CITY TAXES BE INCREASED BY \$2 MILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS SOLD WITHIN THE CITY, WITH THE TAX REVENUES BEING USED TO FUND THE ENFORCEMENT OF REGULATIONS ON THE RETAIL MARIJUANA INDUSTRY, OTHER COSTS RELATED TO ENFORCEMENT OF MARIJUANA LAWS, EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH MARIJUANA CONSUMPTION INCLUDING PREVENTION OF UNDERAGE CONSUMPTION, AND OTHER CITY EXPENSES, AND WITH THE RESULTING TAX REVENUE BEING ALLOWED TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW?
- SHALL THE CITY OF WESTMINSTER, COLORADO ALLOW THE OPERATION OF MARIJUANA BUSINESSES IN THE CITY AND AMEND THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS PERMITTING, SUBJECT TO REGULATIONS TO BE ADOPTED BY ORDINANCES OF THE CITY, CERTAIN ACTIVITIES RELATING TO MARIJUANA, AND BY SO DOING REPEAL THE SECTIONS 5-10-2, 5-10-3, OR OTHER SECTIONS OF THE WESTMINSTER MUNICIPAL CODE, TO THE EXTENT THAT THEY ARE INCONSISTENT WITH SUCH AUTHORIZATION, ALLOWANCE OF SUCH OPERATIONS BEING SUBJECT TO AND EXPRESSLY CONTINGENT UPON VOTER APPROVAL OF THE MEASURE ON THE NOVEMBER 2, 2021 CITY OF WESTMINSTER BALLOT AUTHORIZING ADDITIONAL TAXATION OF MARIJUANA BUSINESSES IN WESTMINSTER, AND CONTINGENT AND ONLY EFFECTIVE UPON ENACTMENT OF APPROPRIATE REGULATIONS BY THE CITY COUNCIL?
- SHALL THE CITY OF WESTMINSTER TAXES BE INCREASED 5.0 MILLION DOLLARS ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE RATE OF THE PUBLIC SAFETY SALES AND USE TAX LEVIED ON THE CITY BY FIFTEEN-HUNDREDTHS OF ONE PERCENT, BEGINNING ON JANUARY 1, 2022 AND, IN CONNECTION THEREWITH, SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED 25 MILLION DOLLARS WITH A REPAYMENT COST OF 34 MILLION DOLLARS (MAXIMUM TOTAL PRINCIPAL AND INTEREST) WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED EXCLUSIVELY TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS, TO INCLUDE:
 - MAINTAINING THE CURRENT LEVEL AND QUALITY OF RESPONSE FOR PUBLIC SAFETY EMERGENCIES AND FIRES, INCLUDING POLICE, FIRE, AND MUNICIPAL COURT SERVICES,
 - PROVIDING NECESSARY SAFETY GEAR, EQUIPMENT, PUBLIC SAFETY VEHICLES, AND FACILITIES FOR POLICE OFFICERS, FIREFIGHTERS AND OTHER FIRST RESPONDERS,
 - ENSURING ADEQUATE POLICE OFFICERS, CO-RESPONDERS, AND FIREFIGHTERS NECESSARY TO RESPOND TO INCREASED EMERGENCY CALLS, AND
 - IMPROVING TRAINING AND INCREASING MENTAL HEALTH CO-RESPONDERS TO SAFELY HANDLE EMERGENCY CALLS,

WITH THE REQUIREMENT THAT THE FUNDS WILL BE SUBJECT TO AN ANNUAL INDEPENDENT AUDIT

PUBLISHED ON THE CITY'S WEB SITE, AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PUBLIC SAFETY, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

- SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED 15 MILLION DOLLARS WITH A REPAYMENT COST OF 20.2 MILLION DOLLARS (MAXIMUM TOTAL PRINCIPAL AND INTEREST) AND WITHOUT ANY TAX RATE INCREASES, SHALL THE CITY OF WESTMINSTER EXTEND THE CURRENT EXPIRATION OF THE ONE-QUARTER OF ONE PERCENT PARKS, OPEN SPACE, AND TRAILS SALES AND USE TAX UNTIL DECEMBER 31, 2041, FOR PURPOSES INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- PROTECTING WATER QUALITY BY CONSERVING NATURAL AREAS ALONG CREEKS,

- PROTECTING, ACQUIRING, IMPROVING, REPAIRING AND MAINTAINING ALL CITY PARKS, TRAILS, WILDLIFE HABITAT, OPEN SPACE, PARKLAND, AND RECREATIONAL AND OTHER FACILITIES, AND

- PROVIDING MORE OPPORTUNITIES FOR ACTIVE RECREATION FOR CHILDREN, YOUTH, ADULTS AND SENIORS;

WITH THE REQUIREMENT THAT THE FUNDS WILL BE SUBJECT TO AN ANNUAL INDEPENDENT AUDIT PUBLISHED ON THE CITY'S WEB SITE, AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PARKS, OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

- SHALL THE WESTMINSTER CITY COUNCIL ESTABLISH A COMMISSION TO EXPLORE POTENTIAL FUTURE CHARTER AMENDMENTS PROVIDING FOR THE ELECTION OF SOME OR ALL CITY COUNCILLORS FROM GEOGRAPHIC WARDS WITHIN THE CITY, RATHER THAN AT-LARGE?

Providing direction to Staff on ballot measures meets all of the Strategic Goals: Foster and maintain a beautiful, desirable, safe, and environmentally responsible City; Cultivate a thriving, inclusive, and engaged community through access to opportunity and a resilient and diverse economy; Provide visionary, effective, and collaborative government; and Advance the City's long-term sustainability to provide ongoing excellence in City services and a well-planned community that meets the needs of residents now and in the future.

Respectfully submitted,

Donald M. Tripp

Donald M. Tripp
City Manager

ATTACHMENTS:

Description	Upload Date	Type
Resolution No. 30 Ballot question regarding Marijuana tax and operation of retail marijuana businesses	8/25/2021	Resolution
Resolution No. 31 Ballot question regarding Public Safety Tax and Bonding Capacity	8/24/2021	Resolution
Resolution No. 32 Ballot question regarding an extension of POST tax and Bonding Capacity	8/24/2021	Resolution
Resolution No. 33 Ballot question regarding establishing a commission to explore charter amendments re: wards.	8/24/2021	Resolution

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2021

A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 2, 2021 AND SETTING BALLOT QUESTIONS ASKING WHETHER OR NOT THE CITY MAY IMPOSE A SPECIAL SALES TAX OF AN ADDITIONAL 5% ON THE SALE OF RECREATIONAL MARIJUANA PRODUCTS, AND WHETHER OR NOT THE CITY COUNCIL SHALL ALLOW THE OPERATION OF MARIJUANA BUSINESSES IN THE CITY OF WESTMINSTER SUBJECT TO AND CONTINGENT UPON APPROVAL OF THE SPECIAL SALES TAX ON RECREATIONAL MARIJUANA PRODUCTS AND SUBJECT TO AND CONTINGENT UPON THE ENACTMENT OF REASONABLE REGULATIONS

WHEREAS, as authorized by Section 3.4, Westminster Home Rule Charter (“Charter”), and Section 7-1-11, Westminster Municipal Code (“W.M.C.”), the City Council wishes to call a special election in order to participate in the November 2, 2021, general election by coordinating with the counties; and

WHEREAS, City Council wishes to place questions on the ballot for decision by City registered electors; and

WHEREAS, per Section 7-1-6(B), W.M.C, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk’s required certification of ballot contents to the respective county election official; and

WHEREAS, for this general election, the deadline for certification of ballot content is September 3, 2021.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster as follows:

1. The City Council hereby calls a special election for November 2, 2021, and declares its intent to coordinate in the general election with Adams and Jefferson counties.

2. The City Council hereby sets the following ballot question to be submitted to a vote of the registered electors of the City of Westminster on the November 2, 2021, ballot:

SHALL CITY TAXES BE INCREASED BY \$2 MILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY IMPOSING AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS SOLD WITHIN THE CITY, WITH THE TAX REVENUES BEING USED TO FUND THE ENFORCEMENT OF REGULATIONS ON THE RETAIL MARIJUANA INDUSTRY, OTHER COSTS RELATED TO ENFORCEMENT OF MARIJUANA LAWS, EDUCATION AND PUBLIC HEALTH PROGRAMS ASSOCIATED WITH MARIJUANA CONSUMPTION INCLUDING PREVENTION OF UNDERAGE CONSUMPTION, AND OTHER CITY EXPENSES, AND WITH THE RESULTING TAX REVENUE BEING ALLOWED TO BE COLLECTED AND SPENT NOTWITHSTANDING ANY LIMITATIONS PROVIDED BY LAW?

YES__ NO__

3. The City Council hereby sets the following ballot question to be submitted to a vote of the registered electors of the City of Westminster on the November 2, 2021, ballot:

SHALL THE CITY OF WESTMINSTER, COLORADO ALLOW THE OPERATION OF MARIJUANA BUSINESSES IN THE CITY AND AMEND THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS PERMITTING, SUBJECT TO REGULATIONS TO BE ADOPTED BY ORDINANCES OF THE CITY, CERTAIN ACTIVITIES RELATING TO MARIJUANA, AND BY SO DOING REPEAL THE SECTIONS 5-10-2, 5-10-3, OR OTHER SECTIONS OF THE WESTMINSTER MUNICIPAL CODE, TO THE EXTENT THAT THEY ARE INCONSISTENT WITH SUCH AUTHORIZATION, ALLOWANCE OF SUCH OPERATIONS BEING SUBJECT TO AND EXPRESSLY CONTINGENT UPON VOTER APPROVAL OF THE MEASURE ON THE NOVEMBER 2, 2021 CITY OF WESTMINSTER BALLOT AUTHORIZING ADDITIONAL TAXATION OF MARIJUANA BUSINESSES IN WESTMINSTER, AND CONTINGENT AND ONLY EFFECTIVE UPON ENACTMENT OF APPROPRIATE REGULATIONS BY THE CITY COUNCIL?

YES__ NO__

4. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with said election.

PASSED AND ADOPTED this 30th day of August, 2021.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2021

**A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 2, 2021 AND SETTING
BALLOT QUESTIONS ASKING WHETHER OR NOT THE CITY MAY INCREASE THE
WESTMINSTER PUBLIC SAFETY SALES AND USE TAXES**

WHEREAS, as authorized by Section 3.4, Westminster Home Rule Charter (“Charter”), and Section 7-1-11, Westminster Municipal Code (“W.M.C.”), the City Council wishes to call a special election in order to participate in the November 2, 2021, general election by coordinating with the counties; and

WHEREAS, City Council wishes to place questions on the ballot for decision by City registered electors; and

WHEREAS, per Section 7-1-6(B), W.M.C, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk’s required certification of ballot contents to the respective county election official; and

WHEREAS, for this general election, the deadline for certification of ballot content is September 3, 2021.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster as follows:

1. The City Council hereby calls a special election for November 2, 2021, and declares its intent to coordinate in the general election with Adams and Jefferson counties.

2. The City Council hereby sets the following ballot question to be submitted to a vote of the registered electors of the City of Westminster on the November 2, 2021, ballot:

SHALL THE CITY OF WESTMINSTER TAXES BE INCREASED 5.0 MILLION DOLLARS ANNUALLY AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER BY INCREASING THE RATE OF THE PUBLIC SAFETY SALES AND USE TAX LEVIED ON THE CITY BY FIFTEEN-HUNDREDTHS OF ONE PERCENT, BEGINNING ON JANUARY 1, 2022 AND, IN CONNECTION THEREWITH, SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED 25 MILLION DOLLARS WITH A REPAYMENT COST OF 34 MILLION DOLLARS (MAXIMUM TOTAL PRINCIPAL AND INTEREST) WITH ALL PROCEEDS OF DEBT AND TAXES TO BE USED EXCLUSIVELY TO IMPROVE AND ENHANCE THE SAFETY AND SECURITY OF WESTMINSTER RESIDENTS, TO INCLUDE:

- MAINTAINING THE CURRENT LEVEL AND QUALITY OF RESPONSE FOR PUBLIC SAFETY EMERGENCIES AND FIRES, INCLUDING POLICE, FIRE, AND MUNICIPAL COURT SERVICES,
- PROVIDING NECESSARY SAFETY GEAR, EQUIPMENT, PUBLIC SAFETY VEHICLES, AND FACILITIES FOR POLICE OFFICERS, FIREFIGHTERS AND OTHER FIRST RESPONDERS,

- ENSURING ADEQUATE POLICE OFFICERS, CO-RESPONDERS, AND FIREFIGHTERS NECESSARY TO RESPOND TO INCREASED EMERGENCY CALLS, AND
- IMPROVING TRAINING AND INCREASING MENTAL HEALTH CO-RESPONDERS TO SAFELY HANDLE EMERGENCY CALLS,

WITH THE REQUIREMENT THAT THE FUNDS WILL BE SUBJECT TO AN ANNUAL INDEPENDENT AUDIT PUBLISHED ON THE CITY'S WEB SITE, AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PUBLIC SAFETY, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES__ NO__

3. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with said election.

PASSED AND ADOPTED this 30th day of August, 2021.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2021

A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 2, 2021 AND SETTING BALLOT QUESTIONS ASKING WHETHER OR NOT THE CITY MAY INCREASE THE CITY OF WESTMINSTER DEBT BE INCREASED FOR PARKS, OPEN SPACE, AND TRAILS PURPOSES AND WHETHER THE CURRENT PARKS, OPEN SPACE, AND TRAILS TAX MAY BE CONTINUED

WHEREAS, as authorized by Section 3.4, Westminster Home Rule Charter (“Charter”), and Section 7-1-11, Westminster Municipal Code (“W.M.C.”), the City Council wishes to call a special election in order to participate in the November 2, 2021, general election by coordinating with the counties; and

WHEREAS, City Council wishes to place questions on the ballot for decision by City registered electors; and

WHEREAS, per Section 7-1-6(B), W.M.C, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk’s required certification of ballot contents to the respective county election official; and

WHEREAS, for this general election, the deadline for certification of ballot content is September 3, 2021.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster as follows:

1. The City Council hereby calls a special election for November 2, 2021, and declares its intent to coordinate in the general election with Adams and Jefferson counties.

2. The City Council hereby sets the following ballot question to be submitted to a vote of the registered electors of the City of Westminster on the November 2, 2021, ballot:

SHALL THE CITY OF WESTMINSTER DEBT BE INCREASED 15 MILLION DOLLARS WITH A REPAYMENT COST OF 20.2 MILLION DOLLARS (MAXIMUM TOTAL PRINCIPAL AND INTEREST) AND WITHOUT ANY TAX RATE INCREASES, SHALL THE CITY OF WESTMINSTER EXTEND THE CURRENT EXPIRATION OF THE ONE-QUARTER OF ONE PERCENT PARKS, OPEN SPACE, AND TRAILS SALES AND USE TAX UNTIL DECEMBER 31, 2041, FOR PURPOSES INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- PROTECTING WATER QUALITY BY CONSERVING NATURAL AREAS ALONG CREEKS,
- PROTECTING, ACQUIRING, IMPROVING, REPAIRING AND MAINTAINING ALL CITY PARKS, TRAILS, WILDLIFE HABITAT, OPEN SPACE, PARKLAND, AND RECREATIONAL AND OTHER FACILITIES, AND
- PROVIDING MORE OPPORTUNITIES FOR ACTIVE RECREATION FOR CHILDREN, YOUTH, ADULTS AND SENIORS;

WITH THE REQUIREMENT THAT THE FUNDS WILL BE SUBJECT TO AN ANNUAL INDEPENDENT AUDIT PUBLISHED ON THE CITY'S WEB SITE, AND SHALL THE PROCEEDS OF SUCH DEBT, SUCH TAXES, ANY GRANTS RECEIVED BY THE CITY FOR PARKS, OPEN SPACE AND TRAILS, AND ANY INVESTMENT INCOME THEREFROM BE EXCLUDED FROM THE SPENDING AND THE REVENUE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES__ NO__

3. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with said election.

PASSED AND ADOPTED this 30th day of August, 2021.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

RESOLUTION

RESOLUTION NO. **33**

INTRODUCED BY COUNCILLORS

SERIES OF 2021

A RESOLUTION CALLING A SPECIAL ELECTION FOR NOVEMBER 2, 2021 AND SETTING BALLOT QUESTIONS ASKING WHETHER OR NOT THE WESTMINSTER CITY COUNCIL SHOULD ESTABLISH A COMMISSION TO EXPLORE POTENTIAL FUTURE CHARTER AMENDMENTS PROVIDING FOR THE ELECTION OF SOME OR ALL CITY COUNCILORS FROM GEOGRAPHIC WARDS WITHIN THE CITY, RATHER THAN AT-LARGE

WHEREAS, as authorized by Section 3.4, Westminster Home Rule Charter (“Charter”), and Section 7-1-11, Westminster Municipal Code (“W.M.C.”), the City Council wishes to call a special election in order to participate in the November 2, 2021, general election by coordinating with the counties; and

WHEREAS, City Council wishes to place questions on the ballot for decision by City registered electors; and

WHEREAS, per Section 7-1-6(B), W.M.C, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk’s required certification of ballot contents to the respective county election official; and

WHEREAS, for this general election, the deadline for certification of ballot content is September 3, 2021.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster as follows:

1. The City Council hereby calls a special election for November 2, 2021, and declares its intent to coordinate in the general election with Adams and Jefferson counties.
2. The City Council hereby sets the following ballot question to be submitted to a vote of the registered electors of the City of Westminster on the November 2, 2021, ballot:

Shall the Westminster City Council establish a commission to explore potential future charter amendments providing for the election of some or all city councillors from geographic wards within the City, rather than at-large?

YES__ NO__

3. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with said election.

PASSED AND ADOPTED this 30th day of August, 2021.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office