

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
SUPPORTING BALLOT ISSUE 2A**

WHEREAS, the City currently imposes a sales tax for the privilege of selling tangible personal property at retail only upon every vendor having a place of business within the City and who sells such property within the City, as set forth in Article IV, Division 2 of the Cherry Hills Village Municipal Code; and

WHEREAS, as a result of significant research and public outreach, City Council has determined that limiting the collection of sales tax to vendors having a place of business within the City creates market distortions inconsistent with the United States Constitution as articulated by the United States Supreme Court in *Wayfair v. South Dakota* and is outdated due to changes in how modern retail transactions occur; and

WHEREAS, pursuant to Resolution No. 19, Series 2022, the City Council referred Ballot Issue 2A to Cherry Hills Village voters for consideration at the November 8, 2022 election coordinated by Arapahoe County, which seeks voter approval to amend the Cherry Hills Village Municipal Code to require all persons "engaged in business in the City" to collect sales tax; and

WHEREAS, both the State of Colorado and virtually all other home rule municipalities already require persons "engaged in business in the City" to collect sales tax under the language in their current codes; and

WHEREAS, City Council desires to simplify and standardize the City's tax code in a manner similar to other Colorado home rule jurisdictions to equalize the tax burden for remote vendors and vendors having a place of business in Cherry Hills Village, consistent with marketplace realities and current law; and

WHEREAS, the City Council is authorized to adopt a resolution in support of Ballot Issue 2A pursuant to C.R.S. § 1-45-117(1)(b)(III)A; and

WHEREAS, City Council finds that passage of Ballot Issue 2A is in the best interests of City residents and the business community, and desires to adopt a resolution urging a Yes vote on Ballot Issue 2A.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cherry Hills Village as follows:

Section 1. The City Council fully supports Ballot Issue 2A and urges all eligible City voters to vote "Yes" on Ballot Issue 2A at the November 8, 2022 coordinated election.

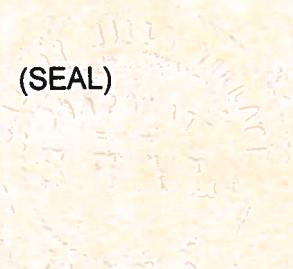
Section 2. The City Clerk and City Manager are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this resolution, including reporting the passage of or distribution of this resolution through established, customary means, other than paid advertising, pursuant to C.R.S. § 1-45-117(1)(b)(III)B.

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this resolution is held to be unconstitutional or invalid for any reasons, such decision shall not affect the validity of constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This Resolution shall be effective immediately upon adoption.

Introduced, passed and adopted at the regular meeting of the City Council this 20th day of September, 2022, by a vote of 5 yes and 0 no.

(SEAL)



Russell O. Stewart
Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney