TOWN BOARD WORK SESSION

July 24, 2023 - 5:30 PM
1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Voter Redistricting Discussion - K. Frawley, Town Clerk; D. Money, Town Attorney; C. Salmon, GIS Analyst
2. Senate Bill 22-032 Discussion - Retail License Fees - C. Turner, Deputy Director of Finance
3. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MEMORANDUM

Date: July 24, 2023
To: Mayor and Town Board
From: Karen Frawley, Town Clerk
Re: Voter Redistricting Discussion - K. Frawley, Town Clerk; D. Money, Town Attorney; C. Salmon, GIS Analyst
Item #: 1.

Background / Discussion:
The establishment of election district for the Town of Windsor was adopted by the Town voters in November, 2007 and became effective for Town Board elections beginning in April, 2008. The geographic districts are based on the number of registered voters for each district, and are not expressly tied to the population. The Town Charter states in section 3.1 that "no later than 180 days before each regular biennial election, the Town Clerk shall determine if the number of registered electors in the district containing the lowest number of registered electors is less than eighty-five (85) percent of the number of registered electors in the district containing the highest number". Although the number is to be reviewed every two years, the district boundaries are not to be changed more than once every six years "unless such change is necessary to conform to constitutional apportionment requirements". Additionally, the Charter states that no change in district boundaries shall create a vacancy during the term of any Town Board member in office at the time of the change (TOW Charter 3.1 C).

The constitutional apportionment requirements are related to the "one man-one vote" principles of the United States Constitution. One of those requirements is the requirement of the number of voters in each district to be as close as possible. The Charter amendment prohibits redistricting no more than every six years, unless required for constitutional apportionment. Below is a breakdown of the number of registered electors in each district using the current district map; District 2 is the highest with 6,555. Using the formula in the Charter, 85% of 6,555 is 5,572. The numbers in every other district are less than 85% of the highest district, and therefore, has triggered this redistricting discussion.

Number of registered electors in each district using the current district map:

	District 1	District 2	District 3	District 4	District 5	District 6	Total Registered Voters
Registered Voters	4,641	6,555	5,246	3,597	3,836	3,823	27,698

Financial Impact:

Relationship to Strategic Plan:

Recommendation:
Staff is requesting direction from Town Board regarding redistricting.

CC:

Attachments:
1. Redistrciting explaination
2. Current Districts
3. Proposal 1 11x 17
4. Proposal 2 11x17

2023 Voting Redistricting – A Brief Summation and Methodology:
Before each biennial election, Windsor's Town Clerk is required to evaluate the validity of the Town's voting districts based on Town Charter requirements. Should the voting districts be determined to be out of compliance, the following rules and guidelines are used to re-district.

Redistricting requirements per Town Charter:
- Each Town Board member shall reside within the district they represent.
- No Town Board member presently serving shall have their term shortened as a result of re-districting.
- The districts shall be contiguous, compact and have approximately the same number of registered electors.

Additional nationally recognized redistricting considerations:
- Preservation of communities of interest: Geographical areas, such as neighborhoods of a city or regions of a state, where the residents have common political interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county.
- Preservation of cores of prior districts: This refers to maintaining districts as previously drawn, to the extent possible. This leads to continuity of representation.

Methodology: For the purposes of this exercise, GIS did not exceed 15% variance in numbers. To maintain the 15% variance the following calculation was used:

(Highest District – Lowest District)/ Highest district

Windsor has undergone substantial growth in the past four years, which after analyzing the latest distribution of registered electors, has caused the districts to be out of compliance with the Town Charter and will require voting districts to be redrawn. The table below illustrates this point and highlights the degree to which the 15% allowable variance has been exceeded.

District	Active Registered Voters	Difference From Highest District
District 1	4641	29%
District 2	6555	0%
District 3	5246	20%
District 4	3597	45%
District 5	3836	41%
District 6	3823	42%
Totals	27698	

TOTAL ACT.VO/6	4616	HIGH BOUND	**4892**
PLUS/- 15%	692	LOW BOUND	**4210**

4892	HIGHEST DISTRICT
27698	TOTAL ACTIVE VOTERS
4210	LOWEST DISTRICT

As noted above, district 2 has seen the most growth with a total of 6555 registered voters. This growth, coupled with change in other districts, has resulted in throwing the other districts out of tolerance of the required 15% difference of voters, with a maximum difference of 45% in number of voters.

Official Proposal 1

Methodology: The goal for this scenario was to keep all board members, whether coming or going, within their district and maintain the district integrity as much as possible.

Data are as follows:

District	Active Registered Voters	Difference From Highest District
District 1	4972	0%
District 2	4425	12%
District 3	4454	12%
District 4	4866	2%
District 5	4513	10%
District 6	4468	11%

Key Points:

- The growth of district 2 was absorbed by district 1, 4 and 6.
- The numbers were evenly divided, same as scenario 1, however there was an attempt to keep the same general district boundaries as much as possible.
- This scenario allows for more availability for other districts to absorb growth in the future.

Official Proposal 2

Methodology: The goal for this scenario is to assess and plan for the current growth.

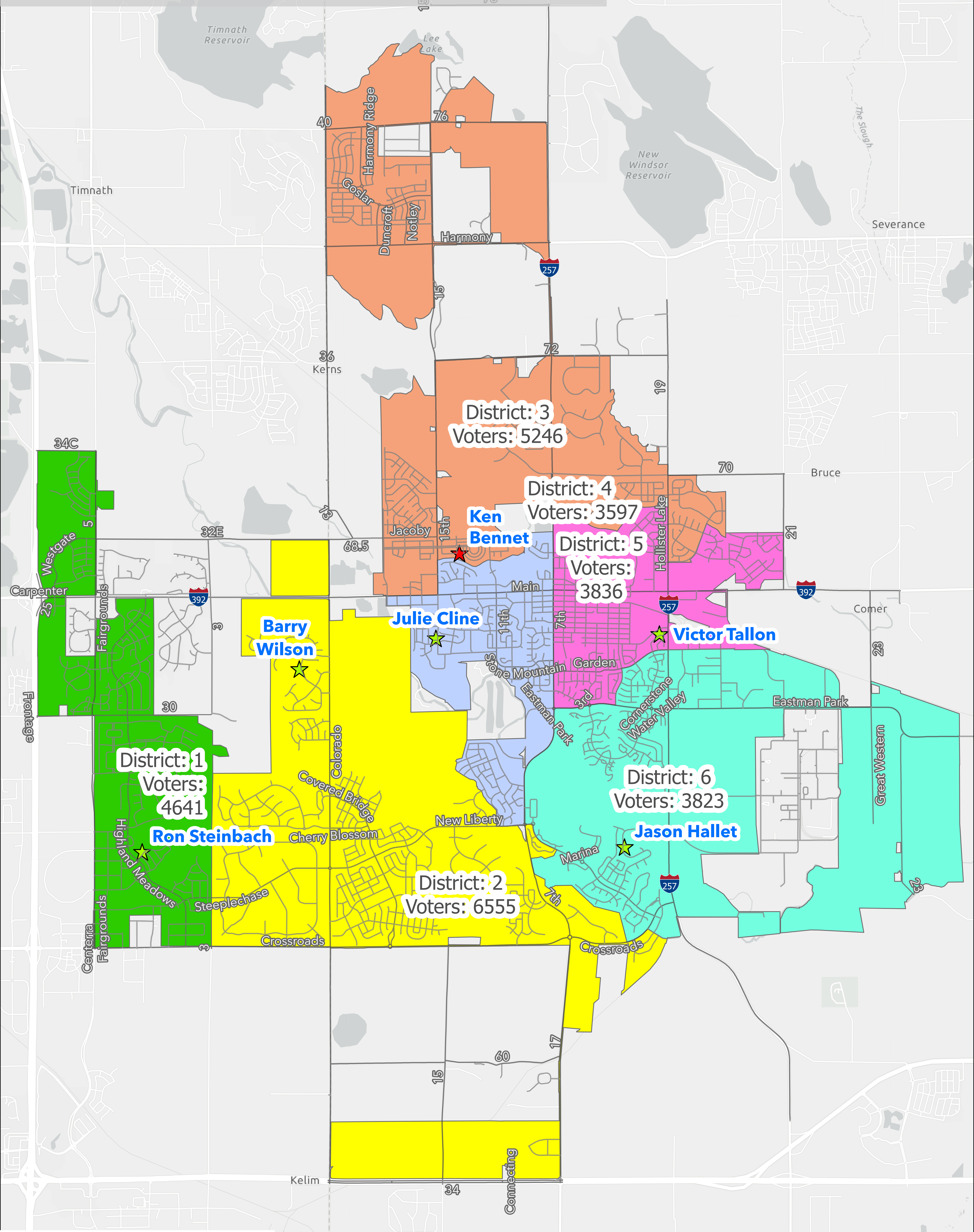
Data are as follows:

District	Active Registered Voters	Difference From Highest District
District 1	4641	5%
District 2	4866	0%
District 3	4477	8%
District 4	4388	10%
District 5	4823	1%
District 6	4503	7%

Key Points:

- The number for each district is more equal than in the first scenario.
- All board members are retained within their districts.
- District 6 will absorb the potential growth for Great Western.

Current Districts



Legend

Board Members Staying

★ No

★ Yes

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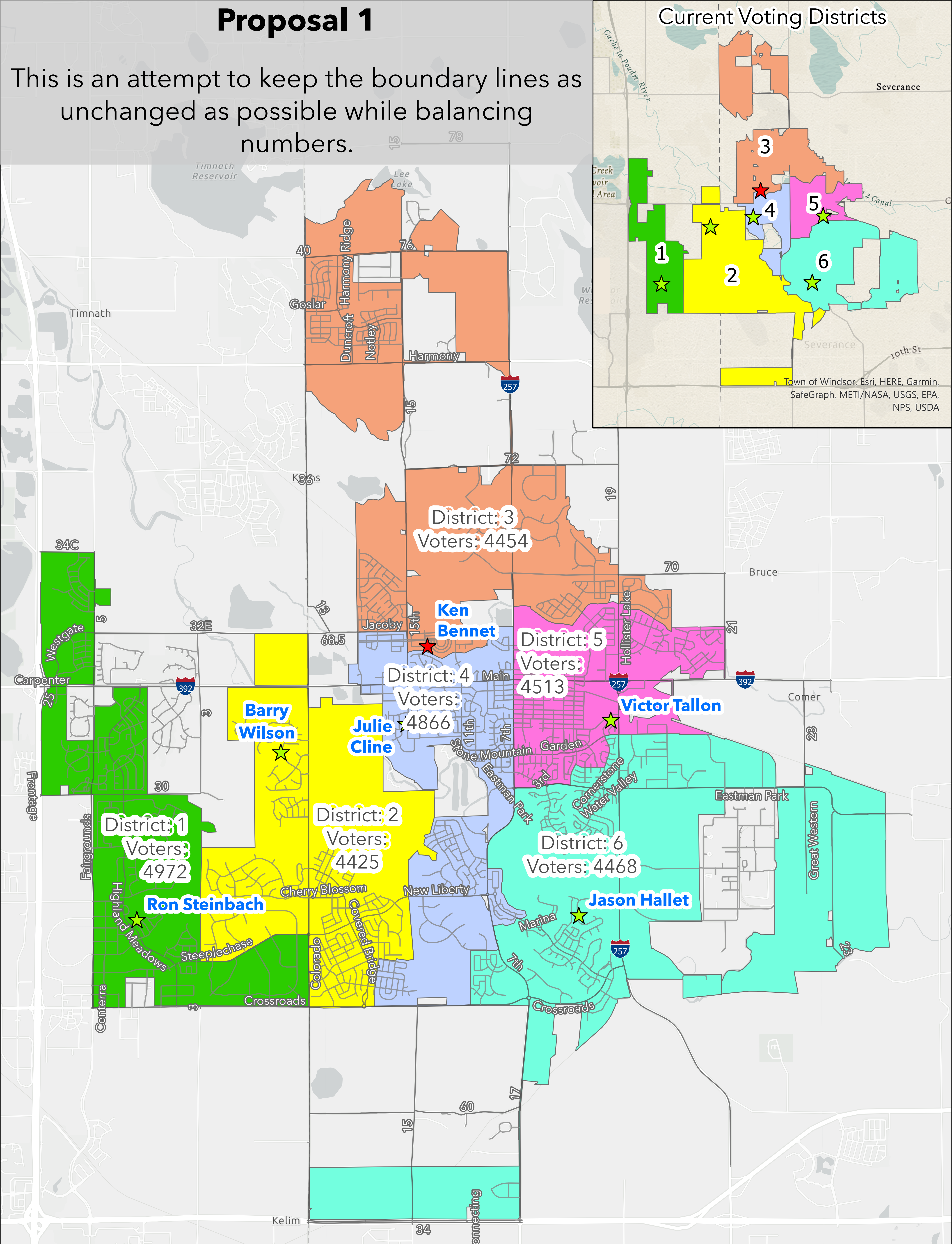
District 1	4641	29%
District 2	6555	0%
District 3	5246	20%
District 4	3597	45%
District 5	3836	41%
District 6	3823	42%

Proposal 1

This is an attempt to keep the boundary lines as unchanged as possible while balancing numbers.



Legend

Board Members Staying

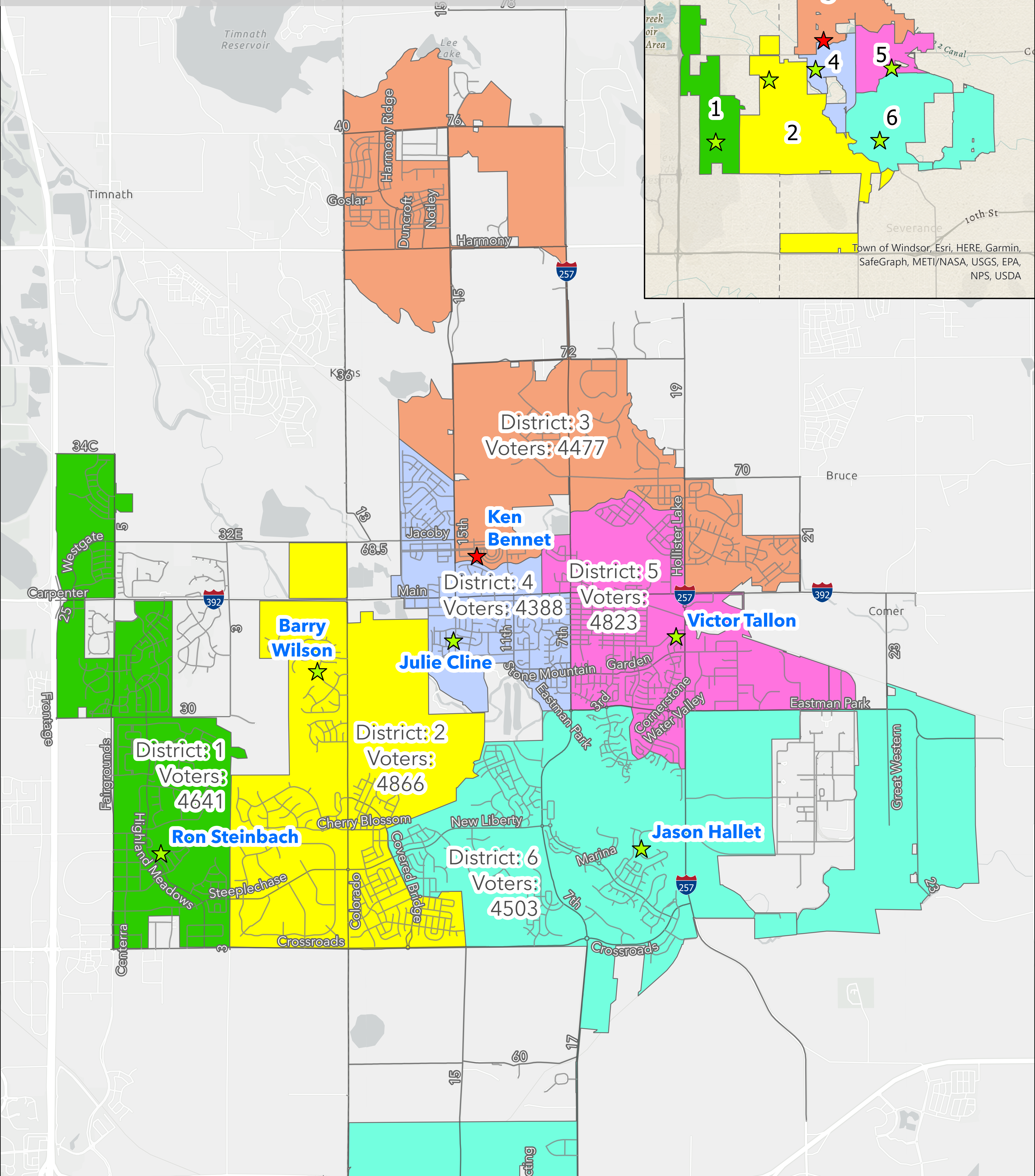
★ No

☆ Yes

District	Active Registered Voters	Difference From Highest District
District 1	4972	0%
District 2	4425	12%
District 3	4454	12%
District 4	4866	2%
District 5	4513	10%
District 6	4468	11%

Proposal 2

This is an attempt to meet all redistricting requirements, while mitigating the need for frequent redistricting.



Legend

Board Members Staying

★ No

★ Yes

District	Active Registered Voters	Difference From Highest District
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District 4	4388	10%
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District 6	4503	7%

MEMORANDUM

Date: July 24, 2023
To: Mayor and Town Board
From: Cheryl Turner, Deputy Director
Re: Senate Bill 22-032 Discussion - Retail License Fees - C. Turner, Deputy Director of Finance
Item #: 2.

Background / Discussion:
Concerning simplification of local sales and use tax compliance and administration for retailers that make retail sales in local taxing jurisdictions where they have limited physical presence.

Senate Bill 22-032 states that:

1. A local taxing jurisdiction shall not charge a fee for a general business license to a retailer that has a State Standard Retail License, makes retail sales within the local taxing jurisdiction, and either does not have physical presence in the local taxing jurisdiction or has only incidental physical presence withing the local taxing jurisdiction. And,

1. a local taxing jurisdiction shall not require a retailer that has a State Standard Retail License, makes retail sales with the local taxing jurisdiction and either does not have physical presence within the local taxing jurisdiction to or has only incidental physical presence with the local taxing jurisdiction to apply separately to the local taxing jurisdiction for a general business license.

Compliance with SB 22-032 requires an amendment to Chapter 4, Article III of the *Windsor Municipal Code*. Finance would like to take this opportunity to discuss with the Board changes to our Business/Sales Tax licensing requirements, primarily dispensing with the local fee.

Financial Impact:
Approximately $25,000 per year in lost revenue

Relationship to Strategic Plan:
Vibrant & Healthy Economy – Windsor is business friendly. We maintain a viable, stable, diverse, and strategic economic base which supports the needs and enhances the lifestyles of those living and working in our community.

Recommendation:
Staff recommends the elimination of Business/Sales Tax licensing fees.

CC:

Attachments:

1. Senate Bill 22-032 Retailer Business License
2. Retail License Fees

An Act

SENATE BILL 22-032

BY SENATOR(S) Bridges and Woodward, Cooke, Donovan, Fields, Ginal, Hisey, Holbert, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Winter, Zenzinger, Fenberg;
also REPRESENTATIVE(S) Kipp and Van Winkle, Amabile, Bernett, Bird, Bockenfeld, Boesenecker, Exum, Herod, Hooton, Jodeh, Lindsay, Lontine, Lynch, McCormick, McLachlan, Roberts, Sandridge, Snyder, Titone, Van Beber, Weissman.

CONCERNING SIMPLIFICATION OF LOCAL SALES AND USE TAX COMPLIANCE AND ADMINISTRATION FOR RETAILERS THAT MAKE RETAIL SALES IN LOCAL TAXING JURISDICTIONS WHERE THEY HAVE LIMITED PHYSICAL PRESENCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 39-26-802.9 as follows:

39-26-802.9. Retailers without physical presence or with only incidental physical presence in local taxing jurisdictions - streamlined application process and no fee for local general business license -

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Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) LICENSING OF RETAILERS THAT ARE SUBJECT TO PAYMENT OF SALES AND USE TAXES IN ONE OR MORE LOCAL TAXING JURISDICTIONS BUT EITHER DO NOT HAVE PHYSICAL PRESENCE IN OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE IN THOSE LOCAL TAXING JURISDICTIONS IS A MATTER OF STATEWIDE CONCERN;

(b) THE STATE'S ELECTRONIC TAX ADMINISTRATION INFRASTRUCTURE, INCLUDING THE ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM CREATED AND BROUGHT ONLINE PURSUANT TO SECTION 39-26-802.7 AND COMMONLY KNOWN AS SUTS, CAN BE USED TO MAKE THE IMPOSITION, COLLECTION, AND ADMINISTRATION OF LOCAL SALES AND USE TAXES COLLECTED BY RETAILERS THAT EITHER DO NOT HAVE PHYSICAL PRESENCE OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTIONS IMPOSING THE TAXES SIMPLER AND MORE EFFICIENT SO LONG AS:

(I) EACH LOCAL TAXING JURISDICTION IS REQUIRED TO GRANT A GENERAL BUSINESS LICENSE, FREE OF CHARGE, TO ANY RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION SO LONG AS THE LOCAL TAXING JURISDICTION HAS NOT PREVIOUSLY REVOKED THE RETAILER'S GENERAL BUSINESS LICENSE DUE TO THE RETAILER'S FAILURE TO COMPLY WITH THE LOCAL TAXING JURISDICTION'S REQUIREMENTS FOR HOLDING A GENERAL BUSINESS LICENSE; AND

(II) SUFFICIENT INFORMATION ABOUT ANY SUCH RETAILER IS COLLECTED WHEN THE RETAILER APPLIES FOR A STATE STANDARD RETAIL LICENSE TO ADDRESS ANY LOCAL TAXING JURISDICTION CONCERNS, INCLUDING BUT NOT LIMITED TO CONCERNS RELATING TO ADMINISTRATIVE EFFICIENCY, RETAILER COMPLIANCE, AND COLLECTION OF SALES AND USE TAX REVENUE;

(c) BECAUSE IT IS IMPORTANT TO ENSURE THAT THE CONCERNS OF LOCAL TAXING JURISDICTIONS ARE ADDRESSED, IT IS NECESSARY AND APPROPRIATE TO REQUIRE THE DEPARTMENT OF REVENUE TO CONSULT WITH LOCAL TAXING JURISDICTIONS WHEN MODIFYING APPLICATION

REQUIREMENTS FOR THE STATE STANDARD RETAIL LICENSE AS REQUIRED BY THIS SECTION; AND

(d) IT IS APPROPRIATE TO ELIMINATE THE COST OF A GENERAL BUSINESS LICENSE TO A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN A LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION BY PROHIBITING A LOCAL TAXING JURISDICTION FROM CHARGING A FEE FOR A GENERAL BUSINESS LICENSE TO SUCH A RETAILER UNTIL SUCH TIME AS THE LOCAL TAXING JURISDICTION IS REQUIRED TO ALLOW ANY SUCH RETAILER TO MAKE RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION WITHOUT APPLYING SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(b) "GENERAL BUSINESS LICENSE" MEANS A LICENSE ISSUED BY A LOCAL TAXING JURISDICTION THAT A RETAILER MUST OBTAIN TO LEGALLY MAKE RETAIL SALES IN THE LOCAL TAXING JURISDICTION REGARDLESS OF WHETHER THE LICENSE IS CALLED A BUSINESS LICENSE, A SALES AND USE TAX LICENSE, OR BY ANOTHER NAME. AN OCCUPATIONAL LICENSE OR ANY OTHER LICENSE REQUIRED TO ENGAGE IN A BUSINESS ACTIVITY OTHER THAN MAKING RETAIL SALES OF GOODS IS NOT A GENERAL BUSINESS LICENSE.

(c) "INCIDENTAL PHYSICAL PRESENCE" MEANS, WITH RESPECT TO A LOCAL TAXING JURISDICTION, PHYSICAL PRESENCE AS DESCRIBED IN SUBSECTION (2)(e)(I)(B), (2)(e)(I)(C), OR (2)(e)(I)(E) OF THIS SECTION, OR ANY COMBINATION OF SAID SUBSECTIONS, WITHIN THE LOCAL TAXING JURISDICTION THAT OCCURS INFREQUENTLY AND IS NOT REGULARLY SCHEDULED WITHIN THE ORDINARY COURSE OF AN INDIVIDUAL OR ENTITY'S BUSINESS ACTIVITIES.

(d) "LOCAL TAXING JURISDICTION" HAS THE MEANING SET FORTH IN SECTION 39-26-802.7 (1)(b).

(e) (I) "PHYSICAL PRESENCE" MEANS, WITH RESPECT TO A LOCAL TAXING JURISDICTION, PERFORMING OR PROVIDING SERVICES OR SELLING,

LEASING, RENTING, DELIVERING, OR INSTALLING TANGIBLE PERSONAL PROPERTY FOR STORAGE, USE, OR CONSUMPTION WITHIN THE LOCAL TAXING JURISDICTION. PHYSICAL PRESENCE INCLUDES ANY OF THE FOLLOWING ACTIVITIES:

(A) DIRECTLY OR INDIRECTLY BY A SUBSIDIARY MAINTAINING A BUILDING, STORE, OFFICE, SALESROOM, WAREHOUSE, OR OTHER PLACE OF BUSINESS WITHIN THE LOCAL JURISDICTION;

(B) SENDING ONE OR MORE EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS INTO THE LOCAL JURISDICTION TO SOLICIT BUSINESS, TO INSTALL, ASSEMBLE, REPAIR, SERVICE, OR ASSIST IN THE USE OF ITS PRODUCTS, OR FOR DEMONSTRATION OR OTHER REASONS;

(C) MAINTAINING ONE OR MORE EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS ON DUTY AT A LOCATION WITHIN THE LOCAL TAXING JURISDICTION;

(D) OWNING, LEASING, RENTING, OR OTHERWISE EXERTING CONTROL OVER REAL OR PERSONAL PROPERTY SALES WITHIN THE LOCAL TAXING JURISDICTION;

(E) ENGAGING IN ACTIVITIES WITHIN THE TAXING JURISDICTION THAT ARE SUBJECT TO OTHER BUSINESS, FIRE, ZONING, OR OTHER REGULATIONS OF THE LOCAL JURISDICTION; OR

(F) BEING SUBJECT TO TAXABLE PRIVILEGES OTHER THAN THE REQUIREMENT TO COLLECT SALES TAX IMPOSED BY THE LOCAL TAXING JURISDICTION.

(II) INCIDENTAL PRESENCE BY EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS WITHIN A LOCAL TAXING JURISDICTION WHEN NOT OTHERWISE ENGAGED IN THE ACTIVITIES SET FORTH IN SUBSECTION (2)(e)(I) OF THIS SECTION DOES NOT CONSTITUTE PHYSICAL PRESENCE.

(f) "STATE STANDARD RETAIL LICENSE" MEANS A LICENSE ISSUED UNDER SECTION 39-26-103 THAT AUTHORIZES A RETAILER TO MAKE RETAIL SALES IN THE STATE.

(g) "SUTS" MEANS THE ELECTRONIC SALES AND USE TAX

SIMPLIFICATION SYSTEM CREATED AND BROUGHT ONLINE PURSUANT TO SECTION 39-26-802.7.

(3) (a) IN ORDER TO ENABLE THE STREAMLINING OF THE IMPOSITION, COLLECTION, AND ADMINISTRATION OF SALES AND USE TAXES IMPOSED BY LOCAL TAXING JURISDICTIONS ON RETAIL SALES MADE BY RETAILERS THAT HAVE A STATE STANDARD RETAIL LICENSE AND EITHER DO NOT HAVE PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION BY STREAMLINING THE APPLICATION PROCESS FOR AND ELIMINATING THE EXPENSE OF GENERAL BUSINESS LICENSES FOR SUCH RETAILERS, THE DEPARTMENT OF REVENUE SHALL REQUIRE SUFFICIENT INFORMATION TO BE COLLECTED FROM SUCH A RETAILER, WHEN THE RETAILER APPLIES FOR OR RENEWS A STATE STANDARD RETAIL BUSINESS LICENSE THROUGH SUTS OR BY OTHER MEANS OR AT ANY OTHER TIME TO THE EXTENT NECESSARY, AND MADE AVAILABLE TO LOCAL TAXING JURISDICTIONS TO ENSURE THAT CONCERNS OF LOCAL TAXING JURISDICTIONS, INCLUDING BUT NOT LIMITED TO CONCERNS RELATING TO ADMINISTRATIVE EFFICIENCY, RETAILER COMPLIANCE, AND COLLECTION OF SALES AND USE TAX REVENUE, ARE ADDRESSED. IN DETERMINING WHAT INFORMATION TO COLLECT AND HOW TO MAKE THE INFORMATION COLLECTED AVAILABLE TO LOCAL TAXING JURISDICTIONS AS REQUIRED BY THIS SUBSECTION (3)(a), THE DEPARTMENT SHALL CONSULT WITH LOCAL TAXING JURISDICTIONS, INCLUDING BUT NOT LIMITED TO LARGE, MEDIUM, AND SMALL HOME RULE AND NONHOME RULE MUNICIPALITIES AND LARGE, MEDIUM, AND SMALL COUNTIES. THE DEPARTMENT SHALL ALSO CONSULT WITH RETAILERS TO ADDRESS ANY REASONABLE CONCERNS THEY MAY HAVE.

(b) THE DEPARTMENT SHALL ACCOMPLISH THE TASKS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION EXPEDITIOUSLY SO THAT NO LATER THAN JULY 1, 2023, AND SOONER IF FEASIBLE, A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION CAN MAKE RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION WITHOUT HAVING TO APPLY SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE.

(4) (a) ON AND AFTER JULY 1, 2022, A LOCAL TAXING JURISDICTION SHALL NOT CHARGE A FEE FOR A GENERAL BUSINESS LICENSE TO A RETAILER

THAT HAS A STATE STANDARD RETAIL LICENSE, MAKES RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION, AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION.

(b) ON AND AFTER JULY 1, 2023, A LOCAL TAXING JURISDICTION SHALL NOT REQUIRE A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE, MAKES RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION, AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTION TO OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION TO APPLY SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE. IF THE LOCAL TAXING JURISDICTION REQUIRES A GENERAL BUSINESS LICENSE, IT SHALL AUTOMATICALLY ISSUE A GENERAL BUSINESS LICENSE AT NO CHARGE TO SUCH A RETAILER USING THE INFORMATION PROVIDED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3) OF THIS SECTION; EXCEPT THAT A LOCAL TAXING JURISDICTION IS NOT REQUIRED TO ISSUE A GENERAL BUSINESS LICENSE TO A RETAILER IF THE LOCAL TAXING JURISDICTION HAS PREVIOUSLY REVOKED A GENERAL BUSINESS LICENSE HELD BY THE RETAILER FOR A VIOLATION OF ITS LOCAL CODE. IN ADDITION, NOTHING IN THIS SUBSECTION (4)(b) PROHIBITS A LOCAL TAXING JURISDICTION FROM SUSPENDING OR REVOKING A GENERAL BUSINESS LICENSE FOR A VIOLATION OF ITS LOCAL CODE.

SECTION 2. In Colorado Revised Statutes, 29-2-106, **amend** (4)(c)(I) and (6) as follows:

29-2-106. Collection - administration - enforcement. (4) (c) (I) Notwithstanding the provisions of section 39-21-113, ~~C.R.S.,~~ the executive director of the department of revenue shall report monthly to each municipality and county for which the department of revenue collects a sales tax information identifying licensed vendors within the municipality or county, INCLUDING THE LICENSING INFORMATION REQUIRED BY SECTION 39-26-802.9 (3), and, where the chief administrative officer or his designee has executed a memorandum of understanding with the department of revenue providing for control of confidential data, the status of each vendor's account including the amount of such municipality's or county's sales tax collected and paid by each such vendor. The executive director of the department may, in his discretion, provide additional information to a municipality or county concerning collection and administration of such municipality's or county's sales tax if such a memorandum has been executed.

(6) The executive director of the department of revenue may, in ~~his~~ THE EXECUTIVE DIRECTOR'S discretion, exchange information with the proper official of any home rule city ~~which~~ THAT imposes a sales and use tax relative to gross sales reported, changes in gross sales resulting from audits, and other information concerning licensed vendors MAKING RETAIL SALES within the jurisdiction of the home rule city, INCLUDING THE LICENSING INFORMATION REQUIRED BY SECTION 39-26-802.9 (3).

SECTION 3. Appropriation. For the 2022-23 state fiscal year, $2,100 is appropriated to the department of revenue for use by the taxation services division. This appropriation is from the general fund. To implement this act, the department may use this appropriation for personal services.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED April 21, 2022 at 1:38pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Colorado SB22-032

Retail Sales License Fees

Timeline

2018 – *South Dakota v. Wayfair*

United States Supreme Court held that a State is not prohibited by the Commerce Clause from requiring a retailer to collect sales tax based solely on the fact that such retailer does not have a physical presence in the State.

2019 – Colorado Senate Bill 19-006 & House Bill 19-1240

Sourcing method for development of electronic sales and use tax simplification system/establishing economic nexus and requiring marketplace facilitators (i.e. Amazon) to collect and remit sales tax on behalf of marketplace sellers.

SUTS (Sales & Use Tax System) Colorado Department of Revenue/simplifies complying with sales and use tax requirements.

2020 – Town of Windsor Ordinance 2020-1611

Amending the Windsor Municipal Code to extend the Town's sales tax collection, remittance and reporting requirements to on-line transactions and on-line vendors.

2022 – Colorado Senate Bill 22-032

Each local taxing jurisdiction is required to grant a General Business License, **free of charge**, to any retailer that has a State Standard Retail License and either does not have physical presence or has only incidental physical presence within the local jurisdiction.

Windsor Municipal Code Sec. 4-3-310 Licensing

(b) Every person who comes within the definition of *engaged in business in the Town,* shall obtain a license in order to do business in the Town.

(h) License fee. Each application for & renewal of a license issued shall be accompanied by payment of an annual fee in the amount of twenty-five dollars ($25.00).

Revenue

Business License Revenue

2018	2019	2020	2021	2022
$ 55,816	$ 41,240	$ 74,143	$ 73,369	$ 96,709

- Approximately ¾ of our Business License Fee revenue comes from "outside" sources.
- In 2022 about $25,000 in Business License revenue was received from local businesses.
  - 50% of Sales Tax Revenue or $13.1M from outside Windsor

Sales Tax Revenue

2018	2019	2020	2021	2022
$ 13,356,752	$ 15,591,543	$ 17,306,010	$ 21,232,107	$ 26,228,942

Summary

Windsor can no longer charge a fee for local business license to retailers without a physical presence

All retailers doing business in Colorado are required to apply for and maintain a State Standard Retail License

Business License revenue will drop to about $25K per year

Request for Board Guidance

Should we continue to charge an annual license fee to local business (retail & non-retail) or should we eliminate the fee for all businesses?

What's Next?

- Ordinance Required
  - Changes needed to reflect compliance with SB22-032

  - Reflect any changes to license fee based on Board Recommendation

There is still some work to be done in fine tuning our internal processes on information gathering. Local businesses will still be required to go through the application/registration process and get Planning approval before they can open for business. Our collection software database will continue to track sales tax payments and delinquencies, none of that will change.

TOWN OF WINDSOR COLORADO

MEMORANDUM

Date: July 24, 2023
To: Mayor and Town Board
From: Shane Hale, Town Manager
Re: Future Meetings Agenda
Item #: 3.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. 2023 Future Meetings Agenda

FUTURE TOWN BOARD MEETINGS

July 31, 2023	Canceled – 5th Monday
August 7, 2023 5:30 p.m.	Town Board Work Session Budget: Revenue Projections
August 14, 2023 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Place holder Joint meeting with Housing Authority for grant funds
August 14, 2023 7:00 p.m.	Town Board Regular Meeting
August 21, 2023 5:30 p.m.	Town Board Work Session
August 28, 2023 5:30 p.m.	Town Board and HPC Joint Work Session Meet the Board – New Employees Historic Preservation Plan Comprehensive Plan Update
August 28, 2023 7:00 p.m.	Town Board Regular Meeting
September 4, 2023	Canceled – Labor Day Holiday
September 11, 2023 5:30 p.m.	Town Board Work Session Downtown Parking Study Update
September 11, 2023 7:00 p.m.	Town Board Regular Meeting
September 18, 2023 5:30 p.m.	Town Board Work Session (Public Services Campus) Budget: Capital Improvement Plan
September 25, 2023 5:30 p.m.	Town Board Work Session Short Term Rental Discussion
September 25, 2023 7:00 p.m.	Town Board Regular Meeting
October 2, 2023 5:30 p.m.	Town Board Work Session Biosolids Tour
October 9, 2023 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Utility Rates and Fees

October 9, 2023 7:00 p.m.	Town Board Regular Meeting
October 14, 2023 Saturday	Town Board Work Session (Public Service Campus) Operating Budget
October 16, 2023 5:30 p.m.	Town Board Work Session
October 23, 2023 5:30 p.m.	Town Board Work Session
October 23, 2023 7:00 p.m.	Town Board Regular Meeting
October 30, 2023	Canceled – 5th Monday

Future Work Session Topics

- DDA Entertainment District
- Telecom Code (Pending FCC Rules)
- Weld RE-4 School Land Dedication/Cash in lieu of Land Update
- Smart Meter Project (Brian)
- Follow-up Budget Questions (November 13th)