

**RESOLUTION NO. 23-\_\_\_\_** It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution:

WHEREAS, on August 10, 2021, the Board of County Commissioners adopted Resolution Number 21-263, which extended Arapahoe County's open spaces sales and use tax and re-stated and modified the sales and use tax program; and

WHEREAS, Resolution Number 21-263 provides that certain tangible personal property and services are exempt from the sales tax; and

WHEREAS, the Board of County Commissioners at a study session held on October 31, 2023, determined that it desired amend the list of tangible personal property and services that are exempt from the sales tax as further set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, Colorado, the following:

1. That effective starting January 1, 2024, the tangible personal property and services that are exempt from the County's sales tax shall be those described in A,B,C,D,E,G,K,L,M,O,P, R, S,T & V, on the below exemptions options list from the Colorado Department of Revenue.

### Exemptions

County, Municipality, and Special District Sales/Use Tax Exemptions Options: If an exemption is not listed, state-collected local jurisdictions do not have that exemption option.

<b>A</b> Food for domestic home consumption §§ 39-26-707(1)(e) & 39-26-102(4.5), C.R.S.	<b>M</b> Sales for the benefit of Colorado schools, school activities, and school organizations §§ 39-26-725 & 39-26-718(1)(c), C.R.S.
<b>B</b> Machinery and machine tools, other than those described in exemption (P) below § 39-26-709(1), C.R.S.	<b>O</b> Property used in space flight § 39-26-728, C.R.S.
<b>C</b> Gas, electricity, and other specified fuels for residential use § 39-26-715(1)(a)(II), C.R.S.	<b>P</b> Machinery or machine tools used in the processing of recovered materials by a business listed in the inventory prepared by the Department of Public Health & Environment § 39-26-709(1), C.R.S.
<b>D</b> Low-volume sales by charitable organizations § 39-26-718(1)(b), C.R.S.	<b>Q</b> Sales on retail marijuana and retail marijuana products §§ 39-28.8-202 & 39-26-729, C.R.S.
<b>E</b> Farm equipment, not including animal identification equipment unless expressly exempted by the city or county, §§ 39-26-716(1)(d), (2)(b), and (2)(c), C.R.S. See HB19-1162	<b>R</b> Manufactured homes constructed on a permanent chassis in compliance with Manufactured Home Construction and Safety Standards (HUD Code) § 39-26-721(3), C.R.S.
<b>G</b> Food, not including candy and soft drinks, sold through vending machines § 39-26-714(2), C.R.S.	<b>S</b> Diapers and incontinence products as specified in § 39-26-717(2)(n)
<b>H</b> Certain medium and heavy-duty vehicles, engines, motors, and conversion parts § 39-26-719(1), C.R.S.	<b>T</b> Period products as specified in § 39-26-717(2)(m)
<b>K</b> Renewable energy components § 39-26-724, C.R.S.	<b>U</b> Heat pump systems as defined in § 39-26-732
<b>L</b> Beetle wood products as defined in § 39-26-723, C.R.S. effective July 1, 2021.	<b>V</b> Residential energy storage systems as defined in § 39-26-733

2. That effective as of January 1, 2024, Section 8(a)i. of Resolution Number 21-263 shall be amended and restated in full as follows:

The tangible personal property and services taxable hereunder shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., subject to the same exemptions as those specified in part 7 of article 26 of title 39, C.R.S. and Section 29-2-105, C.R.S. expressly including the exemption allowed by section 39-26-709 (1), C.R.S., for purchases of machinery or machine tools; the exemption for sales of electricity, coal, wood, gas, fuel oil, or coke specified in section 39-26-715 (1)(a)(II), C.R.S.; the exemption for sales of food specified in section 39-26-707 (1)(e), C.R.S.; the exemption for vending machine sales of food set forth in section 39-26-714 (2), C.R.S.; the exemption for occasional sales by a charitable organization set forth in section 39-26-718 (1)(b), C.R.S.; the exemption for sales and purchases of farm equipment and farm

equipment under lease or contract specified in section 39-26-716 (2)(b) and (2)(c), C.R.S., excepting from the definition of “farm equipment” the sales and purchases of parts used in the repair or maintenance of farm equipment, all shipping pallets or aids paid for by a farm operation, any visual, electronic identification, or matched pair ear tags and electronic identification readers used to scan ear tags that are used by farm operators to identify or track food animals including animals used for food or in the production of food as specified in section 39-26-716 (1)(d), all sales and purchases of dairy equipment, and aircraft designed or adapted to undertake agricultural applications; and the exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources as specified in section 39-26-719 (1), C.R.S.; the exemption for sales of machinery or machine tools specified in section 39-26-709 (1), C.R.S., used in the processing of recovered materials by a business listed in the inventory prepared by the department of public health and environment pursuant to section 30-20-122 (1)(a)(V), C.R.S.; the exemption for sales of wood from salvaged trees killed or infested in Colorado by mountain pine beetles or spruce beetles as specified in section 39-26-723, C.R.S.; the exemption for sales that benefit a Colorado school specified in section 39-26-725, C.R.S.; the exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization as specified in section 39-26-718(1)(c), C.R.S.; the exemption for sales of property for use in space flight specified in section 39-26-728, C.R.S.; the exemption for manufactured homes set forth in section 39-26-721 (3), the exemption for renewable energy components set forth in section 39-26-724, C.R.S.; the exemption for diapers and incontinence products as specified in section 39-26-717(2)(n), C.R.S.; the exemption for period products as specified in section 39-26-717(2)(m), C.R.S.; and the exemption for residential energy storage systems as defined in section 39-26-733, C.R.S.

3. Except as amended herein all provision of Resolution Number 21-263 shall remain in full force and effect.

The vote was:

Commissioner Baker, \_\_\_\_; Commissioner Campbell-Swanson, \_\_\_\_; Commissioner Holen, \_\_\_\_; Commissioner Summey, \_\_\_\_; and Commissioner Warren-Gully, \_\_\_\_.

The Chair declared the resolution adopted and so ordered.