ORDINANCE NO. 7919

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION SUBMITTED AS AN INITIATED AMENDMENT TO THE CHARTER BY ADDING A NEW SECTION 188 TO REQUIRE VOTER APPROVAL OF THE ELECTRIC UTILITY DEBT LIMIT AND TOTAL COST OF DEBT REPAYMENT PRIOR TO ISSUANCE OF ANY DEBT, LIMITING SUCH ELECTIONS TO NOVEMBER IN ODD-NUMBERED YEARS, AND LIMITING BROKERAGE FEES ON SUCH INDEBTEDNESS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. On June 28, 2013, a petition committee presented a petition with sufficient signatures of registered electors to initiate a vote on a proposed addition to the City Charter pursuant to section 31-2-210 C.R.S. The City Council is required to set the ballot title for the proposed amendment.

Section 2. A general municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

Section 3. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of making the amendment to the City Charter proposed by the petition committee with the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. 2I

Shall Article XIII of the Charter of the City of Boulder be amended by the addition of a new section 188 "Limitations on Debt," that provides (a) before the electric utility enterprise issues any debt, voters must approve the amount of the utility's debt limit and the total cost of debt repayment that the utility will incur, both to be stated in dollars in any ballot question; and (b) the utility's service area shall not extend to areas outside the city limits unless registered electors in those areas are permitted to vote in these debt limit and repayment cost elections; and (c) such elections shall be held on the dates of general municipal elections; and (d) any brokerage fees for managing any sale of bonds or other indebtedness shall be limited to one percent of proceeds?

For the Measure____ Against the Measure____

Section 3. If a majority of all the votes cast at the election on the measure submitted are for the measure, the measure shall be deemed to have passed and the Charter shall be amended as provided in this ordinance. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 4. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance.

Section 5. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

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

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the City, and covers matters of local concern.

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 9. The City Council finds that this ordinance is necessary for the preservation of the public peace, health, or property. The City Council amended the ordinance on third reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow time for this matter to be placed on the November 5, 2013 ballot.

INTRODUCED, READ ON FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY this 24th day of July, 2013.

Mayor

Attest:

City Clerk

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of August, 2013.

Mayor

Attest:

City Clerk

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READ ON THIRD READING, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of August, 2013.

Mayor

Attest:

City Clerk

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