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EMERGENCY ORDINANCE NO. 7912

AN EMERGENCY ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, THE QUESTION OF, WITHOUT RAISING ADDITIONAL TAXES, EXTENDING THE EXISTING 0.33 CENT CITY SALES AND USE TAX APPROVED BY THE VOTERS BY ORDINANCE NO. 5222, BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2018; AND BEGINNING JANUARY 1, 2019, 0.22 CENT OF EVERY DOLLAR TAXED TO FUND THE ACQUISITION AND PRESERVATION OF OPEN SPACE, AND 0.11 CENT OF EVERY DOLLAR TAXED TO GENERAL FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND PURPOSES; AND BEGINNING JANUARY 1, 2035 0.10 CENT OF EVERY DOLLAR TAXED TO FUND THE ACQUISITION AND PRESERVATION OF OPEN SPACE, AND 0.23 CENT OF EVERY DOLLAR TAXED TO FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND PURPOSES AS A VOTER APPROVED REVENUE CHANGE; AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The voters of the City have earmarked sales and use taxes for the acquisition of interests in real property for open space purposes by approval of a sales and use tax in the amount of 0.33 cents on each dollar sales, which tax expires at the end of 2018.

B. The electorate should consider authorizing the City Council to continue the collection of a 0.33 cents on each dollar sales and use tax from its present expiration date of December 31, 2018 and beginning January 1, 2019 designate the revenue generated to fund open space purposes and other general funds purposes;

C. It is appropriate for voters to approve of the continued collection, retention and expenditure of the full tax proceeds and any related earnings from this portion of the sales and use tax; and

D. The purposes that will be served by the continued collection of the tax are critical for the continued provision of essential general fund city services.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
2 OF BOULDER, COLORADO:

3 Section 1. A general municipal coordinated election will be held in the City of Boulder,
4 County of Boulder and State of Colorado, on Tuesday, November 5, 2013.

5 Section 2. At that election, there shall be submitted to the electors of the City of Boulder
6 entitled by law to vote the question of authorizing the City Council, by duly passed ordinance, to
7 amend that portion of section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the open space
8 tax that is currently set to expire at midnight on December 31, 2018 by extending the tax beyond
9 its current sunset date in perpetuity.

10
11 The official ballot shall contain the following ballot title, which shall also be the
12 designation and submission clause for the measure: (*see following page*)

1
2 BALLOT QUESTION NO. 2C

3 **SALES AND USE TAX EXTENSION**

4 Without raising additional taxes, shall the existing 0.33 cent City
5 sales and use tax for the acquisition and preservation of open
6 space land, approved by the voters by Ordinance No. 5222, be
7 extended beyond the current expiration date of December 31,
8 2018; and beginning January 1, 2019 designating 0.22 cent of
9 every dollar taxed to fund the acquisition and preservation of open
10 space land; 0.11 cent of every dollar taxed to fund services such
11 as fire, police, libraries, parks, recreation, human services and
12 other general fund purposes; and beginning January 1, 2035
13 designating 0.10 cent of every dollar taxed to fund the acquisition
14 and preservation of open space land; and 0.23 cent of every
15 dollar taxed to fund services such as fire, police, libraries, parks,
16 recreation, human services and other general fund purposes as a
17 voter approved revenue change?

18 FOR THE MEASURE _____ AGAINST THE MEASURE _____

19 Section 3. If a majority of all the votes cast at the election on the measure submitted are
20 for the measure, the measure shall be deemed to have passed, and the City Council authorized to
21 make amendments to the Boulder Revised Code, 1981, to implement this measure.

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

25 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

1 provisions of this ordinance. The tax established by this measure is intended to be authorized
2 under any lawful means of taxation, including license taxation pursuant to city of Boulder
3 Charter Section 122.

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

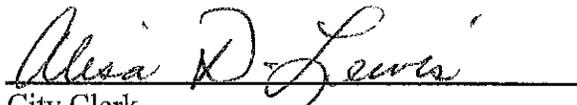
6 Section 8. The City Council deems it appropriate that this ordinance be published by title
7 only and orders that copies of this ordinance be made available in the office of the city clerk for
8 public inspection and acquisition.

9 Section 9. The City Council finds that this ordinance is necessary for the preservation of
10 the public peace, health, or property. The City Council amended the ordinance on third reading.
11 This ordinance includes a ballot measure. Emergency passage is necessary to allow time for this
12 matter to be placed on the November 5, 2013 ballot.
13

14
15 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
16 TITLE ONLY this 16th day of JULY 2013.

17
18 
19 Mayor

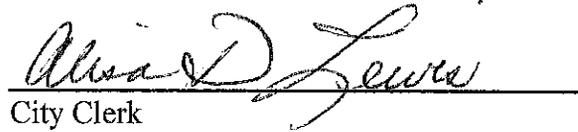
20 Attest:

21 
22 City Clerk
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24
25

1 READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
2 TITLE ONLY THIS 5th day of AUGUST, 2013.

3
4 
Mayor

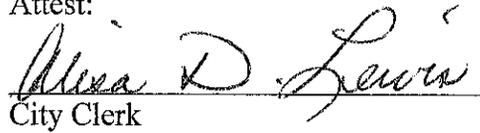
5 Attest:

6 
7 City Clerk

8 READ ON THIRD READING, AMENDED, PASSED, ADOPTED AS AN
9 EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND
10 ORDERED PUBLISHED BY TITLE ONLY this 20th day of August 2013.

11
12 
Mayor

13 Attest:

14 
15 City Clerk