ORDINANCE NO. 7913

(new 0.15 cent sales and use tax for transportation purposes for six years)

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, SHALL CITY OF BOULDER TAXES BE INCREASED BY $4,482,200 EACH YEAR FOR THE PERIOD OF JANUARY 1, 2014 UNTIL DECEMBER 31, 2019 WITH 100 PERCENT OF THE REVENUES COLLECTED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES WITHOUT LIMITATION, SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF TRANSPORTATION INFRA- STRUCTURE, TRANSIT SERVICE AND OTHER TRANSPORTATION PURPOSES, AS A VOTER APPROVED REVENUE CHANGE; AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The funding challenges faced by the Transportation Department have been examined by two Blue Ribbon Commissions, the Transportation Advisory Board, and two community task forces. Additional funding is needed to maintain our transportation infrastructure and provide capital projects to meet the objectives of the community's Transportation Master Plan (TMP).

B. In 2012, operation and maintenance costs accounted for 84 percent of transportation funding and it is estimated that operation and maintenance costs will consume all of transportation funding by 2020, leaving little capacity to do capital projects due to increased costs. The decision to continue funding capital project in the face of rising construction costs, has in a sense forced the city to defer maintenance of pavement, transportation infrastructure, and transit service. Without additional funding, routine maintenance of sidewalks, bicycle paths, medians, signage, striping, etc. will continue to be deferred at greater costs in the long term.

C. The electorate should consider authorizing the City Council to increase the amount of tax levied on each dollar by 0.15 cents for the next six years with the revenue of that

tax increase to fund transportation services such as maintenance of pavement, construction of transportation infrastructure, transit service and other transportation purposes.

D. The purposes that will be served by the collection of the tax are critical for the continued provision of essential transportation services to the residents and visitors to the city of Boulder.

E. It is appropriate for voters to approve collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

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

Section 1. 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 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote, the question of authorizing the City Council, by duly passed ordinance, to amend that portion of Section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the 3.41 cents per dollar tax to increase the amount of tax levied to 3.56 cents per dollar of the purchase price of tangible personal property or taxable services sold or purchased at retail for the period of January 1, 2014 until December 31, 2019.

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

BALLOT ISSUE NO. 2B

SALES AND USE TAX

SHALL CITY OF BOULDER TAXES BE INCREASED ($4,482,200 first full fiscal year dollar increase annually) BY INCREASING THE SALES AND USE TAX BY 0.15 CENTS FOR THE PERIOD OF JANUARY 1, 2014 TO DECEMBER 31, 2019 WITH ALL OF THE REVENUES COLLECTED USED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF TRANSPORTATION

INFRASTRUCTURE, TRANSIT SERVICE AND OTHER TRANSPORTATION PURPOSES?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAX AT SUCH RATE AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

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 City Council authorized to make amendments to the Boulder Revised Code, 1981, to implement the measure.

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

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 second 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 16th day of JULY 2013.

Mayor

Attest:

City Clerk

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

Mayor

Attest:

City Clerk

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

Mayor

Attest:

City Clerk