ORDINANCE NO. 7922

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, SHALL THE EXISTING 0.15 CENT CITY SALES AND USE TAX APPROVED BY THE VOTERS BY ORDINANCE NO. 7301, BE EXTENDED BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2019 UNTIL DECEMBER 31, 2039, WITH 100 PERCENT OF THE REVENUES COLLECTED TO FUND TRANSPORTATION CONSTRUCTION AND SERVICES, SUCH AS MAINTENANCE OF PAVEMENT, CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE, TRANSIT SERVICE AND OTHER TRANSPORTATION PURPOSES UNTIL DECEMBER 31, 2029 AND BEGINNING JANUARY 1, 2030, 100 PERCENT OF THE REVENUES COLLECTED TO FUND SERVICES SUCH AS FIRE, POLICE, LIBRARIES, PARKS, RECREATION, HUMAN SERVICES AND OTHER GENERAL FUND PURPOSES AND SETTING FORTH RELATED DETAILS.

WHEREAS the City Council finds that:

A. The 0.15 cent sales and use tax was approved by voters on Nov. 5, 2002 pursuant to Ordinance No.7301, with an expiration date of December 31, 2019, which tax provides funds for the acquisition and preservation of open space land as defined in Section 170 of the Charter of the City of Boulder;

B. The electorate should consider authorizing City Council to continue the collection of a 0.15 cents on each dollar sales and use tax from its present expiration date of December 31, 2019 to December 31, 2039 and used to fund transportation construction and services without limitation, such as maintenance of pavement, construction of transportation infrastructure, transit service and other transportation purposes until December 31, 2029 and thereafter until December 31, 2039 for all revenue to be used to fund such services as fire, police, libraries parks, recreation, human services and other general fund purposes;

C. It is appropriate for voters to approve 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 transportation and general fund purposes;

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 0.15 cent on the dollar sales and use tax that is currently set to expire at midnight on December 31, 2019, by extending the tax beyond its current sunset date to December 31, 2039 with all of the funds dedicated to transportation construction and services such as maintenance of pavement, construction of transportation infrastructure, transit service and other transportation purposes until December 31, 2029 and thereafter until December 31, 2039 for all revenue to be used to fund such services as fire, police, libraries, parks, recreation, human services and other general fund purposes.

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

BALLOT QUESTION NO. 2D

Sales and Use Tax Extension

Without raising additional taxes, shall the existing 0.15 cent city sales and use tax approved by the voters by Ordinance No. 7301, be extended beyond the current expiration date of December 31, 2019 until December 31, 2039, with 100 percent of the revenues collected to fund transportation construction and services, such as maintenance of pavement,

construction of transportation infrastructure, transit service and other transportation purposes until December 31, 2029 and beginning January 1, 2030, 100 percent of the revenues collected to fund services such as fire, police, libraries, parks, recreation, human services and other general fund purposes?

FOR THE MEASURE ____ AGAINST THE MEASURE ____

Section 3. If the ballot measure passes, effective January 1, 2014, Subsection 3-2-5(c) B.R.C. 1981, is amended to read:

(Note – the language which has been underlined would be added and the language that has been lined out would be omitted from the section if this ordinance is approved by the electors.):

3-2-5 Rate of Tax.

...

(c) Of said amount, 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at 12:00 midnight on December 31, 2035; 0.33 percent shall be deemed an open space tax, which tax shall expire at 12:00 midnight on December 31, 2018; 0.15 percent shall be deemed a general sales and use tax; 0.15 percent shall be deemed an open space tax, ~~which tax shall expire~~ at 12:00 midnight on December 31, 2019 the tax shall be deemed a transportation tax which tax shall expire ~~and~~ at 12:00 midnight on December 31, 2029~~, the tax shall be deemed a general sales and use tax;~~ and, beginning on January 1, 2005, 0.15 percent shall be deemed a general sales and use tax, which tax shall expire at 12:00 midnight on December 31, 2024. As each tax expires, the aggregate tax shall be reduced accordingly.

Section 4. 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 this measure.

Section 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 5th day of August 2013.

Mayor

Attest:

City Clerk

READ ON SECOND 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