

ORDINANCE NO. 8055

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE REGULAR MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF AMENDING THE CITY CHARTER REGARDING THE LIBRARY COMMISSION; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER RELATED DETAILS.

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

Section 1. A regular municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 3, 2015.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendments to the city Charter pertaining to the library commission (in Sec. 65, the material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines; for Secs. 69 and 132 through 136 the existing sections are deleted in their entirety and replaced as provided below):

Sec. 65. - Administrative departments.

The following administrative departments are hereby created:

- (a) Department of public works;
- (b) Department of finance and licensing;
- (c) Department of parks and recreation;
- (d) Department of public safety; ~~and~~
- (e) Department of planning; and

1 (f) Department of library and arts.

2 Upon the recommendation of the city manager, the city council may by ordinance create
3 additional administrative departments.

4 **Department of Library and Arts**

5 **Sec. 69. - General powers and duties**

6 There is hereby created a department of library and arts, the director of which will be
7 subject to the supervision and control of the city manager in all matters, shall be the technical
8 advisor of the library commission and shall have the administrative direction of the
9 department of library and arts, and perform such duties pertaining to the department of
library and arts as are in this charter, or may be required by ordinance or assigned by the city
manager. The director may be designated as the secretary of the library commission and
authorized to perform other necessary functions.

10 **Library Commission**

11 **Sec. 132. - Library Commission established.**

12 There shall be and is hereby established a library commission which shall have the
13 primary responsibility as an advisory commission with regard to the provision of library
14 services to the Boulder community. The members of the commission shall be qualified to
15 serve on an advisory commission pursuant to Section 130, shall not hold any other office in
the city, and shall serve without pay.

16 **Sec. 133. - Powers and duties of library commission.**

17 The library commission shall not perform any administrative functions unless expressly
18 provided in this charter. The commission shall provide recommendations to the city council
in matters concerning the library, and the commission shall have the following duties:

- 19 (a) Adopt bylaws, rules, and regulations for its guidance and governance;
- 20 (b) Provide advice to assist in preparation and revision of a master plan for the development
21 and maintenance of a modern library system within the city;
- 22 (c) Review annually the library budget prepared by the library director prior to its submittal
23 to the city manager and make recommendations regarding approval or modification of the
same;
- 24 (d) Review periodically the director's operational service plans and make comments and
recommendations;
- 25 (e) Make recommendations to the director and the city council on library facilities, including
26

1 capital improvements, maintenance of existing facilities, and need for new facilities;

2 (f) Review the library director's annual report and make comments and recommendations;
3 and

4 (g) Represent the library to the community and the community to the library with the goal of
5 building awareness, understanding, and support; and

6 (h) Take steps as the library commission may deem feasible to encourage grants or gifts in
7 support of the library.

8 **Sec. 134. - Library fund.**

9 The city council shall make an annual appropriation, which shall amount to not less than
10 the return of one-third of a mill tax levied upon each dollar of assessed valuation of all
11 taxable property in the City of Boulder. All revenue from such tax; shall be paid into the city
12 treasury and be designated the "Library Fund." Said fund shall be used only for the benefit
13 of the library together with the moneys described below shall be paid into the city treasury
14 and be designated as the "Library Fund";

15 Revenues from the following sources shall be deposited in the Library Fund referenced
16 above. Expenditures of revenues from the following sources shall be made only upon the
17 favorable recommendation of the library commission.

18 (a) Gifts, bequests, and donations to the fund.

19 (b) Proceeds of the sale of any library property, or the pro rata portion of such property,
20 purchased with funds from the property tax appropriated pursuant to this section 134 or
21 the predecessor section 135 or gifts, bequests, and donations.

22 ~~Expenditures from this fund shall be made only upon the favorable recommendation of
23 the library commission. Said fund shall be used only for the benefit of the library.~~

24 Any portion of the fund remaining unexpended at the end of any fiscal year shall not in
25 any event be converted into the general fund nor be subject to appropriation for general
26 purposes. Money appropriated from the fund which is not expended in whole or in part shall
be returned to the fund and shall not be subject to appropriation for general purposes.

27 Section 3. The official ballot shall contain the following ballot title, which shall also
28 be the designation and submission clause for the measure:

1 **Ballot Question No. ____**

2 **Amending Charter Provisions regarding Library Commission**

3 Shall the Charter be amended to make changes so that the powers and
4 governance of the Library Commission and the uses of the Library Fund
5 are updated to be consistent with other advisory commissions as specified
6 in Ordinance No. 8055?

7 For the Measure ____

8 Against the Measure ____

9 Section 4. If a majority of all the votes cast at the election on the measure submitted
10 are for the measure, the measure shall be deemed to have passed and the charter shall be
11 amended as provided in this ordinance.

12 Section 5. The election shall be conducted under the provisions of the Colorado
13 Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this
14 ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby
15 superseded.

16 Section 6. The officers of the city are authorized to take all action necessary or
17 appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to
18 conduct the election for the city.

19 Section 7. If any section, paragraph, clause, or provision of this ordinance shall for
20 any reason be held to be invalid or unenforceable, such decision shall not affect any of the
21 remaining provisions of this ordinance.

22 Section 8. This ordinance is necessary to protect the public health, safety, and
23 welfare of the residents of the city, and covers matters of local concern.

24 Section 9. The City Council deems it appropriate that this ordinance be published by
25 title only and orders that copies of this ordinance be made available in the office of the city clerk
26 for public inspection and acquisition.

1 INTRODUCTION, READ ON FIRST READING, AMENDED, AND ORDERED
2 PUBLISHED BY TITLE ONLY this 28th day of July, 2015.

3 
4 Mayor

5 Attest:

6 
7 City Clerk

8
9 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
10 TITLE ONLY this 18th day of August, 2015.

11 
12 Mayor

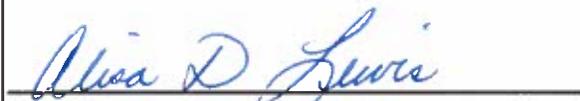
13 Attest:

14 
15 City Clerk

16
17
18 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
19 BY TITLE ONLY this 1st day of September, 2015.

20 
21 Mayor

22 Attest:

23 
24 City Clerk