



1 F. It is appropriate for voters to approve the extension, the tax proposed by the ballot  
2 issue described below.

3 G. The proposed measure title is a clear and concise statement, without argument or  
4 prejudice that is descriptive of the substance of the amendment and complies with the  
5 requirements of the City of Boulder Charter and the Boulder Revised Code, 1981.

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

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

10 Section 2. The official ballot shall contain the following ballot title, which shall also be  
11 the designation and submission clause for the issue:

12 **BALLOT QUESTION NO. \_\_\_\_**

13 **UTILITY OCCUPATION TAX EXTENSION**

14 Without raising additional taxes, shall that portion of the  
15 city's utility occupation tax on public utility companies that  
16 deliver electricity and natural gas to customers in the city  
17 that replaced the franchise fee paid by Public Service  
18 Company and supports general revenue needs of the city be  
19 extended from its current expiration date of December 31,  
20 2017 and expire on December 31, 2022 with the revenues of  
21 the existing tax as extended being used to continue to  
22 support local government services, and shall the revenue  
23 from such tax extension and all earnings thereon (regardless  
24 of amount) constitute a voter approved revenue change, and  
25 an exception to the revenue and spending limits of Article X,  
Section 20 of the Colorado Constitution?

FOR THE MEASURE \_\_\_\_ AGAINST THE MEASURE \_\_\_\_

1           Section 3. If this ballot issue is approved by the voters, the City Council adopts the  
2 following amendments to Chapter 3-13 of the Boulder Revised Code to implement this utility  
3 occupation tax. Such amendments to the following sections of the occupation tax, to read:

4 **3-13-1. - Legislative Purpose, Findings, and Intent.**

5 (a) Purpose. It is the purpose of this chapter to implement the city's utility occupation tax.

6       (1) Passed by the voters on November 2, 2010, as a replacement for a fee paid under  
7 franchise agreement with a utility provider;

8       (2) Amended by the voters on November 1, 2011, to increase the amount of the tax and  
9 extend the tax to December 31, 2017.

10       (3) Further amended by the voters on November 3, 2015, to extend that portion of the tax  
11 that was initially approved by the voters in 2010 until December 31, 2022.

12 **3-13-2. - Imposition of Occupation Tax.**

13 (a) Payment of Tax Required. No utility delivering electricity and gas to residential,  
14 commercial, or industrial customers shall fail to pay to the city manager the utility  
15 occupation tax, prescribed by Subsection (c) of this section, unless such person is obligated  
16 to pay a comparable fee under a franchise agreement or other license or permit agreement  
17 with the city.

18 (b) Original Tax Effective Date and Expiration Date. The utility occupation tax of \$4,100,000  
19 was effective January 1, 2011. For that portion of the tax approved by the voters in 2010 for  
20 general fund purposes described Section 3-13-9(a), B.R.C. 1981, the tax shall expire on  
21 December 31, 2022. B.R.C. 1981.

22 (c) Extension and Increase Dates. The increase in the amount of the utility occupation tax  
23 approved by the voters in 2011 for funding the costs of further exploration of and planning  
24 for both the creation of a municipal electric utility and acquiring an existing electric  
25 distribution system described in Section 3-13-9(b), shall be effective January 1, 2012, and  
expire on the earlier of: (1) December 31, 2017; (2) when the city decides not to create a  
municipal utility; or (3) when the city commences delivery of municipal electric utility  
services.

(d) Tax Rate. The utility occupation tax effective January 1, 2014, shall be \$6,180,000, and  
adjusted annually as provided in Section 3-13-3, "Adjustments," B.R.C. 1981.

Section 4. If a majority of all the votes cast at the election on the issue submitted shall be  
for the issue, the issue shall be deemed to have passed and shall be effective upon passage, and it

1 shall be lawful for the City Council to provide for the amendment of its tax code in accordance  
2 with the issue approved.

3 Section 5. The election shall be conducted under the provisions of the Colorado  
4 Constitution, the charter and ordinances of the City, the Boulder Revised Code, 1981, and this  
5 ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby  
6 superseded.

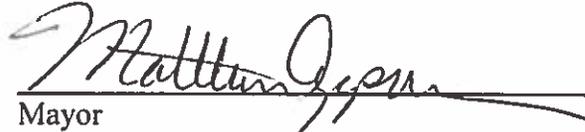
7 Section 6. The officers of the City are authorized to take all action necessary or  
8 appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to  
9 conduct the election for the City.

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

13 Section 8. This ordinance is necessary to protect the public health, safety and welfare of  
14 the residents of the City, and covers matters of local concern.

15 Section 9. The council deems it appropriate that this ordinance be published by title only  
16 and orders that copies of this ordinance be made available in the office of the city clerk for public  
17 inspection and acquisition.  
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25

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

3  
4   
5 Mayor

6 Attest:

7   
8 City Clerk

9 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
10 PUBLISHED BY TITLE ONLY this 1<sup>st</sup> day of September, 2015.

11  
12   
13 Mayor

14 Attest:

15   
16 City Clerk