

ORDINANCE 8417

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, THE QUESTION WHETHER THE PORTION OF THE UTILITY OCCUPATION TAX DEDICATED TO EXPLOARING MUNICIPALIZATION THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2011 AND AMENDED NOVEMBER 2017, BE EXTENDED FROM ITS CURRENT EXPIRATION DATE OF DECEMBER 31, 2022 TO A NEW EXPIRATION DATE OF DECEMBER 31, 2025 AND BE USED TO REPAY COSTS ASSOCIATED WITH THE MUNICIPAL UTILITY EFFORT AND FURTHER; TO FUND PROJECTS, PILOTS, INITIATIVES, AND RESEARCH THAT SUPPORT THE CITY'S CLEAN ENERGY GOALS IN THE CONTEXT OF THE CITY'S RACIAL EQUITY GOALS AND THE COMMUNITY'S COMMITMENT TO THE PARIS CLIMATE AGREEMENT, INCLUDING TO PROVIDE ENERGY-RELATED ASSISTANCE TO DISADVANTAGED MEMBERS OF THE COMMUNITY, IMPROVE SYSTEM RELIABILITY AND MODERNIZATION, AND SUPPORT CLEAN ENERGY-RELATED BUSINESS, INCLUDING, WITHOUT LIMITATION, NEW APPROACHES IN ELECTRIFICATION OF BUILDINGS AND TRANSPORTATION, ENHANCEMENT OF RESILIENCE, AND INCREASED ACCESS TO ENERGY EFFICIENCY AND RENEWABLE ENERGY SOLUTIONS; ONLY IF A MAJORITY OF ELECTORS VOTE TO APPROVE A FRANCHISE AGREEMENT WITH PUBLIC SERVICE COMPANY OF COLORADO AT THE NOVEMBER 3, 2020 ELECTION; GIVING APPROVAL FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS.

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

3 Section 1. A municipal coordinated election will be held in the city of Boulder, county of
4 Boulder and state of Colorado, on Tuesday, November 3, 2020.

5 Section 2. The official ballot shall contain the following ballot title, which shall also be
6 the designation and submission clause for the issue:
7

8 **Ballot Question No. ____**

9 **Repurpose the Utility Occupation Tax**

10
11 WITHOUT RAISING THE TAX RATE SHALL THE EXISTING
12 UTILITY OCCUPATION TAX, WHICH IN 2021 AND 2022
13 WILL BE IN THE AMOUNT OF \$ 2,076,181, BE EXTENDED
14 FROM A CURRENT EXPIRATION DATE OF DECEMBER 31,
15 2022 TO DECEMBER 31, 2025 AND BE REPURPOSED TO
16 PAY ALL COSTS ASSOCIATED WITH THE FORMATION OF
17 A MUNICIPAL ELECTRIC UTILITY AND TO BE USED TO
18 FUND PROJECTS, PILOTS, INITIATIVES, AND RESEARCH
19 THAT SUPPORT THE CITY'S CLEAN ENERGY GOALS IN
20 THE CONTEXT OF THE CITY'S RACIAL EQUITY GOALS
21 AND THE COMMUNITY'S COMMITMENT TO THE PARIS
22 CLIMATE AGREEMENT, SUCH AS:

- 23 • PROVIDING ENERGY-RELATED ASSISTANCE TO
24 DISADVANTAGED MEMBERS OF THE
25 COMMUNITY, INCLUDING SUPPORT FOR UTILITY
BILL PAYMENTS AND ACCESS TO RENEWABLE
ENERGY;

- IMPROVING SYSTEM RELIABILITY AND
MODERNIZING, AND SUPPORTING CLEAN
ENERGY-RELATED BUSINESSES, INCLUDING,
WITHOUT LIMITATION, NEW APPROACHES IN

1 ELECTRIFICATION OF BUILDINGS AND
2 TRANSPORTATION, ENHANCEMENT OF
RESILIENCE,

- 3 • IMPLEMENTING A PARTNERSHIP AGREEMENT
4 WITH PUBLIC SERVICE COMPANY OF COLORADO;
AND
- 5 • INCREASING ACCESS TO ENERGY EFFICIENCY
6 AND RENEWABLE ENERGY SOLUTIONS;

7 ONLY IF A MAJORITY OF REGISTERED ELECTORS
8 APPROVE A FRANCHISE AGREEMENT WITH PUBLIC
9 SERVICE COMPANY OF COLORADO AT THE NOVEMBER
3, 2020 ELECTION,

10 AND SHALL THE EXTENDED PORTION OF THE TAX BE
11 SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE
12 ORIGINAL TAX AND ALL EARNINGS THEREON
13 (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER
APPROVED REVENUE CHANGE, AND AN EXCEPTION TO
THE REVENUE AND SPENDING LIMITS OF ARTICLE X,
SECTION 20 OF THE COLORADO CONSTITUTION?

14
15 FOR THE MEASURE ____ AGAINST THE MEASURE ____

16
17 Section 3. If this ballot measure is approved by the voters, the Charter shall be so
18 amended, and the City Council may adopt any necessary amendments to the Boulder Revised
19 Code to implement this change.

20
21 Section 4. If any section, paragraph, clause, or provision of this ordinance shall for any
22 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
23 provisions of this ordinance. The tax established by this measure is intended to be authorized
24 under any lawful means of taxation, including license taxation pursuant to city of Boulder
25 Charter Section 122.

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

3 Section 6. The city council deems it appropriate that this ordinance be published by title
4 only and orders that copies of this ordinance be made available in the office of the city clerk for
5 public inspection and acquisition.

6
7 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
8 TITLE ONLY this 4th day of August, 2020.

9
10 

11 Sam Weaver,
12 Mayor

13 Attest:

14
15 Debbie L Stamp
16 ~~Pam Davis,~~ Debbie Stamp,
17 ~~Acting City Clerk~~ Acting Deputy City Clerk

1 READ ON SECOND READING, AMENDED AND PASSED this 20th day of August
2 2020.

3
4 
5 _____
6 Sam Weaver,
7 Mayor

8 Attest:

9 *Debbie L Stamp*
10 _____
11 ~~Pam Davis,~~ Debbie Stamp,
12 ~~Acting City Clerk~~ Acting Deputy City Clerk

13 READ ON THIRD READING, PASSED AND ADOPTED this 1st day of September 2020.

14 
15 _____
16 Sam Weaver,
17 Mayor

18 Attest:

19 *Debbie L Stamp*
20 _____
21 ~~Pam Davis,~~ Debbie Stamp,
22 ~~Acting City Clerk~~ Acting Deputy City Clerk