

ORDINANCE NO. 3743 (AS AMENDED)

AN ORDINANCE CONCERNING A QUESTION TO BE SUBMITTED TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF BOULDER, COLORADO, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 2ND DAY OF NOVEMBER, 1971; DIRECTING THAT THE QUESTION BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF APPROVING OR REJECTING A PROPOSED AMENDMENT TO SECTION 97 OF THE CHARTER OF THE CITY OF BOULDER TO PERMIT THE CITY COUNCIL, WITHOUT APPROVAL BY VOTE OF THE QUALIFIED ELECTORS OF THE CITY, TO CREATE AND INCUR CERTAIN INDEBTEDNESS OF THE CITY, AND TO ISSUE BONDS TO EVIDENCE THE SAME, PAYABLE FROM AND PLEDGING FUNDS EARMARKED AND COMMITTED TO THE PURPOSE FOR WHICH SAID BONDS ARE TO BE ISSUED, DESIGNATING THE PURPOSES FOR WHICH SAID INDEBTEDNESS MAY BE CREATED AND INCURRED, AND SAID BONDS ISSUED; and permitting said bonds to be additionally secured by a pledge of the full faith and credit of the City; SETTING FORTH THE PROPOSED AMENDMENT AND THE BALLOT TITLE; PROVIDING FOR OTHER DETAILS IN REGARD TO THE SUBMISSION OF SUCH QUESTION; AND, declaring an emergency and PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 137 of the Charter of the City of Boulder provides that the Charter may be amended under the provisions of Article XX of the Constitution of the State of Colorado; and,

WHEREAS, Section 5, Article XX, of the Constitution of the State of Colorado provides that the City Council of any home rule city, on its own initiative, may submit to the voters any measure at any general or special municipal election; and,

WHEREAS, the City Council of the City of Boulder has determined it is in the best interests of the City of Boulder to submit to a vote of the electorate the question of whether Section 97 of the Charter of the City of Boulder should be amended so as to allow the City Council, without approval by vote of the qualified electors of the City, to create and incur certain

indebtedness of the City, and to issue bonds to evidence the same, payable from and pledging funds earmarked and committed to the purpose for which said bonds are to be issued, and designating the purposes for which said indebtedness may be created and incurred, and said bonds issued, AND PERMITTING SAID BONDS TO BE ADDITIONALLY SECURED BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY;

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

Section 1. At the general municipal election to be held in the various precincts of the City of Boulder, Boulder County, Colorado, on Tuesday, the 2nd day of November, 1971, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., there shall be submitted to the vote of the qualified electors of the City of Boulder, Colorado, the following question, to-wit:

QUESTION

Shall Section 97 of the Charter of the City of Boulder, as amended, be further amended by the addition of the following new paragraph:

Section 97. Limitation of City Indebtedness.

ANYTHING CONTAINED IN THIS CHARTER TO THE CONTRARY NOTWITHSTANDING, THE COUNCIL SHALL BE AUTHORIZED, WITHOUT APPROVAL BY VOTE OF THE QUALIFIED ELECTORS OF THE CITY, TO CREATE AND INCUR INDEBTEDNESS OF THE CITY, AND ISSUE BONDS TO EVIDENCE THE SAME, PAYABLE FROM AND PLEDGING FUNDS AND REVENUES EARMARKED AND COMMITTED BY CHARTER PROVISION OR BY ORDINANCE APPROVED BY VOTE OF THE QUALIFIED ELECTORS OF THE CITY TO THE PURPOSE FOR WHICH SAID BONDS ARE TO BE ISSUED PRIOR TO THE ISSUANCE THEREOF, FOR THE FOLLOWING PURPOSES:

FOR ACQUISITION OF OPEN SPACE REAL PROPERTY,
 OR INTERESTS THEREIN, PAYABLE FROM AND PLEDGING THAT POR-
 TION OF THE PROCEEDS OF THE CITY'S SALES AND USE TAX EAR-
 MARKED AND COMMITTED FOR SUCH PURPOSES; NO INDEBTEDNESS
 OR ISSUE OF BONDS ISSUED WITHOUT APPROVAL BY VOTE OF THE
 QUALIFIED ELECTORS OF THE CITY, OTHER THAN REFUNDING
 BONDS, SHALL EXCEED, IN PRINCIPAL AMOUNT, ONE-HALF OF THE
 NET REVENUES OR FUNDS WHICH CAN REASONABLY BE ANTICIPATED
 TO BE AVAILABLE FOR THE PAYMENT OF SAID INDEBTEDNESS DUR-
 ING ITS TERM, OR DURING THE TEN CALENDAR YEARS NEXT SUC-
 CEEDING THE INCURRING OF THE INDEBTEDNESS, WHICHEVER IS
 THE SHORTER PERIOD. Indebtedness incurred and bonds issued pursuant
 to this paragraph may be additionally secured by a pledge of the full faith
 and credit of the City.

(NOTE: Regarding the above question, the language
 in all capital letters does not appear in the
 present section but would be added to and
 appear in the proposed section.)

Section 2. Said election on the question above set forth shall be
 held and conducted in all respects in the manner prescribed by the appli-
 cable provisions of the Constitution of the State of Colorado, and the Charter
 and Revised Code of the City of Boulder, 1965, as amended. Absentee voting
 shall be permitted in accordance with the laws of the State of Colorado and
 of the City of Boulder.

Section 3. At each voting place in each election precinct of the
 City of Boulder, the vote upon the question so to be submitted shall be by
 official ballot or automatic voting machine, available only to qualified
 electors of the City of Boulder and each person so qualified and no others

shall be permitted to cast a vote upon the question submitted. Automatic voting machines used in said election shall be so arranged that a separate tally shall be taken of the votes cast on said question.

Section 4. The voting machine label in each voting machine shall contain a ballot title clearly and concisely describing the substance of the Charter Amendment submitted which shall also be the designation clause and submission clause, and each qualified elector voting at said election and desiring to vote for or against the proposed Charter Amendment shall indicate his choice by depressing the appropriate counter of the voting machine which indicates his choice of the words "For the Measure" or "Against the Measure."

The Official Ballot Title shall be as follows:

"CHARTER AMENDMENT TO SECTION 97 --
BONDING AUTHORITY FOR OPEN SPACE
(GREENBELT)"

An amendment to Section 97 of the Charter of the City of Boulder, as amended, by the addition of a new paragraph to such Section 97, to allow the City Council, without approval by vote of the qualified electors of the City, to create and incur indebtedness of the City, and issue bonds to evidence the same, payable from and pledging funds and revenues earmarked and committed, by charter provision or by ordinance approved by vote of the qualified electors of the City, to the purpose for which said bonds are to be issued prior to the issuance of said bonds, limiting said purposes to acquisition of open space real property or interests therein, AND PERMITTING SAID BONDS TO BE ADDITIONALLY SECURED BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY.

For the Measure _____

Against the Measure _____

Nothing herein contained shall be construed as preventing the inclusion in each voting machine of the names of candidates or the ballot title for any other proposal or measure to be submitted to such qualified electors at such election.

Section 5. The official paper ballot for use by the qualified absent voters, and at such polling place or places where a voting machine is not available, shall contain the Ballot Title set forth above which shall also constitute the designation clause and submission clause, and such paper ballot used at said election shall be prepared and furnished by the Director of Finance and Record, Ex-officio City Clerk of the City of Boulder, to the judges and clerks of said election. Nothing herein contained shall be construed as preventing the inclusion on such paper ballot of the names of candidates or the ballot title for any other proposal or measure to be submitted to such qualified electors at such election. Said paper ballot, for the question herein referred to, shall be in substantially the following form:

OFFICIAL BALLOT

General Municipal Election
Held On
Tuesday, November 2, 1971

City of Boulder
County of Boulder
State of Colorado

CHARTER AMENDMENT QUESTION SUBMITTED:

CHARTER AMENDMENT TO SECTION 97 --

BONDING AUTHORITY FOR OPEN SPACE

(GREENBELT).

An amendment to Section 97 of the Charter of the City of Boulder, as amended, by the addition of a new paragraph to such Section 97, to allow the City Council, without approval by vote of the qualified electors of the City, to create and incur indebtedness of the City, and issue bonds to evidence the same, payable from and pledging funds and revenues earmarked and committed, by charter provision or by ordinance approved by vote of the qualified electors of the City, to the purpose for which said bonds are to be issued prior to the issuance of said bonds, limiting said purposes to acquisition of open space real property or interests therein, AND PERMITTING SAID BONDS TO BE ADDITIONALLY SECURED BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY.

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Instructions to Elector:

Each elector qualified to vote on the above question shall prepare his or her ballot by marking a cross (x) in the square opposite the group of words expressing his or her vote on the measure.

(Form for printing on back of Official Paper Ballot)

OFFICIAL BALLOT

For

ABSENT VOTERS OR FOR USE AT SUCH
POLLING PLACES WHERE AUTOMATIC
VOTING MACHINES ARE NOT AVAILABLE

CITY OF BOULDER
STATE OF COLORADO

GENERAL MUNICIPAL ELECTION

ON

NOVEMBER 2, 1971

(Facsimile signature of

/s/ Stephen P. Dickson

Stephen P. Dickson

Director of Finance and Record

Ex-officio City Clerk

Section 6. The City election precincts and polling places for voting upon the measure herein referred to shall be those precincts and polling places established for general purposes at said General Municipal Election. Any qualified elector may ascertain the precinct in which he resides and the polling place at which he should vote by inquiry directed to the City Clerk.

Section 7. Pursuant to the provisions of Chapter 9 of the Revised Code of the City of Boulder, Colorado, 1965, as amended, and Section 32 of the Charter of said City, the City Council shall meet as a general canvassing and election board and duly canvass the election returns on the Charter Section 97 aforesaid question of amending /, the 2nd day of November, 1971, at 8:00 o'clock p. m., or as soon thereafter as the election returns are available, at the regular meeting place of said Council.

Section 8. In addition to any other notice of said election, or the question or questions submitted to the voters at said election, required by law, the Director of Finance and Record, Ex-officio City Clerk, of the City shall publish, with his official certification, for three (3) times, a week apart, in the official newspaper (i. e., the Boulder Daily Camera), the first publication to be with his call for the election, the full text of the Charter Amendment which is to be submitted to the voters pursuant to this Ordinance.

Section 9. The officers of the City be, and they hereby are, authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance, including without limiting the generality of the foregoing, the printing of instructions, the furnishing of supplies, and the publication and posting of notices.

Section 10. The Director of Finance and Record, Ex-officio City Clerk, within ten (10) days following the vote, shall publish once in said official newspaper of the City the full text of said Charter Amendment in the event such measure shall have been approved by a majority of those voting thereon; and, regardless of whether or not such proposal carries, within said ten-day period he shall file with the Secretary of State two copies thereof (with the vote for and against) officially certified by him. Said Charter Amendment, if approved by a majority of those voting thereon, shall go into effect from the date of such filing with the Secretary of State.

Section 11. In the event such measure submitted to the electorate is approved by a majority of those voting thereon, the Director of Finance and Record, Ex-officio City Clerk, shall comply with the requirements of law as to the giving of official notices subsequent to the holding of such election.

Section 12. All actions not inconsistent with the provisions of this ordinance heretofore taken by the Council for the City and by the officers thereof, directed toward the holding of said General Municipal Election and the submission of the question of amending Section 97 of the Charter of the City of Boulder, be, and the same hereby are, ratified, approved and confirmed.

Section 13.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

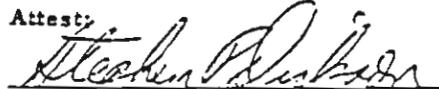
(a) THAT IT IS IN THE BEST INTERESTS OF THE CITY AND ITS INHABITANTS AND TAXPAYERS THAT THE PROPOSED AMENDMENT TO CHARTER SECTION 97 BE MODIFIED TO PROVIDE FOR AND PERMIT BONDS ISSUED PURSUANT TO SAID PROPOSED AMENDMENT TO BE ADDITIONALLY SECURED BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY;

(b) THAT TO SUBMIT SUCH AMENDED PROPOSAL AT THE NOVEMBER 2, 1971, GENERAL MUNICIPAL ELECTION THE ORDINANCE SUBMITTING SAID QUESTION MUST BE EFFECTIVE PRIOR TO THE NEXT REGULAR MEETING OF THE COUNCIL;

THEREFORE, BASED UPON THE ABOVE, THE CITY COUNCIL FINDS AND IS OF THE OPINION THAT AN EMERGENCY EXISTS, THAT THIS ORDINANCE IS IMMEDIATELY NECESSARY FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE AND THE PROVISIONS OF THE WITHIN SHALL THEREFORE TAKE EFFECT IMMEDIATELY UPON THEIR ADOPTION AS AN EMERGENCY MEASURE AND BE PUBLISHED AS SUCH IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER OF THE CITY OF BOULDER, COLORADO.

INTRODUCED, READ AND ORDERED PUBLISHED this 7th day of September, A.D. 1971.


Mayor

Attest:

Director of Finance and Record
Ex-officio City Clerk

READ ON SECOND READING, amended, PASSED AND ADOPTED
as an emergency measure this 28th day of September, A. D. 1971.

John C. Buechner
Mayor

Attest:

Stephen P. Dickson
Director of Finance and Record
Ex-officio City Clerk

State of Colorado, }
County of Boulder, } ss.
City of Boulder.

I, Stephen P. Dickson Director of Finance and Record,
and Ex-Officio City Clerk of said City in the County and State aforesaid, do hereby certify that the fore-
going ordinance was introduced and read on first reading at a regular meeting of the City Council of said
City, held on the 7th day of September A. D. 1971, and that afterwards,
to-wit, on the 9th day of September A. D. 1971, I caused the same to
be published in full in the official paper of said City (the same being a paper of general circulation pub-
lished in said City), and that said publication was made ten days before the passage of said ordinance.

I hereby certify that the foregoing ordinance was afterwards duly and regularly passed by the City
Council of said City on second reading at a regular meeting thereof held on the 28th
day of September A. D. 1971, and that thereafter, to-wit, on the 29th
day of September A. D. 1971, I caused the same to be published in full in said official paper.

WITNESS my hand and the seal of said City of Boulder, hereto affixed, this 30th
day of September A. D. 1971.

Stephen P. Dickson
Director of Finance and Record,
Ex-Officio City Clerk.

