

AN ORDINANCE CONCERNING THE OPEN SPACE PROGRAM; AMENDING CHAPTER 2 OF THE REVISED CODE OF THE CITY OF BOULDER, 1965, AS AMENDED, BY CREATING AN OPEN SPACE BOARD OF TRUSTEES; SETTING FORTH THE DUTIES AND FUNCTIONS OF SUCH BOARD; SETTING FORTH PROVISIONS RELATING TO THE OPEN SPACE FUND; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Council is of the opinion that the open space program will have a great impact on the future of the City and that it has a duty to act as trustee of land for its present and future citizens; and,

WHEREAS, the funding of the open space program is close to one million dollars annually; and,

WHEREAS, the City Council finds that the open space program has successfully acquired most of the mountain backdrop west of the City; and,

WHEREAS, acquisition of open space in Boulder Valley will be more competitive, time-consuming, and expensive; and,

WHEREAS, the broad purposes of open space acquisition will receive increased emphasis in the future as a land-use tool; and,

WHEREAS, these functions include shaping the development of the City, limiting urban sprawl; encouraging more intensive use of the urban area, spacial definition of the urban area, separation of urban concentrations within the region, preventing the encroachment of flood plains, preservation of agriculture, exempting critical areas from development, and retaining options for future land-use needs; and,

WHEREAS, the City Council desires that public funds earmarked for open space acquisition and protection be used efficiently and effectively to meet the broad land use needs aforesaid; and,

WHEREAS, the City Council desires that responsibility for the open space program be made visible and certain;

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

Section 1. A new Article X being entitled "Organization for Open Space" is added to Chapter 2 of the Revised Code of the City of Boulder, 1965, as amended, with sections thereunder to read as follows:



## Organization for Open Space

### Section 2-100. Open Space Board of Trustees.

There is hereby created under Charter Section 130 an advisory board to be known as the Open Space Board of Trustees. The Board shall consist of five members to be appointed by the City Council. The terms shall be five years; provided, however, that initial terms will be staggered so that the term of one member will end in each year. The City Council may appoint such ex-officio members to the Board for such terms as it deems advisable.

### Section 2-101. Duties and Functions of the Board.

The Board shall make advisory recommendations to the City Council on the open space program. In order to make the recommendations, the Board shall, through the cooperation, technical advice and assistance of the City Manager, or his duly authorized representative, develop a plan for the open space program. The City Manager, or his duly authorized representative, will provide continuing technical advice and assistance on the open space program to the Board and will make his views and recommendations on the plan and on other items under the jurisdiction of the Board known both to the Board and the City Council.

The Board, in developing such plan, shall consider, besides other considerations involved in the open space program deemed important to the Board, the following: the land use goals of the City, the quality of life of the citizens of this community, land as a finite resource having a limited carrying capacity, the use of open space to permanently define the urban area and control growth, the separation of urban concentrations within the region, the retention of aesthetic and recreational values of open land in proximity to and within the City, the prevention of encroachment upon flood plains, the preservation of agriculture, the prevention of development of critical areas, the retention of options for future land use needs, the interests and aims of other governmental agencies, and the potential costs to the City of the land after acquisition. Such plan will from time to time be reviewed and amended when appropriate. The plan will be subject to review and approval by the City Council.

The Board will vigorously pursue the implementation of the open space plan. As part of such plan, the Board will make its recommendations to the City Council concerning priorities for acquisition. In making such recommendations, it shall consider the available properties, properties threatened by development, available funds, public controls sought by acquisition, legal tools available to accomplish the desired controls, the uses, if any, to which the land will be put, and the burden to be imposed for patrolling; preservation, and reclamation of the properties so acquired or controlled.



The Board is to annually advise the City Council during the course of the budget process relating to revenues of the open space fund and their appropriation as well as appropriations from the general fund for the open space program. It shall also make an advisory recommendation to the City Council on any supplemental appropriation relating to the open space program. It will also advise the City Council in detail on any property, or interest therein, that should be acquired or disposed of, the grant or denial of any license or permit on open space property, leases, uses, or change in uses of open space property, construction, reclamation or demolition on open space property, and maintenance or other measures for protection or preservation which may be required. The Board may perform such other functions as may from time to time be delegated to it by the City Council which are not inconsistent with the Charter or other ordinances of the City of Boulder.

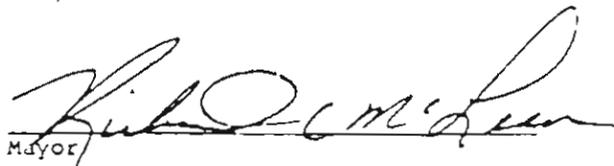
Section 2-102. Open Space Fund.

The Open Space Fund shall consist of those revenues which are designated or earmarked for open space purposes by Charter provision or ordinance; any public or private contributions, grants, or gifts to the fund; appropriations made to the fund by the City Council; proceeds from the sale, disposition or lease of open space property; and any other income from open space property. If open space is transferred to the jurisdiction of another City program, the City Council shall decide to what extent the Open Space Fund shall be reimbursed by other City funds. In the event there is any conflict between the within section and Section 40-16 of the Revised Code of the City of Boulder, 1965, as amended, the said Section 40-16 shall control.

Section 2. The City Council is of the opinion that the within ordinance is necessary for the protection and preservation of the public property and welfare; under Charter Section 18(a) it is appropriate that publication be by title only with a statement to the effect that the full text is available for review and acquisition in the office of the City Clerk during normal business hours.

INTRODUCED, READ, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY

this 28th day of August A.D. 1973.

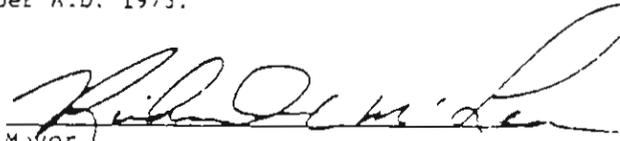
  
Mayor

Attest:

  
Director of Finance and Record  
Ex-officio City Clerk



BY TITLE ONLY this 18th day of September A.D. 1973.

  
Mayor

Attest:

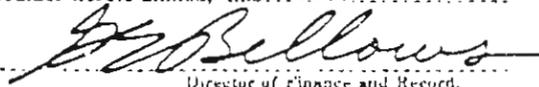
  
Director of Finance and Record  
Ex-Officio City Clerk

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

I, ..... Gerald E. Bellows..... 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 ..... 28th ..... day of ..... August ..... A. D. 1973, and that afterwards,  
to-wit: on the ..... 30th ..... day of ..... August ..... A. D. 1973, I caused the same to  
be published <sup>2:30</sup> ~~in~~ 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 ..... 18th .....  
day of ..... September ..... A. D. 1973, and that thereafter, to-wit, on the ..... 21st .....  
day of ..... September ..... A. D. 1973, I caused the same to be published <sup>2:40</sup> ~~in~~ in said official paper.

WITNESS my hand and the seal of said City of Boulder hereto affixed, this ..... 24th .....  
day of ..... September ..... A. D. 1973.

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

