

ORDINANCE NO. 3819

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 5TH DAY OF NOVEMBER, 1996, THE QUESTION OF AMENDING SECTION 163 OF THE BOULDER CITY CHARTER BY ADDING A SENTENCE MAKING IT CLEAR THAT ONLY THE RECOMMENDATION OF THE OPEN SPACE BOARD OF TRUSTEES UNDER CHARTER SECTION 175 IS REQUIRED FOR THE ACQUISITION OF OPEN SPACE; SETTING FORTH AN EFFECTIVE DATE; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, based on allegations in eminent domain litigation the city council is of the opinion that the electorate should consider amending Section 163 of the Boulder City Charter to make it clear that only the recommendation of the Open Space Board of Trustees under Charter Section 175 is required for the acquisition of open space.

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

Section 1. A special municipal election is hereby called to be held in the various precincts and at the polling places of the City of Boulder, County of Boulder and State of Colorado, on Tuesday, the 5th day of November, 1996, between the hours of 7:00 a.m. and 7:00 p.m..

Section 2. At said election, there shall be submitted to the electors of the City of Boulder entitled by law to vote thereon the question set forth below. The official ballot punch card and the official absentee ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

QUESTION NO. _____

OPEN SPACE ACQUISITION

Shall Section 163 of the Boulder City Charter be amended by adding the following sentence: "Notwithstanding the foregoing, only the recommendation of the Open Space Board of Trustees is required prior to the City Council taking action on proposed acquisition of land as open space."?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Section 3. If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed and shall be effective upon passage, and the city charter shall be amended in accordance with the measure approved.

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Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the State of Colorado are hereby superseded.

Section 5. The city clerk of the City of Boulder shall give public notice of the election on each measure by causing a notice to be published in the Boulder Daily Camera, a daily newspaper of general circulation and published in the city, at least ten days before election day; and

Section 6. The notice of the election shall include the ballot title.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 8. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.



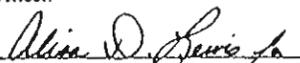
Section 9. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

Section 10. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of August, 1996.



Mayor

Attest:


Director of Finance and Record
Ex-Officio City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of August, 1996.



Mayor

Attest:


Director of Finance and Record
Ex-Officio City Clerk

