

ORDINANCE NO. 7155

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 6TH DAY OF NOVEMBER, 2001, THE QUESTION OF AMENDING THE CITY CHARTER CONCERNING THE ROLE OF THE OPEN SPACE DEPARTMENT; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

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

Section 1. At the General Municipal Election scheduled for November 6, 2001, to be held by mail ballot in the City of Boulder, County of Boulder and State of Colorado, there shall be submitted to the electors of the City of Boulder entitled by law to vote thereon the question of making the following amendments to the City Charter (material to be added to the Charter is shown in all CAPITAL letters and in **bold-faced** type):

Sec. 171. Functions of the department.

Under the direction, supervision, and control of the city manager, there shall be a director of the department of open space, who may also serve as the city's director of real estate. Subject to the limitations set forth in section 175 below, the department of open space:

- (a) Shall **ACQUIRE**, supervise, administer, preserve, and maintain all open space land and other property associated therewith and may grant nonexclusive licenses and permits and agricultural leases for crop or grazing purposes for a term of five years or less;

- (b) Shall supervise, administer, and execute all open space programs, plans, functions, and activities of the city;
- (c) Shall prepare and submit to the open space board of trustees written recommendations on those matters on which this article requires a recommendation from said board prior to council or department action;
- (d) May, at the request of the open space board of trustees, prepare and submit to the board information and recommendations on such open space matters as are not provided for by (c) above; and
- (e) May request advice on any open space matter from the open space board of trustees.

The official mail ballot shall contain the following ballot title, which shall also be the designation and submission for the measure:

QUESTION NO. _____

FUNCTIONS OF THE OPEN SPACE DEPARTMENT

Shall Section 171 of the City Charter be amended to add acquisition of open space to the listed functions of the Open Space Department.

For the measure _____ Against the measure _____

Section 2. 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.

Section 3. The election shall be conducted under the provision 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 4. The city clerk of the City of Boulder shall give public notice of the election in the manner required by law for the Charter amendments.

Section 5. The notice of election shall include the ballot title.

Section 6. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 7. 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 8. This ordinance is necessary to protect the public health, safety and welfare fo the residents of the city, and covers matters of local concern. In order for this ordinance to effectively accomplish the placement of the proposed Charter Amendment on November 6, 2001, general election, the city clerk must have sufficient time to see that ballots are prepared and other matters attendant to the submission of this matter to the public are accomplished. Toward that end, this ordinance is hereby declared to be an emergency measure and as such shall be in full force and effect upon its adoption.

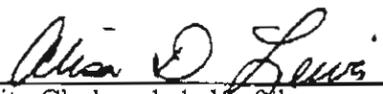
Section 9. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
ONLY this 21st day of August, 2001.



Mayor

Attest:



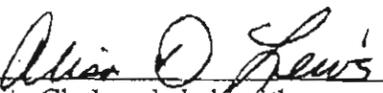
City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE
BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE
ONLY this 4th day of September, 2001.



Mayor

Attest:



City Clerk on behalf of the
Director of Finance and Record