

ORDINANCE NO. 7236

AN EMERGENCY ORDINANCE REPEALING ORDINANCE NO. 7217, DIRECTING THE CITY MANAGER TO NOTIFY COUNTY OF BOULDER ELECTION OFFICIALS PURSUANT TO THE APPLICABLE INTERGOVERNMENTAL AGREEMENT THAT THE TAX MEASURE FOR OPEN SPACE PURPOSES AUTHORIZED BY ORDINANCE NO. 7217 IS WITHDRAWN AND REQUESTING THAT VOTES NOT BE TABULATED ON THAT MEASURE.

WHEREAS, the City Council previously passed Ordinance No. 7217 to submit to the qualified electors of the City of Boulder at the coordinated special municipal election to be held on November 5, 2002, the question of authorizing the City Council to impose a 0.15 cents on each dollar sales and use tax for open space purposes; and

WHEREAS, pursuant to Article X, § 20, of the Colorado Constitution, enacted by virtue of the Taxpayers' Bill of Rights on November 3, 1992, certain formal requirements are imposed upon any measure that proposes to raise local taxes; and

WHEREAS, one of the formalities imposed upon such tax measures is that ballot titles shall begin with the projected revenues from the tax measure in its first year; and

WHEREAS, it has come to the attention of the City that the required projection does not appear in the ballot measure that was approved by Council and that, as a result, the measure does not comply with Article X, § 20 and is therefore not legally sufficient to impose the tax; and

WHEREAS, the Council wishes to avoid community confusion about this matter that might result if the results of the measure were tabulated; and

WHEREAS, paragraph 3.4 of the Intergovernmental Agreement between the City and the Clerk and Recorder for the County of Boulder, Colorado provides for the conduct and administration of the coordinated election to be held November 5, 2002 and specifies that the withdrawal of a measure from the election by the City requires that the City immediately provide notice of a City decision to withdraw the measure to the County Clerk prior to the twenty-fifth day prior to the election;

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

Section 1. The City Council repeals Ordinance No. 7217 and withdraws the ballot issue (as to this matter only) that would have submitted to the qualified electors of the City of Boulder at the coordinated special municipal election to be held on November 5, 2002, the question of authorizing the City Council to impose a 0.15 cents on each dollar sales and use tax for open space purposes.

Section 2. The City Manager is directed to immediately notify the County Clerk and Recorder of the withdrawal of the ballot issue described in Ordinance No. 7217 and to take all other steps necessary pursuant to the contract for the conduct and administration of the election in order to withdraw the ballot issue from the election.

Section 3. The City Council requests that the County Clerk and Recorder not tabulate any results of the withdrawn measure.

Section 4. The Council finds that this measure must be passed as an emergency on first reading to take effect immediately upon passage in order to allow the City to comply with the timing requirements of the agreement with the County Clerk and Recorder and effectively withdraw the measure from this election. The Council further finds that failure to withdraw the measure in this manner will cause confusion among voters and undermine the credibility of the local electoral process.

Section 5. 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 6. 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, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 15 day of October, 2002.

  
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Mayor

Attest:

  
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City Clerk on behalf of the  
Director of Finance and Record

