

ORDINANCE NO. 7301

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE COORDINATED MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE FOURTH DAY OF NOVEMBER, 2003, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO IMPOSE A 0.15 CENTS ON EACH DOLLAR SALES AND USE TAX FOR OPEN SPACE PURPOSES, FROM JANUARY 1, 2004 THROUGH DECEMBER 31, 2019; GIVING APPROVAL FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY EARNINGS RELATING THERETO NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; SETTING FORTH AN EFFECTIVE DATE; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, the city council is of the opinion that the electorate should consider authorizing the city council to impose an additional 0.15 cents on each dollar sales and use tax for open space purposes, from January 1, 2004 through December 31, 2019, and giving approval for the collection, retention, and expenditure of the full tax proceeds and any related earnings; and

WHEREAS, the city council finds that the taxes necessary to support this open space purpose constitutes a single subject and should be placed together as one measure on the ballot for the approval of the voters;

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

Section 1. At the coordinated municipal election 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 fourth day of November, 2003, between the hours of 7:00 a.m. and 7:00 p.m., 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 SALES TAX

SHALL CITY OF BOULDER TAXES BE INCREASED \$3.7 MILLION ANNUALLY (IN THE FIRST YEAR), BY AUTHORIZING THE CITY COUNCIL TO LEVY AND COLLECT AN ADDITIONAL SALES AND USE TAX OF 0.15 CENTS PER DOLLAR, WHICH INCREASE SHALL TAKE EFFECT ON JANUARY 1, 2004 AND EXPIRE ON DECEMBER 31, 2019; TO PROVIDE ADDITIONAL REVENUES FOR OPEN SPACE PURPOSES AS DEFINED IN THE CHARTER OF THE CITY OF BOULDER, COLORADO, AND THE PAYMENT OF ANY INDEBTEDNESS THEREFOR?

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREFROM BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER, UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

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, and it shall be lawful for the city council to provide for the amendment of its tax code in accordance with the measure approved.

Section 3. 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 4. The city clerk of the City of Boulder shall give public notice of the election on each measure:

(a) 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

(b) By mailing at the least cost to "All Registered Voters" at each address within the city at which a voter is registered no later than thirty days before the election, a notice entitled "NOTICE OF ELECTION TO INCREASE TAXES AND FOR A REVENUE CHANGE." This notice shall include only:

(I) the election date and hours for voting, the ballot title and text of the measure by this ordinance submitted to the voters and the office address and telephone number of the city clerk;

(II) the estimated total of city fiscal year spending for 2003 and the actual total of city fiscal year spending for each of the preceding four years, and the overall percentage and dollar changes;

(III) for 2004, city estimates of the maximum dollar amount of the proposed tax increase and of city spending without the increase; and

(IV) two summaries, no more than five hundred words each, one for and one against the measure, of written comments filed with the city clerk no later than forty-five days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the measure. The city clerk shall maintain on file and accurately summarize all relevant written comments.

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

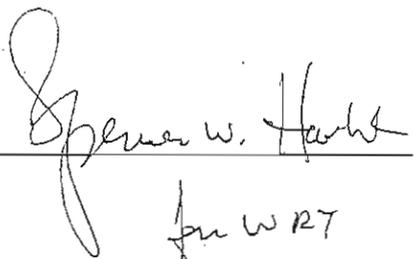
Section 6. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

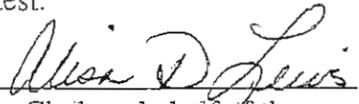
Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 8. This ordinance is necessary to protect the public health, safety and welfare of the residents of the city, and covers matters of local concern.

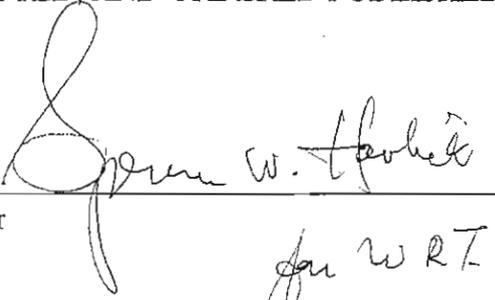
Section 9. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE  
ONLY this 15<sup>th</sup> day of July, 2003.

  
\_\_\_\_\_  
Mayor for WRT

Attest:  
  
\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED  
BY TITLE ONLY this 29<sup>th</sup> day of July, 2003.

  
\_\_\_\_\_  
Mayor for WRT

Attest:  
  
\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record