

CITY OF BOULDER OPEN SPACE & MOUNTAIN PARKS LEGISLATIVE HISTORY ¹

April 2008

Ordinance No. 313*

Adopted by City Council on **March 18, 1898**. Ordinance to be voted on by Boulder residents “for the acquirement of parks and establishment of boulevards, park ways and roads.” The land to be acquired was the Batchelder Ranch for the Texas-Colorado Chautauqua. Ordinance passed at the **April 5, 1898** election, by a vote of 1,358 to 38 (97% to 3%).

Ordinance No. 315*

Adopted by City Council on **April 9, 1898**. Ordinance to be voted on by Boulder property taxpayers “for the purpose of acquiring, establishing and maintaining public parks, pleasure grounds, boulevards, park ways, avenues and roads.” Ordinance passed at the **April 5, 1898** election, by a vote of 425 to 12 (97% to 3%).

Ordinance No. 2244*

Adopted by City Council on **June 16, 1959**. Ordinance to be voted on by Boulder residents to add a provision to the City Charter prohibiting the City from providing water service “to land lying on the westward side of a specifically defined line.” This line, at a height averaging 5,750 feet, is called the “Blue Line.” Ordinance passed at the **July 21, 1959** election, 76% to 24%

Ordinance No. 2528*

Adopted as an emergency ordinance by City Council on **June 5, 1962**. Ordinance to be voted on by Boulder residents to issue bonds for the purchase of Enchanted Mesa. Ordinance passed at the **July 10, 1962** election, 54% to 46%

Ordinance No. 3288*

Adopted as an emergency ordinance by City Council on **Oct. 3, 1967**. Ordinance to be voted on by Boulder residents to permanently increase the retail sales tax and use tax in the City of Boulder by 1 cent on each dollar. Money to be used for “general operating purposes, and for the acquisition of open space real property, or the payment of indebtedness incurred for such acquisition, for expenditures necessary to protect such property against loss or damage or destruction” and for city streets. Open space share was 0.04 cents on each dollar and transportation was 0.06 cents on each dollar. Ordinance passed at the **Nov. 7, 1967** election, 61% to 39%.

Resolution No. 110*

If Ordinance 3288 approved by voters, 1969 property tax mil levy to be reduced to 2-mils less than in 1968. The funds these 2-mils would have raised for the General Fund would be transferred from the new Open Space and Street Funds. Adopted by City Council on **Oct. 17, 1967**.

¹ Ordinances and Resolutions marked by an asterisk (*) are included in this manual.

Resolution No. 24*

“A resolution setting forth the position of the City Council relating to the purposes and methods of implementing the open space and greenbelt program.” Adopted by City Council on **April 2, 1968**.

Ordinance No. 3743 (as amended)*

Adopted by City Council on **Sept. 28, 1971**. Ordinance to be voted on by Boulder residents to amend Section 97 of the City Charter to allow City Council, without voter approval, to incur debt to acquire open space and issue bonds. Ordinance passed at the **Nov. 2, 1971** election, 78% to 22%.

Ordinance No. 3864

Ordinance authorizing issuance of Open Space Acquisition Bonds, Series 1973, for \$2,000,000. Adopted by City Council on **Jan. 2, 1973**.

Ordinance No. 3881 (as amended)

Adopted by City Council on **Feb. 20, 1973**. Ordinance to be voted on by Boulder residents to amend Ordinance 3288, expanding the scope of Street Fund expenditures and “retaining the provisions related to ‘open space lands’ as they presently read.” Ordinance passed at the **Nov. 6, 1973** election, 52% to 48%.

Ordinance No. 3940 (as amended)*

Ordinance amending the Revised Code of the City of Boulder (B.R.C.), 1965, as amended, to create an Open Space Board of Trustees (OSBT). To set forth duties and functions of the OSBT -- to set policies and priorities for acquisition and management of open space land -- and provisions relating to the Open Space Fund. Adopted by City Council on **Sept. 18, 1973**.

Resolution No. 174

Resolution authorizing sale of \$2,000,000 of Open Space Acquisition Bonds, Series 1975. Adopted by City Council on **March 18, 1975**.

Ordinance No. 4032

Ordinance authorizing issuance of Open Space Acquisition Bonds, Series 1975, for \$2,000,000. Adopted by City Council on **April 15, 1975**.

Ordinance No. 4494

Emergency ordinance authorizing issuance of Open Space Acquisition Bonds, Series 1980, for \$3,000,000. Adopted by City Council on **May 6, 1980**.

Ordinance No. 4496

Emergency ordinance authorizing issuance of Open Space Acquisition Refunding Bonds, Series 1980A, for \$2,960,000. Purpose was to refund Series 1973 and 1975 Open Space Acquisition Bonds and to eliminate restrictive covenants in these bond issues. Adopted by City Council on **May 20, 1980**.

Ordinance No. 4499

Emergency ordinance amending a portion of Section 7 of Ordinance 4494. Adopted **May 20, 1980**.

Ordinance No. 4509*

Ordinance repealing and reenacting Article I of Chapter 22 of the B.R.C. dealing with "Parks and Recreation," to add "Open Space." Adopted by City Council on **July 1, 1980**.

Resolution No. 459

Resolution authorizing sale of \$12,000,000 of Open Space Acquisition Bonds, Series 1984. Adopted by City Council on **July 17, 1984**.

Ordinance No. 4846

Emergency ordinance authorizing issuance of Open Space Acquisition Bonds, Series 1984, for \$12,000,000. Adopted by City Council on **August 7, 1984**.

Ordinance No. 4847

Emergency ordinance making a supplemental appropriation, of \$12,000,000 for the Open Space Fund for open space acquisition for the fiscal year ending Dec. 31, 1984. To spend proceeds of Series 1984 Bonds. Adopted by City Council on **August 7, 1984**.

Ordinance No. 4950

Emergency ordinance authorizing issuance of Open Space Acquisition Refunding Bonds, Series 1985, for \$22,495,000. Purpose was to refund Series 1980 Bonds, Series 1980A Refunding Bonds, Series 1984 Bonds, and certain notes and deeds of trust. Adopted by City Council on **Oct. 29, 1985**.

Ordinance No. 4996*

Adopted by City Council on **Aug. 19, 1986**. Ordinance to be voted on by Boulder residents to amend the City Charter to provide more permanent protection for open space lands, and establish the OSBT and the Open Space Department in the Charter. Ordinance passed at the **Nov. 4, 1986** election, 79% to 21%.

Resolution No. 511*

The 2-mil transfer approved in 1967 would be phased out no later than the 1992 budget year. Thereafter, an administrative charge would be imposed to reimburse the general fund for administrative costs. Adopted by City Council on **June 16, 1987**.

Ordinance No. 5188

Emergency ordinance authorizing issuance of Open Space Acquisition Refunding Bonds, Series 1989, for \$20,715,000. To restructure the debt service to mitigate the impacts of downturns in the sales tax and to provide sufficient cashflow to allow for further targeted acquisitions. Adopted by City Council on **April 18, 1989**.

Ordinance No. 5222*

Adopted by City Council on **Aug. 1, 1989**. Ordinance to be voted on by Boulder residents to increase the present city retail sales tax and use tax in the City of Boulder by 0.33 cents on each dollar for 15 years, through 2004. Money to be used to “accelerate” the purchase of open space. Ordinance passed, as ballot Question No. 3, at the **Nov. 7, 1989** election, 76% to 24%.

Ordinance No. 5277

Emergency ordinance authorizing issuance of Open Space Acquisition Bonds, Series 1990, for \$12,000,000. Adopted by City Council on **March 6, 1990**.

Ordinance No. 5389*

Ordinance amending the B.R.C., 1981, concerning damaging public property and prohibiting fixed hardware use for rock climbing. Adopted by City Council on **May 21, 1991**.

Ordinance No. 5579

Adopted as an emergency ordinance by City Council on **Aug. 17, 1993**. Ordinance to be voted on by Boulder residents to authorize the City Council to spend all City open space sales tax revenues. The vote was required pursuant to Amendment 1, the “Bruce amendment,” to the Colorado Constitution. Ordinance passed, as ballot Question A, at the **Nov. 2, 1993** election, 66% to 34%.

Ordinance No. 5584

Adopted as an emergency ordinance by City Council on **Aug. 17, 1993**. Ordinance to be voted on by Boulder residents to authorize the City Council to issue an aggregate principal amount of up to \$50,000,000 in open space bonds. The vote was required pursuant to the “Bruce Amendment” to the Colorado Constitution). Ordinance passed, as ballot Question C, at the **Nov. 2, 1993** election, 67% to 33%.

Ordinance No. 5807*

Ordinance adopted by City Council on **Sept. 3, 1996**. Ordinance to be voted on by Boulder residents to continue the 0.33 cents on each dollar open space sales and use tax indefinitely, by removing the scheduled Dec. 31, 2004 expiration date. Ordinance failed, as ballot issue 202, at the **Nov. 5, 1996** election, 46% to 54%.

Ordinance No. 5811*

Ordinance adopted by City Council on **Aug. 20, 1996**. Ordinance to be voted on by Boulder residents to authorize the City Council to allow exceptions to the City’s leash law on park and open space areas within the City limits. Ordinance passed, as ballot issue 2A, at the **Nov. 5, 1996** election, 64% to 36%.

Ordinance No. 5812

Ordinance adopted by City Council on **Aug. 20, 1996**. Ordinance to be voted on by Boulder residents to authorize the City to retain all Open Space Fund revenues. The vote was required pursuant to Amendment 1, the “Bruce amendment,” to the Colorado Constitution. Ordinance passed, as ballot issue 203, at the **Nov. 5, 1996** election, 70% to 30%.

Ordinance No. 5818

Ordinance adopted by City Council on **Aug. 20, 1996**. Ordinance to be voted on by Boulder residents to amend the City Charter and add a Section 96 titled "Implementation of Revenue and Expenditure Limitations." Would authorize the City Council to spend all City revenues (including open space sales and use tax revenues), without a yearly vote of the people. Ordinance passed, as ballot issue 204, at the **Nov. 5, 1996** election, 57% to 43%.

Ordinance No. 5819*

Ordinance adopted by City Council on **Aug. 20, 1996**. Ordinance to be voted on by Boulder residents to amend City Charter Section 163 to allow eminent domain proceedings to go forward with only a vote of the Open Space Board of Trustees. The state statute used by Boulder relative to condemnations references "parkland." Thus, approval by the Parks and Recreation Advisory Board, per Section 163, is required for these open space acquisitions. Ordinance failed, as ballot issue 2C, at the **Nov. 5, 1996** election, 45% to 55%.

Ordinance No. 5820*

Ordinance adopted by City Council on **Aug. 20, 1996**. Ordinance to be voted on by Boulder residents to amend the City Charter by revising Section 97 to revise the methodology considered in issuing Open Space indebtedness. Would modify the debt/revenue ratio and expand the open space bonding capacity. Ordinance passed, as ballot issue 2D, at the **Nov. 5, 1996**, election, 56% to 44%.

Ordinance No. 5893*

Ordinance adopted by City Council on **June 17, 1997**. Ordinance to be voted on by Boulder residents to extend the 0.33 cents on each dollar sales and use tax through 2018 and authorize an additional \$45 million in bonds. Ordinance passed, as ballot issue 201, at the **Nov. 4, 1997** election with 57% of the vote. Focus is to purchase remaining Open Space lands and "finish the job."

Ordinance No. 7155*

Ordinance adopted by City Council on **Sept. 4, 2001**. Ordinance to be voted on by Boulder residents to amend Section 171 of the City Charter to add "acquisition of open space" to the listed functions of the Open Space Department. Ordinance passed, as ballot issue 2A, at the **Nov. 6, 2001** election, 79% to 21%.

Ordinance No. 7217*

Adopted by City Council on **July 23, 2002**. Ordinance to be voted on by Boulder residents to increase the present city retail sales tax and use tax in the City of Boulder by 0.15 cents on each dollar for 16 years, through 2018. Money to be used for acquisition and preservation of open space lands. Ordinance also included authorization for the City to retain all of these new Open Space Fund revenues (required pursuant to Amendment 1, the "Bruce amendment").

Ordinance No. 7236*

Adopted as an emergency ordinance by City Council on **October 1, 2002**. Ordinance withdrawing measure authorized by Ordinance 7217 from the November 2002 ballot. The projected revenues from the tax measure in its first year, as required by Amendment 1 (the "Bruce amendment"), did not appear in the ballot measure.

Ordinance No. 7301*

Adopted by City Council on **July 15, 2003**. Ordinance to be voted on by Boulder residents to increase the present city retail sales tax and use tax in the City of Boulder by 0.15 cents on each dollar for 16 years, through 2019. Money to be used for open space purposes as defined in the city charter. Ordinance also included authorization for the City to retain all of these new Open Space Fund revenues (required pursuant to Amendment 1, the "Bruce amendment"). Ordinance passed, as ballot issue 201, at the **Nov. 4, 2003** election, 55% to 45%.

Ordinance No. 7432*

Ordinance adopting "Boulder County and City of Boulder Jointly Owned Open Space Management Intergovernmental Agreement," clarifying management responsibilities for certain jointly owned open space properties. Adopted by City Council on **September 20, 2005**.

Ordinance No. 7443*

Ordinance amending the B.R.C., 1981, to implement the Open Space and Mountain Parks Visitor Master Plan as it pertains to voice and sight control of dogs, Voice and Sight Control Evidence Tag requirements and fees, community service for failure to remove animal excrement, late night parking, designation of Habitat Conservation Areas, model glider flying, fishing, newly-acquired properties, and permits for off-trail use in Habitat Conservation Areas. Adopted by City Council on **January 3, 2006**.

Ordinance No. 7458*

Ordinance amending the B.R.C., 1981, to implement the Open Space and Mountain Parks Visitor Master Plan as it pertains to Voice and Sight Control Evidence Tag fees, permits for commercial use, permits for special uses, Commercial Use Permit and Limited Use Permit fees, prohibition of competitive events, and model glider flying. Adopted by City Council on **April 18, 2006**.

Ordinance No. 7459*

Ordinance to implement the Open Space and Mountain Parks Visitor Master Plan designating the Southern Grasslands, Western Mountain Parks, Sombrero Marsh, Cottonwood Grove, and Lower Boulder Creek Habitat Conservation Areas. Adopted by City Council on **April 18, 2006**.

Resolution No. 997

Resolution authorizing sale of \$20,115,000 of Open Space Acquisition Bonds, Series 2006. Adopted by City Council on **May 2, 2006**.

Ordinance No. 7467

Emergency ordinance authorizing issuance of Open Space Acquisition Bonds, Series 2006, for \$20,115,000. Adopted by City Council on **May 16, 2006**.

Ordinance No. 7468

Emergency ordinance making a supplemental appropriation, of \$20,905,101 for the Open Space Fund. Adopted by City Council on **May 16, 2006**.

Ordinance No. 7502*

Emergency ordinance amending Section 8-8-8 of the B.R.C., 1981, "Permits for Special Uses on Open Space and Mountain Parks Lands." Adopted by City Council on **December 19, 2006**.

Ordinance No. 7503*

Emergency ordinance amending Section 8-8-9 of the B.R.C., 1981, "Permits for Commercial Uses on Open Space and Mountain Parks Lands.". Adopted by City Council on **December 19, 2006**.

Ordinance No. 7504*

Emergency ordinance amending Section 4-20-61 of the B.R.C., 1981, "Open Space and Mountain Parks Commercial and Limited Use Permit Fees." Adopted by City Council on **December 19, 2006**.

Ordinance No. 7514*

Ordinance adopting an Intergovernmental Agreement allowing Open Space and Mountain Parks rangers to enforce the "No Parking" rules and regulations of Boulder County on lands in unincorporated Boulder County adjacent to Open Space and Mountain Parks lands. Adopted by City Council on **May 1, 2007**.

Ordinance No. 7520

Emergency ordinance authorizing issuance of Open Space Acquisition Refunding Bonds, Series 2007, for \$12,345,000. Purpose was to refund Series 1998 Bonds, Series 1999 Bonds, Series 1999 Sales Tax Bonds, remaining outstanding portion of Series 2000 Bonds, and Series 2006 Bonds. Adopted by City Council on **May 22, 2007**.

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