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ORDINANCE NO. 8057

(Extension of Climate Action Plan Tax)

AN EMERGENCY ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND THE CLIMATE ACTION PLAN EXCISE TAX THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2006 FOR THE PURPOSE OF CONTINUING TO PROVIDE INCENTIVES, SERVICES, AND OTHER ASSISTANCE TO BOULDER RESIDENTS AND BUSINESSES TO IMPROVE ENERGY EFFICIENCY, EXPAND THE USE OF RENEWABLE ENERGY, AND TAKE OTHER NECESSARY STEPS TO REDUCE GREENHOUSE GAS EMISSIONS, CURRENTLY SET TO EXPIRE MARCH 31, 2018, AND EXTEND IT THROUGH MARCH 31, 2023; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS

WHEREAS the city council finds that:

1. The Climate Action Plan Tax was approved by the voters in 2006 for the purpose of increasing energy efficiency, increasing renewable energy use and reducing greenhouse gas emissions pursuant to a measure that was placed on the ballot by Ordinance No. 7483.

2. The tax has been implemented by the Boulder city council through the adoption of Chapter 3-12, B.R.C. 1981.

3. In 2012, the voters approved to continue collecting the tax from its expiration date of March 31, 2013 until March 31, 2018 pursuant to a measure that was placed on the ballot by Ordinance No. 7848.

4. The electorate should consider authorizing the city council to continue collecting the tax from its present expiration date of March 31, 2018 until March 31, 2023 to continue to fund efforts to increase energy efficiency, increase the use of renewable energy and reduce greenhouse gas emissions.

5. It is appropriate for voters to approve of the continued collection, retention and expenditure of the full tax proceeds and any related earnings from the Climate Action Plan Tax.

6. The purposes that will be served by the continued collection of the tax are critical for the continued provision of city programs to increase energy efficiency, increase the use of renewable energy and reduce greenhouse gas emissions.

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

3 Section 1. A general municipal coordinated election will be held in the city of Boulder,
4 county of Boulder and state of Colorado, on Tuesday, November 3, 2015.

5 Section 2. The official ballot shall contain the following ballot title, which shall also be
6 the designation and submission clause for the issue:

7
8 **Ballot Issue No. ____**
Climate Action Plan Tax Extension

9 Without raising additional taxes, shall the existing climate action plan
10 excise tax be extended for five years for the purpose of continuing to
11 provide incentives, services, and other assistance to boulder residents
12 and businesses to improve energy efficiency, expand the use of
13 renewable energy, and take other necessary steps to reduce
14 greenhouse gas emissions, at the current rate of \$0.0049 per kilowatt
hour (kwh) for residential customers, \$0.0009 per kwh for commercial
customers, and \$0.0003 per kwh for industrial customers on electricity
consumed, from its current expiration of March 31, 2018, through March
31, 2023 as a voter-approved revenue change?

15 FOR THE MEASURE _____ AGAINST THE MEASURE _____

16 Section 3. If a majority of all the votes cast at the election on the measure submitted are
17 for the measure, the measure shall be deemed to have passed, and the city council authorized to
18 make amendments to the Boulder Revised Code, 1981, to implement this measure.

19 Section 4. The election shall be conducted under the provisions of the Colorado
20 Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this
21 ordinance.
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23
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1 Section 5. The officers of the city are authorized to take all action necessary or
2 appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to
3 conduct the election for the city.

4 Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any
5 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
6 provisions of this ordinance. The tax established by this measure is intended to be authorized
7 under any lawful means of taxation, including license taxation pursuant to city of Boulder
8 Charter Section 122.

9 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of
10 the residents of the city, and covers matters of local concern.

11 Section 8. The city council deems it appropriate that this ordinance be published by title
12 only and orders that copies of this ordinance be made available in the office of the city clerk for
13 public inspection and acquisition.

14 Section 9. The City Council finds that this ordinance is necessary for the immediate
15 preservation of the public peace, health, or property. The City Council amended the ordinance
16 on final reading. This ordinance includes a ballot measure. Emergency passage is necessary to
17 allow time for this matter to be placed on the November 3, 2015 ballot.

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 4th day of August, 2015.

3
4 Attest:

Mayor

5
6 _____
City Clerk

7
8 READ ON SECOND READING, PASSED, ADOPTED, AS AN EMERGENCY
9 MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, AND ORDERED
10 PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

11
12
13 Attest:

Mayor

14
15 _____
City Clerk