

ORDINANCE 8189

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND AND INCREASE THE UTILITY OCCUPATION TAX THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2010 AND AMENDED IN NOVEMBER 2011 AND NOVEMBER 2015 ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS AT THE RATE OF UP TO \$4,000,000 IN THE YEAR 2018, AND \$3,000,000 IN THE YEAR 2019, THE INCREASE AND EXTENSION OF THE TAX TO FUND COSTS ASSOCIATED WITH A MUNICIPAL ELECTRIC UTILITY; GIVING APPROVAL FOR THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS.

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

Section 1. A municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 7, 2017.

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

**Ballot Question No. \_\_\_\_**

**Increase and Extend the Utility Occupation Tax**

SHALL CITY OF BOULDER TAXES BE INCREASED \$4,000,000 ANNUALLY (IN THE FIRST YEAR) THROUGH AN INCREASE OF UP TO THAT AMOUNT IN THE CURRENT UTILITY OCCUPATION TAX IN THE YEAR 2018; AND \$3,000,000 IN THE YEAR 2019; AND SHALL THE PORTION

1 OF THE CITY'S UTILITY OCCUPATION TAX APPROVED BY  
2 VOTERS ON NOVEMBER 1, 2011, WHICH IN 2017 WAS IN  
3 THE AMOUNT OF \$2,015,710, BE EXTENDED FROM ITS  
4 CURRENT EXPIRATION DATE OF DECEMBER 31, 2017  
5 THROUGH DECEMBER 31, 2022; AND SHALL THE  
6 EXTENSION AND THE ANNUAL INCREASE IN THE TAX BE  
7 USED TO FUND COSTS ASSOCIATED WITH A MUNICIPAL  
8 ELECTRIC UTILITY THAT WILL SUPPORT BOULDER'S  
9 CLEAN ENERGY GOALS AND THE COMMUNITY'S  
10 COMMITMENT TO THE PARIS CLIMATE AGREEMENT,  
11 IMPROVE SYSTEM RELIABILITY, AND CREATE ENERGY-  
12 RELATED BUSINESS OPPORTUNITIES, PROVIDED THAT IF  
13 THE CITY OF BOULDER DECIDES NOT TO PROCEED WITH  
14 A MUNICIPAL ELECTRIC UTILITY, THE TAX SHALL  
15 EXPIRE AFTER COSTS ASSOCIATED WITH THE  
16 MUNICIPAL UTILITY EFFORT ARE PAID; AND SHALL THE  
17 INCREASED AND EXTENDED PORTION OF THE TAX BE  
18 SUBJECT TO THE SAME TERMS AND CONDITIONS AS THE  
19 ORIGINAL TAX AND ALL EARNINGS THEREON  
20 (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER  
21 APPROVED REVENUE CHANGE, AND AN EXCEPTION TO  
22 THE REVENUE AND SPENDING LIMITS OF ARTICLE X,  
23 SECTION 20 OF THE COLORADO CONSTITUTION?

15 FOR THE MEASURE \_\_\_\_ AGAINST THE MEASURE \_\_\_\_

17 Section 3. If this ballot measure is approved by the voters, the Charter shall be so  
18 amended, and the City Council may adopt any necessary amendments to the Boulder Revised  
19 Code to implement this change.

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

25 Section 5. This ordinance is necessary to protect the public health, safety, and welfare of  
26 the residents of the city, and covers matters of local concern.  
27  
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Section 6. The city 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 18<sup>th</sup> day of July 2017.

Suzanne Jones  
Mayor

Attest:

Lynnette Beck  
City Clerk

READ ON SECOND READING, AMENDED AND PASSED this 1<sup>st</sup> day of August,  
2017.

Suzanne Jones  
Mayor

Attest:

Lynnette Beck  
City Clerk

1 READ ON THIRD READING, AMENDED AND PASSED this 15<sup>th</sup> day of August, 2017.

2  
3  
4 Suzanne Jones  
Mayor

5 Attest:

6  
7  
8 Lynnette Beck  
9 City Clerk

10 READ ON FOURTH READING, PASSED AND ADOPTED this 5<sup>th</sup> day of September,  
11 2017.

12  
13  
14 Suzanne Jones  
15 Mayor

16 Attest:

17  
18  
19 Lynnette Beck  
20 City Clerk