

ORDINANCE NO. 7604

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, THE QUESTION OF AMENDING SECTION 111 OF THE CITY CHARTER TO EXTEND THE MAXIMUM DURATION OF A LEASE GRANTED BY THE CITY TO FORTY YEARS UPON A TWO-THIRDS VOTE OF ALL CITY COUNCIL MEMBERS; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES.

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

Section 1. A special municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2008, between the hours of 7 a.m. and 7 p.m.

Section 2. At that election, there shall be submitted to the electors of the city of Boulder entitled by law to vote the question of making the following amendment to the city Charter (material to be added to the Charter is shown as double underlined while material to be deleted from the Charter is shown stricken through with solid lines):

Section 111. Terms not longer than twenty years compensation.

No franchise, lease, or right to use the streets or the public places or property of the city shall be granted by the city for a longer period than twenty years, except as provided in this charter. Leases of the streets or the public places or property of the city may be granted for a period of up to forty years upon approval by a two-thirds vote of all council members.

Every grant of a franchise shall fix the amount and manner of the payment

of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise; but this provision shall not exempt the grantee from any lawful taxation upon the grantee's property, nor from any licenses, charges, or impositions not levied on account of such use.

The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the measure:

Ballot Question No. 2D

Permit City Lease Up To Forty Years

Shall Section 111 of the charter be amended pursuant to Ordinance No. 7604 to allow the city to grant a lease of streets or public places or property for a period of up to forty years (rather than the current maximum of twenty years) upon approval by a two-thirds vote of all council members?

For the Measure \_\_\_\_\_

Against the Measure \_\_\_\_\_

Section 3. 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.

Section 4. 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 5. The city clerk of the city of Boulder shall give public notice of the election in the manner required by law for Charter amendments.

Section 6. The notice of the election shall include the ballot title.

Section 7. The officers of the city are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the city.

Section 8. 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 9. 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 10. 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, AMENDED, AND ORDERED  
PUBLISHED BY TITLE ONLY this 8th day of July 2008.

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Mayor

Attest:

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City Clerk on behalf of the  
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 5th day of August 2008.

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Mayor

Attest:

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City Clerk on behalf of the  
Director of Finance and Record