

ORDINANCE NO.7674

AN ORDINANCE SUBMITTING A BALLOT ISSUE TO THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2009 ELECTION TO INCREASE THE DEBT WHICH MAY BE ISSUED BY THE CITY TO FUND ONGOING OLD HIRE PENSION OBLIGATIONS OF THE CITY FOR POLICE OFFICERS AND FIRE FIGHTERS HIRED BEFORE APRIL 8, 1978; AND SETTING FORTH RELATED DETAILS.

The City Council finds that:

A. The city has ongoing contractual obligations to fund pensions for its employees.

B. The city's pension plans for Old Hire Fire and Police (those hired before April 8, 1978) were significantly impacted with the large declines in the financial investment markets in 2008.

C. There are circumstances by which the city could meet these pension obligations for police officers and firefighters hired before April 8, 1978 in a more stable and cost-effective manner by issuing bonds to cover the annual pension obligation payments and it is therefore appropriate for the voters to authorize increased debt of the city in order to allow meeting the obligations by issuing bonds without an increase in taxes.

D. It is appropriate for voters to approve the continued collection, retention and expenditure of the full bond proceeds and any related earnings from the bond funds or revenues therefrom.

E. The purposes that will be served by the ability to fund pension obligations through debt of the city are critical for the continued responsible management of funds of the city.

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

Section 1. A general municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 3, 2009, 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 authorizing the city to issue additional debt to fund ongoing old hire pension obligations of the city. The debt will be paid from general fund revenues without any increase in taxes and any earnings from bond proceeds will be a voter approved revenue change.

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

BALLOT ISSUE NO. 7674

**PENSION BOND FUNDING**

SHALL CITY OF BOULDER DEBT BE INCREASED UP TO \$11,320,000 WITH A REPAYMENT COST OF UP TO \$26,597,000 -- WITH NO INCREASE IN ANY CITY TAX -- TO FUND ONGOING REQUIRED PENSION OBLIGATIONS OF THE CITY FOR POLICE OFFICERS AND FIRE FIGHTERS HIRED BEFORE APRIL 8, 1978; AND

1 SHALL THE PURPOSE OF THIS MEASURE BE TO ALLOW THE CITY  
2 TO ESTABLISH A MORE PREDICTABLE PAYMENT SCHEDULE FOR  
3 ONGOING OLD HIRE FIRE AND POLICE PENSION OBLIGATIONS; AND

4 SHALL THIS BE DONE BY THE ISSUANCE OF BONDS OF THE CITY,  
5 AT A NET EFFECTIVE INTEREST RATE NOT TO EXCEED 10% PER YEAR  
6 AND WITH A MATURITY DATE NOT TO EXCEED 20 YEARS FROM  
7 ISSUANCE; AND

8 SHALL SUCH BONDS BE ISSUED, DATED, AND SOLD AT SUCH  
9 TIME(S) AND IN A MANNER WITH TERMS CONSISTENT HEREWITH, AS  
10 THE CITY COUNCIL MAY DETERMINE, SUCH BONDS TO BE PAYABLE  
11 FROM THE CITY'S GENERAL FUND; AND

12 SHALL ANY EARNINGS FROM THE INVESTMENT OF THE  
13 PROCEEDS OF SUCH REVENUES AND BONDS CONSTITUTE A VOTER  
14 APPROVED REVENUE CHANGE WITHOUT REGARD TO THE REVENUE  
15 AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO  
16 CONSTITUTION?

17 FOR THE MEASURE \_\_\_\_\_ AGAINST THE MEASURE \_\_\_\_\_

18 Section 3. The electors of the city of Boulder hereby authorize the City Council to adopt  
19 such other amendments to this Ordinance No.7674 as may be necessary to implement the intent  
20 and purpose of this ordinance.

21 Section 4. If a majority of all the votes cast at the election on the measure submitted shall  
22 be for the measure, the measure shall be deemed to have passed and shall be effective upon  
23 passage.

24 Section 5. The election shall be conducted under the provisions of the Colorado  
25 Constitution, the Charter and ordinances of the city in the Boulder Revised Code, 1981, and this  
26 ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby  
27 superseded.

28 Section 6. 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 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 7th day of July 2009.

Matthew Appelbaum,  
Mayor

1 Attest:  
2 Alisa D. Lewis,  
3 City Clerk on behalf of the  
4 Director of Finance and Record

5 READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY  
6 TITLE ONLY this 4th day of August 2009.

7 Matthew Appelbaum,  
8 Mayor

9 Attest:  
10 Alisa D. Lewis,  
11 City Clerk on behalf of the  
12 Director of Finance and Record

13 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED  
14 BY TITLE ONLY this 18th day of August 2009.

15 Matthew Appelbaum,  
16 Mayor

17 Attest:  
18 Alisa D. Lewis,  
19 City Clerk on behalf of the  
20 Director of Finance and Record

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