ORDINANCE 8193

AN EMERGENCY 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 AMENDING SECTION 178 OF THE BOULDER CITY CHARTER TO REQUIRE A PUBLIC VOTE PRIOR TO PROCEEDING WITH THE COSTS OF SEPARATION OR PURCHASING ASSETS; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; 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. At that election, a question shall be submitted to the electors of the city of Boulder that will allow voters to consider the following amendment to Section 178 pertaining to forming the electric utility and requiring an election prior to acquiring existing assets or spending funds for separation of the existing facilities for a municipal utility. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Section 178 shall be amended by the addition of a new Subsection (d) to read as follows:

178. - Creation, purpose and intent.

(d) Only after approval of the registered electors at a regular or special election may the electric utility enterprise incur debt for construction to separate from the existing utility system to provide electricity to customers of the City by a separate system. Provided however, nothing in this section shall require any subsequent vote for future debt.
Section 4. The official ballot shall contain the following ballot title, which shall also be
the designation and submission clause for the measure:

**Ballot Question No. ___**

**Charter Provisions Related to Municipalization**

Shall Section 178 of the Charter be amended pursuant to Ordinance 8193 to require a vote at a general or special election prior to the enterprise incurring debt for construction to separate the existing utility system for the City to provide electricity to customers of the City by a separate system.

For the Measure ___  Against the Measure ___

Section 5. Prior to an election required by Charter Section 178(a), the city will publically provide its best available data and analysis on expected electricity costs, expected electrical system reliability, expected debt service coverage ratio, expected plans for procurement from renewable electricity sources and expected emissions from city related electrical generation.

Section 6. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

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 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.
Section 10. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, or property. The City Council amended the ordinance on final reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow time for this matter to be placed on the November 7, 2017 ballot.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 18th day of July, 2017.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

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

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk
READ ON THIRD READING, AMENDED AND PASSED this 15th day of August, 2017.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON FOURTH READING, PASSED AND ADOPTED, AS AN EMERGENCY MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, this 5th day of September, 2017.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk