



Clerk & Recorder

Hillary Hall

NOTICE OF COORDINATED ELECTION

Election Day: November 3, 2009

Mail ballot election only. There will be no polling places.



**Notice Of Election To Increase Taxes/To Increase Debt/
On A Citizen Petition/On A Referred Measure**

**This pamphlet contains
summary statements for ballot
propositions as required by the
State of Colorado Constitution,
Article X, Section 20.**

**A 'yes' vote on any ballot issue is
a vote in favor of changing
current law or existing
circumstances, and a 'no' vote
on any ballot issue is a vote
against changing current law or
existing circumstances.**

**This Notice Is Mailed To Each Household With One Or More
Active Registered Electors
YOU MAY NOT BE ELIGIBLE TO VOTE ON ALL ISSUES PRESENTED**

See inside and the back cover of this notice for further election information.

Boulder County Coordinated Election

Election Day: November 3, 2009

Notice of Mail-In Ballot Election – No Polling Places

This notice is being sent to all active registered voters.

Receiving this notice does not guarantee that you are registered to vote.

Visit www.VoteBoulder.org or call 303.413.7740 to verify your registration status.

Boulder County Clerk & Recorder Office Locations:

Boulder: 1750 33rd Street

Longmont: 529 Coffman Street

Louisville: 722 Main Street

Phone: 303-413-7740

Fax: 303-413-7750 or 303-413-7728

Email: vote@voteboulder.org

Website: www.voteboulder.org

- The Boulder County Clerk & Recorder's Office will be open from 7 a.m. – 7 p.m. on Election Day.
- Ballots will be mailed to eligible voters from October 13 – 16.
- Voted ballots must be received by the Boulder County Clerk & Recorder's Office no later than 7 p.m. on Election Day to be counted.
- Voted ballots may be returned to the Boulder County Clerk & Recorder's Office by mail or delivered to one of the following designated drop-off locations during business hours.

Location	Inside Building Drop-Off Dates/Times	Drive-By Drop-Off Dates/Times
BOULDER County Clerk & Recorder 1750 33 rd Street	<ul style="list-style-type: none"> • Monday – Friday: 8 a.m. – 4:30 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m. 	<ul style="list-style-type: none"> • Saturday, Oct. 31: 9 a.m. – 3 p.m. • Monday, Nov. 2: 8 a.m. – 5 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m.
BOULDER County Courthouse 1325 Pearl Street	<ul style="list-style-type: none"> • Tuesday, Nov. 3: 7 a.m. – 4:30 p.m. (Treasurer's Office) • Tuesday, Nov. 3: 4:30 p.m. – 7 p.m. (Main Courthouse) 	
LONGMONT County Clerk & Recorder 529 Coffman Street	<ul style="list-style-type: none"> • Monday – Friday: 8 a.m. – 4:30 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m. 	<ul style="list-style-type: none"> • Saturday, Oct. 31: 9 a.m. – 3 p.m. • Monday, Nov. 2: 8 a.m. – 5 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m.
LOUISVILLE County Clerk & Recorder 722 Main Street	<ul style="list-style-type: none"> • Monday – Friday: 8 a.m. – 4:30 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m. 	
LOUISVILLE Steinbaugh Pavillion 824 Front Street		<ul style="list-style-type: none"> • Saturday, Oct. 31: 9 a.m. – 3 p.m. • Monday, Nov. 2: 8 a.m. – 5 p.m. • Tuesday, Nov. 3: 7 a.m. – 7 p.m.

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**ALL REGISTERED VOTERS
BOULDER COUNTY, COLORADO
Notice of Election - By Mail Ballot
Deadline for Receipt of Ballots:
November 3, 2009 7:00 p.m.
Boulder County Clerk's Office
Main office: 1750 33rd St.
Boulder, CO 80301
303-413-7740**

**NOTICE OF ELECTION TO INCREASE DEBT/ ON A REFERRED MEASURE
COUNTY ISSUE 1A: [Open Space Countywide 0.25% Sales and Use Tax Extension and \$50M Bond Authorization Issue]**

Ballot Title:

SHALL BOULDER COUNTY DEBT BE INCREASED BY UP TO \$50,000,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$140,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, BY THE ISSUANCE OF REVENUE BONDS FOR THE PURPOSE OF OPEN SPACE ACQUISITION AND IMPROVEMENTS, WHICH BONDS SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH OTHER TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL THE COUNTY'S EXISTING 0.25% OPEN SPACE SALES AND USE TAX CURRENTLY SET TO EXPIRE IN 2019 BE EXTENDED FOR FIFTEEN YEARS, TO AND INCLUDING DECEMBER 31, 2034, AT THE RATE OF 0.25% FOR THE PURPOSES OF OPEN SPACE ACQUISITION AND IMPROVEMENTS, AND MANAGEMENT AND MAINTENANCE OF SUCH OPEN SPACE AND IMPROVEMENTS; SHALL SUCH BONDS BE REPAYED FROM THE PROCEEDS OF SUCH EXTENDED TAX AND, TO THE EXTENT PROCEEDS FROM SUCH EXTENDED TAX ARE NOT SUFFICIENT FOR THE REPAYMENT OF SUCH BONDS, FROM OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, THE CONSERVATION TRUST FUND, THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS; SHALL THE COUNTY BE AUTHORIZED, IN ORDER TO PROVIDE FOR THE PAYMENT OF SUCH BONDS, TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO TRANSFER THE PROCEEDS OF SUCH EXTENDED TAX, OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, AND MONEYS FROM THE CONSERVATION TRUST FUND, THE GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO THE OPEN SPACE CAPITAL IMPROVEMENT TRUST FUND IN AN AMOUNT SUFFICIENT TO PAY THE DEBT SERVICE ON SUCH BONDS AND TO OTHERWISE COMPLY WITH THE COVENANTS OF THE RESOLUTION OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH TAX AND SUCH BONDS, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE

WITH BOARD OF COUNTY COMMISSIONERS'
RESOLUTION NO. 2009-100?
YES _____ NO _____

Text of Ballot Issue Proposal:

RESOLUTION NO. 2009-100

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY DESCRIBING A PROPOSAL FOR THE EXTENSION OF AN EXISTING 0.25% COUNTYWIDE SALES AND USE TAX; FOR THE ISSUANCE OF OPEN SPACE CAPITAL IMPROVEMENT TRUST FUND BONDS THROUGH A MULTIPLE-FISCAL YEAR COMMITMENT OF REVENUES FROM SUCH TAX, AND FROM OTHER OPEN SPACE SALES AND USE TAX REVENUES, GENERAL FUND MONEYS AND OTHER LEGALLY AVAILABLE FUNDS; AND A VOTER-APPROVED REVENUE CHANGE; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR SUCH PROPOSAL; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, Article 2, Title 29, Colorado Revised Statutes, as amended (hereinafter the "Article"), provides for the imposition of a county-wide sales and use tax upon approval of a majority of the registered electors of the County voting on such question; and

WHEREAS, on August 31, 1993, the Board of County Commissioners adopted Resolution 93-174, proposing and placing on the 1993 off-year (special) election ballot the approval of a 0.25% county-wide sales and use tax and issuance of open space sales and use tax revenue bonds, the proceeds of said tax and bonds to be spent in accordance with the terms of said resolution to acquire, improve, manage and maintain open space lands and other open space property interests; and

WHEREAS, the voters of the County of Boulder approved the county-wide sales and use tax and bonds proposal described in said Resolution 93-174; and

WHEREAS, on August 5, 1999, the Board of County Commissioners adopted Resolution 99-111, proposing and placing on the 1999 coordinated election ballot the approval of the extension of said 0.25% county-wide sales and use tax and issuance of additional open space sales and use tax revenue bonds, the proceeds of said tax and bonds to be spent in accordance with the terms of said resolution to acquire, improve, manage and maintain open space lands and other open space property interests; and WHEREAS, the voters of the County of Boulder approved the proposal for the extension of said county-wide sales and use tax and issuance of said bonds described in said Resolution 99-111, and said county-wide sales and use tax have been collected and the revenues therefrom expended in accordance with the terms of said resolution, and prior to its effectiveness, in accordance with the provisions of Resolution 93-174; and

WHEREAS, the goals of the County open space program, as originally stated in Resolution 93-174, and as modified over time, have not as yet been fully realized, in that there

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are numerous lands and areas for which property interests should be acquired in order to create trails and open space buffers for communities, protect wildlife habitat and preserve important agricultural lands; and

WHEREAS, there remains a critical need for the preservation of open space lands in Boulder County, preserved open space being a fundamental shared value of the citizens of Boulder County, which open space lands can be used for purposes including but not limited to buffers to preserve community identity, natural areas, wildlife habitat and wetlands, allow continuation of existing visual corridors and offer passive recreational use through the development of a recreational trail system, and therefore there is a critical need for county-wide sales and use taxes to finance the acquisition and limited improvement of said lands; and

WHEREAS, the current bond proceeds from the revenues approved by the voters for open space purposes will soon be expended or committed, and without additional funding sources, no additional uncommitted acquisitions could take place for the future; and

WHEREAS, it is more cost-effective to purchase lands now rather than wait until additional revenues are realized from currently approved sources, since the price inflation of land costs is several times greater than the financing costs through tax-exempt bonds; and

WHEREAS, proposing to extend said 0.25% county-wide sales and use tax for fifteen years, through December 31, 2034, with future revenues to be expended for open space acquisition and improvement, for repayment of capital improvement trust fund bonds, and for maintenance and management of open space lands, in accordance with the purposes set forth herein, is a cost-effective method of obtaining additional revenues without an increase in the total cumulative county-wide sales and use tax rate; and

WHEREAS, if such extension is approved, revenues collected from the imposition of said 0.25% county-wide sales and use tax up to and including December 31, 2019 would continue to be expended for the purposes and in accordance with the limitations of Resolution No. 99-111, and Resolution No. 99-111 would be superseded by this Resolution effective for revenues collected from the imposition of said 0.25% county-wide sales and use tax on and after January 1, 2020; provided that the exemptions from sales tax set forth in Section 1(d) hereof would be effective on January 1, 2010; and

WHEREAS, due to the immediacy of the need, open space capital improvement trust fund bonds as authorized by law in a maximum principal amount of \$50,000,000, net of any premium, should be issued in order to allow such acquisitions and improvements to take place as soon as possible, said revenue bonds to be repaid through a multiple-fiscal year commitment of revenues received from the extended 0.25% county-wide sales and use tax, and, to the extent moneys from such tax are not sufficient, moneys transferred to the Boulder County Open Space Capital Improvement Trust Fund from other open space sales and use tax moneys, the County's general fund, and other legally available funds; and

WHEREAS, this Board finds that the extension of the

existing county-wide sales and use tax in the existing amount of 0.25% from the current expiration date of December 31, 2019, through December 31, 2034, with proceeds of such extension to be utilized for open space purposes in accordance with the provisions of this Resolution, and the issuance of up to \$50,000,000 in open space capital improvement trust fund bonds repaid through a multiple-fiscal year commitment of revenues received from the extended 0.25% county-wide sales and use tax, and, to the extent moneys from such tax are not sufficient, moneys transferred to the Boulder County Open Space Capital Improvement Trust Fund from other open space sales and use tax moneys, the conservation trust fund, the County's general fund, and other legally available funds, and the exemption of such tax revenues, bond proceeds and the interest thereon from the fiscal year spending limitations of article X, section 20 of the Colorado Constitution ("TABOR"), would permit additional revenues to be utilized now to further accomplish Boulder County's open space goals while lands are still undeveloped and at lower cost to the public than if acquisition were postponed to future years; and

WHEREAS, Boulder County, with voter approval, is statutorily authorized to issue bonds to finance open space acquisitions and improvements, and to repay those bonds from any revenue source available to the County; and

WHEREAS, the Board of County Commissioners of the County of Boulder, State of Colorado, desires to refer to the registered electors of the County of Boulder, State of Colorado, to be determined by a majority voting thereon, the question of whether such taxes, bonds and voter-approved revenue change shall be approved or disapproved; and

WHEREAS, said Article provides for the submission of such a countywide sales and use tax proposal and multiple fiscal year obligation authorization to the registered electors of the County at a general election scheduled within 120 days after adoption of such resolution, but since no general election is scheduled within that time, this proposal shall be placed upon the November 3, 2009 coordinated election ballot as required by Colo. Const., Art. X, Section 20(3)(a); and

WHEREAS, the said Article provides that the County Clerk and Recorder shall publish the text of such tax proposal four separate times, a week apart, in the official newspaper of the County and of each city and incorporated town within the County; and

WHEREAS, Colo. Const., Art. X, Section 20(3)(b), requires certain election notices to be mailed to all registered voters of the County; and

WHEREAS, the said Article provides that the proposal shall contain certain provisions concerning the amount, levying and scope of said tax; and

WHEREAS, it is the intent of the Board of County Commissioners that, should the proposal to extend the existing county-wide 0.25% sales and use tax, issue new bonds, and obtain a voter-approved revenue change for such tax, bond and earnings proceeds, not be approved by the electorate in November, the existing tax, multiple fiscal year revenue commitment authorization, and existing

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voter-approved revenue change, shall not in any way be affected by such failed amendment and shall continue in full force and effect as if this Resolution had not been adopted; NOW, THEREFORE, BE IT RESOLVED that the existing county-wide 0.25% sales and use tax, revenue bond, multiple fiscal year revenue commitment, and revenue change proposal as originally stated in Resolution No. 93-174, as amended and extended as provided in Resolution No. 99-111, shall be amended as set forth below upon the approval of a majority of registered electors voting thereon. BE IT FURTHER RESOLVED THAT there shall be referred to the registered electors of the County of Boulder at the coordinated election to be held on Tuesday, November 3, 2009, the following proposal:

1. (a) A countywide one quarter of one percent (0.25%) sales tax in accordance with the provisions of the Article is imposed on the sale of tangible personal property at retail or the furnishing of services in the County of Boulder as provided in paragraph (d) of subsection (1) of section 29-2-105, C.R.S., as amended, and as is more fully hereinafter set forth.

(b) For the purposes of this sales tax proposal, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the County of Boulder or to a common carrier for delivery to a destination outside the limits of the County of Boulder. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by article 26 of title 39, C.R.S., as amended, regardless of the place to which delivery is made. If a retailer has no permanent place of business in the County of Boulder or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a sales tax imposed by this proposal shall be determined by the provisions of article 26 of title 39, C.R.S., as amended, and by rules and regulations promulgated by the Colorado Department of Revenue.

(c) The amount subject to tax shall not include the amount of any sales or use tax imposed by article 26 of title 39, C.R.S., as amended.

(d) The tangible personal property and services taxable pursuant to this proposal shall be the same as the tangible personal property and services taxable pursuant to section 39-26-104, C.R.S., as amended, and subject to the same sales tax exemptions as those specified in part 7 of article 26 of title 39, C.R.S., as amended, and further subject to the exemption for sales of food (as defined in section 39-26-102(4.5), C.R.S., as amended) specified in section 39-26-707 (1) (e), C.R.S., as amended, the exemption for purchases of machinery and machine tools specified in section 39-26-709 (1), C.R.S., as amended, and the exemption of sales and purchases of those items in section 39-26-715(1)(a)(II), C.R.S., as amended, the exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization as specified in section 39-26-718(1)(c), C.R.S., as amended, the exemption for sales of wood from salvaged trees killed or infested in Colorado by mountain pine beetles

specified in section 39-26-723, C.R.S., as amended, the exemption for sales of components used in the production of energy, including but not limited to alternating current electricity, from a renewable energy source, specified in section 39-26-724, C.R.S., as amended, the exemption for sales that benefit a Colorado school specified in section 39-26-725, C.R.S., as amended, and the exemption for sales of cigarettes specified in section 39-26-706(1)(c), C.R.S., as amended.

(e) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by the County of Boulder when such sales meet both of the following conditions:

(1) The purchaser is a non-resident of or has his principal place of business outside of the County of Boulder; and

(2) Such personal property is registered or required to be registered outside the limits of the County of Boulder under the laws of the State of Colorado.

(f) The countywide sales tax shall not apply to the sale of construction and building materials, as the term is used in section 29-2-109, C.R.S., as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the County evidencing that a local use tax has been paid or is required to be paid.

(g) The countywide sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed by the County of Boulder. A credit shall be granted against the sales tax imposed by the County of Boulder with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed by the County of Boulder.

(h) The sales tax imposed shall be collected, administered and enforced by the Executive Director of the Department of Revenue in the same manner as the collection, administration and enforcement of the Colorado state sales tax, as provided by article 26 of title 39, C.R.S., as amended; provided that the County shall be authorized to enter into an intergovernmental agreement with said Executive Director pursuant to Section 39-26-122.5, C.R.S., as amended, to enhance systemic efficiencies in the collection of such taxes.

2. A countywide one quarter of one percent (0.25%) use tax in accordance with the provisions of the Article is imposed for the privilege of using or consuming in the County of Boulder any construction and building materials purchased at retail and for the privilege of storing, using, or consuming in the County of Boulder any motor and other vehicles, purchased at retail on which registration is required. The use tax shall not apply:

(a) To the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by the County of Boulder;

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(b) To the storage, use, or consumption of any tangible personal property purchased for resale in the County of Boulder either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

(c) To the storage, use, or consumption of tangible personal property brought into the County of Boulder by a non-resident thereof for his own storage, use, or consumption while temporarily within the County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;

(d) To the storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions;

(e) To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;

(f) To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule county equal to or in excess of that imposed by the County of Boulder. A credit shall be granted against the use tax imposed by the County of Boulder with respect to a person's storage, use, or consumption in the County of Boulder of tangible personal property purchased in another statutory or home rule county. The amount of the credit shall be equal to the tax paid by the person by reason of the imposition of a sales or use tax of the other statutory or home rule county on the purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this resolution;

(g) To the storage, use, or consumption of tangible personal property and household effects acquired outside of the County of Boulder and brought into it by a nonresident acquiring residency;

(h) To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the County of Boulder and purchased the vehicle outside of the County of Boulder for use outside of the County of Boulder and actually so used it for a substantial and primary purpose for which it was acquired and registered, titled, and licensed said motor vehicle outside of the County of Boulder;

(i) To the storage, use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to January 1, 1994, or where applicable to such storage, use or consumption after December 31, 2009, pursuant to written contract for the purchase thereof entered into prior to November 2, 1999, or, where applicable to such storage, use or consumption after

December 31, 2019, pursuant to a written contract for the purchase thereof entered into prior to November 3, 2009;

(j) To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into any time prior to January 1, 1994, or, where applicable to such storage, use or consumption after December 31, 2009, pursuant to a construction contract bid, let, or entered into prior to November 2, 1999, or, where applicable to such storage, use or consumption after December 31, 2019, pursuant to a construction contract bid, let, or entered into prior to November 3, 2009.

3. Except as provided by section 39-26-208, C.R.S., as amended, any use tax imposed shall be collected, enforced and administered by the County of Boulder. The use tax on construction and building materials will be collected by the County building inspector or as may be otherwise provided by intergovernmental agreement, based upon an estimate of building and construction materials costs submitted by the owner or contractor at the time a building permit application is made.

4. If the majority of the registered electors voting thereon vote for approval of this County-wide sales and use tax extension proposal, such existing 0.25% County-wide sales and use tax shall continue to be effective throughout the incorporated and unincorporated portions of the County of Boulder up to and including December 31, 2034.

5. If the majority of the registered electors voting thereon vote for approval of this County-wide sales and use tax extension proposal, revenues collected from the imposition of said 0.25% county-wide sales and use tax up to and including December 31, 2019 would be expended in accordance with Resolution No. 99-111, and Resolution No. 99-111 would be superseded by this Resolution effective for revenues collected from the imposition of said 0.25% county-wide sales and use tax beginning January 1, 2020; provided that the exemptions from sales tax set forth in Section 1(d) hereof would be effective on January 1, 2010.

6. If the majority of the registered electors voting thereon vote for approval of this proposal, the Board of County Commissioners may issue up to \$50,000,000 maximum principal amount, net of any premium, of open space capital improvement trust fund bonds payable from moneys transferred to the Boulder County Open Space Capital Improvement Trust Fund from moneys from the County's extended 0.25% sales and use tax authorized herein, and to the extent moneys from such tax are not sufficient for the repayment of such bonds, from the County's other open space sales and use taxes, the conservation trust fund, the county's general fund and other legally available funds, in such amount as is necessary to pay the debt service on the bonds and to otherwise comply with the covenants of the resolution to be adopted by the Board of County Commissioners authorizing the bonds and setting the terms thereof, such bonds being issued in accordance with part 5 of article 26 of title 30, C.R.S., as amended; and

7. The cost of the election shall be paid from the

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general fund of the County of Boulder.

8. The County Clerk and Recorder shall publish the text of this sales and use tax proposal four separate times, a week apart, in the official newspaper of the County of Boulder and each city and incorporated town within this County.

9. The conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.

10. The net proceeds from the sales and use tax received by the County of Boulder during the extended period authorized hereby, as well as the net proceeds from the issuance of open space capital improvement trust fund bonds, shall be expended by the County of Boulder for the following purposes:

(a) To acquire fee title interest in real property through all means available and by various types of instruments and transactions, in the County of Boulder for open space when determined by the Board of County Commissioners, acting pursuant to authority as set forth in title 30, C.R.S., and in article 7 of title 29, C.R.S., to be necessary to preserve such areas;

(b) To acquire an interest in real property by other devices, including but not limited to, lease, development rights, mineral and other subsurface rights, and conservation easements, in order to effect the preservation of open space lands, as hereinafter defined, in the County of Boulder;

(c) To acquire water rights and water storage rights for use in connection with real property acquired for open space;

(d) To acquire rights-of-way and easements for access to open space lands and for trails in the County of Boulder and to build and improve such access ways and trails;

(e) To acquire options related to these acquisitions;

(f) To pay for all related costs of acquisition and construction as set forth in subparagraphs (a) through (c) above;

(g) To improve all County of Boulder open space property and trails in accordance with Parks and Open Space policies adopted by the Board of County Commissioners; improvements shall be related to resource management, including but not limited to water improvements (irrigation, domestic use and recreational uses); preservation enhancements (fences, wetlands and wildlife habitat improvements), and passive recreational uses, such as trails, trailhead parking and other access improvements, picnic facilities and restrooms;

(h) To manage, patrol and maintain all County of Boulder open space property and trails in accordance with Parks and Open Space policies adopted by the Board of County Commissioners;

(i) To permit the use of these funds for the joint acquisition of open space property with municipalities located within the County of Boulder in accordance with an intergovernmental agreement for open space or with other governmental entities or land trusts;

(j) To pay the costs of issuance and debt service of capital improvement trust fund revenue bonds, including principal and interest thereon, as authorized by this resolution.

11. Open space land, for the purposes of this resolution,

is generally described as: those lands in which it has been determined by the Board of County Commissioners that it is, or may in the future be, within the public interest to acquire an interest in order to assure their protection and to fulfill one or more of the functions described below. Interests acquired may include fee simple, lease, easements, development rights, and conservation easements.

12. Open space shall serve one or more of the following functions:

(a) urban shaping between or around municipalities or community service areas and buffer zones between residential and non-residential development;

(b) preservation of critical ecosystems, natural areas, scenic vistas and areas, fish and wildlife habitat, natural resources and landmarks, and cultural, historical and archeological areas;

(c) linkages and trails, access to public lakes, streams and other usable open space lands, stream corridors and scenic corridors along existing highways;

(d) areas of environmental preservation, designated as areas of concern, generally in multiple ownership, where several different preservation methods (including other governmental bodies' participation or private ownership) may need to be utilized;

(e) conservation of natural resources, including but not limited to forest lands, range lands, agricultural land, aquifer recharge areas, and surface water;

(f) preservation of land for outdoor recreation areas limited to passive recreational use, including but not limited to hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing.

13. Once acquired, open space may be used only for passive recreational purposes, for agricultural purposes, or for environmental preservation purposes, all as set forth above.

14. The Board of County Commissioners will annually consult the City Councils and Town Boards of the municipalities within Boulder County to assure that open space preservation and trail projects identified by municipalities are considered in setting county open space acquisition and trail development priorities for the following calendar year.

15. No open space land acquired through the revenues provided by this sales and use tax may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the Board of County Commissioners. Prior to such disposal, the Parks and Open Space Advisory Committee shall review the proposed disposition, and a recommendation shall be forwarded to the Board of County Commissioners. Approval of the disposal may be given only by a majority vote of the members of the Board of County Commissioners after a public hearing held with notice published at least ten (10) days in advance in the official newspaper of the County and of each city and incorporated town within the County, giving the location of the land in question and the intended disposal thereof. No such open space land shall be disposed of until sixty (60) days following the date of Board of County Commissioners' approval of such disposal. If, within such sixty (60) day period, a petition meeting the requirements of

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§29-2-104, C.R.S., as amended, or its successor statute, is filed with the County Clerk, requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until a referendum held in accordance with said statute has been held. The provisions of this paragraph shall not apply to agricultural leases for crop or grazing purposes for a term of ten (10) years or less.

16. If the real property or any interest therein acquired by use of proceeds of said sales and use tax pursuant to paragraph 13 of this resolution be ever sold, exchanged, transferred or otherwise disposed of, the consideration for such sale, exchange, transfer or disposition shall be subject to the same expenditure and use restrictions as those set forth herein for the original proceeds of said sales and use tax, including restrictions set forth in this paragraph; and if such consideration is by its nature incapable of being subject to the restrictions set forth herein, then the proposed sale, exchange, transfer or disposition shall be unlawful and shall not be made.

17. The County of Boulder will not use any of the revenues received from the sales and use tax to acquire an interest, other than an option, in open space land within the community service area of a municipality as designated and recognized by action of the Board of County Commissioners in accordance with the Boulder County Comprehensive Plan or as provided in an intergovernmental agreement with such municipality, without the concurrence of the municipality involved.

18. Revenue generated from activities on open space lands may be used to acquire, manage, patrol, improve and maintain open space properties.

19. Interest generated from the revenues of the sales and use tax shall be used for the purposes set forth in this resolution.

20. For purposes of TABOR, the receipt and expenditure of revenues of the sales and use tax and of the revenue bonds and refunding bonds, if any, together with earnings on the investment of the proceeds of the tax and bonds, shall constitute a voter-approved revenue change.

21. The sales and use tax shall expire at 12:00 a.m. on January 1, 2035, and all monies remaining may continue to be expended for the purposes set forth herein until completely exhausted.

22. The proposal as described in this Resolution shall take effect immediately upon the approval of the electorate.

23. A notice of the adoption of this county-wide sales and use tax extension proposal by a majority of the registered electors voting thereon shall forthwith be submitted by the County Clerk and Recorder to the Executive Director of the Department of Revenue, together with a certified copy of this Resolution, prior to November 13, 2009.

24. Should this proposal to extend the existing county-wide 0.25% sales and use tax, issue new bonds, approve the multiple fiscal year commitment of revenues for the payment thereof, and obtain a voter-approved revenue change, not be approved by the electorate in November, the existing tax, multiple fiscal year revenue commitment authorization, and existing voter-approved revenue change, shall not in any way be affected by such failed amendment and shall

continue in full force and effect as if this Resolution had not been adopted.

25. The election shall be conducted on November 3, 2009 as a coordinated election in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code").

26. The Board shall take further action by resolution to set a ballot title for the proposal described herein. For purposes of Section 1-11-203.5, C.R.S., such resolution shall serve to set the ballot title for such proposal and the text of such proposal shall be the text of this Resolution.

27. No later than September 4, 2009, the Designated Election Official shall certify the order of the ballot and ballot content to the Clerk and Recorder of the County (the "County Clerk"). The "Designated Election Official" shall be Jana L. Petersen, Administrative Deputy to the Board.

28. The order of the ballot shall be determined by the County Clerk as provided in Section 1-5-407(5), C.R.S., and the rules of the Secretary of State. In accordance therewith, if the County refers more than one ballot issue, the order of the ballot shall, in accordance therewith, be as follows: first, measures to increase taxes; second, measures to retain revenues in excess of its fiscal year spending limit; third, measures to increase debt; fourth, citizen petitions; and fifth, other referred measures. If the County refers more than one ballot issue within any such type of ballot issue, the order within such type of ballot issue shall, unless otherwise determined by the Board, be the same as the order of the ballot issues in the resolution of the Board that orders that such ballot issues be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).

29. The Designated Election Official is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, TABOR and other applicable laws; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots which are to be performed by the designated election official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code, TABOR and all other applicable laws.

30. No later than September 22, 2009, the Designated Election Official shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the notice of election required by subsection (3)(b) of TABOR.

31. No later than October 14, 2009, the Designated Election Official shall ensure that, in accordance with Section 1-7-908, C.R.S., the posting of financial notice required thereby is made on the County's website.

32. The Designated Election Official, the County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

33. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

34. All prior acts, orders or resolutions, or parts thereof,

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by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

35. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or applications and to this end, the provisions of this resolution are declared to be severable.

IT IS HEREBY DECLARED by the Board of County Commissioners of the County of Boulder and State of Colorado that this resolution is necessary for the immediate preservation of the public health, safety and welfare, and that it shall become effective immediately upon its adoption.

This Resolution has been adopted this 4th day of August, 2009 by the BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, STATE OF COLORADO.

The estimated total of Boulder County fiscal year spending for the current year and actual total for each of the past four years and the overall percentage and dollar change for the period are as follows:

<u>YEAR</u>	<u>FISCAL YEAR SPENDING</u>
2009	\$224,537,356*
2008	\$221,572,351*
2007	\$216,297,358*
2006	\$205,141,036*
2005	\$184,874,487*

Total Percentage Change from 2005 to 2009: 21%*

Total Dollar Change from 2005 to 2009: \$39,662,869*

*Figures for 2005 through 2009 include actual and estimated revenues from a 0.25% county-wide open space sales and use tax, from a 0.10% county-wide open space sales and use tax, from a 0.10% county transportation projects sales and use tax, and from grants, intergovernmental revenues, interest, fines and other exempted revenues, which voters authorized in 1993, 1994, 1997, 1998, 2000, and 2001, to be exempt from the County's general fiscal year spending limit. The figures from 2005 onwards include an ad valorem property tax mill levy increase authorized and exempted by voters in 2002. The actual and estimated revenues for 2005 through 2009 include estimated revenues from a 0.05% county-wide sales and use tax approved by voters in 2003 and again in 2008 for non-profit human services, which is also exempt from the County's general fiscal year spending limit. The actual and estimated revenues for 2005 through 2009 also include revenues from a 0.05% county-wide sales and use tax approved in 2003 for offender management capital construction and equipment, programs for alternatives to jail incarceration, and construction and equipping of a new addiction recovery center, which is also exempt from the County's general fiscal year spending limit; and a 0.10% county-wide sales and use tax approved by voters in 2004 for the acquisition and maintenance of open space, which is also exempt from the County's general fiscal year spending limit. All estimates for 2009 are based

on the TABOR definition of fiscal year spending and limited revenues, although the County's fiscal year spending, revenue, and property tax revenue limits have been exempted from the TABOR limits by action of the voters in 2005.

Proposed Open Space Capital Improvement Trust Fund Bond Issue:

Maximum principal amount: \$50,000,000.

Estimated maximum annual repayment cost: \$ 15,000,000.

Maximum total repayment cost: \$140,000,000.

Total of Current Revenue Bond Issues**

Total current principal amount: \$214,926,778.

Total maximum annual repayment cost: \$24,033,825.

Total remaining repayment cost: \$297,188,310.

**As of November 3, 2009.

Statement submitted in favor of County Issue 1A:

County Question 1A enables Boulder County to continue preserving, improving and maintaining important open lands around the county. It continues until 2034 an existing quarter of a cent sales tax that would expire in 2019. It does not increase taxes above the current rate; it simply carries forward an existing small amount. It allows our open space program to continue preserving land at a time when revenue for open space has been significantly reduced.

In tough economic times like the present, we must acknowledge that Boulder County's economic health is directly linked to how well we protect our environment. Our open space is a primary method of maintaining our quality of life. And, our open space helps keep property values stable when communities around us are experiencing greater reductions in property values.

The preservation of open lands is vital to sustaining our quality of life in Boulder County. Significant parcels are available for purchase in the immediate future. If 1A passes, we will be able to safeguard these lands for future generations. If not, we'll see more development throughout rural Boulder County. We live in a region with significant growth pressures. State planners estimate that Colorado's Front Range will grow by more than 3 million people in the next 25 years with miles and miles of additional sprawl.

Without the passage of 1A, Boulder County won't be able to purchase open space for many years and will face real limitations on funds needed to build trails, facilities and sustainable agricultural infrastructure. Current open space taxes only generate enough revenue to pay for the land that has already been acquired. If 1A passes, Boulder County will be able to issue up to \$50 million of new bonds that provide funds to preserve key parcels before they're bought up by developers and before prices increase.

The remaining land that should be preserved includes wildlife habitat; urban buffers between communities; and working farms and ranches. These parcels are often adjacent to or surrounded by other open space land. If we fail to conserve these lands, the impact on current open space will be significant.

Question 1A also provides funds in future years for maintaining and improving the land we have. It will help pay

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for weed management, environmental enhancements, forest management, wildlife habitat improvements, agricultural management and more.

The choice is clear. We can pass 1A and continue to protect our quality of life and our rural lands, or we risk development and sprawl. We can protect wild places for wildlife or we can allow wild places to sprout new houses.

Boulder County is known for our land preservation efforts, for our trails, our preservation of historic structures and our efforts to manage growth.

1A allows us to continue these efforts by continuing an existing tax.

Vote YES for wildlife, for farmlands, for trails and riparian areas and for stopping sprawl's march within our borders.

YES for the environment. YES for sensible land use. YES for open space. YES on 1A.

Summary of statements submitted in opposition to County Issue 1A:

This is the most nonsensical ballot issue the commissioners have ever proposed regarding county open space. The current 0.25 percent sales tax doesn't expire until the end of 2019, why renew it 10 years ahead of time, especially in times of slumping county sales tax revenues? The last thing the county needs is debt repayment costs of up to \$140 million for more open space-it's the height of fiscal irresponsibility. The bloated open space program already has 95,000 acres in Boulder County and comes with many negative economic consequences including prohibitively expensive Boulder real estate. If anything, we should be voting to reduce open space spending, not extending the debt until 2034 to further burden a present and future generation of taxpayers.

A famous landowner and tycoon once said, "I won't be satisfied until I own all the land next to mine." The commissioners seem to be saying with all these taxes, "We will not be satisfied until we own all the land next to Open Space." When will they have enough? It's time to stop.

NOTICE OF ELECTION TO INCREASE DEBT/ ON A REFERRED MEASURE

COUNTY ISSUE 1B: [ClimateSmart (CEOLID)

\$85M Bond Authorization]

Ballot Title:

SHALL BOULDER COUNTY DEBT (FOR CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT AND SIMILARLY SITUATED LOCAL IMPROVEMENT DISTRICTS IN OTHER COLORADO COUNTIES) BE INCREASED BY UP TO \$85,000,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$180,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, PROVIDED THAT AT LEAST \$45,000,000 OF SUCH DEBT AND AT LEAST \$95,000,000 OF SUCH MAXIMUM REPAYMENT COST SHALL BE PAYABLE FROM SPECIAL ASSESSMENTS ON PROPERTIES IN SUCH OTHER COUNTIES AND OTHER AMOUNTS PAYABLE BY SUCH OTHER COUNTIES, RESULTING IN A NET OF \$40,000,000 OF DEBT AND \$85,000,000 OF MAXIMUM REPAYMENT COST PAYABLE FROM SPECIAL ASSESSMENTS IN BOULDER COUNTY, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, ACQUIRING AND INSTALLING

SOLAR AND OTHER RENEWABLE ENERGY SYSTEMS OR ENERGY-EFFICIENCY IMPROVEMENTS FOR PROPERTY OWNERS THAT CONSENT TO BE INCLUDED IN SUCH DISTRICTS BY ENTERING INTO A CONTRACT OR AGREEMENT FOR INCLUSION THEREIN, AND ANY COSTS NECESSARY OR INCIDENTAL THERETO, INCLUDING WITHOUT LIMITATION THE COST OF ESTABLISHING RESERVES TO SECURE THE PAYMENT OF SUCH DEBT, BY THE ISSUANCE OF SPECIAL ASSESSMENT BONDS PAYABLE FROM SPECIAL ASSESSMENTS IMPOSED AGAINST BENEFITED PROPERTIES FOR WHICH THE OWNERS THEREOF HAVE CONSENTED TO BE INCLUDED WITHIN SUCH DISTRICTS BY ENTERING INTO SUCH A CONTRACT OR AGREEMENT FOR INCLUSION, AND FROM OTHER FUNDS OF BOULDER COUNTY AND SUCH OTHER COUNTIES THAT MAY BE LAWFULLY PLEDGED TO THE PAYMENT OF SUCH BONDS, WHICH BONDS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 10%, SHALL BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, SHALL BE ISSUED, DATED, AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER, IN ONE OR MORE SERIES, AND SHALL CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL BOULDER COUNTY BE AUTHORIZED TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO ADVANCE AMOUNTS FOR PAYMENT OF A PORTION OF SUCH BONDS AND TO REIMBURSE ITSELF FOR SUCH ADVANCES BY COLLECTING UNPAID ASSESSMENTS AS PROVIDED IN SECTION 30-20-619(2), COLORADO REVISED STATUTES, AS AMENDED; AND SHALL THE REVENUES FROM SUCH SPECIAL ASSESSMENTS AND ANY EARNINGS THEREON AND FROM THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2009-101?

YES _____ NO _____

Text of Ballot Issue Proposal:
RESOLUTION NO. 2009-101

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY CALLING AN ELECTION ON NOVEMBER 3, 2009, FOR THE PURPOSE OF SUBMITTING A BALLOT ISSUE FOR CLEAN ENERGY OPTIONS LOCAL IMPROVEMENT DISTRICT AND LOCAL IMPROVEMENT DISTRICTS TO BE CREATED IN ONE OR MORE OTHER COLORADO COUNTIES FOR PARTICIPATION IN THE CLIMATESMART PROGRAM; ORDERING THAT THE BALLOT ISSUE BE VOTED COUNTY-WIDE; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR THE ELECTION; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, Boulder County, Colorado (the "County") is a Colorado county duly organized and operating under the

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Constitution and laws of the State of Colorado (the "State"); and

WHEREAS, pursuant to Part 6 of Article 20 of Title 30, Colorado Revised Statutes, as amended (the "Act"), the County is authorized to initiate a local improvement district for the purpose of encouraging, accommodating, and financing Renewable Energy Improvements and Energy Efficiency Improvements (both as defined in the Act); and

WHEREAS, pursuant to the County's Resolution No. 2008-132, adopted by the Board of County Commissioners of the County (the "Board") on October 16, 2008, the County formed the Boulder County Clean Energy Options Local Improvement District (the "District") for the purpose of encouraging, accommodating and providing financing for Renewable Energy Improvements and Energy Efficiency Improvements in the County (including paying all costs necessary and incidental thereto, the "Projects"); and

WHEREAS, pursuant to the Act and Resolution No. 2008-132, the District consists of, and includes only, each property within the County for which the owner thereof has executed an agreement with the County consenting to the inclusion of such property within the District; and

WHEREAS, funding the construction and acquisition of the Projects requires the issuance of special assessment bonds of the County and, pursuant to the requirements of the Act and Article X of Section 20 of the Colorado Constitution ("TABOR"), voter approval is required prior to the issuance of such special assessment bonds; and

WHEREAS, at the November 4, 2008 election, County voters approved a ballot issue (the "2008 Ballot Issue") authorizing the issuance by the County of up to \$40,000,000 in principal amount of special assessment bonds for the District; and

WHEREAS, on May 21, 2009, the County approved: (a) the imposition of assessments on the properties included in the District pursuant to Resolution No. 2009-56; and (b) the issuance of \$2,350,000 Boulder County Clean Energy Options Local Improvement District Special Assessment Bonds, Series 2009A, and \$5,350,000 Boulder County Clean Energy Options Local Improvement District Special Assessment Bonds, Taxable Series 2009B, pursuant to Resolution No. 2009-57; and

WHEREAS, the County has established the ClimateSmart program to oversee the District and the financing of the Projects; and

WHEREAS, the County has received inquiries from a number of other Colorado counties (the "Other Counties") whose residents desire to participate in the ClimateSmart Program; and

WHEREAS, the Board has determined that if the County were to issue special assessment bonds payable from assessments imposed by the Other Counties on properties in local improvement districts established by the Other Counties in addition to those imposed by the County within the District, the resulting economies of scale and diversification of the properties would result in reduced borrowing costs to the County; and

WHEREAS, the Board consequently desires to be authorized to issue bonds payable from assessments imposed by the Other Counties and other amounts to be received from the

Other Counties in addition to assessments made by the County within the District and the other County sources authorized in the 2008 Ballot Issue; and

WHEREAS, the Board has therefore determined to submit a ballot issue (the "2009 Ballot Issue") to authorize such bonds and such sources of payment at an election to be held on November 3, 2009, and to set the title and content of the ballot issue to be submitted at the election called by this Resolution; and

WHEREAS, because the Act permits property to be included within the District subsequent to the initial formation thereof by agreement of the owner of such property to such inclusion, it will not be possible for the Board to determine the electors of the District as of the time of such election; and

WHEREAS, the County desires to retain the ability to advance funds for the payment of a portion of such special assessment bonds and reimburse itself for such advances by collecting unpaid assessments as provided in the Act; and

WHEREAS, pursuant to the Act, any ballot issue for any special assessment bonds which are secured by such County advances must be submitted to all registered electors of the County; and

WHEREAS, the Board has therefore determined to submit the 2009 Ballot Issue to all registered electors of the County; and

WHEREAS, pursuant to Section 1-5-203(3), Colorado Revised Statutes, as amended ("C.R.S."), no later than September 4, 2009, the order of the ballot and ballot content must be certified to the County Clerk and Recorder of the County (the "County Clerk");

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO HEREBY RESOLVES:

1. An election shall be held on Tuesday, November 3, 2009 at which the 2009 Ballot Issue shall be submitted to the registered electors of the County. Pursuant to Section 30-20-619(6), C.R.S., the Board hereby orders that all registered electors of the County shall be eligible to vote on the 2009 Ballot Issue.

2. The recitals set forth in the preamble to this Resolution are hereby incorporated as if fully set forth in the body of the Resolution, and the terms of the ballot issue proposal shall be those stated in the incorporated recitals.

3. Bonds in one or more series with a maximum principal amount of \$85,000,000, with a maximum repayment cost of \$180,000,000, with a maximum net effective interest rate of 10%, to include not more than \$40,000,000 in principal amount and \$85,000,000 in repayment cost for financing projects in the District in Boulder County, may be issued in either tax-exempt or taxable issues or both.

4. The election shall be conducted as a coordinated election in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"). The costs of the election shall be paid by the County; provided that the County may elect to reimburse itself for such cost from assessments paid by property owners in the District as a portion of the Projects in accordance with the Act.

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5. The Board shall take further action by resolution to set a ballot title for the 2009 Ballot Issue. For purposes of Section 1-11-203.5, C.R.S., such resolution shall serve to set the ballot title for the 2009 Ballot Issue and the text of the 2009 Ballot Issue shall be the text of this Resolution.

6. No later than September 4, 2009, the Designated Election Official shall certify the order of the ballot and ballot content to the Clerk and Recorder of the County (the "County Clerk"). The "Designated Election Official" shall be Jana L. Petersen, Administrative Deputy to the Board.

7. The order of the ballot shall be determined by the County Clerk as provided in Section 1-5-407(5), C.R.S., and the rules of the Secretary of State. In accordance therewith, if the County refers more than one ballot issue, the order of the ballot shall, in accordance therewith, be as follows: first, measures to increase taxes; second, measures to retain revenues in excess of its fiscal year spending limit; third, measures to increase debt; fourth, citizen petitions; and fifth, other referred measures. If the County refers more than one ballot issue within any such type of ballot issue, the order within such type of ballot issue shall, unless otherwise determined by the Board, be the same as the order of the ballot issues in the resolution of the Board that orders that such ballot issues be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).

8. The Designated Election Official is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, TABOR, and other applicable laws; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots which are to be performed by the Designated Election Official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code, TABOR and all other applicable laws.

9. No later than September 22, 2009, the Designated Election Official shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the notice of election required by subsection (3)(b) of TABOR.

10. No later than October 14, 2009, the Designated Election Official shall ensure that, in accordance with Section 1-7-908, C.R.S., the posting of financial notice required thereby is made on the County's website.

11. The Designated Election Official, the County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

12. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

13. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

14. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being

the intention that the various parts hereof are severable.

15. This Resolution shall take effect immediately upon its passage by the affirmative vote of a majority of the voters voting thereon.

This Resolution has been adopted this 4th day of August, 2009 by the BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, STATE OF COLORADO

The estimated total of Boulder County fiscal year spending for the current year and actual total for each of the past four years and the overall percentage and dollar change for the period are as follows:

YEAR	FISCAL YEAR SPENDING
2009	\$224,537,356*
2008	\$221,572,351*
2007	\$216,297,358*
2006	\$205,141,036*
2005	\$184,874,487*

Total Percentage Change from 2005 to 2009: 21%*

Total Dollar Change from 2005 to 2009: \$39,662,869*

*Figures for 2005 through 2009 include actual and estimated revenues from a 0.25% county-wide open space sales and use tax, from a 0.10% county-wide open space sales and use tax, from a 0.10% county transportation projects sales and use tax, and from grants, intergovernmental revenues, interest, fines and other exempted revenues, which voters authorized in 1993, 1994, 1997, 1998, 2000, and 2001, to be exempt from the County's general fiscal year spending limit. The figures from 2005 onwards include an ad valorem property tax mill levy increase authorized and exempted by voters in 2002. The actual and estimated revenues for 2005 through 2009 include estimated revenues from a 0.05% county-wide sales and use tax approved by voters in 2003 and again in 2008 for non-profit human services, which is also exempt from the County's general fiscal year spending limit. The actual and estimated revenues for 2005 through 2009 also include revenues from a 0.05% county-wide sales and use tax approved in 2003 for offender management capital construction and equipment, programs for alternatives to jail incarceration, and construction and equipping of a new addiction recovery center, which is also exempt from the County's general fiscal year spending limit; and a 0.10% county-wide sales and use tax approved by voters in 2004 for the acquisition and maintenance of open space, which is also exempt from the County's general fiscal year spending limit. All estimates for 2009 are based on the TABOR definition of fiscal year spending and limited revenues, although the County's fiscal year spending, revenue, and property tax revenue limits have been exempted from the TABOR limits by action of the voters in 2005.

Proposed Clean Energy Options Local Improvement District and Other County Revenue Bond Issues:

Maximum principal amount: \$85,000,000.

Estimated maximum annual repayment cost: \$13,000,000.

Maximum total repayment cost: \$180,000,000.

Total of Current Revenue Bond Issues**

Total current principal amount: \$214,926,778.

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Total maximum annual repayment cost: \$24,033,825.
Total remaining repayment cost: \$297,188,310.
**As of November 3, 2009.

Statement submitted in favor of County Issue 1B:

The Clean Energy Options Local Improvement District will offer Boulder County residents and businesses a way to finance energy improvements through the ClimateSmart Loan Program, including renewable energy systems (such as solar) and energy efficiency upgrades. Simply put, residents and businesses will be able to borrow money through the County and pay it back, over time, through a special assessment on property tax bills. Residents and businesses who do not wish to participate in the program will not pay any additional taxes or fees; they will not be impacted financially in any way.

Whether property owners are interested in saving money, reducing their contribution to climate change, reducing our dependence on fossil fuels, or increasing our energy independence, the Local Improvement District removes many of the financial hurdles that prevent them from achieving those goals. First, there would be little upfront cost to the property owner. Second, the upfront capital costs would be repaid through a voluntary special assessment on the property, thereby avoiding any direct impact on the property owner's personal credit. Third, the well-secured loans will provide competitive rates. Fourth, the obligation to pay the special assessment transfers with the property. Therefore, if the property is sold prior to the end of the repayment period, the new owner may take over repayment as part of his or her property tax bill or other arrangements may be made by the seller and buyer.

Boulder County and the cities of Boulder, Erie, Jamestown, Lafayette, Longmont, Louisville, Lyons, Nederland, Superior, and Ward seek to provide multiple benefits through the Clean Energy Options Local Improvement District. The program will offer property owners a no-money-down means of financing energy improvements that doesn't require a property appraisal or significant equity in the property. It provides a streamlined loan process, a fixed rate loan, and the opportunity for decreased utility bills. At the same time it shores up the local economy and makes it possible for Boulder County to fulfill energy conservation and climate-protection commitments. Begun in 2009, the ClimateSmart Loan Program is currently generating significant economic activity in the County. In fact, many contractors/vendors/installers have indicated that the program has helped them stay in business during difficult economic times and is, in some cases, the source of up to a third of their current work load.

The intent of the Clean Energy Options Local Improvement District (implemented as the ClimateSmart Loan Program) is to provide a "turnkey" service for Boulder County property owners who would otherwise be unable to finance energy efficiency measures and renewable energy options, including solar. Pending modifications to state law, the Clean Energy Options Local Improvement District will also be able to leverage programs in other counties, thereby reducing the costs paid by Boulder County borrowers. This program is critical to achieving our community's sustainability goals, including reducing our impact on climate change. Vote yes on 1B.

Summary of statements submitted in opposition to County Issue 1B:

Funding for clean energy options may have some merit, but not

to the tune of a potential \$180 million bond repayment cost. Sales tax revenues are down 10 percent in Boulder County this year and future projections are uncertain at best. The county and its taxpayers simply can't afford to pile on tens of millions of additional debt for over-the-top green initiatives from the commissioners.

Brilliant...now the county wants to use its good credit - no matter how it is reimbursed to fund energy projects in OTHER counties. Taxpayers, would you co-sign a note with people you don't know? That's what the commissioners are asking you to do.

NOTICE OF ELECTION TO INCREASE DEBT/ ON A REFERRED MEASURE

COUNTY ISSUE 1C: [\$6.1M Bond Authorization for Energy Conservation Projects]

Ballot Title:

SHALL BOULDER COUNTY DEBT BE INCREASED BY UP TO \$6,100,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$8,000,000, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, FOR THE PURPOSE OF FINANCING ENERGY CONSERVATION IN COUNTY BUILDINGS AND OTHER COUNTY PROPERTY, BY THE ISSUANCE OF BONDS PAYABLE FROM MONEYS TRANSFERRED FROM THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO THE CAPITAL IMPROVEMENT TRUST FUND TO BE ESTABLISHED IN CONNECTION WITH SUCH BONDS, WHICH BONDS SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH OTHER TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SHALL THE COUNTY BE AUTHORIZED, IN ORDER TO PROVIDE FOR THE PAYMENT OF SUCH BONDS, TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO TRANSFER MONEYS FROM THE GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO SUCH CAPITAL IMPROVEMENT TRUST FUND IN AN AMOUNT SUFFICIENT TO PAY THE DEBT SERVICE ON SUCH BONDS AND TO OTHERWISE COMPLY WITH THE COVENANTS OF THE RESOLUTIONS OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2009-102?

YES _____ NO _____

Text of Ballot Issue Proposal:

RESOLUTION NO. 2009-102

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY CALLING AN ELECTION ON NOVEMBER 3, 2009, FOR THE PURPOSE OF SUBMITTING A BALLOT ISSUE FOR THE ISSUANCE OF CAPITAL IMPROVEMENT TRUST FUND BONDS FOR FINANCING ENERGY CONSERVATION MEASURES IN COUNTY BUILDINGS AND OTHER COUNTY PROPERTY AND A MULTIPLE-FISCAL YEAR COMMITMENT OF AMOUNTS IN THE GENERAL FUND AND OTHER LEGALLY AVAILABLE COUNTY FUNDS FOR THE PAYMENT THEREOF; SETTING THE CONTENT OF THE BALLOT ISSUE FOR THE ELECTION;

BOULDER COUNTY

AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, Boulder County, Colorado (the "County") is a Colorado county duly organized and operating under the Constitution and laws of the State of Colorado (the "State"); and

WHEREAS, in keeping with its policies of supporting and utilizing available means to encourage energy efficiency in County facilities, the County wishes to undertake the issuance of federally authorized Qualified Energy Conservation Bonds (as defined in 26 U.S.C. Section 54D, as amended) or any other applicable form of tax credit bonds, or any combination thereof, for the purpose of financing previously planned capital improvements for energy efficiency and renewable energy installations in facilities owned by the County (hereafter "the Projects") including paying all costs necessary and incidental thereto; and

WHEREAS, pursuant to Sections 30-11-104 and -107, Colorado Revised Statutes, as amended ("C.R.S."), the County is authorized to provide County buildings and keep them in repair, and the Board of County Commissioners of the County (the "Board") is authorized to make such orders concerning County property as it deems expedient; and

WHEREAS, pursuant to the County Capital Improvement Trust Fund Financing Act, Part 5 of Article 26 of Title 30, C.R.S., the County is authorized to create a capital improvement trust fund for the purpose of acquiring, constructing and improving any real or personal property that the County is authorized to acquire, construct and improve under the laws of the State, to deposit County funds in such capital improvement trust fund from any revenues, funds or moneys of the County which are legally available for such purpose and to issue bonds payable from such capital improvement trust fund and any other legally available moneys; and

WHEREAS, the Board has therefore determined to submit a ballot issue (the "Ballot Issue") to authorize such bonds and such sources of payment at an election to be held on November 3, 2009, and to set the content of the ballot issue to be submitted at the election called by this Resolution; and

WHEREAS, pursuant to Section 1-5-203(3), C.R.S., no later than September 4, 2009, the order of the ballot and ballot content must be certified to the County Clerk and Recorder of the County (the "County Clerk");

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO HEREBY RESOLVES:

1. An election shall be held on Tuesday, November 3, 2009 at which the Ballot Issue shall be submitted to the registered electors of the County.

2. If a majority of the registered electors of the county voting at such election vote in favor of the Ballot Issue, bonds in one or more series with a maximum principal amount of \$6,100,000, with a maximum repayment cost of \$8,000,000, may be issued as tax-exempt bonds, taxable bonds, Qualified Energy Conservation Bonds (as defined in 26 U.S.C. Section 54D, as amended) or any other applicable form of tax credit bonds, or any combination thereof, and the County shall be authorized to establish a capital improvement trust fund for the payment of such bonds and enter into a multiple-fiscal year obligation to transfer moneys from the County's general fund and other legally available funds to such capital improvement trust fund.

3. The election shall be conducted as a coordinated election in

accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"). The costs of the election shall be paid by the County.

4. The Board shall take further action by resolution to set a ballot title for the Ballot Issue. For purposes of Section 1-11-203.5, C.R.S., such resolution shall serve to set the ballot title for the 2009 Ballot Issue and the text of the 2009 Ballot Issue shall be the text of this Resolution.

5. No later than September 4, 2009, the Designated Election Official shall certify the order of the ballot and ballot content to the Clerk and Recorder of the County (the "County Clerk"). The "Designated Election Official" shall be Jana L. Petersen, Administrative Deputy to the Board.

6. The order of the ballot shall be determined by the County Clerk as provided in Section 1-5-407(5), C.R.S., and the rules of the Secretary of State. In accordance therewith, if the County refers more than one ballot issue, the order of the ballot shall, in accordance therewith, be as follows: first, measures to increase taxes; second, measures to retain revenues in excess of its fiscal year spending limit; third, measures to increase debt; fourth, citizen petitions; and fifth, other referred measures. If the County refers more than one ballot issue within any such type of ballot issue, the order within such type of ballot issue shall, unless otherwise determined by the Board, be the same as the order of the ballot issues in the resolution of the Board that orders that such ballot issues be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).

7. The Designated Election Official is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Resolution and comply with the Uniform Election Code, Article X, Section 20 of the Colorado Constitution ("TABOR"), and other applicable laws; provided that all acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots which are to be performed by the Designated Election Official shall be performed by the County Clerk. The election shall be conducted in accordance with the Uniform Election Code, TABOR and all other applicable laws.

8. No later than September 22, 2009, the Designated Election Official shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the notice of election required by subsection (3)(b) of TABOR.

9. No later than October 14, 2009, the Designated Election Official shall ensure that, in accordance with Section 1-7-908, C.R.S., the posting of financial notice required thereby is made on the County's website.

10. The Designated Election Official, the County Clerk and other County officials and employees are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

11. All actions not inconsistent with the provisions of this Resolution heretofore taken by the members of the Board and the officers and employees of the County and directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

12. All prior acts, orders or resolutions, or parts thereof, by the County in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

13. If any section, paragraph, clause or provision of this

BOULDER COUNTY

Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

14. This Resolution shall take effect immediately upon its passage by the affirmative vote of a majority of the voters voting thereon.

This Resolution has been adopted this 18th day of August, 2009 by the BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, STATE OF COLORADO.

The estimated total of Boulder County fiscal year spending for the current year and actual total for each of the past four years and the overall percentage and dollar change for the period are as follows:

YEAR	FISCAL YEAR SPENDING
2009	\$224,537,356*
2008	\$221,572,351*
2007	\$216,297,358*
2006	\$205,141,036*
2005	\$184,874,487*

Total Percentage Change from 2005 to 2009: 21%*

Total Dollar Change from 2005 to 2009: \$39,662,869*

*Figures for 2005 through 2009 include actual and estimated revenues from a 0.25% county-wide open space sales and use tax, from a 0.10% county-wide open space sales and use tax, from a 0.10% county transportation projects sales and use tax, and from grants, intergovernmental revenues, interest, fines and other exempted revenues, which voters authorized in 1993, 1994, 1997, 1998, 2000, and 2001, to be exempt from the County's general fiscal year spending limit. The figures from 2005 onwards include an ad valorem property tax mill levy increase authorized and exempted by voters in 2002. The actual and estimated revenues for 2005 through 2009 include estimated revenues from a 0.05% county-wide sales and use tax approved by voters in 2003 and again in 2008 for non-profit human services, which is also exempt from the County's general fiscal year spending limit. The actual and estimated revenues for 2005 through 2009 also include revenues from a 0.05% county-wide sales and use tax approved in 2003 for offender management capital construction and equipment, programs for alternatives to jail incarceration, and construction and equipping of a new addiction recovery center, which is also exempt from the County's general fiscal year spending limit; and a 0.10% county-wide sales and use tax approved by voters in 2004 for the acquisition and maintenance of open space, which is also exempt from the County's general fiscal year spending limit. All estimates for 2009 are based on the TABOR definition of fiscal year spending and limited revenues, although the County's fiscal year spending, revenue, and property tax revenue limits have been exempted from the TABOR limits by action of the voters in 2005.

Proposed Energy Conservation Bond Issue:

Maximum principal amount: \$6,100,000.

Estimated maximum annual repayment cost: \$513,050.

Maximum total repayment cost: \$8,000,000.

Total of Current Revenue Bond Issues**

Total current principal amount: \$214,926,778.

Total maximum annual repayment cost: \$24,033,825.

Total remaining repayment cost: \$297,188,310.

**As of November 3, 2009.

Statement submitted in favor of County Issue 1C:

Qualified Energy Conservation Bonds are available for a limited time under the American Recovery and Reinvestment Act for specific types of energy conservation projects. It is likely that the Qualified Energy Conservation Bonds will only be available for one year. Boulder County proposes to use the allocation granted to the County by the federal government to provide very low interest financing to fund energy efficiency and renewable energy improvements to County facilities. The County will have up to \$6.1 million available in this one-time allocation.

The funding obtained through the Qualified Energy Conservation Bonds will carry an effective interest rate of approximately 1-2%. Utilizing this limited time opportunity will allow the County to make improvements in a timely and cost effective manner that not only will save the County and taxpayers money, but will also support the County's long-term goals of carbon neutrality (no net greenhouse gas emissions) and increased sustainability of County operations.

The types of improvements the County will likely fund, should voters approve Ballot Measure 1C, include: installation of solar photovoltaic (PV) systems, installation of solar thermal (hot water) systems, lighting upgrades, heating/cooling system upgrades, installation of reflective roofs, and improvements to building envelopes. These improvements to County facilities will achieve at least a 20% reduction in energy consumption in the buildings where work occurs. Buildings under consideration for funding include the County Fairgrounds, Sheriff's Administration building, Justice Center, Open Space and Transportation Complex, the Boulder County Jail, and a new transportation building on Longhorn Road where the County is attempting to build a net-zero energy building.

As the County buildings function more efficiently as a result of improvements made using the Qualified Energy Conservation Bonds, the County and taxpayers will save money on utility bills and there will be a subsequent reduction in the County's contribution to global climate change as well as localized air pollution. These very cost effective bonds are available for a limited time under the American Reinvestment and Recovery Act. Please vote yes on 1C!

Summary of statements submitted in opposition to County Issue 1C:

Where in this Bond Authorization does it say that either money or energy will be saved? If the commissioners say "This is an energy conservation project", then, voila!, it's an energy conservation project. If no energy is saved, who will be responsible for reimbursing the taxpayers for another boondoggle?

CITY OF BOULDER

CITY OF BOULDER
Office of the City Clerk
1777 BROADWAY
P.O. BOX 791
BOULDER, CO 80306
(303) 441-3011

BALLOT ISSUE NO. 2A

SALES AND USE TAX EXTENSION

NOTICE OF ELECTION TO INCREASE TAXES AND DEBT AND FOR REVENUE CHANGES

(i) Ballot title and text for Ballot Issue 2A:

ORDINANCE NO. 7672

AN ORDINANCE SUBMITTING A BALLOT ISSUE TO THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2009 ELECTION TO AUTHORIZE AN EXISTING 0.15% SALES AND USE TAX CURRENTLY SET TO EXPIRE ON DECEMBER 31, 2012, TO BE EXTENDED INDEFINITELY AND WITHOUT RESTRICTION, AND GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS; AND SETTING FORTH RELATED DETAILS.

The City Council finds that:

A. The existing 0.15% sales and use tax (the "0.15% Sales and Use Tax") was approved by voters on November 3, 1992, with an expiration date of December 31, 2012, which 0.15% Sales and Use Tax funds general city services;

B. The electorate should consider authorizing the City Council to continue indefinitely the collection of the 0.15% Sales and Use Tax from its present expiration date of December 31, 2012 to fund, without limitation, fire, police, library, parks, human services and other general fund purposes;

C. It is appropriate for voters to approve the continued collection, retention and expenditure of the full tax proceeds and any related earnings from the 0.15% Sales and Use Tax; and

D. The purposes that will be served by the continued collection of the tax are critical for the continued provision of essential general fund city services;

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 a ballot issue to amend that portion of section 3-2-5, "Rate of Tax," B.R.C. 1981, that pertains to the 0.15% Sales and Use Tax that is currently set to expire at 12:00 midnight on December 31, 2012 by extending the tax indefinitely and without restriction beyond its current sunset date.

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

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING 0.15% CITY OF BOULDER SALES AND USE TAX CURRENTLY SET TO EXPIRE ON DECEMBER 31, 2012 BE EXTENDED INDEFINITELY AND WITHOUT RESTRICTION TO CONTINUE TO FUND GENERAL FUND SERVICES SUCH AS, WITHOUT LIMITATION, POLICE, FIRE, LIBRARY, PARKS AND HUMAN SERVICES, PURSUANT TO AND BY ADOPTION OF ORDINANCE NO. 7672;

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF THE TAX AND ANY EARNINGS THEREFROM, BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION AND WITHOUT LIMITING THE COLLECTION, RETENTION OR SPENDING OF ANY REVENUES OR FUNDS BY THE CITY OF BOULDER, UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

FOR THE MEASURE _____ AGAINST THE MEASURE _____

Section 3. Effective January 1, 2010, subsection 3-2-5(c), B.R.C. 1981, is amended to read (Note - the language which has been lined out would be omitted from the section if this ordinance is approved by the electors.):

3-2-5 Rate of Tax.

(c) Of said amount, 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at 12:00 midnight on December 31, 2015; 0.33 percent shall be deemed an open space tax, which tax shall expire at 12:00 midnight on December 31, 2018; 0.15 percent shall be deemed a general sales and use tax; 0.15 percent shall be deemed an open space tax, which tax shall expire at 12:00 midnight on December 31, 2019; and, beginning on January 1, 2005, 0.15 percent shall be deemed a general sales and use tax, which tax shall expire at 12:00 midnight on December 31, 2024. As each tax expires, the aggregate tax shall be reduced accordingly.

Section 4. 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 the tax code amended as provided herein.

Section 5. The electors of the city of Boulder hereby authorize the City Council to adopt such other amendments to this Ordinance No. 7672 and to Chapter 3-2, "Sales and Use Tax," B.R.C. 1981, including, but not limited to, imposing a lesser amount than the 0.15% Sales and Use Tax, and to adopt such other ordinances as may be necessary to implement the intent and purpose of this ordinance.

Section 6. 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.

CITY OF BOULDER

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 AND ORDERED PUBLISHED BY TITLE ONLY this 7th day of July, 2009.

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of July, 2009.

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

Fiscal Information for Ballot Issue 2A - N/A as there is no increase in revenue

The following summaries were prepared from materials filed by persons in favor of or opposed to the ballot issue:

Those in favor say:

From 2001-2003, the City experienced a significant economic downturn which led to major budget reductions (\$13.2 million) and the elimination or downsizing of many services and programs.

As competition from surrounding cities continued to impact the City's revenues, the City Council appointed a Blue Ribbon Commission to study the City's financial health and to recommend how to create a long-term, balanced and stable revenue stream for the City.

The Commission recommended the renewal of existing sales taxes as the top priority for revenue stabilization in Boulder. City Ballot Item 2A seeks to extend the .15 sales tax which is due to expire in 2012. This tax was approved in 1993 to fund debt payments on bonds for many recreational improvements and facilities. The funds not needed for the bonds supported a myriad of city services with a large proportion of the tax funding basic human service programs such as the Center for People with Disabilities and Boulder Day Nursery.

At present, this tax generates almost \$3.7 million annually.

The facilities debt will be retired in 2012 as promised but if this tax expires, the City will face a major budget shortfall that cannot be mitigated by eliminating a few programs. The City's ability to be a good steward of public property and to meet the basic needs of its residents depends upon reliable, ongoing sources of revenue.

Given the current economic downturn, the City has had to cut roughly \$5 million from the 2010 budget and approximately 26 full time equivalent positions. Without a significant improvement in the economy, the City will be facing additional cuts next year.

At present, only 1.38% of the City's 3.41% sales and use tax is available permanently for basic general fund services. By extending the .15 tax, that number will grow to 1.53% and Boulder's voters will signal their commitment to ongoing funding for core services such as facility maintenance and human services.

A YES vote on City Ballot Item 2A is a vote for a financially healthy future for the City of Boulder.

Those opposed say:

The title reads

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING 0.15% CITY OF BOULDER SALES AND USE TAX CURRENTLY SET TO EXPIRE ON DECEMBER 31, 2012 BE EXTENDED INDEFINITELY AND WITHOUT RESTRICTION TO CONTINUE TO FUND GENERAL FUND SERVICES SUCH AS, WITHOUT LIMITATION, POLICE, FIRE ...

So let's pick this apart.

First ... the lie that starts this off: "Without raising additional taxes". Hmm, let's see ... if the tax expires then less money will be taken out of your pocket. If the tax extension is approved then more money is taken out of your pocket.

Second, the Council is asking for an extension forever. Why? Why can't we vote on this in, say, ten years again?

Third, note the psychological ploy: The money will be used for stuff that everyone agrees on: police and fire, etc. Of course, these services are already well-covered. What the council wants this money for is its pet projects.

(i) Ballot title and text for Ballot Issue 2B:

ORDINANCE NO. 7673

AN ORDINANCE SUBMITTING A BALLOT ISSUE TO THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2009 ELECTION, TO AUTHORIZE ADDITIONAL DEBT TO CONTINUE THE ACQUISITION OF INTERESTS IN OPEN SPACE REAL PROPERTY, TO BE PAID FROM THE EXISTING SALES AND USE TAX DESIGNATED FOR THE ACQUISITION OF OPEN

CITY OF BOULDER

SPACE; AND INCREASING THE CITY'S PROPERTY TAX TO SERVE AS A "BACK-UP" PLEDGE FOR SUCH DEBT; AND SETTING FORTH RELATED DETAILS.

The City Council finds that:

A. The voters of the city have earmarked sales and use taxes for the acquisition of interests in real property for open space purposes by approval of two separate sales and use taxes in the amounts of 0.33% and 0.15%, which taxes expire at the end of 2018 and 2019, respectively.

B. In 1994 the voters authorized the issuance of approximately \$35 million of revenue bonds payable from the open space sales and use tax. The ballot question approved by the voters in 1993 was intended to allow the bonds to be issued as general obligation bonds rather than revenue bonds to pay lower interest rates and obtain more favorable terms on the bonds. However, the Colorado Supreme Court determined that the ballot issue in 1994 approved only revenue bonds, but not the general obligation pledge for such bonds. The general obligation pledge provides backing from city property taxes in the event the designated sales and use tax revenues are not sufficient for bond payments.

C. Authorizing a general obligation pledge for bonds to be paid from the open space sales and use tax revenues will assure bondholders that the repayment of the bonds will not be affected by the expiration of such taxes, and additional property taxes will be levied if necessary to pay bondholders, thereby reducing the cost of such bonds, by obtaining more favorable terms.

D. Authorizing the issuance of general obligation bonds will allow the city to obtain more favorable interest rates and terms for bonds approved by the voters in 1993 by issuing general obligation bonds.

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

F. The purposes that will be served by the ability to fund acquisition of interests in real property for opens space are consistent with the goals of the city.

G. If a majority of the votes cast at the election shall be against the measure, the authorization granted by the voters in 1994 for sales and use tax revenue bonds will not be affected.

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 general obligation debt backed by the full faith and credit of the city. The proceeds of the bonds are to be used to fund acquisition of real property interests for open space from existing sales and use taxes earmarked for open space purposes. As general obligation bonds, any other revenues of the city in addition to the earmarked sales and use tax, including an increase in

property taxes, will be used to repay the bonds. The bond issue also authorizes any earnings from bond proceeds as 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. 2B

OPEN SPACE GENERAL OBLIGATION BONDS

SHALL CITY OF BOULDER DEBT BE INCREASED UP TO \$33,450,000 WITH A REPAYMENT COST OF UP TO \$80,863,800, AND SHALL CITY TAXES BE INCREASED UP TO \$3,200,000 ANNUALLY, (TAXES TO BE INCREASED ONLY IF EXISTING DEDICATED OPEN SPACE SALES AND USE TAXES ARE INSUFFICIENT TO REPAY THE DEBT); AND

SHALL THE PURPOSE OF THIS MEASURE BE TO ALLOW THE CITY TO OBTAIN MORE FAVORABLE INTEREST RATES AND TERMS FOR BONDS APPROVED BY THE VOTERS IN 1993 BY ISSUING GENERAL OBLIGATION BONDS; AND

SHALL THE BOND PROCEEDS BE USED TO CONTINUE THE PURCHASE OF OPEN SPACE REAL PROPERTY INTERESTS AS WAS PREVIOUSLY AUTHORIZED BY A VOTE OF THE PEOPLE IN 1971; AND

SHALL THIS PURPOSE BE ACCOMPLISHED BY THE ISSUANCE AND PAYMENT OF CITY BONDS AT A NET EFFECTIVE INTEREST RATE NOT TO EXCEED 7% PER YEAR AND WITH A MATURITY DATE NOT TO EXCEED 30 YEARS FROM THE RESPECTIVE DATES OF ISSUANCE; AND

SHALL SUCH BONDS BE ISSUED, DATED, AND SOLD AT SUCH TIME(S) AND IN SUCH MANNER AND CONTAIN SUCH TERMS, NOT INCONSISTENT WITH THIS MEASURE, AS THE CITY COUNCIL MAY DETERMINE; AND

SHALL SUCH BONDS BE PAYABLE FROM REVENUE DERIVED FROM EXISTING SALES AND USE TAXES, WITHOUT ANY INCREASE IN RATE, EARMARKED AND COMMITTED FOR SUCH PURPOSES BY VOTE OF THE CITY'S ELECTORS AND BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY AS AUTHORIZED IN THE CITY'S CHARTER AND PURSUANT TO THE ADOPTION OF ORDINANCE NO. 7673; AND

SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR WITHOUT LIMITATION AS TO RATE AND IN AN AMOUNT SUFFICIENT, TOGETHER WITH OTHER AVAILABLE REVENUES, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH BONDS WHEN DUE; AND

SHALL ANY EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH TAXES AND BONDS (REGARDLESS OF THE AMOUNT) CONSTITUTE A VOTER APPROVED REVENUE CHANGE WITHOUT REGARD TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE

CITY OF BOULDER

COLORADO CONSTITUTION?

FOR THE MEASURE ____ AGAINST THE MEASURE ____

Section 3. The electors of the city of Boulder hereby authorize the City Council to adopt such amendments to this Ordinance No. 7673 as may be necessary to implement the intent and purpose of this ordinance.

Section 4. 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 5. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city, of the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

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, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 7th day of July 2009.

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of July 2009.

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

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

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

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

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

Fiscal Information for Ballot Issue 2B - (Request to convert the currently authorized Open Space Sales Tax Revenue Bonds to Sales Revenue Bonds backed with a general obligation pledge-ORD 7673)

- (ii) N/A
(iii) N/A
(iv) For proposed City bonded debt described in Ballot Issue 2B, its principal amount and maximum annual and total City repayment cost, and the principal balance of total current City bonded debt and its maximum annual and remaining total City repayment cost

Proposed City Bonded Debt to convert from revenue to General Obligation Debt

Current City General Obligation Debt Outstanding*

Principal Amount
\$33,450,000

Principal Amount
\$60,215,000
Max Annual Payment Cost
\$2,698,050

Max Annual Payment Cost
\$11,801,883
Total Max Repayment Cost
\$80,863,800

Remaining Repayment Cost
\$69,842,427

*As of September 1, 2009 and excluded from debt are enterprise and annual appropriation obligations.

The following summaries were prepared from materials filed by persons in favor of or opposed to the ballot issue:

Those in favor say:

The purpose of this measure is to reduce the interest the City must pay on its bonds by adding the financial backing of the City's general revenues to the Open Space Sales and Use Tax revenues to pay off existing Open Space bonds used to purchase Open Space property. The use of City general funds would occur only in the very unlikely case that Open Space tax revenues should be insufficient for repayment.

This issue would reduce the interest cost for issuing Open Space Bonds and would therefore result in savings of between \$2.7 million to \$4.1 million over the life of the bonds.

This \$2.7 to \$4.1 million in savings would be used to support the Open Space uses approved by taxpayers in prior measures, rather than to be lost to the City as interest paid to bondholders.

This is not an increase in the rate or term of any existing approved Open Space Sales and Use Tax.

CITY OF BOULDER

This does not increase the amount of debt that the voters have authorized through their approval of Open Space Sales and Use Taxes. The debt referred to in the ballot title is the remaining un-issued, but already authorized Open Space bonds in the amount of \$33,450,000.

Over the past 40 years, the Open Space Sales and Use Tax revenues have been adequate to make the payments for outstanding bonds even in major economic downturns, and Boulder's scores from bond rating agencies have remained high. The Open Space Fund has always maintained conservative and sizeable reserves to ensure that debt obligations can always be met.

The issue would improve the marketability of Boulder's Open Space Bonds, resulting in lower interest rates and lower payments on these bonds, which were first authorized by Boulder voters in 1994.

This does not introduce any new bond authorizations.

Those opposed say:

Once you cut through all of the gobbledegook, what this comes down to is a possible and probable increase in property taxes.

What this ordinance tells us, and it is buried in the language of the ordinance, is that Council wants to buy more open space, but it wants to do it so that it has two sources of revenue to pay it back.

The two revenue streams are sales taxes (the normal way to fund Open Space) and now, if sales taxes are insufficient, to hit up the property owners for more money. In other words, the Council and the bond holders know that the city's sales tax revenues are likely not to be enough to pay for all this Open Space.

We should be holding Council's feet to the fire to make Boulder a good place to do business so that sales tax revenues keep pace with Council's never-ending demands to buy Open Space; land that is then taken off of the tax roles.

The City buys Open Space. The county buys Open Space. Thus city dwellers are hit up twice for the same purpose.

And now, property owners, many of whom are on fixed incomes, will be hit up for extra taxes if the sales taxes aren't enough to pay off the bonds. If you think that you, as a renter, will be immune to this tax increase, your landlord will pass the increase on to you in increased rents.

Hold the Council's feet to the fire. Vote no on this tax increase.

(i) Ballot title and text for Ballot Issue 2C:

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:

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

F.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.

G.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.

H.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.

I.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. 2C

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

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

SHALL THIS BE DONE BY THE ISSUANCE OF BONDS OF THE CITY, AT A NET EFFECTIVE INTEREST RATE NOT TO EXCEED 10% PER YEAR AND WITH A MATURITY DATE

CITY OF BOULDER

NOT TO EXCEED 20 YEARS FROM ISSUANCE; AND

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

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

FOR THE MEASURE ___ AGAINST THE MEASURE ___

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

Section 4. 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 5. The election shall be conducted under the provisions of the Colorado Constitution, the Charter and ordinances of the city in the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

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
Attest: Alisa D. Lewis, City Clerk

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

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

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

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

Fiscal Information for Ballot Issue 2C - (Increase debt for the purpose of funding ongoing pension obligations of the City for police officers and firefighters hired before April 8, 1978 without a tax increase-ORD 7674)

(ii) N/A

(iii) N/A

(iv) For proposed City bonded debt described in Ballot Issue 2C, its principal amount and maximum annual and total City repayment cost, and the principal balance of total current City bonded debt and its maximum annual and remaining total City repayment cost

Proposed City Bonded Debt

Current City General Obligation Debt Outstanding*

Principal Amount
\$11,320,000

Principal Amount
\$60,215,000
Max Annual Payment Cost
\$ 1,332,000

Max Annual Payment Cost
\$11,801,883
Total Max Repayment Cost
\$26,597,000

Remaining Repayment Cost
\$69,842,427

*As of September 1, 2009 and excluded from debt are enterprise and annual appropriation obligations.

The following summaries were prepared from materials filed by persons in favor of or opposed to the ballot issue:

Those in favor say:

The ballot request is to issue pension obligation bonds to provide a method to level out annual pension contributions that the City of Boulder is currently required to make to a finite number of retired police officers. This retirement program has been closed and no new retirees are being added to the program. At the current time the City of Boulder contributions fluctuate depending on investment market conditions. No tax increase is requested as the contributions are already made by the City of Boulder. To issue this type of bond, authorization must be provided by the voters due to the multi-year obligation of bond payments. This proposal will level out payments by the City of Boulder and will only be issued if financial conditions are appropriate for issuance.

Those opposed say:

The Council does not have enough money to pay off its pension obligations.

It now wants to take the insane measure of going into debt to pay off a current expense. The credit rating of this City will be further diminished by poor financial policy.

CITY OF BOULDER

Old Councils should never have authorized this level of pension obligation; but, hey, old Councils are not personally liable for the promises they made.

This Council should be told by the voters that there is no way that we will let them continue to repeat the mistakes of the past. We, and this Council, must stop burdening our future by borrowing like crazy.

(i) Ballot title and text for Ballot Issue 2D:

ORDINANCE NO. 7679

AN ORDINANCE SUBMITTING A BALLOT ISSUE TO THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2009 ELECTION, INCREASING THE HOUSING EXCISE TAX ON NEW DEVELOPMENT, OTHER THAN ON RESIDENTIAL DWELLING UNIT DEVELOPMENT, TO PROVIDE AFFORDABLE HOUSING FOR PEOPLE WITH LOW INCOMES; REPEALING PORTIONS OF THE EXISTING HOUSING EXCISE TAX ON RESIDENTIAL DEVELOPMENT; AND SETTING FORTH RELATED DETAILS.

The City Council finds and recites that:

In 1998 the voters approved a Housing Excise Tax to raise money for the provision of affordable housing for people who live and work in the city.

A diverse housing stock is necessary in this community in order to serve people of all income levels and to provide the opportunity for working people to have better access to jobs and upgrade their economic status.

A housing shortage for persons of very low-, low- and moderate-income is detrimental to the public health, safety and welfare. The inability of such persons to reside within the city negatively affects the community's jobs/housing balance and has serious and detrimental transportation and environmental consequences.

The Housing Excise Tax has historically been levied on development of new residential dwelling units. The city's inclusionary zoning regulations, reflected in chapter 9-13 of the Boulder Revised Code, also apply to that development. Imposing the Housing Excise Tax on development other than residential dwelling unit development is appropriate because both residential and non-residential development generate jobs and the need for very low-, low-, and moderate-income housing in the city. However, residential dwelling unit development already contributes to the provision of affordable housing through the inclusionary zoning regulations.

If the voters approve this ordinance, the tax rates set forth herein will become the maximum Housing Excise Tax rates for new development other than residential dwelling unit development, and the current Housing Excise Tax on new residential dwelling units will be eliminated.

The purpose of this ordinance is to shift the tax burden from new residential dwelling units to other categories of new development.

If the voters approve this ballot measure, the City Council will be authorized to adopt such laws as are necessary to further the purposes of this ordinance.

It is appropriate for voters to approve collection, retention and expenditure of the full amount collected from the Housing Excise Tax.

The increased revenue that will be generated for affordable housing is necessary for the continued provision of critically important housing within 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 whether to authorize an increase in the Housing Excise Tax; repeal a portion of the existing Housing Excise Tax; and collect, retain and spend the revenues generated from such tax notwithstanding any state revenue or expenditure limitations, pursuant to an ordinance consistent with the ballot question to be adopted by City Council.

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

BALLOT ISSUE NO. 2D

CHANGES TO HOUSING EXCISE TAX

SHALL CITY OF BOULDER HOUSING EXCISE TAXES BE INCREASED FOR NEW DEVELOPMENT TO PRODUCE APPROXIMATELY \$1,250,000 (IN THE FIRST YEAR) ANNUALLY; AND

PURSUANT TO ORDINANCE NUMBER 7679 AND FUTURE CITY COUNCIL ACTION:

SHALL THE PURPOSE OF THIS MEASURE BE TO SHIFT THE TAX BURDEN FROM NEW RESIDENTIAL DWELLING UNITS TO OTHER CATEGORIES OF NEW DEVELOPMENT; AND

SHALL THE EXISTING HOUSING EXCISE TAX BE ELIMINATED ON RESIDENTIAL DWELLING UNITS; AND

SHALL THE HOUSING EXCISE TAX ON NEW DEVELOPMENT OTHER THAN RESIDENTIAL DWELLING UNITS BE RAISED TO BETWEEN \$3.00 AND \$7.00 PER SQUARE FOOT BASED UPON THE FOLLOWING LAND USE CLASSIFICATIONS:

COMMERCIAL USES
INDUSTRIAL AND GENERAL NON RESIDENTIAL USES
INSTITUTIONAL USES; AND

SHALL THE CITY COUNCIL BE AUTHORIZED TO PHASE IN THE NEW TAX RATES OVER FIVE YEARS OR MORE AND MAKE THE TAX SUBJECT TO AN ANNUAL INCREASE BEGINNING IN 2015 BASED UPON AN INDEX RELATED TO THE COST OF PRODUCING HOUSING IN THE AREA; AND

SHALL THE CITY COUNCIL BE AUTHORIZED TO REDUCE OR WAIVE ANY PORTION OF THE HOUSING EXCISE TAX WHEN DETERMINED TO BE IN THE PUBLIC INTEREST; AND

SHALL APPROVAL BE GRANTED FOR THE COLLECTION, RETENTION AND EXPENDITURE OF ALL REVENUES RECEIVED FROM SUCH TAX NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION?

FOR THE MEASURE ___ AGAINST THE MEASURE ___

CITY OF BOULDER

Section 3. The City Council will amend chapter 3-9 "Housing Excise Tax," B.R.C. 1981, as soon as practical after the passage of this measure to include the following elements:

1. The existing Housing Excise Tax on residential development shall be eliminated;
2. The Housing Excise Tax as approved by the voters may be imposed on all new development other than residential dwelling unit development;
3. The tax rates shall be phased in between January 1, 2010 and December 31, 2014, up to the amounts listed, or in such lesser amount or over such longer period as may be determined by the City Council;
4. The Housing Excise Tax rates may be increased by application of an index related to the cost of producing housing in the area applied to the maximum rate each year commencing in 2015;
5. The procedures by which the taxes will be assessed and collected;
6. Definitions of the taxation categories and other terms will be provided;
7. The Housing Excise Tax may be reduced or waived by City Council when determined to be in the public interest;
8. Credit offsets may be provided for uses in place prior to the assessment of the new Housing Excise Tax provisions.

Section 4. The maximum tax rate for 2010-2014 for new development other than residential dwelling unit development shall be the following amounts for the following categories assessed on a per square foot of floor area basis:

- Commercial
\$7.00
- Industrial and General Non-Residential
\$5.00
- Institutional
\$3.00

Section 5. If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the City Council shall be authorized to amend the Boulder Revised Code and to adopt such other ordinances as may be necessary to implement the intent and purpose of this ordinance.

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 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, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of July 2009.

Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY TITLE ONLY this 4th day of August 2009.
Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 18th day of August 2009.
Matthew Appelbaum, Mayor
Attest: Alisa D. Lewis, City Clerk

Fiscal Information for BALLOT ISSUE 2D - (Increase City of Boulder Housing Excise tax for new development and eliminate the existing Housing Excise Tax on existing residential units-ORD 7679)

(ii) Estimated total City fiscal year spending for the current year and actuals for each of the past four years, and the overall percentage and dollar change.

<u>Fiscal Year</u>	<u>Dollar Spending</u>
2005 Actual	140,171,000
2006 Actual	153,300,000
2007 Actual	167,912,000
2008 Actual	172,035,000
2009 Adopted	171,020,000

Overall Percentage Change from 2005 to 2008 22.73%
Overall Dollar Change from 2005 to 2008 \$31,864,000

(iii) For the first full fiscal year of this proposed City tax increase (2010), the City estimates that the maximum dollar amount of the increase in the excise tax will be \$1,250,000 and that the City fiscal year spending without the increase is recommended to be \$166,170,000.
Overall Dollar Change from 2005 to 2008 \$ 31,864,000

The following summaries were prepared from materials filed by persons in favor of or opposed to the ballot issue:

Those in favor say:
No comments were received

Those opposed say:
The sum and substance of this legislation is to raise taxes about \$1.25 million.

And it wants to do this by sticking it to developers of commercial and industrial properties.

So this ordinance would again increase the hostility of Boulder's City Council to new jobs and a good business climate that would generate new tax revenues.

No wonder the Council wants us to pass all those other taxes.

TOWN OF LYONS

**TOWN OF LYONS, COLORADO
ORDINANCE 871**

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF LYONS AT THE GENERAL ELECTION TO BE HELD ON TUESDAY THE THIRD DAY OF NOVEMBER 2009; THE QUESTION OF WHETHER THE TOWN OF LYONS SHOULD BE AUTHORIZED TO COLLECT AND SPEND THE FULL REVENUES GENERATED DURING 2010 AND EACH SUBSEQUENT YEAR PURSUANT TO AN INCREASE IN SALES AND USE TAX RATES OF .75% (THREE QUARTERS OF ONE PERCENT) AND TO SPEND SUCH REVENUES FOR (A) DEBT SERVICES, (B) MUNICIPAL OPERATIONS, AND (C) CAPITAL PROJECTS; AUTHORIZING THE BOARD OF TRUSTEES TO ADOPT ANNUAL BUDGETS AND AMENDMENTS THERETO TO IMPLEMENT THE APPROVAL OF THIS REFERRED MEASURE; SETTING FORTH THE BALLOT TITLE; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR CONDUCT OF THE ELECTION; PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Article X, Section 20 of the Colorado Constitution, authorizes the Town of Lyons to refer the question herein submitted to a vote of the registered electors of the Town of Lyons as a "revenue change"; and

WHEREAS, on November 3, 2009 the Town of Lyons will hold its regular general election as a mail ballot election in coordination with Boulder County; and

WHEREAS, the Board of Trustees is of the opinion that it is in the best interests of the citizens of the Town of Lyons that the full revenues generated by an increase of .75% in the Town's sales and use tax rate beginning January 1, 2010 and each subsequent year pursuant to its existing sales and use tax code should be collected by the Town notwithstanding the limitations of Article X, Section 20 of the Colorado Constitution, and spent for (a) debt services, (b) municipal operations, and (c) capital projects; and

WHEREAS, the Board of Trustees is of the opinion* that such question should properly be decided by the registered electors of the Town of Lyons.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1: At the regular general election of the Town of Lyons to be held as a mail ballot election in coordination with Boulder County on Tuesday, the 3rd day of November, 2009, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the vote of the registered electors of the Town of Lyons the question herein authorized.

Section 2: At the said election, the official ballot,

including absentee ballots, shall state the substance of the question to be voted upon and so stated shall constitute the ballot title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE TOWN OF LYONS TAXES BE INCREASED APPROXIMATELY \$200,000 IN THE FIRST FULL FISCAL YEAR BY INCREASING THE SALES AND USE TAX RATE FROM 3.0 PERCENT TO 3.75 PERCENT, SUCH CHANGE TO BE IN EFFECT AS OF JANUARY 1, 2010, AND SHALL THE REVENUE CHANGE IN EVERY SUBSEQUENT YEAR CAUSED BY SUCH INCREASED SALES AND USE TAX RATE BE APPROVED, PERMITTING ALL OF THE PROCEEDS OF SUCH INCREASE IN THE TOWN'S SALES AND USE TAX TO BE COLLECTED, RETAINED, AND SPENT IN ANY YEAR FOR THE PURPOSE OF DEFRAYING EXPENSES FOR ANY LAWFUL MUNICIPAL PURPOSE, AND SHALL THE ANNUAL REVENUE FROM SUCH TAX INCREASE CONSTITUTE A VOTER APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 3: If a majority of all the votes cast at the election shall be for the measure, the measure shall be deemed passed, and the Town of Lyons shall be authorized to collect, retain, and expend the full sales and use tax revenues in accordance with the approved measure and to budget and appropriate such revenues and expenditures apart from any other expenditure of the Town of Lyons which may be limited pursuant to Article X, Section 20 of the Colorado Constitution, and notwithstanding the passage of any other State of Colorado initiative limiting such collection or expenditure, and the revenues authorized for expenditure by the passage of this measure shall not be counted in any such expenditure limitation.

Section 4: The election shall be conducted under the mail ballot election provisions of the State Statutes and ordinances of the Town of Lyons and, to the extent applicable, under the provisions of the Colorado Election Code as set forth in Title 1, Article 7.5 of the Colorado Revised Statutes.

Section 5: The Town Clerk of the Town of Lyons shall give public notice of the election on the question hereby submitted (a) by causing a notice to be published in the Lyons Recorder as provided by law, (b) by mailing to "all registered voters" at each address within the Town of Lyons at which a voter is registered no sooner than 25 days before the election and no later than 15 days before the election a notice entitled "Notice of Election on a Referred Measure". This notice shall include only: (a) the election date and hours for voting, (b) the ballot title, (c) the text of the measure to be voted upon, (d) the office address and telephone number of the Town Clerk, and (e) two summaries, not more than 500 words each, one

TOWN OF LYONS

for and one against the measure, of written comments filed with the Town Clerk no later than 30 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the measure to be voted upon. The Town Clerk shall maintain on file and accurately summarize all relevant written comments.

Section 6: The officers of the Town of Lyons are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 7: The Board of Trustees finds and declares that this ordinance is a matter of local concern pursuant to Article XX, Section 6 of the Constitution of the State of Colorado.

Section 8: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 9: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, subsections, sentence, clauses or phrases be declared invalid.

INTRODUCED AND PASSED ON FIRST READING THIS 20TH DAY OF JULY, 2009.

INTRODUCED, PASSED, AND ADOPTED THIS 3rd DAY OF AUGUST, 2009.

ACTUAL HISTORICAL AND CURRENT ESTIMATED FISCAL YEAR SPENDING INFORMATION:

Year	Fiscal Year Spending
2005 (actual)	\$1,818,196
2006 (actual)	\$2,100,009
2007 (actual)	\$2,217,538
2008 (actual)	\$1,696,506
2009 (current year estimate)	\$1,524,878

Overall percentage change in fiscal spending over the five year period from 2005 through 2009: (16.1%)

Overall dollar change in fiscal year spending over the five year period from 2005 through 2009: (\$293,318)

Estimated 2010 fiscal year spending without taking into account the tax increase authorized by Ballot Issue 2A \$1,156,371

Estimated 2010 tax increase authorized by the Ballot Issue 2A \$200,000

Statement submitted in favor of Town of Lyons Ballot Issue 2A

I encourage the taxpayers of Lyons to vote for the Sales/Use Tax increase of .75%, as the funds are needed to keep our town status quo. With the decline in tap fees, I do understand the shortage. Everyone needs to make as many purchases in town as possible. We need to support all events, and even sponsor some ourselves to encourage Economic Development, which brings in more sales tax.

In my calculations, about one third (1/3) of the tax is paid by town residents, one third (1/3) is paid by those who live in the surrounding areas and declare Lyons as their hometown; and one third (1/3) is paid by the tourists, so we, ourselves, pay very little. Vote "yes" on the Sales/Use Tax increase

Statement submitted in opposition of Town of Lyons Ballot Issue 2A

In regards to Issue 2A on Lyons municipal ballot that asks voters in the November Election whether the town's three (3) percent municipal sales and use tax rate should be increased to 3.75 percent. This does not sound like much until you add the total together, it puts the tax rate up to 8.50 percent. Longmont is only 8.15 percent at the moment. With these tough economic times asking the voters to increase taxes at this time could have a negative effect. We need more customers spending money in our town I feel if the sales tax increase was to pass this would give our residents another reason to consider shopping in the other towns. I feel that citizens are taxed out, there has to be other avenues looked into before I can support a tax increase. As a business owner and a resident of the Town of Lyons I think we need to pull together and stick with what is now in place. No more new taxes, it is tough enough to sustain this recession. I think things will get better in time but raising taxes is not the solution! We all need to stay within our budget.

The Town of Lyons has not demonstrated any attempt to control spending during the recent economic downturn. Towns around us, like Denver, are cutting jobs, and furloughs are being enforced.

The Town demonstrates fiscal irresponsibility with continued pursuit of ill-advised municipal projects, for example:

- 1) Balusters at 4th and High street that create a series of blind-spots for a child to jump in front of a turning car. Any traffic engineer could have advised a better, and less expensive solution of curbed islands that do not impede visibility for pedestrians and cars.
 - 2) Balusters at 4th and High, and Monumentation at the Gateway to town have lights built-in that burn all night while nobody is looking. What happened to being "green"? Solar lights or no lights would help control utility expenses.
 - 3) High Street improvements are unplanned, haphazard in execution, and money continues to be spent changing things around.
 - 4) Gardens installed along High Street require paid town employees to drive around in a water truck to maintain. No drought awareness? What about xeriscaping?
- Many of the people The Town is proposing to raise taxes on have already lost private-sector jobs and benefits, while the Town adds head-count and enriches benefits for Town employees without regard for the resultant long-term expense. The Town is offering \$60,000.00 to \$85,000.00 for a new Town Administrator - this should be a \$45,000.00 per year job. The Town behaves like a poorly disciplined teen-ager, always asking for more money - but failing to use the money they already have in an efficient, prioritized, or responsible manner.

CITY OF LONGMONT

TO: ALL REGISTERED VOTERS

NOTICE OF ELECTION TO INCREASE TAXES ON A REFERRED MEASURE

City of Longmont
Boulder and Weld Counties, Colorado

Election Date: Tuesday, November 3, 2009
Election Hours: 7:00 a.m. to 7:00 p.m.

Local Election Office Addresses and telephone Numbers:

Boulder County Clerk and Recorder
Weld County Clerk and Recorder
1750 33rd Street, Suite 200
1401 N. 17th Avenue

Boulder, Colorado 80306
Greeley, CO 80631
Telephone: (303) 413-7740
Telephone: (970) 304-6525

CITY OF LONGMONT, COLORADO
Valeria Skitt, City Clerk
350 Kimbark Street
Longmont, CO 80501
303-651-8649

**CITY OF LONGMONT
BALLOT ISSUE 2A**

BALLOT TITLE:

SHALL ORDINANCE O-2009-50,
EXTENDING THE EXISTING STREET
SYSTEM MAINTENANCE AND
IMPROVEMENT COMPONENT OF
SALES AND USE TAXES, AT THE
RATE OF THREE-QUARTERS OF A
CENT, FROM DECEMBER 31, 2011
THROUGH DECEMBER 31, 2016,
BE APPROVED AND BECOME
EFFECTIVE?

TEXT OF REFERRED MEASURE:

The Council amends paragraphs B., C.,
and F. only, of Section 4.04.130 of the Longmont
Municipal Code, by adding italicized material and
deleting stricken material to read as follows:

4.04.130 ~~Sales tax levied—~~
Allocation of increased tax for open space
acquisition and maintenance and street
system maintenance and improvements

from special public improvement funds—
Sunset clause.

B. All revenues derived from
the three-quarters-cent increase approved
according to Ordinance O-86-22 and
extended according to Ordinances O-90-32,
O-94-51, O-2001-42, and O-2005-62, and
O2009-50, and all revenues received by
the city from the county, state, and federal
government for the purpose of street
system operations and improvements
shall be allocated to a special public
improvement fund as contemplated by
Article 9.9 of the City Charter, designated
the Street System Maintenance and
Improvement Fund, which shall exist
solely to fund operations, maintenance,
rehabilitation and improvement of the city
street transportation system.

C. Revenues derived from
the three-quarters-cent street system
maintenance and improvement component
of the taxes imposed by this section shall
be allocated and expended, as closely as
practicable, among street fund programs,
as listed below. Minor variations from these
percentages shall be allowed annually, as
required to permit funding requirements
for entire projects to be satisfied:

TABLE INSET:

Street Fund Program	Approximate Annual Allocation
Street maintenance, transportation services, traffic signal maintenance, snow removal	39 percent
Capital construction projects	21 percent
Street rehabilitation program, concrete repair and replacement	31 percent
Transportation system management projects, school and pedestrian safety, traffic signals, turn lanes, safety, and capacity improvements, and multi-modal improvements	9 percent

F. On December 31, 2011
2016, unless the electors authorize
extending the three-quarters-cent street
system maintenance and improvement
component of the taxes imposed by this
section, the tax rates listed in subsection
A of this section shall be reduced in the
amount by which they were increased by
Ordinance O-86-22, and subsections B
through F of this section shall be repealed.

CITY OF LONGMONT

Section 3 Street Use Tax Extension:

The Council amends paragraphs B., C., and L. only, of Section 4.04.280 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

4.04.280 Storage, consumption and use tax levied—Allocation of increased tax for open space acquisition and maintenance and street system maintenance and improvements from special public improvement funds—Sunset clause.

B. All revenues derived from the three-quarters-cent increase approved according to Ordinance O-86-22 and extended according to Ordinances O-90-32, O-94-51, O-2001-42, and O-2005-62, and O-2009-50, and all revenues received by the city from the county, state and federal government for the purpose of street system operations and improvements shall be allocated to a special public improvement fund as contemplated by Article 9.9 of the City Charter, designated the Street System Maintenance and Improvement Fund, which shall exist solely to fund operations, maintenance, rehabilitation and improvement of the city *street transportation system*.

C. Revenues derived from the three-quarters-cent street system maintenance and improvement component of the taxes imposed by this section shall be allocated and expended, as closely as practicable, among street fund programs, as listed below. Minor variations from these percentages shall be allowed annually, as required to permit funding requirements for entire projects to be satisfied:

Specific annual expenditures for qualifying projects shall be determined annually through the city's capital improvements program and annual operating budget.

L. On December 31, 2011 2016, unless the electors authorize extending the three-quarters-cent street system maintenance and improvement component of the taxes imposed by this section, the tax rates listed in subsection A of this section shall be reduced in the amount by which they were increased by Ordinance O-86-22 and subsections B through E and subsection L of this section shall be repealed.

SUMMARIES OF WRITTEN COMMENTS FILED WITH THE CITY CLERK'S OFFICE

The following summary was prepared from comments filed by persons **FOR** the proposal:

- Maintaining a safe and efficient street system is important not only for those of us living in Longmont, but for improving the economy of the community. People coming to Longmont to shop pay the sales tax and help pay to maintain the streets that they are using. The improvements that have been funded by this tax, like the Ken Pratt Boulevard extension east of Main Street, have greatly improved our ability to travel around Longmont and funding the work necessary to continue to maintain our streets is important for all of us. This is not a tax increase and won't change the amount of sales tax you currently pay.

The following summary was prepared from comments filed by persons **AGAINST** the proposal:

- Recently members of the City Council, when discussing this issue, urged the City staff to be intentionally vague on the wording so the funds raised could be used for other things. The Council has appropriated funds from the existing tax to do things other than physical street and walkway maintenance. Their desire appears to be to mislead the community into thinking that the monies raised will be used exclusively for street and walkway maintenance while they use the monies raised as a slush fund to pay for things that they know the citizens would not fund.

TABLE INSET:

Street Fund Program	Approximate Annual Allocation
Street maintenance, transportation services, traffic signal maintenance, snow removal	39 percent
Capital construction projects	21 percent
Street rehabilitation program, concrete repair and replacement	31 percent
Transportation system management projects, school and pedestrian safety, traffic signals, turn lanes, safety, <i>and capacity improvements, and multi-modal improvements</i>	9 percent

BOULDER COUNTY NEDERLAND COMMUNITY LIBRARY DISTRICT

**ALL REGISTERED VOTERS
BOULDER COUNTY NEDERLAND COMMUNITY
LIBRARY DISTRICT
BOULDER COUNTY, COLORADO**

**NOTICE OF ELECTION TO INCREASE TAXES AND TO
INCREASE DEBT ON REFERRED MEASURES**

Election by Mail Ballot

Deadline for receipt of ballots: November 3, 2009 7:00 p.m.

Local election office address and phone number:

Designated Election Official: Kay Turnbaugh, District President, 20 Lakeview Drive, P.O. Box 931 Nederland, Colorado 80466; telephone number (303) 258-3765

Coordinated Election Official: Hillary Hall, Boulder County Clerk and Recorder, 1750 33rd St. #200, Boulder, CO 80301; telephone number (303) 413-7700

Ballot title and text:

Boulder County Nederland Community
Library District Ballot Issue 5A
Form of Mill Levy Increase

SHALL BOULDER COUNTY NEDERLAND COMMUNITY LIBRARY DISTRICT TAXES BE INCREASED BY \$129,000 ANNUALLY (COMMENCING WITH COLLECTION IN CALENDAR YEAR 2011) AND BY SUCH ADDITIONAL AMOUNTS RAISED ANNUALLY THEREAFTER BY AN AD VALOREM PROPERTY TAX MILL LEVY IMPOSED AT A RATE OF 1.9 MILLS FOR THE COSTS ASSOCIATED WITH THE OPERATION OF A NEW COMMUNITY LIBRARY FACILITY, INCLUDING BUT NOT LIMITED TO REPLACEMENT AND UPKEEP OF LIBRARY FURNISHINGS AND EQUIPMENT, UTILITIES, BOOKS AND OTHER LIBRARY MATERIALS, AND SUPPORT OF LIBRARY PROGRAMS AND SERVICES FOR THE COMMUNITY, WHICH INCREASE SHALL BE IN ADDITION TO THE MILL LEVY CURRENTLY IMPOSED BY THE DISTRICT; AND SHALL THE REVENUE FROM SUCH TAXES CONSTITUTE PERMANENT VOTER-APPROVED REVENUE CHANGES WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND AN EXCEPTION TO THE LIMITATIONS SET FORTH IN SECTION 29-1-301 OF THE COLORADO REVISED STATUTES?

Boulder County Nederland Community
Library District Ballot Issue 5B
General Obligation Bonds

SHALL BOULDER COUNTY NEDERLAND COMMUNITY LIBRARY DISTRICT DEBT BE INCREASED UP TO \$1,900,000, WITH A MAXIMUM REPAYMENT COST OF UP TO \$3,950,000, AND SHALL DISTRICT TAXES BE INCREASED UP TO \$160,000 ANNUALLY FOR THE PURPOSE OF:

- CONSTRUCTING, EQUIPPING AND FURNISHING A NEW, APPROXIMATELY 4,800 SQUARE FOOT COMMUNITY LIBRARY FACILITY ON LAND DONATED BY THE TOWN OF NEDERLAND AND THE NEDERLAND LIBRARY FOUNDATION, SUCH DEBT TO CONSIST OF THE ISSUANCE AND PAYMENT OF GENERAL OBLIGATION BONDS, WHICH BONDS SHALL BEAR INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 6.75% PER ANNUM AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF TRUSTEES MAY DETERMINE; SHALL AD VALOREM PROPERTY TAXES BE LEVIED IN ANY YEAR, WITHOUT LIMITATION AS TO RATE AND IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON SUCH BONDS AS THE SAME BECOME DUE, WHICH PROPERTY TAX LEVY SHALL NOT EXTEND BEYOND THE YEAR IN WHICH THE BONDS ARE PAID IN FULL; AND SHALL ANY EARNINGS ON THE INVESTMENT OF THE REVENUES FROM SUCH TAXES AND ON THE PROCEEDS OF SUCH BONDS (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER-APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

**Actual historical and current estimated
fiscal year spending information:**

Year	Fiscal Year Spending
2005 (actual)	\$128,690
2006 (actual)	\$134,048
2007 (actual)	\$135,873
2008 (actual)	\$151,671
2009 (current year estimated)	\$173,664

Overall percentage change in fiscal year spending over the five year period from 2005 through 2009: 34.95%

Overall dollar change in fiscal year spending over the five year period from 2005 through 2009: \$44,975

BOULDER COUNTY NEDERLAND COMMUNITY LIBRARY DISTRICT

Estimated 2011 fiscal year spending without taking into account the tax increase authorized by the ballot issues: \$299,568

Estimated 2011 tax increase authorized by Ballot Issue 5A: \$129,000

Estimated 2010 fiscal year spending without taking into account the tax increase authorized by the ballot issues: \$285,120

Estimated 2010 tax increase authorized by Ballot Issue 5B: \$160,000

Information regarding bonded debt proposed by Ballot Issue 5B:

Principal amount: \$1,900,000
Maximum annual repayment cost: \$160,000
Maximum total repayment cost: \$3,950,000

Information regarding current bonded debt:

Principal balance: \$-0-
Maximum annual repayment cost: \$-0-
Maximum remaining total repayment cost: \$-0-

Summaries of written comments filed with the election officer:

The following summaries were prepared from comments filed by persons FOR Ballot Issue 5A:

Nederland Community Library has served residents and visitors in and around Nederland for eight years, providing books and periodicals, audio materials, free internet access, helpful databases, literacy programs for babies and schoolchildren, and cultural programs for adults. Currently the library exists in an overcrowded, temporary space that limits expansion of materials, programs and services needed by the community. A new library facility will more than double the size of collections, expand programs for all ages, and allow staff to serve the steadily increasing number of patrons. The new library will be a valuable economic and cultural enterprise for the community and nearby businesses. Support of the new library is support for the future of the Nederland community.

The following summaries were prepared from comments filed by persons AGAINST Ballot Issue 5A:

No comments were filed by the constitutional deadline.

The following summaries were prepared from comments filed by persons FOR Ballot Issue 5B:

Nederland Community Library has served residents and visitors in and around Nederland for eight years, providing books and periodicals, audio materials, free internet access, helpful databases, literacy programs for babies and schoolchildren, and cultural programs for adults. Currently the library exists in an overcrowded, temporary space that limits expansion of materials, programs and services needed by the community. A new library facility will more than double the size of collections, expand programs for all ages, and allow staff to serve the steadily increasing number of patrons. The new library will be a valuable economic and cultural enterprise for the community and nearby businesses. Support of the new library is support for the future of the Nederland community.

The following summaries were prepared from comments filed by persons AGAINST Ballot Issue 5B:

No comments were filed by the constitutional deadline.

ROCKY MOUNTAIN FIRE PROTECTION DISTRICT

TO ALL REGISTERED VOTERS

NOTICE OF ELECTION ON A REFERRED MEASURE

ROCKY MOUNTAIN FIRE PROTECTION DISTRICT
JEFFERSON COUNTY, COLORADO

Election Date: November 3, 2009

Election Hours: 7:00 A.M. to 7:00 P.M.

Local Election Office Address & Telephone Number:
Boulder County Elections
Boulder County Clerk & Recorder's Office
1750 33rd Street, Suite 200
Boulder, CO 80301

Ballot Title and Text:

ROCKY MOUNTAIN FIRE PROTECTION DISTRICT

November 3, 2009

BALLOT ISSUE 5A

SHALL ROCKY MOUNTAIN FIRE PROTECTION DISTRICT DEBT BE INCREASED \$9,700,000, WITH A REPAYMENT COST OF NOT TO EXCEED \$14,550,000; AND SHALL ROCKY MOUNTAIN FIRE PROTECTION DISTRICT AD VALOREM TAXES BE INCREASED \$727,000 ANNUALLY, OR BY SUCH OTHER ANNUAL AMOUNT AS MAY BE NECESSARY TO PROVIDE FOR THE PAYMENT OF SUCH DEBT; SUCH DEBT TO CONSIST OF GENERAL OBLIGATION BONDS OR OTHER MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS, ISSUED OR INCURRED SOLELY FOR THE PURPOSE OF PAYING THE COSTS OF CAPITAL PROJECTS; SUCH OBLIGATIONS TO BE ISSUED AT A MAXIMUM NET EFFECTIVE INTEREST RATE OF 7.5% PER ANNUM, WHICH INTEREST SHALL BE PAYABLE AT SUCH TIME OR TIMES AS MAY BE DETERMINED BY THE DISTRICT; SUCH OBLIGATIONS TO MATURE OR BE PAYABLE IN NO MORE THAN 20 YEARS AFTER ISSUANCE; SUCH TAXES TO CONSIST OF AD VALOREM TAXES LEVIED WITHOUT LIMITATION OF RATE AND IN AMOUNTS SUFFICIENT TO PRODUCE THE ANNUAL TAXES SET FORTH ABOVE OR SUCH LESSER AMOUNT AS MAY BE NECESSARY, TO BE USED SOLELY FOR THE PURPOSE OF PAYING THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE DISTRICT'S OBLIGATIONS; AND SHALL THE PROCEEDS OF SUCH OBLIGATIONS AND THE PROCEEDS OF SUCH TAXES, AND INVESTMENT INCOME THEREON, CONSTITUTE VOTER APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE DISTRICT WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION

OR ANY OTHER STATUTORY OR CONSTITUTIONAL EXPENDITURE OR REVENUE-RAISING LIMITATION?

YES ___

NO ___

Fiscal Information

Total District Fiscal Spending	
2009(estimated)	\$4,562,563
2008(actual)	\$5,776,604
2007(actual)	\$5,490,583
2006(actual)	\$ N/A
2005(actual)	\$ N/A

Overall Percentage Change from 2004-2008 (decrease) (16.9%)

Overall Dollar change from 2004-2008 (decrease) (\$928,020)

District Estimates of Maximum Dollar Amount of Tax Increase and of District Fiscal Year Spending Without the Increase for First Full Fiscal Year of Proposed Tax Increase:

Estimated Maximum Dollar Amount of Tax Increase for 2010 \$ 727,500

Estimated 2010 Fiscal Year Spending Without Proposed Tax Increase \$4,562,563

Summary of Written Comments for the Proposal.

Rocky Mountain Fire provides fire, rescue, and emergency medical services 24 hours a day, seven days a week to a nearly 60-square mile area which includes residential, rural, industrial, commercial, wildland and mountain properties. There are approximately 40,000 residents in Rocky Mountain Fire according to the most recent (2000) census data.

Over the past 15 years, Rocky Mountain Fire's District has experienced significant growth which has increased the demand for services. In fact, just in the last 2 years, Rocky Mountain Fire has added an internal paramedic ambulance service to provide the citizens of the District with better and faster medical service. Furthermore, during that same 15 year time period, the number of firefighters employed by Rocky Mountain Fire has more than tripled. Due to this growth, Rocky Mountain Fire's facilities are now vastly undersized and simply not able to house the necessary apparatus or the necessary firefighters in an appropriate manner.

The passage of 5A will allow Rocky Mountain Fire to renovate and expand 4 fire stations within the District and will assist the department in supporting its mission to provide top quality fire, rescue and emergency medical services to you and your property, 24 hours a day seven days a week.

Summary of Written Comments Against the Proposal

No comments were filed by the Constitutional deadlines.

Sign up to Receive Mail-In Ballots Permanently

Do you:

- Plan to reside at your same address for the next few years?
- Prefer having time to review your ballot before Election Day?
- Enjoy voting from home and not waiting in line at your polling place?
- Want to help reduce Boulder County's election costs?

If you answered 'yes' to these questions, you may be the perfect candidate to sign up to vote by mail **permanently**. Simply complete the following form, check the 'Permanent Mail-In' box, sign and return the form to our office:

- Fax: 303-413-7750 or 303-413-7728
- Email as a signed PDF: vote@voteboulder.org
- Mail: Boulder County Clerk & Recorder
Elections Division
1750 33rd Street, Suite 200
Boulder, CO 80301

You will then receive your ballot by mail for each election until you notify us otherwise.

COLORADO - MAIL - IN BALLOT APPLICATION					
Instructions: <ul style="list-style-type: none"> • PRINT clearly using black ink • READ the important information on the reverse side • SIGN this form and return it to your County Clerk 			For County Clerk and Recorder Use Only		
Last Name (Required)	First Name (Required)	Middle Name	Suffix (Jr., III)	Previous Name of Applicant (if Applicable)	
Colorado Legal Residence Street Address (Required - No PO Boxes)		Apt/Unit#	City/Town (Required)	Zip (Required)	County
Mailing Address or PO Box (Required if different from address above)		Apt/Unit#	City/Town (Required)	State (Required)	Zip (Required)
Date of Birth (Required) MM / DD / YYYY	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Telephone Number (Including Area Code) () -	Colorado Driver's License Number OR Social Security Number (Last 4 Digits)		
PERMANENT MAIL-IN BALLOT LIST: Place a (✓) in the box to be added or removed from the list.					
<input type="checkbox"/> Add my name to the List <input type="checkbox"/> Remove my name from the list	Address to mail your Mail-In Election Ballot(s) to - If different than your mailing or residential address Street Address _____ Apt/Unit# _____ City/Town _____ State _____ Zip Code _____				
READ, SIGN AND DATE: Under Colorado law, your Mail-In Ballot application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and date of birth. If you do not provide all of this information, you may not receive a Mail-In Ballot according to the rules established by the Secretary of State. C.R.S. 1-8-104					
Signature or Mark (Required)			Witness Signature (Optional) The Mail-In Ballot Application must be personally signed by the applicant; or, in case of the applicant's inability to sign, the applicant's mark must be witnessed by another person.		
X _____ Signature (Required)	_____ Date (Required)	X _____ Witness Signature (Optional)	_____ Date		
<input type="checkbox"/> Yes, I want to be an Election Judge (Optional)					