

Election — November 6, 2012

**City of Boulder  
Ballot Issues**



**League of Women Voters®  
of Boulder County**

*The League of Women Voters is not responsible for the accuracy or fairness of the arguments of either side.*

**BOULDER ISSUE 2A  
CLIMATE ACTION PLAN TAX  
EXTENSION**

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING CLIMATE ACTION PLAN EXCISE TAX BE EXTENDED FOR FIVE YEARS FOR THE PURPOSE OF CONTINUING TO PROVIDE INCENTIVES, SERVICES, AND OTHER ASSISTANCE TO BOULDER RESIDENTS AND BUSINESSES TO IMPROVE ENERGY EFFICIENCY, EXPAND THE USE OF RENEWABLE ENERGY, AND TAKE OTHER NECESSARY STEPS TO REDUCE GREENHOUSE GAS EMISSIONS, AT THE CURRENT RATE OF \$0.0049 PER KILOWATT HOUR (KWH) FOR RESIDENTIAL CUSTOMERS, \$0.0009 PER KWH FOR COMMERCIAL CUSTOMERS, AND \$0.0003 PER KWH FOR INDUSTRIAL CUSTOMERS ON ELECTRICITY CONSUMED, FROM ITS CURRENT EXPIRATION OF MARCH 31, 2013, THROUGH MARCH 31, 2018 AS A VOTER APPROVED REVENUE CHANGE?

**Major provisions**

The proposal would continue the Climate Action Plan (CAP) Tax that was approved by the voters in November, 2006. The tax is currently set to

expire March 31, 2013. The extension will continue the program until March 31, 2018. If it passes, the city will continue to provide programs to increase energy efficiency, increase the use of renewable energy, and reduce greenhouse gas emissions.

**Background**

The Climate Action Plan (CAP) Tax, sometimes called a “carbon tax,” is a utilities tax, collected at different rates for residential, commercial, and industrial customers. Revenues of \$1.8 million per year have been used to fund programs such as home energy audits and energy-efficiency and renewable-energy programs. If the tax is continued, it is expected that a greater emphasis will be placed on commercial and industrial programs.

**Those IN FAVOR say**

1. Many of the CAP tax funded programs have had start-up costs. Because we have already laid the ground work, a continued five years will allow greater carbon reductions per dollar spent and will allow programs to mature.
2. Without a renewal of the CAP programs, they will cease to exist and the investments and intellectual capital we have gained will be lost.
3. If the tax is extended, city officials plan to put more resources into improving commercial energy efficiency while maintaining residential programs.

**Those OPPOSED say**

1. The Climate Action Plan, and the carbon tax that funds it, has not met its goals and never will.
2. Only residents are able to vote on the tax; individual commercial and industrial users, who consume much more, cannot vote at all. One might question the fairness about who's paying the most and cannot vote.
3. Most of the city’s climate goals will not be attainable as long as most of Boulder’s electricity comes from coal-fired power plants.

**BOULDER ISSUE 2B  
SALES AND USE TAX EXTENSION**

WITHOUT RAISING ADDITIONAL TAXES, SHALL THE EXISTING 0.25 CENT CITY SALES AND USE TAX TO FUND PARKS AND RECREATIONAL SERVICES, DEVELOPMENT, RENOVATION AND REFURBISHMENT, AND PARKLAND ACQUISITION FOR PASSIVE AND ACTIVE RECREATIONAL USES, APPROVED BY THE VOTERS BY ORDINANCE NO. 5740, BE EXTENDED BEYOND THE CURRENT EXPIRATION DATE OF DECEMBER 31, 2015 UNTIL DECEMBER 31, 2035 AS A VOTER APPROVED REVENUE CHANGE?

**Major Provisions**

Referred to the voters by city council, this ballot issue would allow for a twenty-year extension of the existing sales and use tax of 0.25 cent (per dollar, or 25 cents per \$100 purchase) dedicated to funding city parks and recreation beyond its expiration date of December 31, 2015, to December 31, 2035.

**Background**

The existing 0.25-cent tax dedicated to parks and recreation was originally passed in 1995, then revised in 1998. Revenues from the tax currently provide about 30% of the department’s funds, which are projected at \$7 million per year. Funds have been used for land acquisition, debt service on bonds, and the development, renovation, or replacement of recreation centers, playgrounds, trails, the civic center park complex, and four pools. In 2012, 30% of the revenue from this tax was budgeted for debt service.

The Parks and Recreation Department has established priority recommendations for future projects, such as additional construction at Valmont City Park, athletic field improvements, and upgrades of recreation center facilities. A new Parks and Recreation Master Plan is

projected to be completed in 2013. The department publishes an annual report to the public, available online.

**Those IN FAVOR say**

1. This tax has provided, and should continue to provide, a key funding source to allow the Parks and Recreation Department to continue its mission to provide quality parks, facilities and leisure activities for the community.
2. The proposal does not include a tax increase.
3. The City of Boulder community values its parks and recreation facilities and supports adequate funding.

**Those OPPOSED say**

1. Tax revenues should not be dedicated to a particular department. They should be placed in the general fund with city council determining overall budget priorities annually.

**BOULDER QUESTION 2C  
MEASUREMENT BY YEAR  
RATHER THAN BY MONTH FOR  
COMPENSATION FOR CITY  
COUNCIL MEMBERS**

Shall Article II, Section 7, “Compensation,” of the Charter of the City of Boulder be amended as set forth in Ordinance No. 7860 to permit City Council members to be compensated for up to fifty-two meetings per calendar year rather than four meetings per calendar month?

**Major Provisions**

Referred to the voters by city council, this proposal would allow for an increase in the number of meetings for which council members may be paid, currently 4 per calendar month, to 52 per year. The ordinance cited in the ballot language

directs that council members would be paid for a meeting only if a quorum of council members is present and there is prior public notice of the meeting. No minimum time length for a meeting is stipulated.

### **Background**

In 1990, voters approved paying each city council member \$100 per meeting attended, up to a maximum of four meetings per calendar month; the rate is adjusted for inflation. At the current rate of \$191.26 per meeting, the maximum 4 meetings per month x 12 months per year = 48 meetings per year, costing \$9,180.48. At the same rate, the proposed 52 meetings would pay a total of \$9,945.52.

In 2007, a proposal to pay council members \$500 per meeting, not to exceed \$1,000 per month, was defeated by less than 0.5% of the vote. In 2008 a similar proposal to pay \$1,000 per month with no meeting attendance requirement was defeated 57% to 43%.

### **Those IN FAVOR say**

1. We should be paying our city council members at least what Longmont pays, which are salaries of \$1,000 per month (\$12,000 per year) to city council members and \$1,500 per month (\$18,000 per year) to the mayor.
2. The cost to the city of less than \$1,800 for each extra meeting (\$191.26 x 9 council members) is very small compared to the city's \$250 million budget.
3. The low pay makes serving difficult, particularly for low-income residents or those trying to balance a full-time job, family, and city council.

### **Those OPPOSED say**

1. Serving on city council should be viewed as a civic responsibility and community service rather than a job where one logs hours. Plenty of candidates run for city council. Will we pay board and commission members next?

2. A compensation increase portends a bad trend toward full-time, highly paid elected officials, when city council's main job is to set policy, not manage.
3. Council needs independent research assistance more than an increase in compensation.

## **BOULDER QUESTION 2D PERMIT CITY LEASE UP TO THIRTY YEARS**

Shall Section 111 of the Charter be amended pursuant to Ordinance No. 7858 to allow the city, upon approval by a two-thirds vote of all council members, to grant a lease of public property for a period of more than twenty years and up to thirty years (rather than the current maximum of twenty years) if the tenant makes significant improvements to the public property that the council finds provides a public benefit?

### **Major Provisions**

Referred to voters by city council, this proposal would allow city council to extend the lease period of public property, currently a maximum of 20 years, to up to 30 years, provided two conditions are met: 1) approval by a two-thirds vote of all council members (6 votes), and 2) the tenant makes significant, beneficial improvements to the property.

Ordinance No. 7858 further specifies that before city council votes to increase the lease term above 20 years, the tenant would provide a description of how the improvements would be of value to the city, and a business plan showing that any debt incurred during construction of the improvements would be paid in full by the tenant prior to the end of the lease term. All improvements to the property, except for tenant finishes, would become the property of the city

by the end of the lease term. The tenant's use of the property must be open to the public, make services available to the public, or create jobs or revenues within the city. Any financing or refinancing of the improvements is subject to the city's approval.

### **Background**

Proposals in 2007 and 2008 to allow longer, 40-year leases garnered 39% and 49% of the vote respectively. The 2012 proposal differs by asking for a maximum 30-year lease and in requiring tenants to make a significant improvement to the property. Prior to the 2007 proposal a Charter Commission recommended increasing the lease term to 30, not 40, years.

Boulder has a diverse list of tenants. A sampling includes Chautauqua, BMOCA, Boulder History Museum, Eco-Cycle, EFAA, Spice of Life, Boulder Municipal Airport hangars and agricultural tenants. The rent on leases with nonprofit agencies is typically \$1 per year with the nonprofit generally responsible for regular maintenance and operation of the facility and the city responsible for major repairs (\$3,000 on average). For leases with for-profit agencies, the city typically charges market rates with negotiated, varied maintenance responsibilities.

### **Those IN FAVOR say**

1. Current tenants interested in making capital improvements have been unable to obtain financing within the current 20-year lease term.
2. Some potential tenants who would have added jobs and contributed to Boulder's economy have decided not to construct facilities because they would have been unable to recoup expenses within 20 years.
3. Many significant investments in energy efficiency and infrastructure improvements have a useful life expectancy of more than 20 years.
4. In the present fiscal climate, with limited capital funding available to the city, external

investments are necessary to help construct and improve city properties.

### **Those OPPOSED say**

1. Revisiting city leases more often provides better accountability.
2. Since the city owns the significant improvement at the end of the lease term, the city should provide financing within the 20-year term if needed, or the tenant could negotiate a "build out" to customize the property for their needs before signing or renewing a lease.
3. The city could give the tenant right of first refusal to continue the lease after the term ends.
4. The city should either sell properties it wants someone else to run or stick with the 20-year lease period.

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