

Election — November 3, 2009

## Boulder County Ballot Issues



Prepared by **League of Women Voters  
of Boulder County**

[www.lwvbc.org](http://www.lwvbc.org)

Funded by LWVCO Education Fund

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

### BALLOT ISSUE 1A

*Note: All four issues have been referred to county voters by the county commissioners.*

#### **Open Space Sales and Use Tax \$50M Bond Authorization and 0.25% Tax Extension Issue**

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 MULTIFISCAL 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?

#### Major provisions

Voters in Boulder County first approved a sales tax for Open Space of 0.25% in 1993. It was renewed in 2001 and extended to expire in 2019. County Issue 1A would extend the tax until December 31, 2034. The revenue from the extended tax would be used to pay off \$50,000,000 of new bonds which would be used for open space acquisition and improvements. If County Issue 1A is not approved, the current 0.25% sales and use tax remains unchanged.

Boulder County's open space is for environmental preservation, urban shaping/buffer zones, habitat preservation, scenic vistas, preservation of landmarks and cultural, historical and archeological areas, to provide linkages and trails, ac-

cess to public lakes, streams or scenic corridors, conservation of natural resources, preservation of important agricultural lands, preservation of land for outdoor recreation such as hiking, and photography and, if specifically designated, bicycling, horseback riding or fishing.

#### Those in favor say

- New bonds authorized by Issue 1A could be used immediately while desirable open space is still available, rather than later when prime space may be gone.
- Land prices are almost certain to increase.
- Open space lands do not require schools, roads, sewer, and other services, and the county has less need to increase property tax revenue to cover these services.

#### Those opposed say

- Boulder County has enough land already. It needs to concentrate on managing the land that it has.
- There are better uses for county funds, such as social services and infrastructure.
- If the open space tax doesn't expire for a decade, why is it on the ballot now?

## BALLOT ISSUE 1B

### ClimateSmart (CEOLID) \$85M Bond Authorization

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 CON-

TAIN 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?

#### Major Provisions

Issue 1B would allow the county to expand the low-cost loan program for renewable-energy systems and energy-efficiency improvements to residential and commercial properties in Boulder County, and extend it to properties located in other Colorado counties with local improvement districts similar to Boulder County's Clean Energy Options Local Improvement District (CEOLID, or "the District"). The proposal would increase the funds available for low-cost loans by allowing Boulder County debt to be increased by up to \$85 million with a repayment cost of up to \$180 million; a specified proportion of funds would be reserved for Boulder County properties. Other requirements of the loan program would remain unchanged. Property owners would still have to opt into the District; loans would be spread over years and would remain with the property, not the borrower; and repayment would be by property assessments.

Because larger bonding is more cost effective, other counties that might not have the same bonding ability might choose to participate in the District—provided the state legislature allows a multi-county local improvement district.

Voter approval is required for formation of an improvement district in any county.

#### Background

In November 2008 Boulder County voters passed an issue allowing the formation of the District, with a bonding capacity of \$40 million, for the purpose of making low-cost, 15- to 20-year loans to fund renewable-energy and energy-efficiency improvements on residential and commercial properties. The County formed the ClimateSmart program to oversee the District and the financing of the projects. A property owner consents to be included in the District, and the loan remains with the property until repaid. Boulder County has had inquiries from other counties who are interested in energy-efficiency loans.

A 'yes' vote expands the loan program in Boulder County and allows other counties to join.

A 'no' vote continues the loan program as is.

#### Those in favor say

- ClimateSmart will run out of money to loan by mid-2010 if 1B is not passed.
- The loan program is not a tax. Only participants requesting inclusion in the District repay the loans and associated administrative costs.
- These loans have created jobs and saved energy in Boulder County, and other counties could be expected to reap similar benefits.

#### Those opposed say

- Boulder County should not use its good credit, no matter how the funds are reimbursed, to fund projects in other counties.
- Without enabling legislation from the state, this issue is premature.

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### BALLOT ISSUE 1C

*Note: All four issues have been referred to county voters by the county commissioners.*

#### **\$6.1M Bond Authorization for Energy Conservation Projects**

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?

#### Major provisions

Issue 1C would allow the County to issue bonds up to \$6.1 million to finance previously planned capital improvements for energy efficiency and renewable energy installations in buildings and other property owned by the County. The County would create a capital improvement trust fund as authorized by state law. Bonds could be tax-exempt bonds, taxable bonds, Qualified Energy Conservation Bonds authorized by the federal stimulus bill, or any other applicable form of tax credit bonds. Debt service and repayment would be from county funds.

#### Those in favor say

- The proposal would further existing policies of supporting and encouraging energy efficiency in County buildings and other property.
- Measures to increase energy efficiency would result in reduced maintenance costs.

#### Those opposed say

- The proposal does not say that money or energy would be saved. If no energy is saved, how will taxpayers be reimbursed?
- Limited County funds would be better spent on other needs.

### BALLOT ISSUE 1D

#### **DA Term Limits Extension to Three Terms**

Shall the term limits imposed by State Law and in Article XVIII, Section 11(2), of the Colorado Constitution on the Office of District Attorney of Boulder County, Twentieth Judicial District, be modified so as to permit an elected officeholder in that office to seek and, if the voters of Boulder County choose to re-elect that person to a third term in office, to serve a third consecutive term?

#### Background

The Colorado Constitution provides that no elected county official shall serve more than two consecutive four-year terms in office. The Constitution also allows voters to change or eliminate such term limits. In 2005, Boulder County voters extended term limits to three terms for assessor, clerk, coroner, surveyor, sheriff and treasurer. The district attorney position was not placed on the ballot.

#### Major provision

Question 1D would allow three consecutive four-year terms for the district attorney of Boulder County.

#### Those in favor say

- In a democratic society, voters should be free to choose the officers they think will best serve them, free of unnecessary restrictions. This proposal is a good step in extending the right to choose elected officials.
- The possibility of serving for twelve years will encourage a larger and more diverse pool of candidates to run for office.

#### Those opposed say

- The present DA is in the first year of his first term. It is early to consider an extension to three terms.