NOTICE OF ELECTION – LAFAYETTE, COLORADO

NOTICE IS HEREBY GIVEN that a municipal election will be held on Tuesday, the 5th day of November 2013, between the hours of 7:00 a.m. and 7:00 p.m. Said election will be coordinated with Boulder County and will be conducted as a countywide mail ballot election. Ballots will be mailed to all registered voters at their current address of record beginning on October 15, 2013. Any registered elector who has moved since last November without completing an address change, will not receive a ballot through the mail. Ballots will not be forwarded. Voters who do not receive a ballot should call Boulder County Elections Division at 303-413-7740 for instructions.

Ballots that are sent by return mail must be received before 7:00 P.M. on November 5, 2013. Post marks are not acceptable. Ballots may be hand-delivered at any of the drop-off locations at any of the following Boulder County Offices: 1376 Miners Dr., Lafayette; 529 Coffman St. Longmont; or 1750 33rd St., Boulder from 8:30 a.m. to 4:30 p.m. Monday through Friday. Voters may register to vote, update registration information; replace lost or defaced ballots, drop off voted mail ballots, or participate in early polling place voting at any of the Boulder County Voter Service Centers, which are located at the previously listed Boulder County Offices. Days and hours Voter Service Centers are open: Monday, October 28- Saturday, November 4 from 8:00 am to 6:00 pm and 7:00 am – 7:00 pm on Election Day.

At said election, there will be submitted to the registered electors of the City the following City ballot question:

SHALL CITY OF LAFAYETTE TAXES BE INCREASED (UP TO $720,000 IN THE FIRST YEAR) ANNUALLY AND BY SUCH AMOUNTS AS MAY BE COLLECTED THEREAFTER, BY AMENDMENT OF THE CITY HOMERULE CHARTER TO IMPOSE A "UTILITY OCCUPATION TAX" UPON PUBLIC UTILITY COMPANIES WHO USE CITY RIGHTS-OF-WAY TO PROVIDE ELECTRIC AND GAS UTILITIES AT THE RATE OF $720,000 PER UTILITY COMPANY, AS AN ALTERNATIVE TO THE CURRENT THREE PERCENT FRANCHISE FEE IF A FRANCHISE FEE OR LICENSE FEE IS NO LONGER COLLECTED, AND SHALL THAT REVENUE BE DEDICATED TO PROJECTS AND PURPOSES THAT REDUCE ENERGY CONSUMPTION THROUGH ENERGY EFFICIENCY AND/OR INCREASE USE OF RENEWABLE ENERGY BY THE GOVERNMENT, RESIDENTS AND BUSINESSES OF LAFAYETTE, AND SHALL THE FULL PROCEEDS OF THIS TAX AND ANY EARNINGS THEREON 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 OTHER REVENUES OR FUNDS BY THE CITY OF LAFAYETTE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____ NO _____

The full text of the proposed charter amendment reads:

UTILITY OCCUPATION TAX TO REPLACE LOST FRANCHISE FEE REVENUE

Shall city of Lafayette taxes be increased (up to $720,000 in the first year) annually and by such amounts as may be collected thereafter, by imposing a tax on public utility companies to replace the three percent franchise fee if it is no longer collected by public service company of Colorado (“Xcel Energy”) from its Lafayette customers and remitted to the city; and In connection therewith shall the city council be authorized to:

•levy and collect this tax to take effect on December 1, 2013,

•levy and collect this tax upon public utility companies that use Lafayette streets or dedicated utility easements, without payment of a franchise fee or license fee, to deliver electricity and natural gas to customers within the city of Lafayette, at the rate of $720,000 per public utility company (“utility occupation tax”),

•increase the utility occupation tax, limited by the lesser of up to three percent per year or the average of rate increases made by public utility companies in the previous year, and

Shall the full proceeds of this tax at such rates and any earnings thereon be collected, retained, and spent, as a voter-approved revenue change, on energy-related projects and purposes at city council's discretion within stated general categories whose purpose is to further Lafayette's support for renewable energy, energy efficiency, and action on climate change, with no more than half of annual proceeds being spent on any one of the following three acceptable categories:

(1) the budget and energy-related programs of the Lafayette energy sustainability advisory committee (LESAC); (2) programs aimed at reducing residential, business, and municipal energy consumption by offering energy efficiency assistance, with residential programs focused on low-income Lafayette residents; and (3) renewable energy projects, including incentivizing residential and business solar projects, and including financing of renewable energy projects for the city, and

Without limiting the collection, retention, or spending of any other revenues or funds by the city of Lafayette under article x section 20 of the Colorado constitution or any other law?

CITY OF LAFAYETTE
BOULDER COUNTY, COLORADO
Susan Koster, CMC
Lafayette City Clerk

Published: Daily Camera – September 6, 2013