

## **When Will City Council Vote on the CU-South Annexation?**

The vote is currently scheduled for a week after the public hearing on the 14<sup>th</sup>. Thus, it will be on September 21st or October 5th —if they decide to have a 3rd reading. Or it could even be September 14th if Council decides to hold the vote on an emergency basis. This would not be wise; Council's reasons for declaring an "emergency" do not follow City Charter regulations defining an emergency. Council keeps changing its mind on the dates and agenda items, so stay tuned.

## **When Would We Have to Begin a Signature Drive for a Referendum to Rescind the Annexation Vote?**

We will have 30 days to collect signatures from the day the Council approves the annexation (probably the 14<sup>th</sup> or the 21<sup>st</sup> of September. The number needed is 3,336. We must contain 15 percent more for safety's sake.

## **What's an Initiative? What's a Referendum?**

Three tools of direct democracy are available to the public and enshrined in the Colorado State Constitution: the initiative, the referendum, and the recall. The initiative allows the public to "initiate" legislation that governments have not, or will not, propose or implement. Our initiative would require what City Council has refused to do: write adequate safeguards for the public and the environment into the annexation agreement. The safeguards our initiative would require are that a) the voters must be allowed to vote on the annexation, and b) that the agreement must include the provisions and restrictions on CU's actions that are required by the state, the Boulder Valley Comprehensive Plan, and the City Charter, but which are NOT being required of CU. These include that CU provides a site plan describing how much it plans to build, where, and for what purpose; how adverse impacts to the environment and adjacent neighborhoods will be remediated, and who will pay for what aspects of the annexation and how.

The referendum simply allows "the people" to vote to negate or overturn a law or ordinance with which they strongly disagree. It's analogous to the recall, except that the recall allows for a vote to remove a sitting government official from office. The referendum allows voters to vote for or against an already passed measure. In the CU-South annexation case, a YES vote FOR the referendum is a vote to overturn the Council-approved annexation ordinance. A NO vote leaves the ordinance in place.

We are planning to campaign for a referendum to stop Council's action in passing a flawed and dangerous annexation agreement.

## **What's the Difference Between the Ballot Initiative and the Referendum?**

Our ballot initiative is neither a “poison pill”—as City Council members have described it—nor is it intended to delay flood mitigation. Passing it would not constitute a “no” vote on annexation. The ballot initiative would simply require the City to include in the annexation agreement the requirement that CU provide the same information about what it intends to do at CU-South that has been required for every other annexation agreement considered by the City.

First, the ballot initiative requires that flood mitigation be deployed first before any kind of development could begin at CU. No city services could be provided to any part of CU-South until the flood mitigation project has started. Second, our proposal does not say anything about opposing annexation. We only oppose a flawed and faulty annexation agreement that lacks the provisions listed in the initiative measure. Those provisions must be included for the annexation to be acceptable.

Third, our proposal requires that because this annexation will result in millions of dollars being added to Boulder residents' utility bills, those residents must be allowed to vote on it. The increased costs have nothing to do with improved flood mitigation. Much the increase will not be devoted to remediation of stormwater impacts—the purpose of the stormwater assessments—but rather, to paying for earth fill and other improvements to CU-South to ready it for development. Calling these costs, a utility “fee” instead of a tax is how the City is trying to circumvent putting annexation before the voters. We believe this is wrong.

Our initiative only seeks to describe what should be in the annexation agreement—as stated in the Boulder Valley Comprehensive Plan. It also requires that flood mitigation must come first before utility services are provided to CU-South. And it also says that the people who must pay for much of this project should be allowed to vote on it.

The referendum option—to rescind the annexation agreement if passed by Council—would be deployed only if the final annexation agreement is badly flawed. Given the current drafts, we believe it is dangerous, irresponsible, and undemocratic.

## **Can Council's Vote Before the November Election Nullify Our Ballot Initiative?**

If we read the State Constitution correctly, direct democracy initiatives like the initiative and referendum actually take precedence over governmental or legislative attempts to

circumvent, nullify or negate them. So despite statements by the Boulder City Attorneys, including former CA Tom Carr, and the current acting City Attorneys, a vote of the Council to annex cannot render our initiative null and void. A vote on a referendum to rescind similarly cannot be quashed by Council action.

The City Attorneys' pronouncements on these matters have been both confusing and contradictory. We will employ attorneys to help us make sure that the City does follow state laws and the Constitution.