

Researched by LWV of Boulder Valley  
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**BALLOT ISSUE 1A**  
**County Ad Valorem Tax Mill Levy for Jail Expansion and Operations**

SHALL BOULDER COUNTY TAXES BE INCREASED \$3,050,000 (FIRST FULL FISCAL YEAR DOLLAR INCREASE) ANNUALLY THROUGH AN ADDITIONAL AD VALOREM TAX LEVY OF UP TO 1.00 MILL FOR TAXES PAYABLE BEGINNING 1998 TO EXPAND, EQUIP AND OPERATE THE BOULDER COUNTY JAIL, WHICH ADDITIONAL LEVY SHALL BE DECREASED TO NO MORE THAN 0.69 MILLS FOR TAXES PAYABLE IN 2002 AND BEYOND, EXCEPT THAT IF REVENUES RECEIVED IN 1990-2000 ARE SUFFICIENT TO PAY FOR EXPANDING, EQUIPPING, AND OPERATING THE JAIL IN THOSE YEARS THE MILL LEVY SHALL BE DECREASED TO NO MORE THAN 0.69 MILLS FOR TAXES PAYABLE IN 2001 AND BEYOND, TO PROVIDE FOR THE CONTINUING OPERATIONAL COSTS OF THE EXPANDED JAIL, AND SHALL ALL REVENUES RECEIVED FROM THE IMPOSITION OF SAID MILL LEVY, TOGETHER WITH THE EARNINGS FROM THE INVESTMENT OF SAID REVENUES, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND A VOTER-APPROVED PROPERTY TAX REVENUE CHANGE?

**Background**

The Boulder County Jail was built in 1987 to house 287 inmates. This figure has been exceeded every day since 1993. In 1996, the average daily jail population was approximately 344, and has been the same or increasing in 1997. This ballot measure would provide for an estimated 200 additional beds and 47,000 sq. ft. to be used by work release and minimum security inmates, at an estimated construction cost of \$7.8 million.

It asks taxpayers to approve an ad valorem property tax increase of 1.0 mill (about \$19.48 per year for the owner of a \$200,000 house) to raise \$3,050,000. annually for the construction of the addition. The mill rate may be reduced to 0.69 mill in 2001 if revenues are enough to cover construction and operating expenses through 2000. The 0.69 mill rate (about \$13.44 for the owner of a \$2,000,000 house) would continue from 2002 indefinitely to cover the necessary staff and operating costs anticipated after the addition completion.

This ballot issue was the result of work by a 15 person advisory committee alternately known as the Boulder County Jail Overcrowding Task Force or the Jail Use Committee. It was made up of both judicial professionals including retired judges, representatives from such agencies as health and mental health, and citizens who

were appointed by the County Commissioners, to look at jail use and overcrowding. This advisory committee was initially formed several years ago because of the first successful inmate escape and several incidents of discipline problems due to double bunking of inmates, and currently is the third committee group. It voted unanimously that additional construction should be put to a vote by the citizens.

The jail has been funded \$2 million dollars annually since approximately 1985 from the County General Fund to 'build and maintain' the jail. This money has been spent paying of the lease/purchase arrangement used to build the current jail completed in 1987. It was paid off at the end of 1995. Since that time the monies have gone to jail operations and maintenance as well as other needs through out the County.

**Those in favor say**

- The jail is seriously overcrowded, leading to increased discipline and safety concerns for staff and inmates.
- There have been changes in mandatory sentencing requirements over the last 15 years that require jail sentences for such offenses as domestic abuse and drunk driving, driven by public demand for personal accountability and tougher sentencing. If we are to enact such mandatory sentencing we must provide the facilities and resources to carry them out.
- Boulder County is a leader in alternative programs and was one of the first in Colorado to provide a wide range of alternative programs. Today these include a Day Reporting Center, electronic home monitoring, diversion and deferred sentencing programs, community service programs, intensive supervision programs, halfway houses, and others. This proposed addition is for work release and minimum security programs which provide the cheapest kind of incarceration.
- The plan for this addition provides cost savings to the taxpayer in several ways. The current jail has enough land to accommodate the addition, making an additional purchase unnecessary. Dual use space has been incorporated including space used for programming during the week which, through the use of cots, provides space for the weekend Workenders program currently housed in temporary rental property. Jail support services will not be replicated, and instead the new building would share support services such as laundry, etc. with the existing building.
- Growth in Boulder County is projected to increase by approximately 25% between 1997 and 2010. As a result, our jail population will continue to grow, making our current problem worse each year. We need to do something now.

**Those opposed say**

- The County has had a \$2 million dollar annual funding to 'build and maintain' the jail from the general fund until late 1995. This funding should be continued. If additional construction funds are needed, the commissioners need to look for them first within the general fund. The results of that process including what other county programs if any, would need to be cut in order to fund the addition through the general fund should be explained to the voters before jumping to a tax increase.
- Our crime rate is flat but our incarceration rate is increasing. We are therefore not reducing crime by increasing beds. Commissioners have not done an adequate job of exploring other alternatives to incarceration. A majority of the current inmates are there for drunk driving and domestic violence convictions. Incarceration is not the way to solve either problem. To say no to this ballot issue would force a further look at all other alternatives.
- Part of the overcrowding problem is the State of Colorado. They leave their sentenced prisoners in the Boulder County Jail until room is available in the state penitentiary. The State needs to assume its own responsibilities in a timely matter, rather than leaving Boulder County to foot the bill.
- Inmates should not have the frills and comforts that those of us who obey the law have. If they are crowded at times, it is their tough luck.

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**BALLOT ISSUE 1B**

**A proposal to issue bonds to finance acquisition of open space without an increase in taxes.**

SHALL BOULDER COUNTY DEBT BE INCREASED UP TO \$35,000,000., WITH A REPAYMENT COST OF UP TO \$55,000,000., WITH NO INCREASE IN ANY COUNTY TAXES, FOR THE PURPOSE OF ACQUIRING OPEN SPACE, BY THE ISSUANCE OF BONDS PAYABLE FROM MONEYS TRANSFERRED TO THE BOULDER COUNTY OPEN SPACE CAPITAL IMPROVEMENT TRUST FUND FROM MONEYS FROM THE COUNTY'S EXISTING ONE QUARTER OF ONE PERCENT (0.25%) SALES AND USE TAX AND, TO THE EXTENT MONEYS FROM SUCH TAX ARE NOT SUFFICIENT FOR THE REPAYMENT OF SUCH BONDS, FROM THE CONSERVATION TRUST FUND, THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS, WHICH BONDS SHALL BEAR INTEREST, MATURE BE SUBJECT TO REDEMPTION, WITH ORW WITHOUT PREMIUM, AND BE ISSUED DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANER 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 COUNTY'S OPEN SPACE SALES AND USE TAX 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 RESOLUTIONS OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL ANY EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?

**Background**

A bond sale approved by voters in 1993 generated \$35.2 million. On the same ballot, voters also approved a 0.24 percent sales tax for open space. In 1995 voters approved a second bond issue but without a tax increase. The county has used the tax and bond revenue to purchase more than 32,4000 acres of open space. The county owns another 17,400 acres of open space not purchased through sales tax or bond revenues, for total county holdings of about 50,000 acres. This bond sale could potentially raise \$35 million for open space acquisition, or enough to purchase approximately 6,000 more acres of open space in the county.

**Those in favor say**

- Acquisition of open space is necessary to fulfill the goals of the Boulder County Comprehensive Plan.
- This bond sale can be accomplished without an increase in taxes.
- We need to buy as much open space as possible while it can still be acquired undeveloped and at a lower price.
- Open space acquisition is the number one priority in seeking to preserve the essence and beauty of life in Boulder County. Without it, we face encroachment and overdevelopment that we will not be able to undo.

**Those opposed say**

- The county already has an active on-going open space acquisition program currently funded by a one quarter of one percent (0.25 percent) open space sales and use tax and by general fund appropriations in excess of \$3,950,000. This is adequate to meet the open space needs of the county.
- New open space programs should target maintenance and development of these lands rather than to continue to acquire more land.
- This proposal will increase Boulder County debt to \$35 million, and allows repayment of the bonds from the general fund, should open space sales taxes be insufficient.

This could cause serious financial hardship to the County and reduction of services if sales tax revenues should fall.

- it is time to consider reducing the open space tax. If multiple year financial commitments are allowed, this will never happen.

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### **BALLOT ISSUE 1C**

**A proposal to exempt revenues received by Boulder County in 1997 and succeeding years from grants and from other governments from the spending limits of Article X, section 20(7) of the CO constitution.**

WITH NO INCREASE IN TAXES, SHALL \$461,306 IN GRANTS FROM THE STATE OF CO, OTHER GOVERNMENTS AND NON-PROFIT ORGANIZATIONS, AND REVENUES FROM PROVISION OF SERVICES TO OTHER GOVERNMENTS RECEIVED AND EXPENDED BY BOULDER COUNTY IN 1996, BE RETAINED BY THE COUNTY, EXEMPTED FROM THE REVENUE AND SPENDING LIMITATIONS OF ARTICLE X, SECTION 20 OF THE CONSTITUTION AND NOT REFUNDED?

#### **Background**

Article X, section 20 of the Colorado constitution passed in 1992 and commonly referred to as the TABOR amendment, limits the receipt and expenditures of revenues by governmental entities such as Boulder County. Under this amendment, retention and spending of any excess must be approved by the voters. IF voters do not approve, any excess must be refunded to the taxpayers. Since Boulder County has exceeded the limit placed on its revenue and spending under TABOR for 1996 due to monies received from the state of CO and other governments, it is placing before the voters this ballot issue to authorize it to retain those funds received, thus avoiding the necessity of a refund of revenues.

#### **Those in favor say**

- The monies received through grants and other governments directly benefit the County without any additional taxes being necessary. We should use that money to run the County rather than refund it.
- The TABOR amendment imposes inflexible funding constraints on our locally elected and locally accountable county commissioners.

#### **Those opposed say**

- The purpose of TABOR was to control government spending. It does not permit moving funds between units of government. With this measure, the county shows its disregard for voter approved constitutional changes.
- Citizens are not being told how this excess money is being spent.

### **BALLOT ISSUE 1D**

**A proposal to exempt revenues received by Boulder County in 1996 from grants and from other governments from the spending limits of Article X, section 20(7) of the CO constitution.**

WITH NO INCREASE IN TAXES, SHALL GRANTS FROM THE STATE OF CO, OTHER GOVERNMENTS AND NON-PROFIT ORGANIZATIONS, AND REVENUES FROM PROVISION OF SERVICES TO OTHER GOVERNMENTS RECEIVED AND EXPENDED BY BOULDER COUNTY IN 1997 AND FUTURE YEARS, BE RETAINED BY THE COUNTY, EXEMPTED FROM THE REVENUE AND SPENDING LIMITATIONS OF ARTICLE X, SECTION 20 OF THE CONSTITUTION, PERMITTING BOULDER COUNTY TO RETAIN SUCH REVENUES FROM 1997 AND THEREAFTER?

#### **Background**

Article X, section 20 of the Colorado constitution passed in 1992 and commonly referred to as the TABOR amendment, limits the receipt and expenditures of revenues by governmental entities such as Boulder County. Under this amendment, retention and spending of any excess must be approved by the voters. IF voters do not approve, any excess must be refunded to the taxpayers. Since Boulder County may exceed the limit placed on its revenue and spending under TABOR for 1997 due to monies received from the state of CO and other governments, it is placing before the voters this ballot issue to authorize retention, thus avoiding the necessity of a refund of revenues now, and if TABOR limitations are exceeded in future years.

#### **Those in favor say**

- The monies received through grants and other governments directly benefit the County without any additional taxes being necessary. We should use that money to run the County rather than refund it.
- The TABOR amendment imposes inflexible funding constraints on our locally elected and locally accountable county commissioners.

#### **Those opposed say**

- The purpose of TABOR was to control government spending. It does not permit moving funds between units of government. With this measure, the county shows its disregard for voter approved constitutional changes
- The proposal seeks to remove these revenues permanently from the requirements of the TABOR amendment. This is a dangerous precedent that allows for monies received from these sources to accumulate and be spent however the County government wishes.