

**BOULDER CITY BALLOT QUESTION NO. 1**  
**A Capital Improvement Fund Question to the**  
**People of Boulder City**

Shall the City of Boulder City expend funds from the Capital Improvement Fund, as they become available, not to exceed One Million Dollars (\$1,000,000) per year for the purpose of maintaining and improving City facilities and infrastructure?

Yes .....   
No .....

**EXPLANATION**

Section 143 of the Boulder City Charter requires that “all expenditures from the Capital Improvement Fund must be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in a special election or general Municipal election or general State election.”

A “YES” vote would allow the City to use funds from the Capital Improvement Fund, as they become available, not to exceed One Million Dollars (\$1,000,000) per year for the purpose of maintaining and improving City facilities and infrastructure.

A “NO” vote would not allow the City to expend funds from the Capital Improvement Fund for the purpose of maintaining and improving City facilities and infrastructure.

**DIGEST**

(NRS 295.230.2(a)(1)(II))

A. Summary of Existing Laws Related to the Measure Proposed by the Question:

1. Boulder City Charter Article XV, Real Estate:

a. Section 143. Expenditures From Capital Improvement Fund.

## B. Summary of how the measure proposed by the question:

1. Adds to Existing Laws – This ballot measure does not add to existing laws. It authorizes the use of Capital Improvement Fund money, as it becomes available, for the purpose of maintaining and improving City facilities.
2. Changes Existing Laws – This ballot measure does not change existing laws.
3. Repeals Existing Laws – This ballot measure does not repeal any existing laws.

### Effect of the Charter on Capital Improvement Fund disbursements.

Boulder City Charter Article XV, Section 143, Subsection 1, addresses how expenditures from the Capital Improvement Fund are authorized. Section 143, Subsection 1, states that all expenditures from the Capital Improvement Fund must be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in an election.

Every expenditure from the Capital Improvement Fund must be voted on and approved by the registered voters of Boulder City. Passage of this new measure would allow the City Council to use up to One Million Dollars (\$1,000,000) from the Capital Improvement Fund each year for a wide range of City needs as long as funds are available and the expenditure is for maintenance or improvement of City facilities generally.

### **ARGUMENT FOR PASSAGE**

There is an ongoing need for the City to continue to improve our utility infrastructure and also to respond to the growing list of repairs and upgrades to facilities and other designated projects considered a public benefit. As we currently stand, the list of needed repairs and upgrades has resulted in a substantial backlog exceeding \$24 million. This proposed measure would establish a budget not to exceed \$1 million annually for maintenance and improvements of City facilities and infrastructure.

The City has already conducted the inspections and evaluations necessary to devise a plan of priority and urgency for the list of repairs and upgrades currently needed. This measure provides the funds necessary for action. Boulder City residents boast a more family-friendly presence and charm in our city. There really are no comparable communities to ours. It is inarguable that protecting the character and quality of our shared public places is a priority that our City maintains. Therefore, it is important that we enable the City with funding to do so. A Capital Improvement Fund has been established for this purpose and funded with money from solar energy leases, land sales and other similar sources.

This measure is not a blank check. This measure would not increase utility rates, nor would it impose any new taxes to Boulder City's residents. This measure would not divert funds from the City's General Fund nor would it extend the public debt. This measure would authorize expenditures as funds become available through the Capital Improvement Fund. As every expenditure from the Capital Improvement Fund must be approved by the registered voters of the City, it is imperative that an annual fund be established for the purpose of maintaining and improving the City facilities. Without such a fund in place, it would be impossible to address emergency repairs without a formal ballot proposal. This is unrealistic and not a viable option. There will be no adverse financial or environmental impact if this ballot measure passes. Approval of Ballot Question No. 1 will enable the continuation of our unique quality of life.

*Submitted by Ballot Question Committee as provided for in NRS 295.217*

### **REBUTTAL TO ARGUMENT FOR PASSAGE**

Approval of this question will eliminate voter approval of Capital Improvement Projects costing less than \$1 million per year for maintaining and improving City facilities and infrastructure.

Approving this question would establish a mechanism for funding maintenance and improvement projects from the Capital Improvement Fund rather than the General or Utility Funds. This fund could be depleted annually to the point that larger projects, such as a new pool facility, would never be completed or even contemplated. Utility repairs and other City maintenance could take priority over planned improvements if the City were allowed to expend up to \$1 million from the Capital Improvement Fund.

We want to protect the character of our shared public spaces and the quality of life we enjoy. This should not be at a cost of \$1 million per year for an indefinite period of time. Giving the City broad permission to expend monies for various projects in any amount up to \$1 million is relinquishing voter control of the monetary assets of the community. A Capital Improvement Fund should be budgeted carefully and with a long-term plan in place to fund City and community improvements – not standard repairs. Vote NO on Question No. 1.

*Submitted by Ballot Question Committee as provided for in NRS 295.217*

### **ARGUMENTS AGAINST PASSAGE**

This ballot question raises many troubling issues. If passed, it will empower the City to spend up to \$1 million per year, indefinitely, from the Capital Improvement Fund for maintaining and improving City facilities and infrastructure without residents knowing what projects are a priority.

This measure would permit up to \$1 million to be spent per year by the City, which would result in technically issuing a blank check for at-will spending. This is due to the ambiguous wording of the measure, reading that funds can be used simply for “improving.” The vagueness of this measure leaves it open for the City to use funds for almost any physical change. The door will be open for the use of Capital Improvement Funds for “improving,” which would be interpreted by the City, not the voters.

If this measure passes, it would allow the City to spend Capital Improvement Funds on projects costing up to \$1 million with no guarantee that the project would have community support.

One source of revenue for the Capital Improvement Fund is through lease monies, which could prove to be an unstable source in the future if leases fail to be collected. Another source of revenue is through the sale of City land.

If this passes there is no guarantee the funds will go towards items the community values as a priority. For example, the cost of a new pool is approximately \$18 million. It would be nearly impossible to ever reach that amount for improvements if \$1 million was used every year indefinitely for

maintenance and infrastructure for other City facilities. Voters would lose all control.

The City's Charter states all expenditures from the Capital Improvement Fund MUST be approved by the voters. In the past, Capital Improvement Funds had been designated for a specific project or purpose. Passing this measure would take control away from the voters to approve specific projects.

Don't give up control. The voters have spoken in the past and we still stand by fiscal conservation, not accelerated uncontrolled spending.

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### **REBUTTAL TO ARGUMENT AGAINST PASSAGE**

The argument against passage offers a misleading portrayal of the effect of this ballot question. The contention that an approval would authorize a blank check and deprive our citizens of any say regarding Capital Improvement Funds is not supported by fact or logic. It is also misleading to suggest that such a ballot question has been rejected in the past when in fact, many more have been approved than denied.

In reality, the proposed expenditures are strictly limited because: (1) only designated Capital Improvement Funds (solar lease revenue, voter-approved land sales and similar sources) can be used; and (2) only prioritized City facilities can be repaired or improved. All such projects could be pursued only after City Council approval during the annual budget process with advance notice and an opportunity for citizens to express their opinions.

Do we really want, as the opposition suggests, to schedule costly elections for voter approval simply to authorize the improvement of rest rooms at City Hall, renovate the training facility for firefighters, or provide shade cover at our animal shelter?

We elect our city council to make these routine decisions on our behalf. Their deliberations are open to public scrutiny and they are accountable to us when they stand for election.

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## **FISCAL NOTE**

Maintenance and improvement of City facilities and infrastructure would be made with available funds from the Capital Improvement Fund. Such expenditures will not require the levy or imposition of a new tax or fee or the increase of an existing tax or fee.