

**BOULDER CITY COUNCIL MEETING  
COUNCIL CHAMBERS, 1777 Boadway  
Tuesday, April 1, 2014  
6 p.m.**

**AGENDA**

1. **CALL TO ORDER AND ROLL CALL**
2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (limited to 45 min.) Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place; any remaining speakers will be allowed to address council. All speakers are limited to three minutes.
3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time.
  - A. Consideration of a **motion to accept the February 20, 2014 Study Session Summary regarding potential revisions to Chapter 13-2 “Campaign Financial Disclosure,” B.R.C. 1981**
  - B. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance amending Chapter 13-2, “Campaign Financing Disclosure,” B.R.C. 1981** including modifying the financial reporting requirements, adding additional reporting requirements for City Council members, setting forth reporting periods and setting forth related details
  - C. Consideration of a **motion to approve the disposal of Open Space and Mountain Parks land** described as a permanent easement on **approximately 4,500 square feet (0.103 acres)** for \$6,750 **to the City and County of Denver** acting by and through its Board of Water Commissioners **for a siphon drain on Lindsay Open Space at Siphon #4** of the Denver Water canal pipeline. This is a disposal of open space land under the City Charter Section 177
4. **POTENTIAL CALL- UP CHECK IN**  
Opportunity for Council to indicate possible interest in the call- up of an item listed under agenda Item 8-A1.

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS**
  - A. Second reading, and consideration of a **motion to adopt Ordinance No. 7967 amending Sections 4-20-60, “Voice and Sight Control Evidence Tag Fees,” 6-1-16, “Dogs Running at**

**Large Prohibited,” 6-13-2, “Voice and Sight Control Evidence Tag Required,” 6-13-4, “Voice and Sight Control Evidence Tag Requirements,” and 6-13-5, “Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations,” and adding a new Section 6-13-4.5, “Terms of Voice and Sight Control Evidence Tag,” B.R.C. 1981, and setting forth related details**

**6. MATTERS FROM THE CITY MANAGER**

**A. Update on the Comprehensive Housing Strategy**

**B. Request for input from the Boulder County Board of County Commissioners on city and county sustainability priorities and possible future funding mechanisms to meet those priorities**

**7. MATTERS FROM THE CITY ATTORNEY**

None

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL**

A. Potential Call-Ups

**1. Site Review at 1715 and 1725 28<sup>th</sup> Street** Information Packet Date: April 1 Last opportunity for call-up: April 1

**9. PUBLIC COMMENT ON MATTERS (15 min.)** Public comment on any motions made under Matters.

**10. FINAL DECISIONS ON MATTERS** Action on motions made under Matters.

**11. DEBRIEF (5 Min.)** Opportunity for Council to discuss how the meeting was conducted.

**12. ADJOURNMENT**

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**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM  
STUDY SESSION SUMMARY FROM OCTOBER 9 AND 23, 2012**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:** Consideration of a motion to accept the February 20, 2014 Study Session Summary regarding potential revisions to Chapter 13-2 “Campaign Financial Disclosure,” B.R.C. 1981.

**PRESENTERS:**  
Tom Carr, City Attorney

**EXECUTIVE SUMMARY:**

The purpose of this agenda item is to seek council approval of the following summary of the February 20, 2014 study session on financial disclosure. Council scheduled this study session to provide a forum for discussion of potential changes to the financial disclosure requirements of the Boulder Revised Code.

**STAFF RECOMMENDATION:**

Staff recommends approval of the summary of the February 20, 2014 study session regarding financial disclosure.

**Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to accept the study session summary of the February 20, 2014 study session, included as **Attachment A**.

**BACKGROUND:** The background information for this topic can be found in the [Study Session Memorandum](#) dated February 20, 2014.

**NEXT STEPS:**

Based on input at the study sessions, staff will:

1. Draft proposed ordinances to implement council's direction regarding changes to financial reporting requirements.

ATTACHMENT A – February 20, 2014 Study Session Summary

## February 20, 2014 Study Session Summary on Financial Disclosure

### **PRESENT:**

**City Council:** Mayor Matt Appelbaum, Mayor Pro Tem George Karakehian, Council Members Macon Cowles, Suzanne Jones, Tim Plass, Andrew Shoemaker, Sam Weaver and Mary Young.

**Staff members:** City Attorney Tom Carr and City Clerk Alisa Lewis.

### **PURPOSE:**

The purpose of this study session was to provide an opportunity for council to discuss potential changes to the financial disclosure requirements in the Boulder Revised Code.

### **OVERVIEW OF THE PRESENTATION AND DISCUSSION**

City Attorney Tom Carr lead the discussion of the financial disclosure provisions in the Boulder Revised Code. He noted that Chapter 13 was originally enacted through a citizen's initiative in 1999, although the financial disclosure requirements were not part of the initiative. He also noted that the reporting requirements include a certain level of ambiguity, which can leave council members open to charges of failure to disclose something that the code does not clearly require to be disclosed. The city attorney identified eight potential topics for discussion as follows:

1. Candidates/Incumbents Reporting
2. Reporting Values
3. Other Household Income
4. "Controlling Interest"
5. Reporting Liabilities
6. Reporting Mutual Funds
7. Reporting Indirect Interests

#### 1. Candidate/Incumbent Reporting

Council agreed that Candidates and Incumbents generally should have the same reporting requirements. Council members were comfortable with incumbents reporting on April 15 for the previous calendar year and candidates reporting on September 10. Currently, candidates are required to report three days after acceptance of the candidate's nominating petition. Candidates can file nominating petitions no earlier than ninety days before the election and no later than 71 days before the election. September 10 would be approximately 45 days before the election.

Council members agreed that place of employment, real estate and business holdings should be reported as of the date of filing. Other income in excess of \$1,000 should be reported for the previous calendar year. For incumbents, council members agree that council members should be required to report within fifteen days of the end of each quarter any change in reported information except sources of other income in excess of

\$1,000. These sources of income are treated differently, because it can be difficult to determine mid-year whether income from a particular source will exceed \$1,000. Any changes to employment would need to be reported quarterly.

## 2. Reporting Values

Council members expressed concern about reporting amounts. Among these concerns was that the city council is a volunteer position. The disclosure laws should not discourage people from running for the office. Members pointed out that the federal financial disclosure forms included in the packet were for the most senior federal executives including the President and Vice President. These individuals do not have outside employment to report. Reporting salaries could discourage candidates, because not only is keeping these amounts confidential important to them, it also can be important to their employers. Council members believed that any involvement with one's employer would be viewed as a conflict of interest regardless of the amount of the salary.

Other council members disagreed, stressing the importance of knowing the order of magnitude of a person's financial interest. At the end of the discussion, the consensus of council was that amounts should not be required.

## 3. Other Household Income

Council members agreed that other sources of household income should be reported. Council members discussed how household should be defined. There was a concern about individuals who live communally but do not contribute financially to others households. Council members reached a consensus that the ordinance should include a definition of "household" that limits application to household income that is reportable for tax purposes.

## 4. Controlling Interest

Council considered at some length the question of how to define "controlling interest." This phrase is used in section 13-2-3(c), which requires a council member or candidate to disclose any property owned by an entity in which the person reporting has a "controlling interest." Controlling interest is not defined in the current code. Council agreed to define controlling interest as an ownership interest in excess of 50%. Council asked the city attorney to research other jurisdictions and provide potential alternative definitions in the agenda memorandum for the first reading of the revised ordinance.

## 5. Reporting Liabilities

Council also discussed reporting liabilities. Council members expressed concern about the difficulty of deciding the scope of liabilities that would need to be reported. Council members directed the city attorney to address this issue as part of the revisions to the Code of Conduct.

## 6. Reporting Mutual Funds

The current code is ambiguous with respect to reporting income from mutual funds or retirement accounts. Council recognized that a person purchasing a mutual fund generally has no control over what is in that fund. Council agreed that the city attorney should draft a provision exempting reporting income from mutual funds which are publically traded and over which the person reporting has no control over the instruments that comprise the fund.

#### 7. Reporting Indirect Interests

Council expressed concern about indirect interests. It is difficult to know whether a company in which a person owns stock is doing business in the Boulder Valley Comprehensive Plan Area. Council asked that the city attorney draft a preamble that would limit reporting to the person's actual knowledge.

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**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:** Introduction, first reading and consideration of a motion to order published by title only an ordinance amending Chapter 13-2, "Campaign Financing Disclosure," B.R.C. 1981 including modifying the financial reporting requirements, adding additional reporting requirements for City Council members, setting forth reporting periods and setting forth related details.

**PRESENTERS:**

Tom Carr, City Attorney  
David Gehr, Deputy City Attorney

**EXECUTIVE SUMMARY:**

On February 20, 2014, council held a study session on financial reporting. Council scheduled this study session to provide a forum for discussion of potential clarifications to the city's financial disclosure requirements. Council discussed several proposed changes and agreed on several that would strengthen and clarify the financial disclosure requirements.

Staff requests that the City Council adopt the proposed revisions to the financial disclosure requirements.

**STAFF RECOMMENDATION:**

**Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce on first reading and order published by title only an ordinance amending Chapter 13-2, "Campaign Financing Disclosure," B.R.C. 1981 including modifying the financial reporting requirements, adding additional reporting requirements for City Council members, setting forth reporting periods and setting forth related details.

**BACKGROUND:** Additional background information can be found in the study session summary proposed for approval on the April 1, 2014 council regular meeting agenda.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic:  
None identified.
- Environmental:  
None identified
- Social:  
Boulder’s community values support an honest, ethical and transparent local government. The intent of the proposed ordinance is to revise the city’s financial disclosure requirements to be clearer to avoid ambiguity.

## **OTHER IMPACTS**

- Fiscal:  
None identified.
- Staff Time:  
None identified.

## **Analysis:**

The proposed changes to the financial disclosure provisions in Chapter 13-2, B.R.C. are as follows:

### **Definitions**

The proposed ordinance would revise the definition of “Candidate” to clarify that a person is no longer a candidate after the election. This change is necessary because the revised code would impose a duty upon candidates to update financial reports to reflect material changes. This proposed revision would clarify that this obligation would end once the election is over. Successful candidates would be required to file a report on April 15, which would be roughly in line with the new requirement that incumbents update reports quarterly.

The proposed ordinance would add a definition of “controlling interest.” Such an interest would require that the reporting person own more than a 50 percent interest in a corporation or partnership.

Council requested that staff provide examples of other jurisdictions definitions of “controlling interest.” These examples are in Attachment B.

There is also a new definition of “Excepted investment fund.” The definition follows a federal definition that excludes mutual funds, common stock funds, pension, deferred compensation plans or other investment funds. Such funds are excluded if they

are widely held, publically traded or widely diversified and the investor does not exercise control over the financial interests held by the fund.

The proposed ordinance defines “Material change” to mean any change in employment, business investments in the area covered by the Boulder Valley Comprehensive Plan or ownership of real property in Boulder County. It does not include changes sources of other income in excess of \$1,000.

The proposed ordinance would define “Other household income” to be any income earned by a spouse, domestic partner or partner in a civil union, who resides in the same household and that is reportable by the candidate or incumbent for federal or state income tax purposes. Such income is only relevant if it exceeded \$1000 in the previous calendar year.

### **Financial Disclosure Statement**

The proposed ordinance would change the title of section 13-2-3 “Candidate’s Financial Disclosure Statement” to “Financial Disclosure Statement” to clarify that the same requirements apply to candidates and incumbents.

There is a new proposed subsection (a) which is intended to clarify that the reporting requirements are only intended to impose a duty of interests held by third parties about which the person reporting has actual knowledge. This is to avoid a situation in which a person has an interest in an out-of-state corporation that may start doing business in Boulder without the person’s knowledge. This is reasonable because a decision maker cannot be influenced by a relationship about which he or she was not aware.

Paragraph 13-2-3(b)(2) as amended would clarify that both other household income and retirement accounts must be reported if the person reporting received income in excess of \$1000 from either source.

The proposed paragraph 13-2-3(b)(3) would exclude any requirement to report an investment in an excepted investment fund.

### **Filing Dates and Disclosure Periods**

The proposed ordinance would change the title of Section 13-2-4 “Incumbent’s Financial Disclosure Statement” to “Filing Dates and Disclosure Periods.”

The revised section would require candidates to file disclosure statements by September 10. Current code requires the candidate to file the report within three days of acceptance of a nominating petition. Nominating petitions can be filed between 91 and 71 days before the election. Election Day is the first Tuesday in November. September 10 is between 52 and 58 days before the election. This provides a longer time for candidates to prepare financial disclosure statements, but also provides clarity on when

they are due. There also is a requirement that candidates report any material change within fifteen days after the material change.

The proposal would require council members to file financial disclosure statements on April 15. Incumbents also would be required to file reports including any material changes within 15 days of the end of the quarter in which the change occurred.

Finally the section makes clear that the identity of sources of income in excess of \$1,000 should be reported for the previous calendar year. All other information would be reported as of the day of the report.

## **Attachment**

Proposed Ordinance – Attachment A

Example Definitions of “Controlling Interest” – Attachment B

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 13-2, "CAMPAIGN FINANCING DISCLOSURE," B.R.C. 1981 INCLUDING MODIFYING A CANDIDATE'S FINANCIAL REPORTING REQUIREMENTS, ADDING ADDITIONAL REPORTING REQUIREMENTS FOR CITY COUNCIL MEMBERS, SETTING FORTH REPORTING PERIODS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

**Section 1.** Section 13-2-2, B.R.C. 1981 is amended to read:

**13-2-2 Definitions.**

The following terms used in this chapter and chapter 13-3, "Campaign Activities," B.R.C. 1981, have the following meanings unless the context clearly indicates otherwise:

"Ballot proposition" means any amendment to the city charter, and any initiative, referendum, or recall for which petitions have been properly certified by the city clerk for submission to the city council, or any ordinance or issue put to a vote of the electors of the City of Boulder under the provisions of the city charter. Such term does not include any ballot issue placed on the ballot by the United States, the State of Colorado or any political subdivision thereof other than the city.

"Candidate" means any person whose petition of nomination for city council, whether at a regular, special, or recall election, has been certified as sufficient by the city clerk pursuant to charter section 26. A person is no longer a "candidate" after the date of the election for which the person filed a petition.

"Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. The term "official candidate committee" is synonymous with "candidate committee."

"Committee" means a candidate committee, an unofficial candidate committee, and an issue committee, unless the context indicates that it can mean only one or two of these types of committees.

"Contribution" means:

(a) Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any candidate or committee;

(b) Any payment made to a third party for the benefit of any candidate or committee, including, without limitation, the use of a credit card to secure such benefit;

(c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's election, including, without limitation, commercial services such as banking, printing, and mailing services; or

(d) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, without limitation, items of perishable or non-permanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration.

"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or committee.

"Contribution in kind" means the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate or committee for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate. Personal services are a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used by the candidate or committee. "Contribution in kind" does not include an endorsement of a candidate or an issue by any person, nor does it include the payment of compensation for legal or accounting services rendered to a candidate if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this title.

"Controlling interest" means:

(a) In the case of a corporation, either more than 50 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, or more than 50 percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

(b) In the case of a partnership, association, trust, or other entity, more than 50 percent of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

"Excepted investment fund" means a mutual fund, common trust fund of a bank, pension or deferred compensation plan, or any other investment fund, which is widely held; publicly traded (or available) or widely diversified; and under circumstances where the investor neither exercises control over nor has the ability to exercise control over the financial interests held by the fund. A fund is widely diversified when it holds no more than five percent of the value of its portfolio in the securities of any one issuer (other than the U.S. Government.)

"Expenditure" means the payment, distribution, loan, or advance of any money by any candidate or committee, whether in cash, by check, as a credit card charge, or otherwise. "Expenditure" also includes the payment, distribution, loan, or advance of any money by a person for the

benefit of a candidate or committee that is made with the prior knowledge and consent of an agent of the candidate or committee. An expenditure occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. Consent may be implied from collaboration and need not be express.

"Independent expenditure" means an expenditure by any person for the purpose of expressly advocating the election or defeat of a candidate or candidates, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or any agent of such candidate or committee. "Independent expenditure" does not include expenditures made by persons, other than political parties and political committees, in the regular course and scope of their business, including political messages sent solely to members.

"Issue" is synonymous with ballot proposition.

"Issue committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a ballot proposition at a city election, regardless of whether or not it has obtained the consent of the sponsors of the ballot proposition.

"Material change" shall mean any change in information required to be reported pursuant to paragraphs 13-2-3(b)(1), (3) or (4).

"Official candidate committee" - see definition of "candidate committee."

"Other household income" means any income earned by a spouse, domestic partner, or partner in a civil union who resides in the same household as the reporting person that is reportable by a candidate or incumbent for federal or state income tax purposes.

"Political committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a candidate for city council, or a city ballot proposition, and which, because of campaign activities concerning other candidates, other ballot measures, or both, is required under the Fair Campaign Practices Act found in state law to file statements and reports with the secretary of state or the county clerk and recorder. It is the intention of this chapter to reduce the burden on such committees of following two separate sets of filing and reporting requirements, while still protecting the public purposes served by filing and reporting. However, no candidate committee or other committee, the expenditures of which are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof shall be deemed a political committee eligible for these different requirements.

"Unofficial candidate committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of expressly

advocating the election or defeat of a clearly identified candidate for city council. An unofficial candidate committee ceases to be independent if its expenditures are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof.

**Section 2.** Section 13-2-3, B.R.C. 1981 is amended to read:

**13-2-3 Candidate's Financial Disclosure Statement.**

(a) The purpose of this section is to provide members of the public and other council members with information regarding financial dealings of candidates and council members that might affect their ability to make impartial decisions. When reporting information regarding the activities of a third party, a reporting person is required to report only information about which he or she has actual knowledge.

(b) Any person required to file a financial disclosure statement required by this chapter shall file a statement on a form provided by the city clerk as follows: No more than three days after a candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, the candidate shall file a statement of financial disclosure that contains:

(1a) The reporting candidate's person's employer and occupation and the nature;

(2) The and source of any other income in excess of \$1,000.00 per year, including, without limitation, other household income, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, and profits, and retirement accounts;

(3b) The name, location, and nature of activity of any business entities or enterprises for profit, with holdings of real or personal property or with business dealings in the area encompassed by the Boulder Valley Comprehensive Plan, in which the candidate reporting person has any financial interest or is actively engaged as an officer, director, or partner and the nature of the reporting person candidate's interest or activity. A reporting person is not required to report any financial interest in any business entity in which the reporting person's only interest is through an investment in an excepted investment fund;

(4e) The location of any real property within Boulder County in which the candidate reporting person has an interest or, if the reporting person candidate has a controlling interest in an entity or enterprise disclosed pursuant to subsection paragraph (b)(3) of this section, in which the controlled entity or enterprise has any interest and the nature of such interest;

(5d) Any other information that the reporting person candidate feels would be helpful or should be disclosed; and

(e6) Notwithstanding any other provision of this chapter, no reporting person candidate is required to disclose any confidential relationship protected by law.

**Section 3.** Section 13-2-4, B.R.C. 1981 is amended to read:

**13-2-4 Incumbent's Financial Disclosure Statement. Filing Dates and Disclosure Periods.**

On April 15 of each calendar year, each incumbent council member shall file an amended statement for the previous calendar year concerning the financial disclosures in Section 13-2-3, "Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the manager in writing that the council member has no change of financial condition regarding the disclosed items since previously filing a disclosure statement.

(a) On or before September 10, any candidate having filed a petition of nomination shall file a statement of financial disclosure as set forth in section 13-2-3, "Financial Disclosure Statement." B.R.C. 1981. The candidate shall file a supplemental report if there is any material change in the information reported after the date of filing within 15 days after the material change.

(b) On or before April 15 of each year, every member of the city council shall file a statement of financial disclosure as set forth in section 13-2-3, "Financial Disclosure Statement." B.R.C. 1981. Council members shall report any material changes to the information reported, except information reported pursuant to paragraph 13-2-3(b)(2), within 15 days of the end of the calendar quarter in which the material change occurred.

(c) Each Financial Disclosure Statement shall include all information current of the date of filing, except information required by 13-2-3(b)(2) shall be reported as of the end of the previous calendar year.

**Section 4.** This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

**Section 5.** The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 1st day of April, 2013.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

## Attachment B

## Alaska Financial Disclosure Regulations

As used in AS 39.50 and 2 AAC 50.010 - 2 AAC 50.200, "controlling interest" in a corporation means ownership of more than 50 percent interest or more than 50 percent of the outstanding shares at any time during the preceding calendar year.

## Alaska Administrative Code § 50.80

## Connecticut Tax Code

As used in this chapter, . . .(2) "controlling interest" means (A) in the case of a corporation, more than fifty per cent of the total combined voting power of all classes of stock of such corporation, and (B) in the case of a partnership, association, trust or other entity, more than fifty per cent of the capital, profits or beneficial interest in such partnership, association, trust or other entity.

## Conn. Gen. Stat. Ann. § 12-638a

## Maine Real Estate Transfers

"Controlling interest" means the following. A. In the case of a corporation, "controlling interest" means more than 50% of the total combined voting power of all classes of stock of the corporation entitled to vote or more than 50% of the capital, profits or beneficial interest in the voting stock of the corporation. B. In the case of a partnership, association, trust or other entity, "controlling interest" means more than 50% of the capital, profits or beneficial interest in the partnership, association, trust or other entity.

## Me. Rev. Stat. tit. 36, § 4641

## Michigan Real Estate Transfers

"Controlling interest" means more than 80% of the total value of all classes of stock of a corporation; more than 80% of the total interest in capital and profits of a partnership, association, limited liability company, or other unincorporated form of doing business; or more than 80% of the beneficial interest in a trust.

## Mich. Comp. Laws Ann. § 207.522

## New Jersey Financial Institutions

For the purposes of this article: (1) "Controlling interest" means ownership or control of a majority of the issued and outstanding capital stock or securities of a corporation, having voting rights;

## N.J. Stat. Ann. § 17:9A-71

## Texas Conflicts of Interest

(a) A member of the legislature may not vote on a measure or a bill, other than a measure that will affect an entire class of business entities, that will directly benefit a specific business transaction of a business entity in which the member has a controlling interest.

(b) In this section, “controlling interest” includes:

(1) an ownership interest or participating interest by virtue of shares, stock, or otherwise that exceeds 10 percent;

(2) membership on the board of directors or other governing body of the business entity;  
or

(3) service as an officer of the business entity.

Tex. Gov't Code Ann. § 572.053



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:** Consideration of a motion to approve the disposal of Open Space and Mountain Parks land described as a permanent easement on approximately 4,500 square feet (0.103 acres) for \$6,750 to the City and County of Denver acting by and through its Board of Water Commissioners for a siphon drain on Lindsay Open Space at Siphon #4 of the Denver Water canal pipeline. This is a disposal of open space land under City Charter Section 177.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Michael D. Patton, Director, Open Space and Mountain Parks  
John D'Amico, Property Agent

**EXECUTIVE SUMMARY**

The area to be disposed encompasses approximately 0.103 acres located at the intersection of Doudy Draw and the Denver Water canal on Lindsay Open Space (Section 31, Township 1S, Range 70W) as described in Attachments A and B. Denver Water owns the canal and associated pipeline property in fee. Denver Water is proposing to bury the existing 84-inch above ground water pipeline within its fee-owned property. In order to bury the pipeline, a "bleed" valve is required to drain the pipe for maintenance purposes. This valve and associated drainpipe are required to drain downhill which will encroach on Open Space and Mountain Parks (OSMP) land and require an easement approximately 130 feet long by 35 feet wide. Denver Water will pay OSMP \$6,750 for the associated easement required to bury the drainpipe. The drainpipe will be buried and re-vegetated with native species. The drainpipe outlet to the valve will be 24 inches in diameter and will be constructed with local cobble excavated from the trench. No vehicle access will be allowed on the Denver Water easement area unless required for maintenance purposes.

## **STAFF RECOMMENDATION**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to approve the disposal of Open Space and Mountain Parks land described as a permanent easement on approximately 4,500 square feet (0.103 acres) for \$6,750 to the City and County of Denver acting by and through its Board of Water Commissioners for a siphon drain on Lindsay Open Space at Siphon #4 of the Denver Water canal pipeline. This is a disposal of open space land under City Charter Section 177.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Environmental: OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Economic: OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Social: Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

## **OTHER IMPACTS**

- Fiscal – Denver Water will pay OSMP \$6,750 for a permanent easement
- Staff time – This disposal process is part of the normal work plan for Open Space staff.

## **BOARD AND COMMISSION FEEDBACK**

At its March 12, 2014 meeting, the Open Space Board of Trustees (OSBT) unanimously approved and recommended that the City Council approve the disposal of 4,500 square feet (0.103 acres) of Lindsay Open Space land described as a permanent easement to the City and County of Denver for a siphon drain at Siphon #4.

## **PUBLIC COMMENT AND PROCESS**

This item was heard as part of the March 12, 2014 OSBT meeting advertised in the *Daily Camera* on March 9, 2014. There was no public comment regarding this disposal. A Notice of Disposal of Open Space lands was published in the *Daily Camera* on Feb. 28 and Mar. 1, 2014 pursuant to Section 177 of the City Charter.

## **ANALYSIS**

The granting of this easement for a siphon drain encumbering approximately 4,500 square feet (0.103 acres) will enable Denver Water to bury an existing above ground water pipeline. The existing pipeline is 70 years old and requires frequent maintenance. A new buried water line will require less maintenance and fewer trips by service trucks on the existing access road. The existing above ground pipeline traverses the upper region of Doudy Draw restricting wildlife movement and creating a visual barrier when looking over the draw. The buried pipeline will be re-vegetated with native species specified by OSMP and over time will blend with the existing area.

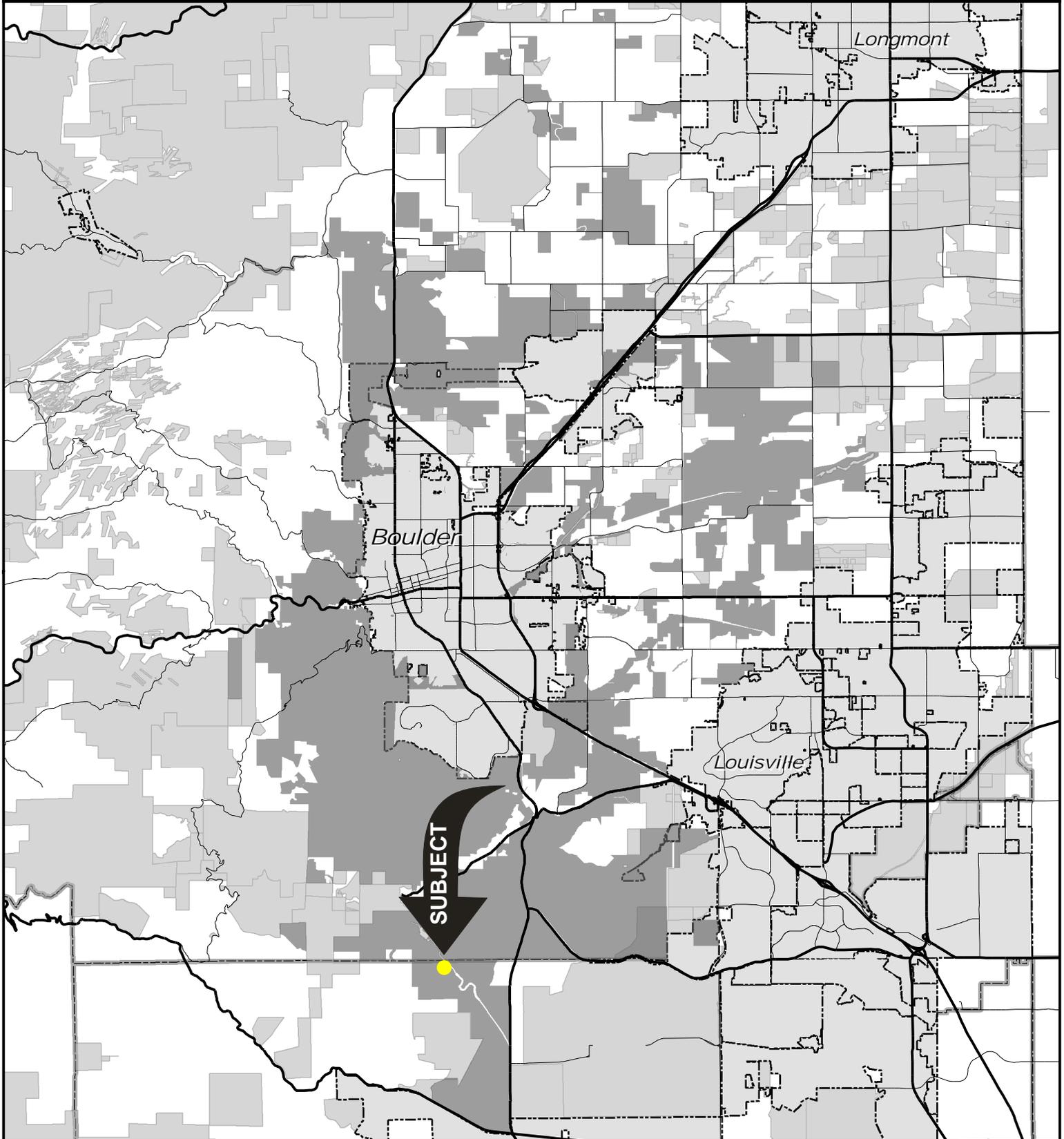
## **ATTACHMENTS:**

**Attachment A: Vicinity Map**

**Attachment B: Location Map**

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# ATTACHMENT A - City of Boulder Open Space & Mountain Parks VICINITY MAP - Disposal of Open Space to Denver Water



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- Subject Location
- City of Boulder OSMP
- Other Public Lands

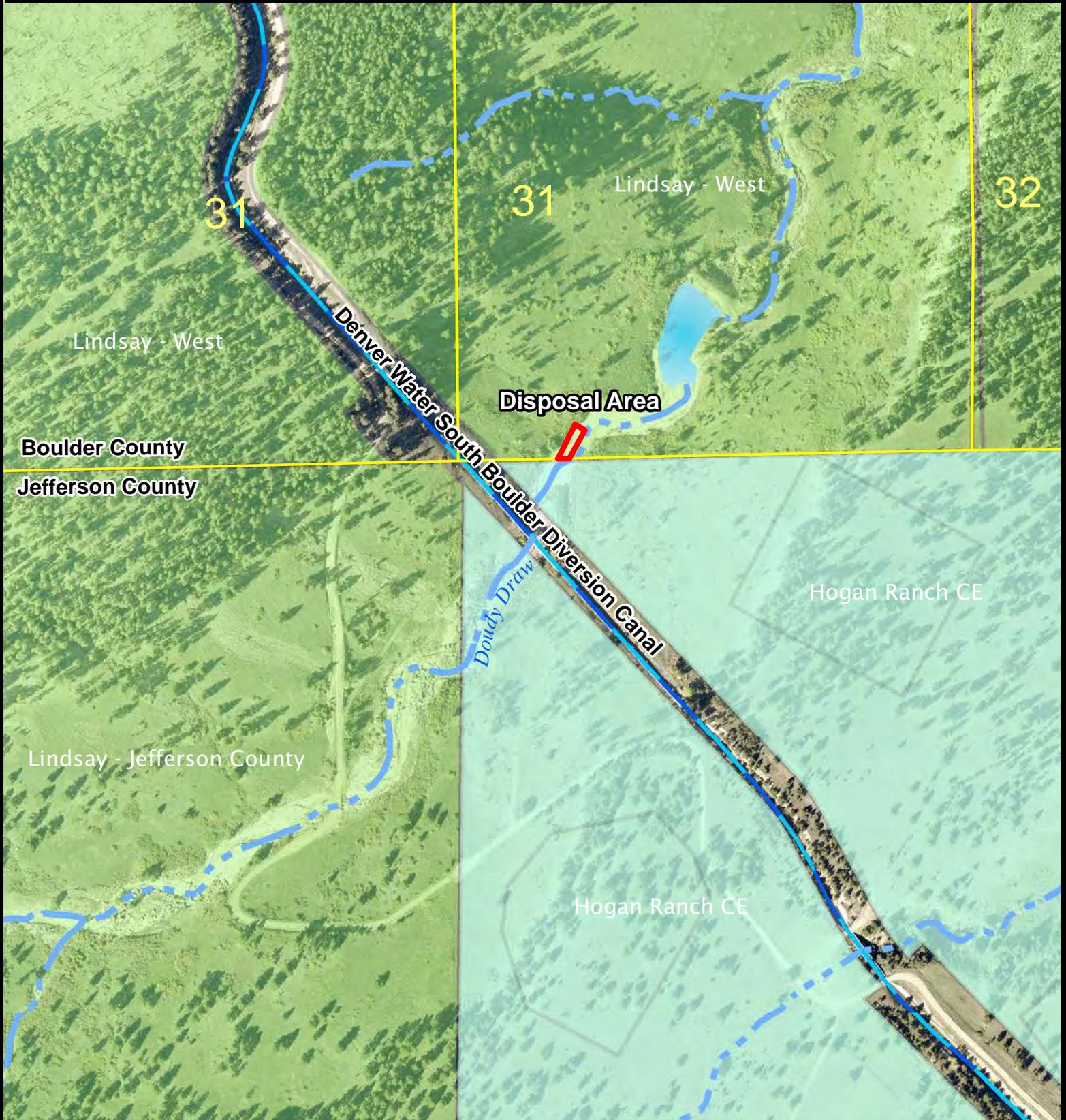


0 0.5 1 2 3 4 5 Miles

Approximate property boundaries from  
Boulder County Assessor's data.  
Agenda Item 3C Page 5

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# ATTACHMENT B - City of Boulder Open Space & Mountain Parks LOCATION MAP - Disposal of Open Space to Denver Water



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 Disposal Area

 PLSS Quarter Quarter Sections

 OSMP Fee Property

 OSMP Conservation Easement

0 0.05 0.1 0.2 Miles



NOT TO SCALE

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**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:**

Second reading, and consideration of a motion to adopt Ordinance No. 7967 amending Sections 4-20-60, "Voice and Sight Control Evidence Tag Fees," 6-1-16, "Dogs Running at Large Prohibited," 6-13-2, "Voice and Sight Control Evidence Tag Required," 6-13-4, "Voice and Sight Control Evidence Tag Requirements," and 6-13-5, "Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations," and adding a new Section 6-13-4.5, "Terms of Voice and Sight Control Evidence Tag," B.R.C.1981, and setting forth related details.

**PRESENTERS:**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Michael D. Patton, Director, Open Space and Mountain Parks  
Stephen B. Armstead, Environmental Planner, Open Space and Mountain Parks  
Janet T. Michels, Sr. Assistant City Attorney

**EXECUTIVE SUMMARY**

The purpose of this memorandum is to present the second reading of recommended changes to the Boulder Revised Code 1981 (B.R.C.) relevant to the Voice and Sight Tag (Tag) Program. These changes result from an 18-month evaluation of the Tag Program and integrate City Council, Open Space Board of Trustees (OSBT), community and staff recommended changes. This memo covers the changes which require City Council adoption of amendments to the B.R.C (see Attachment A). The B.R.C changes involve:

1. Program Application Prerequisites:
  - a. Attendance at an information class or session, and
  - b. Verification of City of Boulder dog license or rabies vaccination;
2. Annual Program Renewal Requirement and Fee Establishment;
3. Fines;

4. Violations Affecting Suspension of Privileges; and
5. Reinstatement.

### **STAFF RECOMMENDATION**

**Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance No. 7967 ordering amending Sections 4-20-60, “Voice and Sight Control Evidence Tag Fees,” 6-1-16, “Dogs Running at Large Prohibited,” 6-13-2, “Voice and Sight Control Evidence Tag Required,” 6-13-4, “Voice and Sight Control Evidence Tag Requirements,” and 6-13-5, “Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations,” and adding a new Section 6-13-4.5, “Terms of Voice and Sight Control Evidence Tag,” B.R.C.1981, and setting forth related details.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: Overall economic impacts on the business community are unknown. Businesses and organizations providing dog training services may benefit from dog guardians who seek training services to improve their ability to comply with voice and sight control requirements.
- Environmental: The Tag Program was identified in the Visitor Master Plan (VMP) as a way to increase the level of compliance with voice and sight requirements thereby reducing adverse effects to Open Space and Mountain Parks’ (OSMP) ecological and agricultural resources.
- Social: Revisions to the Tag Program are intended to support changes that will retain voice and sight control opportunities and reduce illegal or disruptive behaviors that diminish the quality of the visitor experience.

### **OTHER IMPACTS**

- Fiscal: Budgetary impacts to the city will depend upon enrollment in the program, which is designed to be “cost-neutral” based upon enrollments of approximately 20,000 individuals and their dogs.
- Staff time: Additional and significant staff resources would be required by the proposed program changes. Those additional FTEs for OSMP are included in the “cost-neutral” projections and fee structure.

## **BOARD AND COMMISSION FEEDBACK**

The OSBT considered staff's proposed changes to the Tag Program at a public hearing on April 10, 2013 and fee changes on May 8, 2013. All proposed changes passed unanimously with the OSBT making two changes. A change passed by split vote (two dissenting votes) regarding suspension after a single conviction of Section 6-1-20, "Aggressive Animals Prohibited," Section 8-3-5, "Wildlife Protection," or a violation of the city manager's rules involving wildlife protection authorized by section 8-3-3, "City Manager May Issue Rules." A split vote (one dissenting vote) occurred with the OSBT recommendation of suspension of voice and sight privileges following two convictions in a period of two years for the following: Section 6-1-16, "Dogs Running at Large Prohibited," Section 6-1-18, "Removal of Animal Excrement Required," Subsection 6-13-2(b), "Voice and Sight Control Evidence Tag Required," and violations of the city manager's rules not involving wildlife protection authorized by Section 8-3-3, "City Manager May Issue Rules."<sup>1</sup> Minutes from the meetings can be found at: <https://documents.bouldercolorado.gov/weblink8/Browse.aspx?startid=41596&row=1&dbid=0>.

## **PUBLIC FEEDBACK**

OSMP has received over 300 comments from the public about the Tag Program and has held two open houses (May 24 and 30, 2012), as well as five public hearings for community members to provide input on the evaluation and proposed program changes. A compendium of these comments can be found at: <http://bouldercolorado.gov/links/fetch/13869>.

Attachment B contains a "timeline" of significant OSBT, council and community considerations of this matter.

## **BACKGROUND**

The Tag Program was described in the 2005 VMP as experimental. The program was implemented adaptively (per the guiding principles of the VMP) with the objectives of improving awareness of the requirements of voice and sight control and improving compliance with voice and sight control regulations. A monitoring component was included with the implementation of the program to provide information about whether the program was successfully achieving its objectives.

Staff evaluated changes for several reasons:

- City Council identified the Tag Program among a number of overarching issues for OSMP staff review in response to concerns about the long-term sustainability of visitor services and environmental resources,
- The OSBT recommended that staff examine potential revisions to the Tag Program,
- Dog and off-leash related conflicts remain one of the top sources of conflict reported by visitors to OSMP, and
- Monitoring concluded that several compliance factors revealed results lower than standards set in the VMP and that these measures did not show decreases in indices of conflict over time.

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<sup>1</sup> After council discussed these OSBT recommendations on June 18, 2013, staff removed strikes for violations of Section 6-1-18, "Removal of Animal Excrement Required," from the proposed ordinance.

The staff evaluation of the Tag Program was based on monitoring results and subsequent discussion with OSBT and council, as well as feedback from the public and stakeholder groups. That evaluation and feedback led to the development of program improvement options several of which require changes to the B.R.C.

OSMP and the OSBT have undergone an extensive process to review potential program revisions and provide opportunities for community input. The process has included two community open houses, four OSBT study sessions, a study session with City Council and three public hearings where the OSBT took action on recommendations to City Council. In addition, OSMP staff coordinated with the City Attorney's Office, Municipal Courts as well as the Parks and Recreation, Finance and Police departments.

The staff/OSBT proposal to City Council was modified in response to council feedback provided on May 21, 2013. Staff explained these changes in an information packet submitted to council on June 18, 2013 and found at:

<https://documents.bouldercolorado.gov/weblink8/0/doc/123061/Electronic.aspx> .

## **ANALYSIS**

### **Summary of Recommended Program Changes**

The recommended revisions to the Tag Program include the following changes:

1. Information Session: Require Tag Program participants to attend an information session ensuring greater awareness of the program requirements, goals and objectives.
2. Proof of Rabies Vaccination: Require current rabies vaccination for a dog's participation in the Tag Program and City of Boulder residents to provide a valid Boulder dog license as proof of vaccination and compliance with the city's license requirement.
3. Education and Outreach Strategies: Implement education and outreach strategies to encourage compliance with the program requirements and share information about how guardians can successfully manage dogs under voice and sight control.
4. Modifications to Fines and Violations Causing Privilege Suspension:
  - a. Increase fines for failure to have a voice and sight tag on an off-leash dog and for voice and sight and off-leash dog violations.
  - b. Specify dog-related violations that contribute to the loss of Tag Program privileges including violations that cause suspension of privileges after one or two convictions.
  - c. Clarify the process for reinstatement after privileges have been suspended.
5. Participant Registration and Renewal Fees: Revise program fees including different fees for those residing outside of the City of Boulder and Boulder County and the addition of an annual renewal fee to cover program costs.

A detailed list of recommended program improvements is available in Attachment C. Numbers 1, 2, 4 and 5 above require council action in the form of ordinance amendments.

On May 21, 2013 council requested that staff provide those specific B.R.C. changes in a form from which council could make a final decision. Therefore, staff requests council approval of the following B.R.C. amendments summarized below and provided in detail in Attachment A.

<b>B.R.C. Section</b>	<b>Recommendation</b>
4-20-60 Voice and Sight Control Evidence Tag Fees.	<ul style="list-style-type: none"> <li>• Establishes that program application fees will be set by city manager rule pursuant to Section 8-3-3, “City Manager May Issue Rules,” B.R.C. 1981.</li> </ul>
6-13-2 Voice and Sight Control Evidence Tag Required.	<ul style="list-style-type: none"> <li>• Increases maximum penalties to \$100 (1st conviction), \$200 (2nd conviction), and minimum \$300 (3rd conviction) within a two-year timeframe.</li> <li>• Allows for affirmative defense for first violation when a lawful participant in the Tag Program inadvertently fails to display a tag on his/her dog(s).</li> </ul>
6-13-4 Voice and Sight Control Evidence Tag Requirements.	<ul style="list-style-type: none"> <li>• Requires valid City of Boulder dog license for city residents, or proof of vaccinations for non-residents.</li> <li>• Requires attendance at an informational session for all guardians prior to applying for participation in the Tag Program and within the past five years for renewing participation.</li> </ul>
6-13-4.5 Terms of Voice and Sight Control Evidence Tag.	<ul style="list-style-type: none"> <li>• Establishes an annual renewal requirement and a Dec. 31, 2014 enrollment deadline for current Tag Program. Participants to comply with program requirements</li> </ul>
6-13-5 Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations.	<ul style="list-style-type: none"> <li>• Establishes immediate suspension of privileges after one conviction of any of the following violations:               <ul style="list-style-type: none"> <li>○ Aggressive Animal Prohibited</li> <li>○ Failure to Protect Wildlife (or Livestock)</li> </ul> </li> <li>• Establishes suspension after 2nd conviction within two years for any of the following violations:               <ul style="list-style-type: none"> <li>○ Section 8-3- 3 “City Manager May Issue Rules,” pertaining to dog management specifically enacted for protection of wildlife and a dog off leash in a leash-required or dog-prohibited area.</li> <li>○ Section 6-1-16, "Dogs Running at Large Prohibited," pertaining to dogs running at large on OSMP or on other city lands where voice and sight control is allowed. Excludes violations for not having possession of a leash.</li> </ul> </li> <li>• Revises reinstatement by removing requirement to repay application fee, continue requiring the reinstatement fee and successful completion of an evaluation test and adds the requirement to repeat attendance of the information session.</li> <li>• Establishes that a guardian who has two suspensions in three years or who has three suspensions will be ineligible for reinstatement for a period of time to be determined through an administrative hearing.</li> <li>• Establishes a minimum one-year suspension for continued violations of Section 6-1-16, “Dogs Running at Large Prohibited,” when privileges have already been suspended.</li> </ul>

B.R.C. Section	Recommendation
6-1-16 Dogs Running at Large Prohibited.	<ul style="list-style-type: none"> <li>Establishes, within a two-year time frame, maximum penalties of \$100 (1st conviction), \$200 (2nd conviction), and minimum of \$300 (3rd conviction).</li> <li>Establishes minimum \$300 penalty for having dog off leash while under suspension.</li> <li>Includes violations of the city manager’s rules that affect program privilege suspension so that staff can feasibly assess prior violations.</li> </ul>

**Responses to Council Questions**

The first reading memo for the March 5, 2014 council meeting resulted in questions from council members. Several of those questions and staff answers are included below. A compilation of council member Hotline questions and staff responses is available at the following link: <http://bouldercolorado.gov/links/fetch/20424> .

**1. What statistics do we have that would document Code or Rule infractions on Open Space—infractions by all users?**

**Staff Response:** OSMP tracks the number of citations issued by rangers. The following table summarizes the citations issued by rangers during 2013 for activities on OSMP.

2013 OSMP Infractions	Number
No voice and sight control tag for off-leash dog	123
Dog off-leash in leash required area	86
Dog out of voice and sight control	73
Dogs prohibited	26
Dog at large-general	12
Camping	57
Tent Structure	41
Aggressive animal	7
Failure to remove animal excrement	7
Mountain biking prohibited	4
Failure to protect wildlife	2
Hot air balloons prohibited	2
Permit required for commercial use	3
Use of horse (livery ) without a permit	1
Discharging firearm	1

**2. What is the annual cost of the current Green Tag program, and how does that compare to the additional proposed cost of the revised Green Tag program?**

**Staff Response:** Implementing the existing Tag Program occurred over a two-year timeframe from 2005-2006. After program implementation, annual program operating expenses remained fairly steady. The process to make the proposed revisions to the Tag Program will follow a similar approach with implementation occurring over a two-year

period (2014-2015) then transitioning to more consistent operating expenses after implementation. The table below summarizes and compares the program implementation and ongoing annual operation expenses of the existing program with the proposed revised program. For the purposes of the cost estimate, one full time equivalent (FTE) is equal to 2,080 hours of staff time.

**OSMP Costs and Staffing Needs**

	<b>Equipment, Materials and Services</b>	<b>Seasonal Staff (FTEs)</b>	<b>Standard Staff (FTEs)</b>
<b>Implementation Costs</b>			
<b>Existing Program — Implementation (2005-2006)</b>	<b>\$67,800</b>	<b>1.3 FTEs</b>	<b>2.6 FTEs</b>
<b>Proposed Revised Program — Implementation (2014-2015)</b>	<b>\$201,630</b>	<b>4.5 FTEs</b>	<b>3.9 FTEs</b>
<b>Annual Operating costs</b>			
<b>Existing Program — Annual Costs Post Implementation</b>	<b>\$3,450</b>	<b>-</b>	<b>.5 FTE</b>
<b>Proposed Revised Program — Annual Costs Post Implementation</b>	<b>\$25,190</b>	<b>1 FTE</b>	<b>.8 FTE</b>

The OSBT and City Council both supported a cost recovery model for the Tag Program. The three-tiered fee structure based upon residency is structured to achieve cost recovery. Increased registration fees coupled with a requirement for periodic renewal were modeled to generate program revenues adequate to cover program costs. The program cost estimates used information that anticipated a 2014 start date. Costs may change in response to council-directed revisions and the later (2015) start date.

Substantial staff time is required to plan, coordinate and implement the recommended Tag Program changes. During 2014, staff will develop systems to administer the revised program and integrate information from the Tag Program with dog license information as well as to design and schedule presentations of the education session. Under the proposed recommendations, changes will become effective in 2015. After full implementation in 2015, staff predicts annual costs and staffing needs will be substantially reduced and remain relatively constant.

Implementation will be a high priority for the department, and existing staff will be assigned to assist with the Tag Program. Approximately half of the needed positions can be allocated from existing staff. Staff estimates that over the two-year time frame approximately 8.4 FTEs or \$532,000 of standard and seasonal OSMP staff time will be necessary to develop, coordinate and implement the proposed program revisions. This estimate includes approximately 4.4 FTEs (\$295,000) to prepare program changes in 2014 and 4.0 FTEs (\$237,000) for first year administration of the revised program. These costs represent the actual staff costs necessary to achieve cost recovery. Actual new seasonal positions

necessary for implementation include an additional 2 FTEs (\$87,000) in 2014 and 2.5 FTEs (\$109,000) in 2015.

Non-personnel program costs are estimated at \$201,630 for the first two years and \$25,190 annually thereafter. These expenses include revisions to the online registration and record management system and links to the city’s dog license program, space and supplies for the education sessions, new information and regulation signs, and other materials and supplies.

**3. *Isn’t it true that Voice and Sight Control privileges only exist on certain Open Space land, and that Voice and Sight Control privileges do not apply to city land that is not part owned or managed by Open Space?***

**Staff Response:** There are three city-owned areas where voice and sight control is allowed which are *not* part of the Open Space and Mountain Parks system: areas near Boulder Reservoir, Coot Lake and the dog park at Howard Hueston Park.

**4. *Is it correct to say, then, that having an unleashed dog in a city park where leashes are required does NOT count as a violation?***

**Staff Response:** No. Currently, this violation counts as a strike towards the suspension of privileges. Please see B.R.C. 6-13-5(a). Under the proposed ordinance, it will not count as a strike.

**5. *We have heard from so many dog guardians that they fear chasing a squirrel up a tree would cause them to lose privileges for their pet, can staff draft an exception for chasing a squirrel up a tree?***

**Staff Response:** Staff would like to draw attention to two points regarding concerns expressed about a dog “chasing a squirrel up a tree” and the loss of voice and sight privileges. First is a clarification of wildlife protection laws, enforcement and links to suspension of privileges. Second is a clarification of the ecological significance of wildlife protection laws.

1) Wildlife Protection Laws — The importance of protecting wildlife from dogs harassing (which includes chasing) wildlife is codified in state law, which the Boulder Revised Code parallels as shown in the table below. The state statute defines “harass”. Although city code does not include this definition, rangers base their enforcement on behavior consistent with the state definition. As well, the state definition would be presented as persuasive authority to a judge or jury if a charge were to go to trial.

<p align="center"><b>Colorado Revised Statutes (C.R.S.) 33-6-128.</b></p> <p align="center">Damage or destruction of dens or nests - harassment of wildlife</p>	<p align="center"><b>Boulder Revised Code (B.R.C) 8-3-5. Wildlife Protection.</b></p>
<p>(2) Unless otherwise allowed by commission rule or regulation, it is unlawful for any person to knowingly or negligently allow or direct a dog which he owns or which is under his control to</p>	<p>No owner or keeper of a dog shall negligently allow or direct such dog to harass wildlife or livestock, whether or not the wildlife is actually injured by such dog, within any park, recreation area, or open space, or other</p>

<p>harass wildlife, whether or not the wildlife is actually injured by such dog. Any person who violates this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars.</p> <p>33-1-102 (24) "Harass" means to unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd, or torment wildlife.</p>	<p>property of the city, including, without limitation, any street or other right of way controlled or maintained by the city. This prohibition does not apply to any lessee of such property using a working dog to control livestock on the leasehold.</p>
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In the proposed changes to the Tag Program, the first conviction of B.R.C. 8-3-5 violations after court proceedings would cause suspension of voice and sight privileges. It is important to note that charges for this violation must be for incidents where the guardian negligently allowed or directed a dog to harass wildlife or livestock. The standard for “negligence” is whether the dog guardian failed to exercise the degree of care that would be exercised by the ordinarily reasonable and prudent inhabitant of the city under the same or similar circumstances. Please see, B.R.C. 1-2-1(b). Rangers issue citations for these incidents when they determine there is negligence in dog control. Moreover, guardians charged with this violation have the right to demand a trial, where the city would be required to prove this alleged negligence beyond a reasonable doubt.

Voice and sight control per the city’s code requires that guardians must prevent their dogs from engaging in the behavior of “Chasing, harassing or disturbing wildlife or livestock.” The proposed changes to the Tag Program recommend including convictions of the voice and sight control (6-1-16) offense among those offenses where two convictions in two years would cause suspension of privileges. Rangers may issue a Voice and Sight (6-1-16) violation in addition to charges for Failing to Protect Wildlife (8-3-5) or instead of charges for 8-3-5 where incidents do not meet the negligence standard required in 8-3-5 but where the guardian was unable to use voice and sight control to prevent disturbance to wildlife.

2) Significance of Dogs Chasing Wildlife — Unlike humans and their pets, wildlife does not have the luxury of leisure time, and all activities can be crucial to their survival. Harassment or chasing disrupts required maintenance activities such as feeding, resting, tending to young, courtship or predator avoidance. It causes changes in physiology and behavior, and takes time away from these necessary activities. Dogs, which are seen as predators to wildlife, force wildlife movement. This movement causes avoidable energy expenditure and may take them outside their home territory, take them away from nests or young, advertise their location or the location of their young to a natural predator, or take them into an area where they may face a threat from other individuals of their species. This unnecessary energy expenditure may directly conflict with overwinter survival strategies, their ability to provide for their young or respond to other stressors in the environment including weather, predators or disease.

Dogs can be directly or indirectly responsible for wildlife mortality. Indirect effects may be unseen by the dog’s human companion, but are nonetheless significant for wildlife. Cumulative stressors (i.e., deep snow, flooding, extreme weather, food shortages, low temperatures, disease) act to depress body condition. Harassment by dogs may be the (avoidable) difference between life and death for some animals, especially in already-stressed individuals.

Because wildlife potentially face so many cumulative challenges to their survival or ability to successfully reproduce, it is important for guardians to prevent the avoidable and additional stress of wildlife being chased or harassed by dogs. Avoiding this unnecessary stress will help give the wildlife the best chance to respond to natural challenges and survive while successfully raising offspring that will contribute to the next generation - leading to healthy wildlife populations on OSMP.

6. *Would it be possible to provide annual data on the number of trails or trail miles available by user types (hikers, bikers, horses and dogs with green tag) since the inception of the green tag program or for a period long enough to identify a trend? And as a companion set of data to this, overlaid on the same graph, the cumulative number of green tags issued for the same period?*

**Staff Response:** The annual total of trail miles available for hikers, bikers, horses and voice and sight control is provided below. Annual mileage totals include changes in management, new trail construction and changes to trail alignments. Mileage totals do not include trail and management changes approved in Trail Study Area plans that have not yet been implemented.

**Miles of trail available on OSMP for four different activities from 2005 through 2014.**

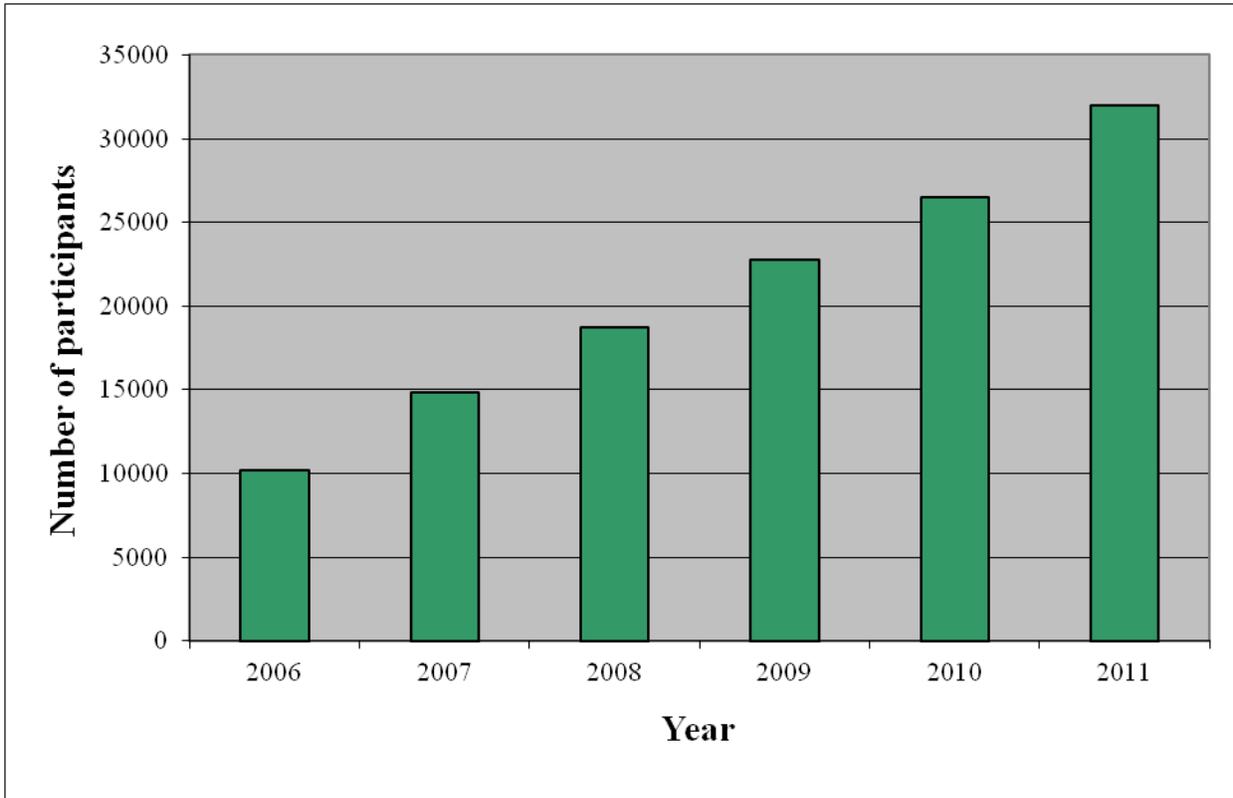
Activity	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Hikers	126	128	130	133	139	141	142	142	145	145
Bikes	35	36	37	41	48	49	49	49	52	52
Horses	120	120	124	127	133	136	136	136	139	140
Voice and Sight Control Trails	93	82	83	84	88	87	87	87	86	87

*The change in voice and sight control trails from 2005 to 2006 is a result of implementing several Habitat Conservation Areas and dog management changes included in the 2005 Visitor Master Plan.*

Approximately 32,000 participants from 18,000 households have registered in the Voice and Sight Program from its start in 2006 through 2011. During the same period, just over 29,000 tags have been distributed. The number of participants in the program has grown at a relatively steady rate, adding about 4,000 participants annually after the initial year, when approximately 10,000 participants registered. As of 2012, 41 percent of the households in the Tag Program are registered to mailing addresses within the City of Boulder and 59 percent are registered to addresses outside city limits.

When approved in the VMP, council wanted the program to be a one-time sign up. Consequently, the program does not include a process for updating participant information or renewing tags and it is likely that some registered participants and tags are no longer active.

Some of the tags may include replacement tags and do not accurately represent the number of dogs participating in the program. Therefore staff believes the number of participants and households registered, or tags issued, may overestimate the actual number of participants currently active in the program. Annual numbers of participation in the program were reported in the Voice and Sight Tag Program Monitoring Report after a detailed analysis of participation data. An analysis of annual numbers has not been completed for more recent years.



**Number of participants in the Tag Program from the program start in 2006 through 2011.**

**7. *What is the reason for the proposed one-year renewal term of green tags? How will that contribute to the success of the program?***

**Staff Response:** Requiring a one-year renewal for voice and sight control tags is to ensure that participants are meeting the requirement that their dogs are appropriately vaccinated against rabies while providing a consistency with dog licensing requirements. City of Boulder dog licenses must be renewed annually to ensure rabies vaccinations are current. An annual renewal also supports the need to have accurate information about program participation and participants which helps in having current contact information and reporting accurate statistics on participation numbers.

8. *Some dog guardians are asking why they alone are subject to losing privileges on Open Space for serial violations. What is the staff response to that?*

**Staff Response:** Dog guardians have the opportunity to exercise voice and sight control privileges only after agreeing to the terms and conditions of managing a dog under voice and sight control. City staff is not aware of any other local open space or park program that allow the extensive opportunities for off-leash dogs provided by the City of Boulder. This privilege comes with a need for assurances that off-leash dogs are in fact under control when participating in the Tag Program. Program privileges are based on a guardian agreeing to the requirements of voice and sight control and complying with the program regulations. The potential for suspension of privileges is also a term of complying with the expectations of the program. The suspension of privileges has occurred with guardians who have repeatedly violated the requirements of voice and sight control or for specific circumstances of aggressive dogs. Reinstatement of privileges can be accomplished by completing a demonstration test and re-attending the education class.

The loss of voice and sight privileges does not mean that guardians can no longer be accompanied by their dogs on open space unless otherwise mandated by a judge. Even when voice and sight privileges are suspended, guardians and their *leashed* dogs are welcome on OSMP trails and properties where dogs are permitted.

Similarly, commercial use on OSMP is allowed only after a commercial use permit is obtained which dictates special terms of use. Comparable to the Tag Program, this permitted activity can and has been suspended for rule infractions or violating the terms of permits.

The City of Boulder also has services or locations where privileges can be suspended for rule violations. Examples of services include the library and recreational facilities. Additionally, the Boulder Municipal Court can issue no trespass orders for specific violations and circumstances preventing a person from returning to certain areas for a specified timeframe. Example locations include the Municipal Campus, Central Park and the Pearl Street Mall.

9. *Would it be possible to review the list of the criteria for reinstatement of a green tag at second reading?*

**Staff Response:** These steps are required, both in the existing ordinance and in the proposed amendments, for a suspended Tag Program privilege to be re-instated:

- (1) Payment of a supplemental fee (currently \$50) established by City Manager Rule;
- (2) Written proof of attendance at a City of Boulder sanctioned presentation on voice and sight control of a dog;
- (3) Written proof of attendance at and successful completion of a voice and sight control evaluation by a third party evaluator, described below; and
- (4) Certification by the applicant for reinstatement that he or she agrees to control any dog accompanying the guardian without a leash held by a person on certain City of

Boulder lands where voice and sight control is permitted, in the manner described in the presentation on voice and sight control of a dog.

The Voice and Sight Tag evaluation referred to in Step (3), above, includes completion of a demonstration test, the Voice and Sight Evaluation Test (VSET). The purpose of the evaluation test is to have a guardian and dog successfully demonstrate skills that indicate the ability to meet voice and sight control standards. The VSET is conducted by a third party evaluator. The test is designed to determine a dog's ability to be under voice control in off-leash situations. The primary components of the test include a demonstration of the following skills:

- Walking under voice/hand control
- Meet and greet a dog
- Meet and greet a person
- Coming when called
- Reaction to wildlife

The test is on a pass/fail basis and the dog and guardian must complete the entire test and pass each skill to successfully pass the test.

The proposed ordinance only modifies the reinstatement process by (a) removing requirement to repay the application fee and (b) requiring attendance of the education session instead of watching the voice and sight control video. There are no changes to the requirement of a reinstatement fee and successful completion of an evaluation test.

**10. *Could an exception to rabies vaccination be provided for older or sick dogs, where a vet certifies that a rabies vaccination would propose a risk to the dog?***

**Staff Response:** The exception already exists in the code. Section 6-13-4 of the proposed ordinance requires the applicant to provide proof of current rabies vaccination as provided in Section 6-1-3, "Rabies Vaccinations." Section 6-1-3(a) provides the following waiver:

*The requirements of this subsection shall not apply when the applicant produces a waiver issued by a veterinarian licensed by the State of Colorado affirming that the animal is medically unable to receive the required vaccination. This waiver must have been issued by the licensed veterinarian no more than one year before the date of the alleged violation.*

**11. *Does a violation for failing to remove animal excrement result in a strike against a green tag?***

**Staff Response:** No. A violation for failing to remove animal excrement does not result in a strike against a voice and sight control tag.

**12. *If a person gets two convictions in two years for their dog not coming when called, will that count as a strike against a green tag?***

**Staff Response:** Yes. Voice and sight control of a dog requires that a dog come to and stay with the guardian immediately upon command by the guardian. (See, Section 6-1-2, Definitions.) When a guardian calls for a dog and the dog does not come when called, the

dog is considered “at large,” in violation of Section 6-1-16. Under the proposed amendments, a person convicted twice within two years of violating 6-1-16, on open space or city properties where voice and sight control privileges are allowed shall have his or her voice and sight tag privileges suspended.

**13. *Is this suspension for two violations of section 6-1-16 specific to open space or in the entire city?***

**Staff Response:** It is *not* specific to open space. This regulation applies to 6-1-16 violations that occur *either* on OSMP *or* city properties where voice and sight control privileges are allowed (Boulder Reservoir, Coot Lake and the dog park at Howard Hueston Park).

**14. *There are assertions that violations of dog at large not on Open Space land will apply as a strike against a green tag?***

**Staff Response:** It will not. Dog at large violations occurring in the city (except Boulder Reservoir, Coot Lake and the Howard Hueston dog park) will not count as strikes against a voice and sight tag.

**15. *You need a green tag in some places outside of Open Space to have a dog off leash in some areas, is that correct?***

**Staff Response:** City code authorizes dogs to be off leash, if the dog has a voice and sight control tag, in three areas that are not OSMP land: Boulder Reservoir, Coot Lake and the Howard Hueston dog park.

**16. *So if you lost your privileges there you’d lose them on Open Space property as well?***

**Staff Response:** Yes.

**17. *You don’t need a green tag at a dog park?***

**Staff Response:** You don’t need a voice and sight tag to have your dog off leash at a City of Boulder dog park except for the Howard Hueston dog park.

## **NEXT STEPS**

The ordinance includes a date of Jan. 1, 2015 for the new program requirements to go into effect. This date will allow for the completion of pre-change compliance monitoring and to ensure that components for implementing program revisions are in place prior to implementation.

## **ATTACHMENTS**

- A. Ordinance No.7967
- B. Voice and Sight Tag Program Timeline
- C. Voice and Sight Tag Program Recommendations

## ORDINANCE NO. 7967

AN ORDINANCE AMENDING SECTIONS 4-20-60, "VOICE AND SIGHT CONTROL EVIDENCE TAG FEES," 6-1-16, "DOGS RUNNING AT LARGE PROHIBITED," 6-13-2, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIRED," 6-13-4, VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIREMENTS," AND 6-13-5, "SUSPENSION AND REINSTATEMENT OF VOICE AND SIGHT CONTROL EVIDENCE TAGS UPON VIOLATIONS," AND ADDING A NEW SECTION 6-13-4.5, "TERMS OF VOICE AND SIGHT CONTROL EVIDENCE TAG," B.R.C. 1981, B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. Section 4-20-60, B.R.C. 1981, is amended to read:

**4-20-60. Voice and Sight Control Evidence Tag Fees.**

~~(a) An applicant for a Voice and Sight Control Evidence Tag shall pay the fee established by the city manager rule pursuant to section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981, who is a resident of the City of Boulder shall pay an application fee of \$15.00, and a nonresident shall pay an application fee of \$18.75. Additional Voice and Sight Control Evidence Tags may be provided to persons who reside in the same household as the applicant upon payment of a duplicate tag fee of \$5.00.~~

~~(b) The supplemental fee pursuant to Section 6-13-5, "Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations," B.R.C. 1981, shall be \$50.00, regardless of residency.~~

Section 2. Section 6-13-2, B.R.C. 1981, is amended to read:

**6-13-2 Voice and Sight Control Evidence Tag Required.**

- 1 (a) In addition to and in conjunction with the requirements of Section 6-1-16, "Dogs Running at  
2 Large Prohibited," B.R.C. 1981, any dog guardian who desires to accompany a dog without a  
3 leash held by a person shall apply for and obtain a Voice and Sight Control Evidence Tag  
4 pursuant to the procedures and requirements established by this chapter.
- 5 (b) Any dog guardian who accompanies a dog without a leash held by a person shall cause such  
6 dog to wear and visibly display a current, lawfully obtained and displayed Voice and Sight  
7 Control Evidence Tag at all times ~~when the dog is present on open space and mountain  
8 parks~~ City of Boulder lands where voice and sight control is permitted under Section 6-1-16,  
9 "Dogs Running at Large Prohibited," B.R.C. 1981.
- 10 (c) The city manager may promulgate guidelines, forms, or informational materials that are  
11 necessary or desirable to assist with implementation of this chapter or its legislative intent.
- 12 (d) The maximum penalty for a first conviction is a fine of ~~\$50.00~~ 100.00. For a second  
13 conviction within two years, based upon the date of the first violation, the maximum penalty  
14 shall be a fine of ~~\$100.00~~ 200.00. For a third and each subsequent conviction, within two  
15 years based upon the date of the first violation, the ~~maximum~~ minimum penalty shall be a  
16 fine of not less than ~~\$200.00~~ 300.00.
- 17 (e) It is an affirmative defense to a charge of violating this Section that the dog and guardian  
18 were currently registered participants in the Voice and Sight Control program and this charge  
19 was the guardian's first violation for not displaying a Voice and Sight Control Evidence Tag.

20 Section 3. Section 6-13-4, B.R.C. 1981, is amended to read:

21 **6-13-4 Voice and Sight Control Evidence Tag Requirements.**

22 (a) Before a Voice and Sight Control Evidence Tag shall be issued, the applicant shall ~~certify,  
23 under penalty of perjury, the following facts:~~

24 (1) Provide a valid City of Boulder dog license, or if the applicant is not a City of  
25 Boulder resident, provide proof of current rabies vaccination as provided in Section  
26 6-1-3, "Rabies Vaccinations," B.R.C. 1981, for each dog being registered;

(2) ~~The applicant has watched (or listened to if visually impaired) a video~~ Provide proof  
of attendance, within the preceding five years, of a presentation on voice and sight  
control of a dog, prepared by the city and provided to the applicant by the city or its  
designated agents; and

1           (32) ~~Agree~~ ~~The applicant agrees~~ to control any dog accompanying the applicant without a  
 2           leash held by a person on certain ~~open space and mountain parks~~ City of Boulder  
 3           lands where voice and sight control is permitted under Section 6-1-16, "Dogs  
 4           Running at Large Prohibited," B.R.C. 1981, in the manner described in the ~~video~~  
 5           presentation on voice and sight control of a dog and consistent with the requirements  
 6           of the Boulder Revised Code.

7           Section 4. Section 6-13-4, B.R.C. 1981, is amended by the addition of a **new section**

8           **6-13-4.5** to read:

9           **6-13-4.5 Terms of Voice and Sight Control Evidence Tag.**

10          The Voice and Sight Control Evidence tag issued under Section 6-13-4 shall be valid for a term  
 11          of one calendar year and expire on December 31. Renewal of Voice and Sight Control Evidence  
 12          Tags is subject to the fees established under Section 4-20-60, "Voice and Sight Control Evidence  
 13          Tag Fees" B.R.C. 1981. The applicant shall apply for renewal of the Voice and Sight Control  
 14          Evidence Tag no later than February 1 of the year immediately succeeding the year in which the  
 15          license expired. Voice and Sight Control Evidence Tags issued prior to December 31, 2014 shall  
 16          expire on December 31, 2014.

17          Section 5. Section 6-13-5, B.R.C. 1981, is amended to read:

18          6-13-5 ~~Revocation~~ Suspension and Reinstatement of Voice and Sight Control Evidence Tags  
 19          Upon Violations.

20          (a) Upon a ~~third~~ conviction for any violation of ~~section 6-1-16, "Dogs Running at Large~~  
 21          ~~Prohibited~~ Section 6-1-20, "Aggressive Animal Prohibited," B.R.C. 1981, or Section 8-3-5,  
 22          "Failure to Protect Wildlife (or Livestock)," B.R.C. 1981, occurring on land owned by the  
 23          city and constituting park land or open space land within two years of the date of the first  
 24          violation, the right of the dog and guardian to display any Voice and Sight Control Evidence  
 25          Tag shall be suspended automatically., but may be reinstated through the following  
 26          procedures:

27          (b) Upon a second conviction within two years of the date of the first conviction for any of the  
 28          following violations, the right to display any Voice and Sight Control Evidence Tag by the  
 29          dog or guardian shall be suspended automatically:

30                 (1) Section 8-3-3, "City Manager's Rules," B.R.C. 1981, where a rule specifically  
 31                 enacted for the protection of wildlife prohibits dogs and the dog is off leash;

1 (2) Section 8-3-3, "City Manager's Rules," B.R.C. 1981, where a rule specifically  
2 enacted for the protection of wildlife designates a leash-required area and the dog is  
3 off leash; or

4 (3) Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981, occurring on open  
5 space land or on other city properties where Voice and Sight Control privileges are  
6 authorized by that section. A violation of Section 6-1-16, "Dogs Running at Large  
7 Prohibited," B.R.C. 1981, based solely on the accompanying guardian or keeper not  
8 having a leash in such person's possession, shall not be grounds for suspension of  
9 Voice and Sight Control privileges.

10 (c) Any guardian who is convicted of violating Section 6-1-16, "Dogs Running at Large  
11 Prohibited," B.R.C. 1981, during a period of time when privileges have been suspended shall  
12 be ineligible for reinstatement for a minimum of one year.

13 (d) The right to display a Voice and Sight Control Evidence Tag may be reinstated through the  
14 following procedures:

15 (1) Payment of a supplemental fee established in Subsection 4-20-60(b), by City Manager  
16 Rule pursuant to Section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981, in  
17 addition to the fees established by section 6-13-3, "Voice and Sight Control Evidence  
18 Tag Application," B.R.C. 1981, and prescribed by subsection 4-20-60(a), B.R.C.  
19 1981, for an initial application (and in addition to any fines imposed under section 6-  
20 1-16, "Dogs Running at Large Prohibited," or subsection 6-13-2(d), B.R.C. 1981);

21 (2) Providing written proof of attendance at a City of Boulder sanctioned and monitored  
22 showing of the video presentation on voice and sight control of a dog;

23 (3) Providing written proof of attendance at and successful completion of a voice and  
24 sight control evaluation certification course approved by the City of Boulder; and

25 (4) Certification by the applicant for reinstatement that he or she agrees to control any  
26 dog accompanying the guardian without a leash held by a person on certain City of  
27 Boulder lands where voice and sight control is permitted under Section 6-1-16, "Dogs  
28 Running at Large Prohibited," B.R.C. 1981, in the manner described in the  
29 videopresentation on voice and sight control of a dog.

30 (de) Any guardian who has his or her Voice and Sight Tag suspended twice in three years or who  
31 has three suspensions shall be ineligible for reinstatement for a period of time to be  
32 determined at a hearing held under the provisions of Chapter 1-3, "Quasi-Judicial Hearings,"  
33 B.R.C. 1981.

34 Section 6. Section 6-1-16, B.R.C. 1981, is amended to read:

1 **6-1-16 Dogs Running at Large Prohibited.**

2 (a) No person owning or keeping any dog shall fail to keep the dog on the premises of the  
3 guardian or keeper unless the dog is:

4 (1) On a leash held by a person; or

5 (2) Within a vehicle or similarly physically confined and without access to passers-by.

6 (b) No person owning or keeping any dog shall fail to keep the dog on a leash held by a person  
7 within any area where a rule enacted by the city manager for the protection of wildlife  
8 prohibits dogs off leash.

9 (c) No person owning or keeping any dog shall fail to keep that dog from entering any area  
10 where a rule enacted by the city manager for the protection of wildlife or natural resources  
11 prohibits dogs.

12 (bd) The maximum penalty for a first conviction of this section is a fine of \$100. For a or-second  
13 conviction within two years, based on date of violation, the maximum penalty shall be is-a  
14 fine of \$2500.00. For a third and each subsequent conviction within two years based upon the  
15 date of the first violation, the minimum penalty shall be a fine of not less than \$300.00. The  
16 minimum fine for a conviction under this ordinance for a guardian who has their Voice and  
17 Sight Tag suspended under Section 6-13-5, "Suspension and Reinstatement of Voice and  
18 Sight Control Evidence Tags Upon Violations, B.R.C. 1981 shall be \$300.00. the general  
19 penalty provisions of section 5-2-4, "General Penalties," B.R.C. 1981, shall apply. The  
20 maximum penalty for a first conviction occurring on land owned by the city and constituting  
21 park land or open space land is a fine of \$50.00. For a second conviction within two years,  
22 based upon the date of violation, the maximum penalty shall be a fine of \$100.00. For a third  
23 and each subsequent conviction, the maximum penalty shall be a fine of not less than  
24 \$200.00.

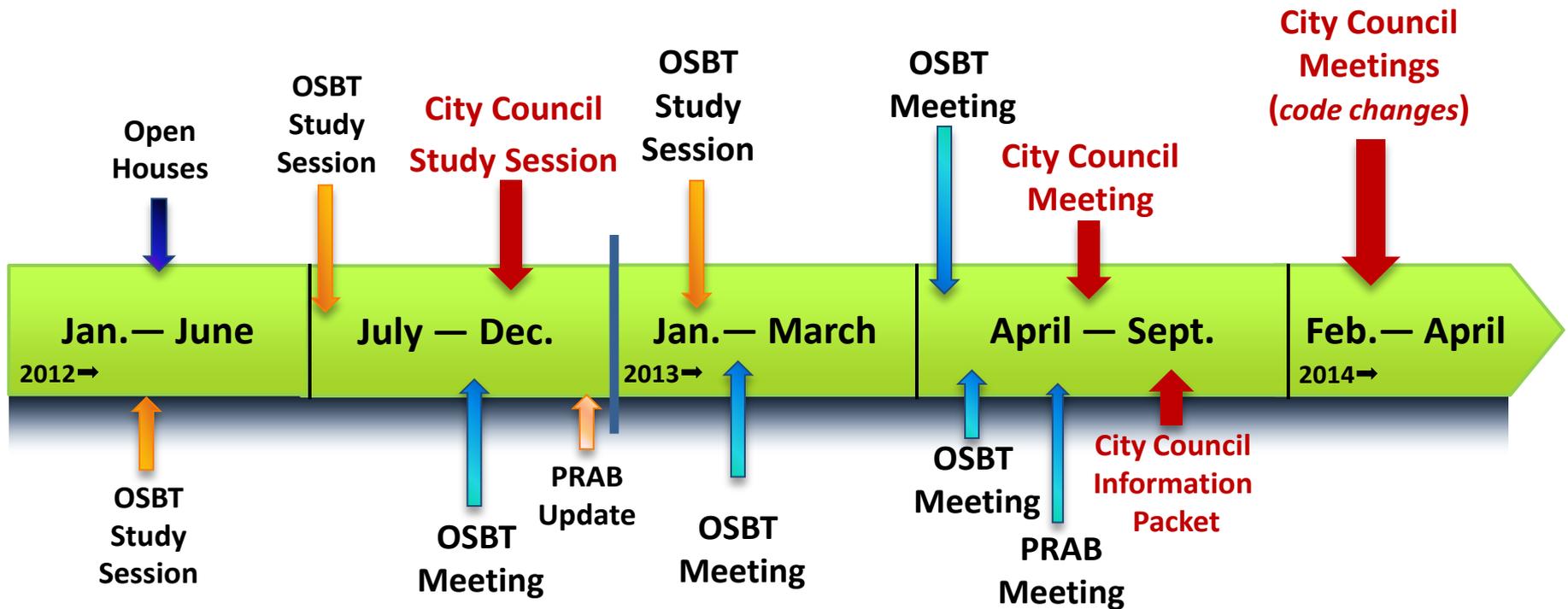
25 (ee) It is an affirmative defense to a charge of violation of this section that the dog was:

26 ...

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of  
the residents of the city, and covers matters of local concern.



# Voice and Sight Tag Program Timeline 2012 – 2014



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Voice and Sight Tag Program Recommendations

#	Recommendation
1	<p>Implement the following education and outreach strategies:</p> <ul style="list-style-type: none"> <li>a) Increase outreach and education about training opportunities</li> <li>b) Support stakeholder efforts</li> <li>c) Create refresher videos on requirements, etiquette or issues that will be phased in based on time and cost</li> <li>d) Use traditional and social media to provide instructive educational information to participants</li> <li>e) Provide educational walks for dogs and dog guardians on a trial basis</li> <li>f) Improve clarity and information on signs</li> <li>g) Distribute palm cards explaining the Tag Program</li> <li>h) Increase outreach and education to visitors without dogs about voice and sight control and what to expect</li> <li>i) Consider under specific conditions and on well-suited OSMP properties, opportunities for special voice and sight control training events</li> <li>j) Encourage dog guardians to become volunteer Trail Guides and provide additional training for outreach with a dog</li> <li>k) Participate in more dog-related outreach events; consider organizing another “Tag Wag” type event</li> <li>l) Promote information on dog-prohibited trails and add this information on the OSMP Website</li> <li>m) Train all staff on the new regulations for informal educational opportunities</li> </ul>
2	<p>Require proof of current rabies vaccination for all dogs to be registered in the program. City of Boulder residents are required to provide a valid City of Boulder dog license as proof of current rabies vaccination.</p> <p>Require that all dogs on OSMP lands display a valid rabies vaccination tag.</p>
3	<p>The program registration and annual renewal fees will include a graduated fee structure for residents of the City of Boulder, residents of Boulder County outside the City of Boulder, and noncounty residents.</p> <p>Program registration fees:</p> <ul style="list-style-type: none"> <li>• City of Boulder Residents (\$13),</li> <li>• Boulder County residents outside the City of Boulder (\$33),</li> <li>• Non-Boulder County residents (\$75), and</li> <li>• The registration fee includes one guardian and one dog; the fee for each additional guardian in a household is (\$5) and the fee for each additional dog in a household is (\$10).</li> </ul> <p>Annual household renewal fee:</p> <ul style="list-style-type: none"> <li>• City of Boulder Residents (\$5),</li> <li>• Boulder County residents outside the City of Boulder (\$20), and</li> <li>• Non-Boulder County residents (\$30).</li> </ul> <p>The additional guardian and dog registration fees will be waived for City of Boulder households who meet income criteria consistent with the City of Boulder Food Tax Rebate Program or the Parks and Recreation Reduced Rate Program.</p>

Voice and Sight Tag Program Recommendations

#	Recommendation
4	Require all program participants attend an information session. Program participants must attend a session before they can register in the program. The information session will include as part of the content a revised and updated voice and sight video. The information session must be repeated every five years.
5	<p>Increase fines for Voice and Sight Evidence Tag Required (B.R.C. 6-13-2) and Dog at Large violations (B.R.C. 6-1-16) to \$100 (maximum), \$200 (maximum), and \$300 (minimum) for first, second and third or more convictions respectively. Provide mechanism for dismissal of tickets for lawful participants who inadvertently failed to display tag.</p> <p>The bond amount for dog-related City Manager’s Rule violations (B.R.C. 8-3-3) will be increased to \$100.</p> <p>Encourage courts to order such additions to fines as watching the voice and sight video, attending the voice and sight information session, dog training, and/or demonstration testing for egregious or repeat dog-related violations consistent with the nature of the violation. Community service for dog waste violations may be particularly appropriate.</p>
6	<p>Revocation of program privileges will occur after <u>one</u> conviction of the following violations involving a dog:</p> <ul style="list-style-type: none"> <li>• Aggressive Animal Prohibited (B.R.C. 6-1-20),</li> <li>• Failure to Protect Wildlife (or livestock) (B.R.C. 8-3-5), and</li> </ul> <p>Convictions of Aggressive Animal Prohibited and Failure to Protect Wildlife violations on OSMP and other lands under the jurisdiction of the City of Boulder will be cause for revocation.</p>
7	<p>Revocation of program privileges will occur after <u>two</u> convictions in two years by a single guardian. The following violations apply:</p> <ul style="list-style-type: none"> <li>• Dog at Large (B.R.C. 6-1-16) except for voice and sight control violations where the guardian doesn’t possess a leash.</li> <li>• Violations of City Manager’s Rule (B.R.C. 8-3-3) involving wildlife protection and a dog being off leash.</li> </ul> <p>Revocation of program privileges applies to the preceding violations on all OSMP lands and other City of Boulder properties where voice and sight privileges are recognized.</p>
8	A guardian with two revocations in three years or three revocations will lose privileges for a period of time determined by the courts and may thereafter apply for reinstatement.
9	Require a minimum fine of \$300 and a minimum one-year revocation period for a guardian with revoked privileges having a dog off leash.
10	Program privileges may be reinstated after successful completion of a reinstatement process. Reinstatement from revocation must include successful completion of the voice and sight evaluation test by the revoked guardian and dog and the retaking of the information session by the revoked guardian. Reinstatement will include payment of fees for the voice and sight evaluation test and payment of a reinstatement fee.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:** Update on the Comprehensive Housing Strategy.

**PRESENTERS**

David Driskell, Interim Housing Director  
Susan Richstone, Deputy Director, Community Planning & Sustainability  
Jeffrey Yegian, Manager, Division of Housing  
Jay Sugnet, Project Manager, Comprehensive Housing Strategy

**EXECUTIVE SUMMARY**

The purpose of this agenda item is to provide City Council with a progress update on the Comprehensive Housing Strategy (CHS) and next steps including:

1. The Foundations for Action work that is underway that includes a housing market analysis, housing choice analysis, and best practices inventory;
2. Proposed Comprehensive Housing Strategy work plan for 2014/15 including public engagement strategy;
3. Initial list of potential policies and tools to start the community discussion; and
4. Updated Community Profile for 2014 and maps showing the general location of future housing and jobs growth as requested by City Council at its January retreat.

This update and discussion with Council is also intended to help prepare for a substantive and productive study session on the CHS scheduled for May 27. The purpose of the study session is to:

1. Review Foundations Work (results of the survey and focus groups on why people make certain housing choices);
2. Confirm housing opportunity sites for further analysis; and
3. Identify “early wins” - what policies and tools to pursue in the short term while longer term strategies are further developed and evaluated as part of the Housing Strategy work in the coming year.

Questions for Council:

1. Does Council have any questions or suggestions regarding the proposed work plan approach, including the public engagement strategy?
2. Are there any policies or tools NOT on the list that should be considered?

### **BOARD AND COMMISSION FEEDBACK**

On March 20, the Planning Board received a progress update. Board members were supportive of the proposed milestones, schedule, and list of potential policies and tools. Members expressed an appreciation for the comprehensive nature of the list of policies and tools and asked for more time in the future to delve into specific topics throughout the project.

### **PUBLIC FEEDBACK**

Public feedback will be summarized at the May 27 Council Study Session.

### **WORK TO DATE**

Providing affordable and diverse housing options is a long-standing community concern. Limited land supply, very low rental vacancies, a vibrant economy, and a high quality of life have caused rents and home prices to rise faster in the city than other parts of the region.<sup>1</sup> Boulder is recognized for its success in creating permanently affordable housing for low- and moderate-incomes and the market is meeting demand for higher incomes. But middle-income households are increasingly priced out of the market.

In 1999, Boulder completed a [Comprehensive Housing Strategy](#) (CHS). The key outcomes include:

- Adoption of the Inclusionary Housing ordinance that requires 20 percent of all new housing to be permanently affordable to low- and moderate-income households;
- Amended city annexation policies to position affordable housing as the highest priority community benefit;
- Focused on the 2000 Major Update to the Boulder Valley Comprehensive Plan to identify opportunities to expand the amount of housing and housing choices in the community; and
- Partnered with the University of Colorado to increase the supply of off-campus housing for students close to the university.

In 2000 and 2010, the [Boulder Valley Comprehensive Plan](#) updates as well as planning efforts such as the Transit Village Area Plan identified opportunities to expand the amount and choice of housing in the community (e.g. designation of sites for mixed use development, 28<sup>th</sup> Street frontage road, Boulder Junction). The 2010 update also affirmed the city's commitment to supporting the following goals:

- Local Support for Community Housing Needs;

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<sup>1</sup>Housing Market Analysis, BBC, 2013.

- Preserve Housing Choices;
- Advance and Sustain Diversity; and
- Integrate Growth and Community Housing Goals.

In 2010, a [Housing Task Force](#) was formed to consider potential improvements to the city's affordable housing goals and programs. The task force resulted in a report and recommendations in eight areas. Many of the innovative policies and tools identified by that effort will be included in this planning effort.

In 2013, Council recognized that the city's housing challenges require more than minor adjustments to current programs. City Council held study sessions on [February 13](#) and [May 14](#) in 2013 to understand the current housing challenges and provide direction on the development of a strategy. In May 2013, Council affirmed a project purpose statement, key assumptions, and guiding principles. This one-page document is Attachment A.

In 2013, a [Housing Market Analysis](#) was completed. Plans for further analysis, including a community survey and focus groups, were postponed in Fall 2013 due to the flood emergency, with the project work recommencing in early 2014. That work is currently in its final stages, including a more refined analysis to understand who lives in our community, what types of housing products are offered in the market, and why individuals make certain housing choices. A survey was deployed in early 2014 and received over 3,000 responses. In addition, focus groups with seniors, in-commuters, and residents were conducted to provide additional insight into housing choices and reach a broader segment of the community. Additional focus groups with Spanish and Nepali speakers are occurring this month. The results of this work will be presented in the May 27 Council Study Session packet.

In early 2014, Council requested data on population, jobs, and housing over the past decade. In addition, Council expressed interest in where new jobs and housing are anticipated in the city in the next 20 years. Staff updated the Community Profile for 2014 and shows ten year trends in population, jobs, and housing. In addition, maps of the city are included showing where existing housing units and jobs are located and where future housing units and jobs are anticipated based on the 2010 Boulder Valley Comprehensive Plan (Attachment D) and current zoning.

## **BACKGROUND**

Housing is the basic building block of high quality neighborhoods and a diverse community fabric of experiences, backgrounds and socio-economic levels. While progress has been made since the last Comprehensive Housing Strategy initiative, conditions have changed and a new strategy, built upon the current one, is needed to address current and future challenges. The new Comprehensive Housing Strategy is intended to expand and preserve diverse, affordable housing choices in Boulder. The Strategy will take a broad look at housing from the perspective of land use and market-rate housing production with a focus on the following key issues:

- The shrinking of Boulder's economic middle (households earning \$65-150K annually) and how to create policies, programs and tools to influence this trend;

- The tale of two Boulder housing types: detached single-family homes are increasingly only affordable to the highest earners in Boulder, while attached homes, particularly condos and apartments, provide better affordability for middle-income earners (though are less attractive to families);
- The growing number of households that work in Boulder, but live in the surrounding, more affordable communities, including most of the city’s police and fire professionals, many school teachers, CU faculty and staff, and many service workers (an estimated 59% of the city’s workforce commutes into Boulder daily);
- Shifting demographics and changes in housing preferences (e.g. millennials, seniors, single person households); and
- The challenge of limited land supply for new single-family homes and how to redevelop existing areas in ways that respond to the community’s evolving housing needs, are attractive to a diversity of household types, and support high quality, diverse neighborhoods that reflect city and community values and goals.

To the greatest extent possible, the Comprehensive Housing Strategy is being coordinated and integrated with the following strategic planning initiatives to ensure complementary and logical outcomes that advance Boulder’s established sustainability initiatives and climate commitment:

- Transportation Master Plan;
- Economic Sustainability Strategy;
- Envision East Arapahoe;
- North Boulder Subcommunity Plan Update;
- Access Management and Parking Strategy; and
- RTD’s Northwest Area Mobility Study.

In particular, the Comprehensive Housing Strategy will inform areas of focus in the 2015 update of the Boulder Valley Comprehensive Plan.

**PROPOSED PROJECT WORKPLAN**

The Comprehensive Housing Strategy is a next generation housing policy framework, combined with an implementation toolkit, that will focus on:

1. Strengthening the city’s affordable housing programs for low- and moderate-income households;
2. Expanding housing opportunities for middle-income households who are increasingly priced out of Boulder’s housing market; and
3. Exploring innovative approaches to providing additional housing and a broader range of housing options, particularly for housing needs not being met by the market.

There is no “magic bullet” to solve Boulder’s housing affordability challenges. It will take a creative mix of policies, tools and resources to make progress on multiple fronts. A list of potential tools is being developed and evaluated to help Council make informed decisions on which policies and tools to pursue in the short, medium, and long term

within the context of the broader housing strategy. Similar to the recently adopted Economic Sustainability Strategy, the envisioned CHS will establish an overall strategic framework that will guide ongoing work related to housing policies and programs. In other words, adoption of the strategy will not signal the end of the city's housing-focused discussions, but rather inform annual work program priorities aimed at continual monitoring, evaluation and action to strengthen and expand housing opportunities through a variety of tools and coordinated strategic initiatives.

Staff proposes the following the phases to develop the new strategic framework over the next year while simultaneously taking near-term action to achieve “early wins”:

## **PHASE 1 – FOUNDATIONS FOR ACTION**

### **Complete Foundations Work**

**January - May 2014**

An initial [Housing Market Analysis](#) was completed in May 2013. A more refined analysis is underway to understand who lives in our community, what types of housing products are offered in the market, and why individuals make certain housing choices. A survey was deployed in early 2014 and received over 3,000 responses. In addition, focus groups with seniors, in-commuters, and residents were conducted to provide additional insight into housing choices and reach a broader segment of the community. The final consultant product is national research on best practices to assist in developing a wide range of potential policies and tools. Based on this work, staff will draft a list of comprehensive policies and tools (a preliminary draft is provided in Attachment B) and a set of project goals/evaluation metrics for use in the next phase.

### **Selection of Early Wins and Opportunity Sites**

**January - May 2014**

City Council requested that staff identify opportunity sites for housing and “early win” projects in an effort to make progress on the affordability challenge while the Comprehensive Strategy is in process.

Opportunity sites are specific parcels where the city could help facilitate the construction of needed housing in the near term. Staff is working on an analysis to identify candidate sites and criteria to evaluate the potential for constructing innovative housing types in the near term.

“Early wins” are policies or tools that could be implemented in the short term and have a beneficial impact in providing additional housing opportunities in the city. Similar to opportunity sites, staff is working on an analysis prior to the May 27 Council Work Session and will seek community input in early May.

Community Outreach – review foundations work, initial list of potential policies and tools, and project goals. A project kick-off event will occur in May and will be combined with other city efforts. Staff is also exploring options for a design competition in cooperation with area schools to help design opportunity sites. Inspire Boulder will be used to start an online community conversation about the policies, tools, goals, opportunity sites, and “early wins.”

## PHASE 2 – STRATEGIC DIRECTION

### **Identify Wide Range of Policy and Tool Options** **May - September 2014**

In June, staff proposes forming discussion groups to explore creative solutions to Boulder’s affordable housing challenges. These groups will be comprised of stakeholders in various focus areas. The nature and composition of these discussion groups will be informed by the foundations work, but the approach is to hold an opening symposium with guest speakers to provide an outside perspective and inspiration. Each work group will commit to meet 2-3 times over the summer to review and evaluate potential policies and tools specific to their focus. A final symposium will be held in September to bring discussion groups together to share insights and findings.

At the same time, staff will refine the list of potential policies and tools and analyze them against the project goals and evaluation metrics. This is a “bang for your buck” analysis that will emphasize what level of effort is necessary or which actions or combinations of actions are needed to achieve the project goals.

Community Outreach – review policy and tool options with “bang for your buck” analysis. Start prioritization. The discussion groups and symposiums will be the primary community engagement tool supplemented with Inspire Boulder and continued outreach to specific stakeholder groups to start identifying community priorities for action. Outreach and updates to relevant city boards will also enhance the community input and discussion opportunities.

### **Identify Community Priorities for Action** **September - December 2014**

Staff will prepare a draft Comprehensive Housing Strategy describing the results of the policies and tools evaluation and propose an initial list of short, medium, and long term actions to propose to Council in December. Included in the report will be a summary of community input and how that input shaped the contents of the strategy.

Community Outreach – prioritize policies and tools for Council consideration. Drawing on the previous engagement activities, community priorities will emerge and be summarized in a draft strategy for community review on the web (Inspire Boulder) and at community meetings, board meetings and other venues.

## PHASE 3 – STRATEGIC ACTION

### **Council Acceptance of Strategy and Direction on Early Implementation** **December 2014 - February 2015**

Staff will revise the draft Comprehensive Housing Strategy based on community input from the previous phase and City Council will hold a public hearing.

City Council Hearing in February 2015 – acceptance of strategy with short, medium, and long term actions. Council will also provide direction on 2015 work plan priorities related to affordable housing.

## **PHASE 4 – ON-GOING MONITORING, RELECTION, and ACTION**

As strategic priorities are acted upon, an ongoing process of monitoring outcomes and conditions in addition to engaging key partners and stakeholders will help inform periodic discussions with council regarding next-step priorities and strategic course corrections.

### **POTENTIAL POLICIES AND TOOLS**

The first step in creating a Comprehensive Housing Strategy is identifying the wide range of potential policies and tools to address Boulder’s housing challenges. Attachment C is a list of potential policies and tools to start a community discussion. The list includes suggestions from Council, community members, the 2010 Housing Task Force and the 1999 Comprehensive Housing Strategy. It will be expanded following completion of the current consultant effort focused on inventorying best practices from other communities. This is a starting point for discussion and will be expanded and refined to support discussions at the May 27 study session. As part of this check-in with Council, one question is whether there are policies or tools not on the list that Council feels should be added and considered.

### **NEXT STEPS**

May Community Outreach – review all the foundations work, help identify potential policies and tools, provide input on opportunity sites and “early wins.”

May 27, City Council Study Session – Council will review all the foundations work and give direction on opportunity sites and “early wins” for further analysis.

For more information, please contact Jay Sugnet at [sugnetj@bouldercolorado.gov](mailto:sugnetj@bouldercolorado.gov), (303) 441-4057, or [www.bouldercolorado.gov/chs](http://www.bouldercolorado.gov/chs).

### **ATTACHMENTS**

- A. Council endorsed project Purpose Statement, Key Assumptions, and Guiding Principles
- B. Draft project schedule
- C. List of potential policies and tools
- D. 2014 Community Profile and Jobs/Housing Maps

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## **Council endorsed project Purpose Statement, Key Assumptions, and Guiding Principles May 13, 2013**

### **Purpose Statement**

Define priorities and goals for the expansion and preservation of diverse, affordable housing choices in Boulder and to identify specific programs and tools to address them in a manner consistent with the community's social, economic and environmental sustainability principles.

### **Key Assumptions**

1. The strategy will build upon Boulder's existing policy context, retaining or potentially expanding current affordable housing goals and programs (e.g., Inclusionary Housing, annexation community benefit, dedicating local and federal funds, 10 percent goal).
2. There are no solutions to Boulder's affordability challenges. Demand to live in Boulder will always outstrip the housing supply. However, there are opportunities to respond more effectively and the situation can be improved.
3. The strategy will not focus on the needs or desires of higher-income households because the market is already meeting those needs.
4. It is too late to preempt or significantly address Boulder's loss of affordable detached single-family homes. There is not enough land to add the necessary supply, nor are there the financial resources to provide the necessary subsidy to a large enough number of middle-income households. The strategy therefore may take into consideration the provision of new single family detached homes but it will not be a main focus.
5. Any expansion of housing opportunities will require expanding the housing supply. However, the strategy will only consider land in the city's service area (Areas I and II) and the Area III Planning Reserve.
6. Given constraints on available land, increasing the supply of housing will require continued consideration of strategies to increase supply through infill and redevelopment. This is an approach the city has used in the past and can continue to use effectively.
7. The exploration of any new housing opportunities will integrate and reflect Boulder's commitment to sustainability by considering location, efficient use of land, transportation connections, energy efficiency and context-sensitive design.

### **Guiding Principles**

1. Create great neighborhoods *and* new housing opportunities.
2. Continue and strengthen policies and programs that support those in need.
3. Expand housing choice for middle-income households.
4. Consider the regional context as well as area-specific conditions.
5. Be willing to have candid conversations, and to try new things.
6. Create new forms of partnership to deliver housing that meets community goals.
7. Develop an ongoing strategic planning approach, not "a plan."

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# Comprehensive Housing Strategy Timeline

2014 February March April May June July August September October November December January February 2015

City Council, PB

PB 3/20

CC 4/1

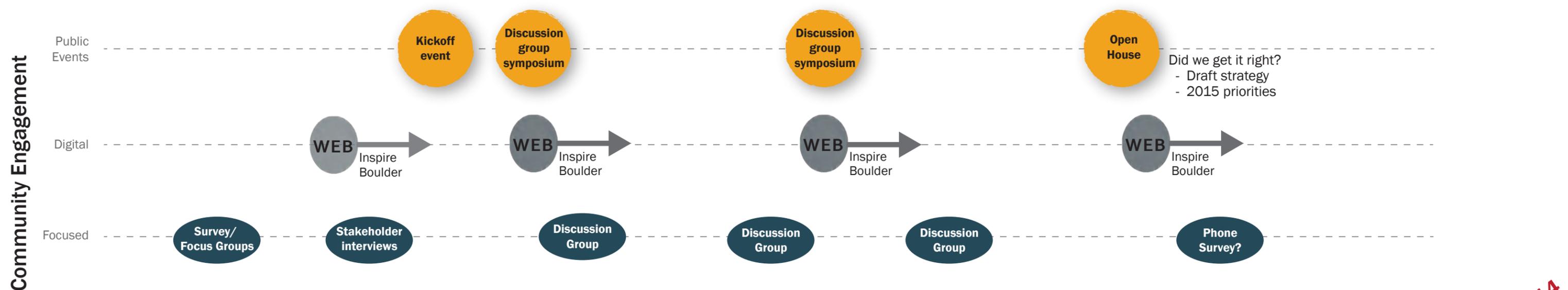
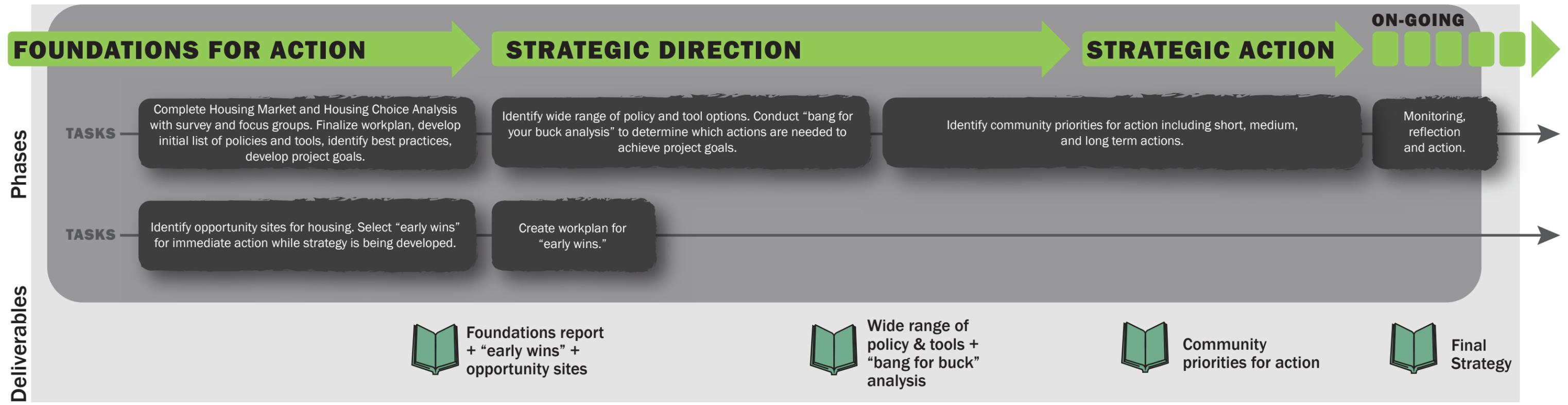
CC 5/27

PB

PB

CC 12/9

CC 2/10



TMP Outreach 4/14

(See integrated time line)

03/20/14



# Initial List of Policies and Tools – DRAFT

3/24/14

This list builds upon ideas generated by City Council, the community, the 2010 Housing Task Force, and *A Tool Kit of Housing Options*, which was completed as part of the 1999 Comprehensive Housing Strategy. Ideas were also added based on the preliminary findings from the 2014 Boulder Housing Choice surveys and resident focus groups conducted in January and February.<sup>1</sup>

The list is a starting point for discussion. Over the spring and summer, the Comprehensive Housing Strategy will continue to add to the list and evaluate the policies and tools against project goals and objectives.

1. **Encourage/remove barriers for new housing types.** Certain housing types, not currently being built, may be desirable in Boulder. Ideas include Portland’s courtyard housing, Austin’s Alley Flats, and micro units.
2. **Expand downpayment assistance.** The city currently has two programs to assist low- and moderate-income buyers with downpayments and closing costs to purchase a home (grants and soft loans).
3. **Expand Section 8 voucher options.** Develop local incentives for landlords to participate in Section 8 voucher programs. Other tools include participating in HUD’s Fair Market Rent (FMR) demonstration program, which allows higher FMRs based on zip codes; and passing a city ordinance that makes the source of income (including Section 8) a protected class (i.e., prevents landlords from refusing to accept Section 8 tenants).
4. **Expand housing programs for special populations.** Special populations include those people with disabilities, the chronically mentally ill, and homeless individuals and families. These groups are often included in the very-low-income group and have higher rates of poverty.
5. **Provide density bonus for higher levels of Permanently Affordable housing.** Provide developers with an incentive to go above and beyond the current Inclusionary Housing requirements by providing a density bonus for additional affordable units. This tool has been used successfully in the city’s mixed use zones.
6. **Waive taxes, fees, or requirements.** Explore property tax abatement programs, exemptions from development requirements (parking, open space, inclusionary housing), and Plant Investment Fees (PIF) waivers for specific types of housing projects that achieve specific city goals.
7. **Modify ADU/OAU requirements.** Minor or major code changes to make accessory dwelling units easier to site and build.

<sup>1</sup> Survey analysis is currently in process. Full results will be available in early April.

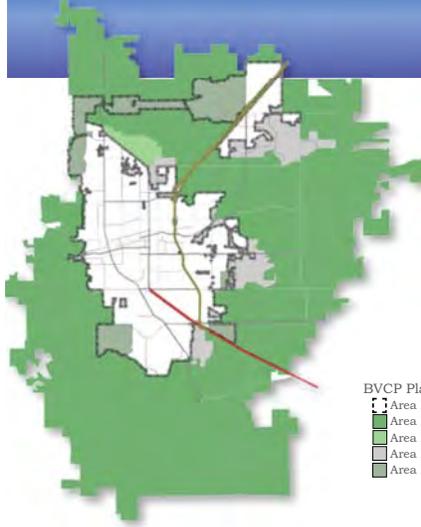
8. **Amend rental co-op requirements.** Modify parking and open space requirements, and occupancy limits to allow more opportunities for rental cooperative housing.
9. **Encourage more co-housing, mutual housing and cooperative housing.** Co-housing is an ownership based land use type that provides individual dwelling units, both attached and detached, along with shared community facilities.
10. **Amend occupancy limits.** The number of unrelated persons who may occupy a dwelling unit is limited to three or four unrelated persons depending on the zoning. This tool would raise or eliminate the limit (citywide or in specific areas).
11. **Identify regulatory burdens.** Examine real or perceived barriers with development regulations and the development review process in creating new housing.
12. **Restrict unit size.** Explore disincentives to building very large units (such as graduated development fees). This tool also suggests disincentives to discourage major expansions of existing smaller homes which today provide a supply of relatively moderate-priced housing.
13. **Require accessible housing as part of a new development.** Accessible housing is designed for people with limited mobility, including those in wheelchairs and those with hearing or vision impairments. Currently a requirement for federally funded properties, it could also be a city requirement.
14. **Expand the home rehabilitation program.** Home rehabilitation grants or loans are provided by the city to low- and moderate-income households for the purpose of making code and safety repairs. Use of this tool could include an increase in the amount of money available for loans, or a change to the program criteria to allow loans to moderate-income and high/moderate-income households wishing to modernize their homes.
15. **Rezone.** Most efforts to rezone would require an area specific planning process.
  - a. Similar to Boulder Junction and the Holiday Neighborhood, identify underutilized commercial properties, and other larger potential projects for future housing (e.g. airport).
  - b. Identify additional housing opportunities along transit corridors, in commercial centers, or industrial areas (e.g. Envision East Arapahoe).
  - c. Consider partial or full development of the Area III Planning Reserve for housing.
  - d. Allow duplexes on corner lots and reduce minimum lots sizes in single family zones.
  - e. Identify opportunities for housing by converting rights-of-way.
16. **Expand senior housing options.** This tool looks at ways to provide housing for the “downsizing” market, to increase the amount of senior subsidized housing and to identify specific vacant sites. This tool could be coupled with infill redevelopment.

17. **Raise height limits.** Raising height limits selectively along transit corridors and commercial centers. Any changes to how height is regulated would require a charter amendment.
18. **Revisit the Residential Growth Management System.** Boulder's current Residential Growth Management System (RGMS) was designed to manage the rate of residential growth to less than one percent annually. Exemptions have been added over the years for mixed use and affordable housing. Revising or eliminating this tool could be explored.
19. **Expand existing housing unit purchase program options.** Public funds are used to purchase existing housing units by the city or a nonprofit organization for resale or for rental as permanently affordable units.
20. **Develop a citywide linkage program.** A non-residential linkage program requires new non-residential development provide a certain amount of housing. Housing units could be built on or off-site from the employment, or a fee could be paid in lieu of providing housing. There is precedent in the downtown with a bonus for commercial square footage when housing is provided.
21. **Expand land banking opportunities.** The city currently has a program whereby land is acquired by a division of government or nonprofit with the purpose of developing affordable/workforce housing or engaging in revitalization activities. After a holding period, the land is sold to a nonprofit or private developer, often at a price lower than market, who agrees to the land use conditions (e.g., creation of permanently affordable/workforce housing).
22. **Increase enforcement of existing regulations.** Noncompliance with existing regulations is sometimes identified as a barrier to implementing other tools (e.g. behavioral or parking issues resulting from shared living arrangements or vacation rentals by owner removing units from the housing stock).
23. **Explore employer assisted housing.** Employer-assisted housing can take a variety of forms, from direct assistance to employees for rent, mortgage subsidies, and/or downpayment assistance.
24. **Study equity pool programs.** Shared equity or equity pool programs offer prospective homeowners downpayment assistance plus a proportionate share of future equity.
25. **Encourage land trusts.** A Community Land Trust (CLT) is a type of non-profit housing organization that maintains ownership of the land in perpetuity but leases it to the residents who own homes on the leased land.
26. **Study mobile home parks.** This tool suggests continuing efforts by the city or non-profit housing corporations to purchase existing mobile home parks to either preserve or to replace with additional permanently affordable units.
27. **Explore reverse mortgages.** This tool proposes the expansion of a program which provides equity to a homeowner, usually elderly, in a lump sum or monthly payments, based on the equity value of their home. It is used in cases where elderly homeowners might wish to remain in their homes but need additional financial assistance.

28. **Promote green mortgages.** “Green” mortgages allow a higher debt-to-income ratio on mortgages for homeowners who can demonstrate low transportation costs.
29. **Encourage student and university housing.** This tool calls for increased housing for university students, faculty and staff, both on-campus and off-campus. On-campus housing would be constructed on university-owned sites. New off-campus housing would occur in locations close to the campus through redevelopment and/or rezoning of appropriate sites.
30. **Participate in regional solutions.** The availability of affordable housing has become an increasing concern throughout the county and the region. A regional approach to meeting affordable housing needs may be required. With more and more workers commuting farther distances between home and work, increased traffic and congestion has become a greater concern. This tool includes continuing a regional county-wide dialogue on affordable housing and the associated regional transportation solutions.



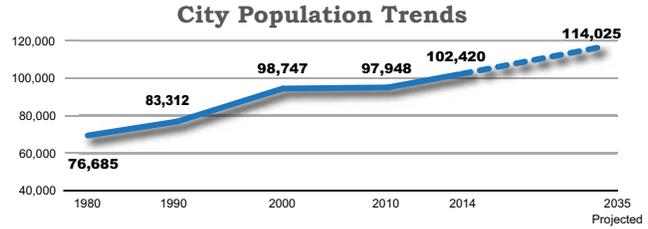
# 2014 Community Profile



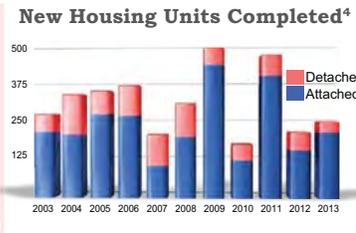
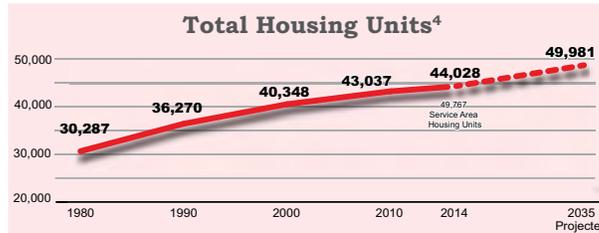
**25.8**  
square miles

**70**  
city Open Space  
square miles<sup>1</sup>

**102,420**  
city population<sup>2</sup>  
114,200 Service Area Population



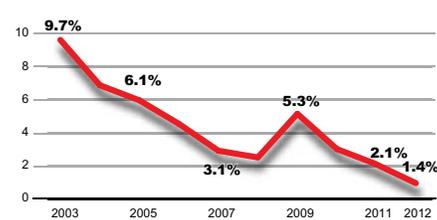
**44,028**  
Housing  
Units<sup>2</sup>



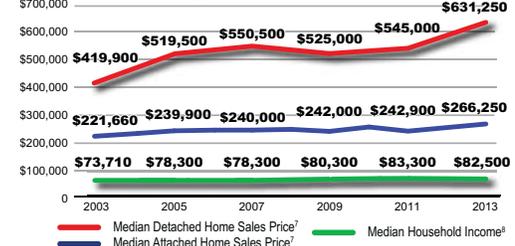
Rental vs Owner  
Occupied Housing Units<sup>5</sup>



Residential Rental Vacancy Rates<sup>6</sup>

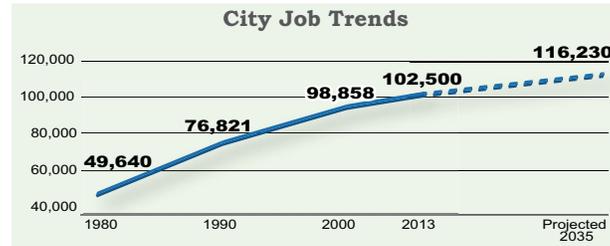


Housing Costs & Incomes

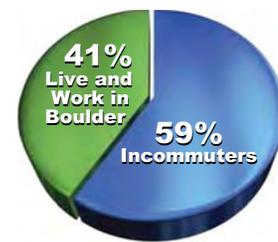


**102,500**  
Jobs<sup>9</sup>

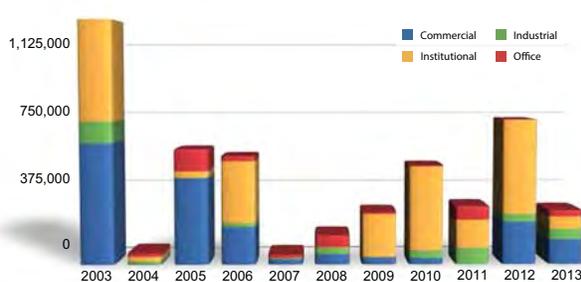
105,450 Service Area Jobs



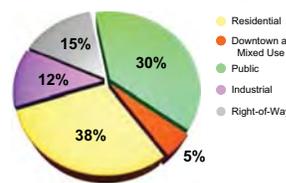
Boulder Commuting  
Patterns<sup>10</sup>



New Non-Residential Square Footage<sup>11</sup>



Land Area by Zoning<sup>11</sup>



Vacancy Rate<sup>12</sup>

Retail	4.9%
Office	9.4%
Warehouse	4.8%
R&D/Flex	7.4%

Top 10 Employers (2011)

- (listed in alphabetical order)
- Ball Aerospace
  - Boulder Community Hospital
  - Boulder County
  - Boulder Valley School District
  - City of Boulder
  - Coviden
  - IBM
  - Micro Motion/Emerson
  - UCAR/NCAR
  - University of Colorado Boulder

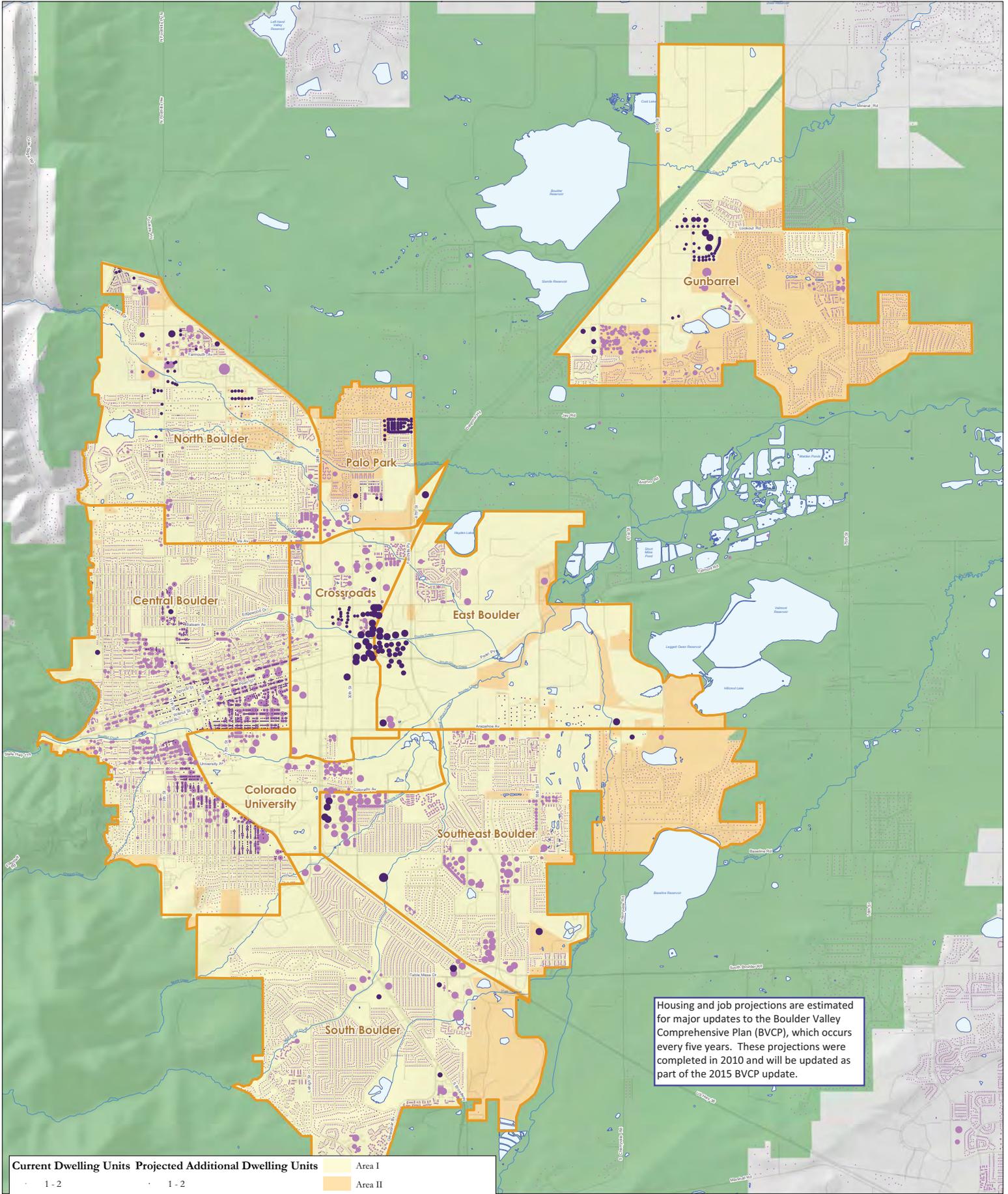
**Footnotes:**

- City of Boulder Open Space & Mtn Parks. Represents land that has been preserved & protected
- 2014 Estimate, City of Boulder Department of Community Planning and Sustainability
- Area I & II = Service Area
- Based on number of Certificates of Occupancy issued for new units
- 2011 American Community Survey (ACS)
- Information Real Estate Services, BARA
- Housing Division AMI data (3-person household)

- 2013 Estimate, City of Boulder Department of Community Planning and Sustainability
- City of Boulder Community Planning and Sustainability Department commuting estimate from census data and population and employment estimates. Of the 102,500 jobs in the city, 41% live w/in the city limits. 59% commute in.
- City of Boulder Department of Community Planning and Sustainability Services. New nonresidential square footage includes University of Colorado (institutional category) but not Boulder Valley School district and federal facilities.
- Source: Boulder Economic Council Estimates (Q2 2013) - Market Profile September 2013

- Population Estimates & Projections:**  
**Methodology & Assumptions:**  
The city of Boulder population estimates and projections are developed in conjunction with the Denver Regional Council of Governments (DRCOG). Existing estimates are developed using the United States Decennial Census numbers as a baseline and are projected forward using Certificates of Occupancy for completed housing units and an average person per unit multiplier. An area wide vacancy rate is then applied to the unit counts to arrive at an estimated population. Projections of population are developed from the assumed buildout potential of the city based on the BVCP land use map and zoning map.

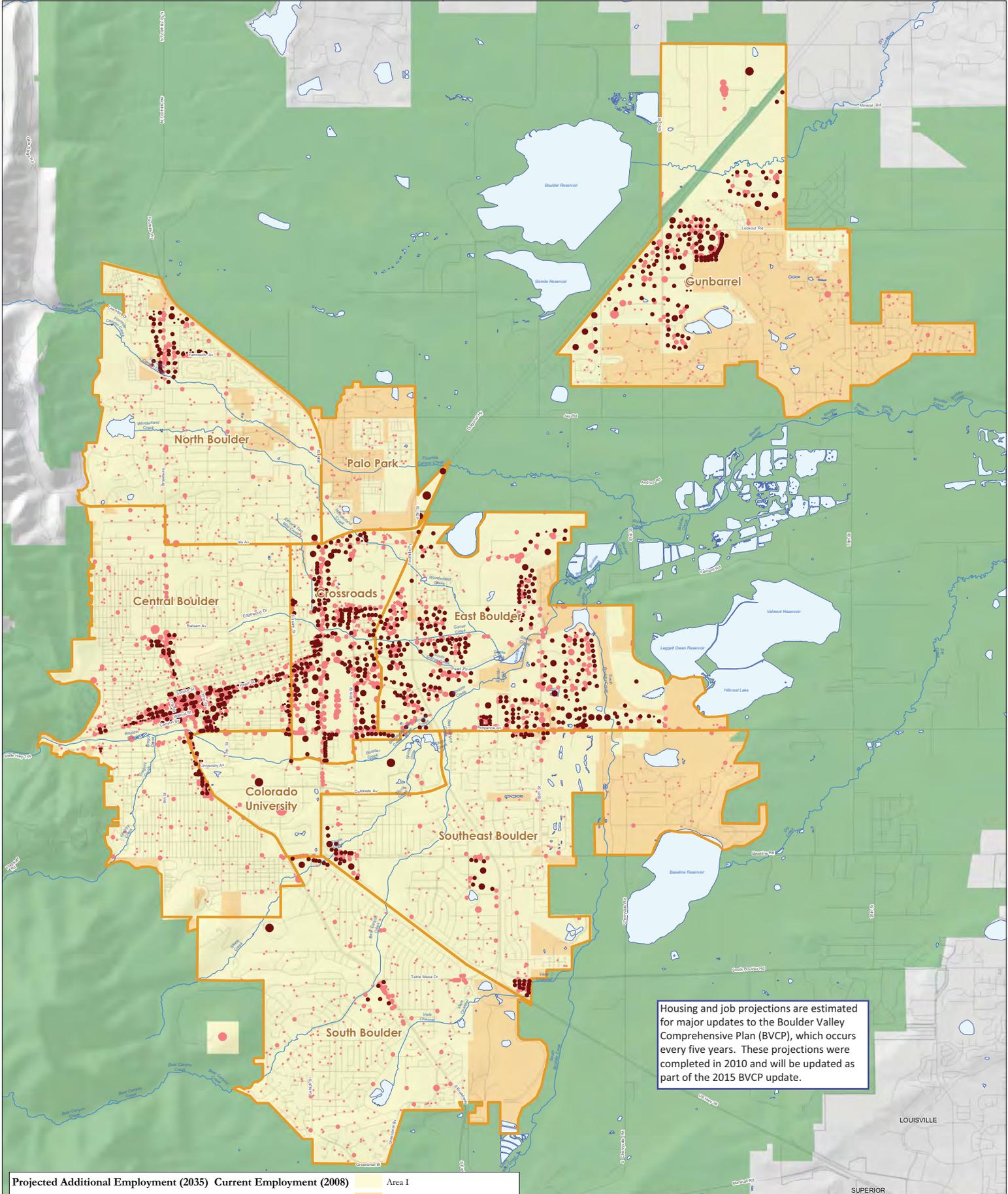
- BVCP Planning Areas**  
To manage growth and provide urban services efficiently, the Boulder Valley Comprehensive Plan (BVCP) designates three areas for long-term planning:
- Area I: Land within city limits, provided with urban services.
  - Area II: Unincorporated land in Boulder County, eligible for annexation and provision of urban services within the 15 year planning period of the BVCP.
  - Area III: Unincorporated land in Boulder County outside the Service Area intended to remain rural in character.



Housing and job projections are estimated for major updates to the Boulder Valley Comprehensive Plan (BVCP), which occurs every five years. These projections were completed in 2010 and will be updated as part of the 2015 BVCP update.

Current Dwelling Units	Projected Additional Dwelling Units	Area I
1 - 2	1 - 2	Area II
3 - 20	3 - 20	Open Space and Rural Development
21 - 50	21 - 50	Subcommunities
51 - 300	301 - 400	
301 - 400	401 - 900	
401 - 900		





Housing and job projections are estimated for major updates to the Boulder Valley Comprehensive Plan (BVCP), which occurs every five years. These projections were completed in 2010 and will be updated as part of the 2015 BVCP update.

Projected Additional Employment (2035)		Current Employment (2008)		
•	1 - 10	•	1 - 10	Area I
•	10 - 200	•	10 - 200	Area II
•	200 - 1,000	•	200 - 1,000	Open Space and Rural Development
•	1,000 - 3,000	•	1,000 - 5,000	Subcommunities
•	5,000 - 8,000	•	5,000 - 8,000	



LOUISVILLE

SUPERIOR

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**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: April 1, 2014**

**AGENDA TITLE:** Request for input from the Boulder County Board of County Commissioners on city and county sustainability priorities and possible future funding mechanisms to meet those priorities

**PRESENTERS**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning and Sustainability  
Susan Richstone, Deputy Director of Community Planning and Sustainability  
Carl Castillo, Policy Advisor  
Kara Mertz, Environmental Action Project Manager

**EXECUTIVE SUMMARY**

The Boulder County Board of County Commissioners (BOCC) is scheduled to hold a public hearing on April 22 to review the status of current environmental sustainability programs throughout the county and to receive input from stakeholders on priorities as well as the potential of a new funding mechanism to meet those priorities.

The purpose of this item is to update council on these discussions – as well as any new information that may become available after this memo is submitted – and to seek council direction on the feedback that should be provided to the BOCC. In order to facilitate council consideration of this matter, staff has developed a draft proposal including high level priorities relating to the county’s sustainability initiatives and their funding. Following council direction, the next steps involve conveying city priorities to the BOCC.

**INTERGOVERNMENTAL IMPACTS**

The City of Boulder and Boulder County have had a long and productive history of coordinating and complementing each other’s environmental sustainability initiatives. Together, the two governmental agencies have collaborated on policies, programs and services that have produced results with efficiencies that would not have been possible had the issues been addressed separately. With this same spirit of collaboration, the

BOCC has requested that City Council provide feedback about its sustainability priorities and possible funding mechanisms. If available prior to April 1, additional written information will be provided to council relating to potential funding mechanisms under consideration by the county. The county will also have someone at the April 1 City Council meeting.

## **BACKGROUND**

In 2013, funding expired from the federal Better Buildings Grant that paid for EnergySmart efficiency programs and services throughout the county. In advance of the end of this grant period, Boulder County began to investigate the possibility of putting forth a 2012 ballot question to institute a new sales tax to continue funding the program and support other countywide sustainability initiatives. However, to avoid competing with the city's Climate Action Plan tax measure, the county chose to delay the ballot question until 2014 and instead continue funding some of the EnergySmart work with county general funds. The city also continues to fund EnergySmart services through the Climate Action Plan tax, to:

- Enhance EnergySmart services for Boulder businesses and property owners;
- Provide SmartRegs compliance assistance; and
- Provide enhanced residential and commercial rebates for energy efficiency measures and equipment.

Earlier this year, the county indicated that it was again considering ways to support ongoing countywide sustainability goals. At this time, the city's understanding is that decisions have not yet been made regarding the nature of these funding mechanisms.

Following is a list provided by county staff that captures the city's current understanding of initiatives being considered for possible future funding:

### Suggested Energy Efficiency and Renewable Energy Programs

- Residential and Commercial EnergySmart
- Low-interest loans and other incentives for rooftop solar PV
- Low-income home weatherization, which supplements EnergySmart funding for low-income households throughout the county

### Suggested Zero Waste Infrastructure and Services

- Zero Waste infrastructure for Boulder County's northern and eastern town/cities (i.e., Superior, Erie, Lafayette, Longmont and Louisville)
- Zero Waste infrastructure for mountain communities
- Recycling Center improvements, including upgrades to the recycling center equipment to improve plastic sorting to support additional commercial recycling
- Zero Waste advising for commercial businesses and residents
- New market development incentives for recycled products
- Incentives for new construction and demolition (C&D) materials drop off
- Countywide support for streamlined Zero Waste education and outreach

### Suggested Water Conservation Programs and Services

- Water conservation advising for businesses and residents
- Water conservation education
- Assistance to open space farmers to reduce water use through more efficient irrigation practices

### Suggested Transportation Programs and Infrastructure

- Local and regional transit pass support
- First- and final-mile programs, bus stop improvements, bike parking infrastructure and bus service upgrades

### Suggested Local Food and Agriculture Programs and Infrastructure

- Educational agriculture facility
- Farmers market infrastructure
- Commercial kitchen at the fairgrounds
- Support to farmers to produce more organic and local food

### Suggested Community Sustainability Grants

- Cities and towns in Boulder County would be eligible to apply and receive funding to support their own local environmental priorities, ranging across planning, personnel, infrastructure and programs

## **ANALYSIS**

City staff has had several meetings internally and with county staff on this subject. The city has developed the following high-level priorities to be considered by council with respect to future county sustainability funding:

- Criteria should be jointly developed to help prioritize countywide sustainability initiatives to receive future funding; potentially favoring initiatives that leverage funding from multiple partners.
- Countywide funding should be prioritized for projects that serve the entire county or serve regional needs.
- Some portion of the new funding should be granted to individual communities to support their own environmental sustainability initiatives.
- If the new funding mechanism is a tax measure, each community within Boulder County should be given an official role in managing the funds, similar to the Boulder County Recycling and Composting Authority of the 1990s.

If the county is considering setting aside a portion of the funding to be used by communities to fund their own sustainability initiatives, the distribution formula should take into account equity, over the expected life of the funding source, between the funds paid in by member communities and the funds distributed to member communities.

If a portion of the sustainability funds are to be set aside for individual communities, the city manager will work to develop an internal process to prioritize its share of countywide

funds. With respect to the *countywide* funds, the following draft high-level priorities have been identified, subject to council direction:

- A new funding mechanism should ideally include the authority to issue bonds.
- To the extent that countywide funding may be used to build new facilities, equity should be considered for communities that have already invested in their own facilities.
- Countywide funds should generally be used for initiatives with countywide or regional impact, including technical assistance, services and regulations that work to level the playing field for private companies that operate across jurisdictional boundaries (e.g., construction contractors; trash haulers; transportation service providers like car-share, bike share, regional transit service or alternative fueling programs; local food distributors; etc.).
- To the extent possible, countywide services should be administered by the county or a subcontractor, with options for individual communities to tailor the services to address local conditions (e.g., Boulder County provides EnergySmart and Partners for a Clean Environment (PACE) advising services, the City of Boulder funds additional incentives and services for rental property owners to assist with SmartRegs compliance; The county could fund development of unified drought awareness and preparedness or zero waste messaging that could be tailored by individual communities to address local conditions or regulations; etc.).
- If a tax is considered as a source for sustainability funding, the city would be more supportive of a property tax than a sales tax.

With respect to the suggested possible initiatives put forth in draft form from county staff, the city would favor the following investments, subject to jointly-developed criteria to aid in prioritization among them.

#### Suggested Energy Efficiency and Renewable Energy Programs

The city supports continued countywide funding for EnergySmart services, including support for low-income access to solar PV and weatherization programs. The city also supports using county funds to support solar PV by lowering the capital costs, managing the risks or enhancing the credit for low-interest loans for PV installations.

#### Suggested Zero Waste Infrastructure and Services

With respect to zero waste investments, the city supports investment in facilities and infrastructure that serve a regional or countywide need and generally favors initiatives that leverage funding from multiple partners. Specifically, the city strongly supports county investment in a regional construction and demolition debris recycling facility, as studies have shown that this type of facility would not be cost effective on a smaller scale. Similarly, the city supports upgrades and investment in the Boulder County Recycling Center, especially those that would allow it to process increasing amounts of commercial recyclables; and for unified, countywide messaging around zero waste. The city is less supportive of spending countywide funds for zero waste infrastructure that serves only a small portion of the county. These needs might be better met through the Community Sustainability Grants portion of the new sustainability funding.

### Suggested Water Conservation Programs and Services

The city is very supportive of increased county funding for water conservation PACE advising for businesses and residents; as well as unified water conservation and drought preparedness education. In addition, the city would welcome countywide funding for assistance to organic farmers to reduce water use through more efficient irrigation practices, not only open space farmers. In addition, the city would like some consideration be given to programs that might tie water conservation to local food initiatives insofar as farmers may need cost-sharing support for large capital equipment investments.

### Suggested Transportation Programs and Infrastructure

The city is very supportive of countywide investment in regional transit service enhancements. This type of regional funding has worked in the past (e.g., shared funding for the Dash and the Jump bus routes) and it helps to address the issues associated with the large proportion of greenhouse gas emissions and traffic congestion issues in Boulder that result from in-commuting from other areas of Boulder County and beyond. Likewise, the city supports first- and final-mile programs, bus stop improvements, bike parking infrastructure and bus service upgrades, both inside and outside of the city, as these help Boulder employees travel by alternative modes. While the level of funding raised by this proposed tax would not be sufficient to pay for a community-wide Eco Pass program on its own, the tax revenue could be use to support targeted pass programs for low-income households or students, for example, or contribute to a community pass program.

### Suggested Local Food and Agriculture Programs and Infrastructure

The city is supportive of any efforts to increase local food production and sustainable agriculture practices both on city and county open space properties and well as other local farms. As mentioned above, the city feels the funding could be most useful as a direct investment in infrastructure for farmers needing to make equipment upgrades. Grants for this sort of investment should also favor a cost-sharing arrangement and should be available to lessee farmers as well as farmers who own their property. Similar to other sustainability areas, the city is supportive of countywide funding for unified education about local food choices. At this time, it is unclear what the county is envisioning for possible additional farmers' market infrastructure.

### **NEXT STEPS**

The county is requesting input from the city and its other municipal partners regarding future priorities for environmental sustainability programming and input on possible funding mechanisms. This input can take the form of a follow-up conversation between City Council members and County Commissioners, future meetings between city and county staff, and by sending one or two city representatives to the BOCC public meeting scheduled for 4 p.m. on April 22. Any council request for follow-up should keep in mind that the discussions and decisions by the BOCC will likely move quickly as we approach a potential ballot season. Assuming the County establishes an advisory board to manage these funds, council will have a future discussion to make an official appointment to such an advisory board.

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## **Council Working Agreements**

### **Council Process:**

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

### **Council Communication:**

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

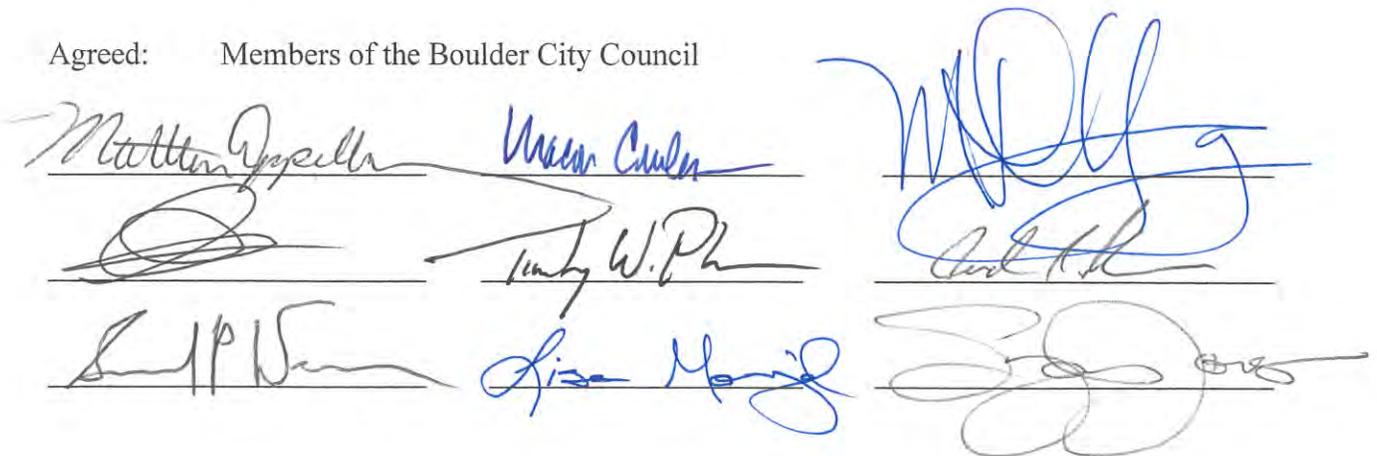
**Council Committees:**

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

**Selection of Mayor and Mayor Pro Tem:**

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
  - make their interest in the positions known to their fellow members as soon as possible;
  - focus their communication with other council members on the positive attributes the member brings to the positions; and
  - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
  - the skills and attributes the member would bring to the mayoral position;
  - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
  - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
  - how the member would serve on and appoint other council members to regional and national boards and commissions; and
  - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



The image shows nine handwritten signatures in blue ink, arranged in three rows and three columns. Each signature is written over a horizontal line. The signatures are: Row 1: Matthew Appella, Warren Cullen, [unclear]; Row 2: [unclear], Andy W. Ph..., [unclear]; Row 3: [unclear], Lisa M..., [unclear].

Approved by Council: January 21, 2014

## City Council Goals – 2013

### Top Priorities:

#### **1. Boulder's Energy Future**

The top priority for the City in 2013 is the development of a framework for planning the energy future for the city of Boulder. This framework will focus on the idea of localization, the overarching goal of which is:

**To ensure that Boulder residents, businesses and institutions have access to energy that is increasingly clean, reliable and competitively priced.**

#### **2. Climate Action Plan**

Outline the next generation of climate action efforts in Boulder

Consider extension of CAP tax

#### **3. Affordable Housing**

Receive report of the Task force created in 2010 to evaluate goals and the approach to affordable housing and Based on Council review and discussion of these recommendations, develop an action plan to improve the availability of affordable housing in the city

Consider policies regarding inclusionary housing for rental units

#### **4. Civic Center Master Plan**

Study and develop a master plan for the area between 15th and 9th Streets, with a focus on Farmer's Market and area between Broadway and 15th Street.

**Next Tier Priorities:**

**1. University Hill Revitalization**

Continue work of Ownership Group to develop comprehensive revitalization strategy

Investigate formation of a general improvement district, including the commercial area and part of the residential area to control trash and other problems

Change boundaries of BMS land use to coincide with UHGID through BVCP process

Support private development and investment in Hill area

Partner with CU to consider opportunities for properties in the Hill area

Provide an opportunity to explore big ideas

**2. Homelessness**

Participate in Ten Year Plan to Address Homelessness

Balance long term and short term approaches to address needs

Invest new resources in Housing First model

Work with partners, such as BOHO, to address approaches to immediate needs

**3. Boulder Junction Implementation**

Work with RTD and selected developer of site to maximize mixed use urban center

Invest in planned infrastructure

Achieve goals of plan while ensuring flexibility in working with developers

Prioritize city actions to facilitate private investment

Focus additional planning work on reconsidering use for Pollard site

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Comprehensive Housing Strategy	Council	Briefing - with other related efforts, workplan	SS - objectives, recommended early action items	Briefing	Direction on policy options	Adopt strategy and action plan			
	Staff Activities	Housing choice analysis; needs assessment; best practices; trends data; workplan	Opportunity site inventory; potential tools with "bang for buck" analysis	Develop policy options and recommendations; stakeholder engagement					
North Boulder	Council	IP - update and preliminary policy choices	Briefing - options and feedback	Update and direction					
	Staff Activities	Public meeting with options	Preferred options and refined action plan	Action plan					
East Arapahoe/Sustainable Streets and Centers	Council		Briefing - issues, scope, and feedback	SS - preferred scenarios, draft plan, and action plan	Plan "Lite" - council action	Next Corridor - 30th St or Colorado			
	Staff Activities	Joint East Arapahoe workshop to "test" planning workshop	East Arapahoe scope of work, public workshop, scenario modeling, character definition	Scenario refinement and recommendations	Develop East Arapahoe action plan				
Resilience	Council		Briefing - scope agenda		SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities	Agenda setting workshop 4/28	Hire Asst. City Manager, begin strategy development	Scope strategy components	Scoping	Resilience work	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Boulder Valley Comprehensive Plan	Council				SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities				Scoping analysis and partner outreach	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Other	Council	Annexation Strategy - Direction (options and feedback)	Usable open space - Code Change	Economic Sustainability Strategy implementation - Code Change					
		Density/ROW Dedication Calculations - Code Change	Parking generation and reduction - Code Change						
		County Assessor valuations for landscape and lighting upgrades - Code Change	Renewable energy sources - Code Change						
	Staff Activities	Annexation Strategy - analyze costs and options	Planning Board for above code changes	Planning Board for above code changes					
Planning Board for above code changes									

HOUSING/LAND USE/PLANNING

		2014				2015				
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
<b>TRANSPORTATION</b>	Transportation Master Plan	Council	IP (includes scope for AMPs)	SS (includes AMPS)	Acceptance - establish work program and coordination	Continue implementing pilots	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP
		Staff Activities	Scenario and sensitivity analysis	Joint board workshop, TAB	Develop final update for board recommendation and council acceptance	Implement and coordination with BVCP and Resilience				
	Community EcoPass	Council	Feasibility Study - joint release with County	Rolls into TMP update						
		Staff Activities								
	Regional Transportation	Council	Briefing	Briefing		Briefing		Briefing		Briefing
		Staff Activities								
	Electric Vehicle Parking Ordinance/Energy Services	Council	Council agenda	SS			IP	IP	IP	IP
		Staff Activities								
	Access Management and Parking Strategies	Council	Scope	SS - Guiding principles, work program and process (includes TMP update)	Round 1 Code Changes - Auto and parking planning, zoning regs, EV charging stations	Update - Work plan and policy issues	Long Term Round 2 - Parking code changes and other policy issues	Council endorsement of ongoing work plan		
		Staff Activities	Finalize work program	Short term parking code regulation changes	Long term parking code changes	Long term parking code changes	Additional workplan items and public process tbd	Finalize document		
TDM tool kit development for TMP integration			Long term parking code regulation changes	Additional workplan items tbd	Additional workplan items and public process tbd					
Short term parking code ordinance changes			Public outreach and joint board meeting							
Research/best practices			Additional workplan items tbd							
Develop communications strategy										

<b>ADD'L HOUS/PLAN/TRANS</b>	Comp. Financial Strategy/Capital Bond	Council	Direction	SS	SS - finalize ballot?	Ballot?			
		Staff							
	Cap. Bond 1 Implement.	Staff		Construction			85% complete		100% Complete
	Flood Recovery	Staff		Repairs and FEMA Reimbursement	FHWA/FEMA work	FHWA/FEMA work	Building Better Boulder		Building Better Boulder
	Boulder Junction Phase 1 Implementation	Staff			South side of Pearl opens	Ongoing redevelopment coordination		Goose Creek Bridge opens	Depot Square opens
	Boulder Junction Phase 2 - City owned site	Staff		Coordination	Coordination		Coordination		
	Yards mobilized to move for Pollard option	Staff		Grading, prairie dogs, moving	Final prep			Yards moves continue	
	Safe Routes to School	Staff			Public process to prioritize projects		Application		
Implement Transpo.Tax	Staff		Expand maintenance, hire						

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Homelessness/Human Services	Council Items	Shelter/ Funding: Update on position and relationship with Boulder Shelter; Shelter funding and issues update and other funders.	SS - Human Services Strategy Update and Homeless Action Plan (including funding priorities and partnerships )	IP - Homelessness Issues	SS - Human Services Strategy Update and Homeless Action Plan (including funding and service priorities )				
				Regional Planning update/services and housing					
				2014 Point in Time Report					
				SS - Services and Regional coordination update	IP - Services and Regional coordination	IP - Services and Regional	SS - Services and Regional coordination	SS - Services and Regional	IP - Services and Regional
	Staff Activities	Facilitate monthly Boulder Homeless Planning Group re:	HS Strategy Update and Homeless Action Plan Update	HS Strategy Update and Homeless Action Plan -					
		Convene regional meeting with Denver/Boulder/MDHI							
County Ten Year Plan meeting with focus on meeting housing		County Ten Year Plan meeting with focus on meeting housing							
Neighborhood/Park Events and Other Events	Council Items	GOCO grant application		GOCO grant acceptance					
					SS - Special Events with Street Closures and Block Party Permitting				
	Staff Activities	Review current PR permits and developm pilot program	Conduct pilot neighborhood event (link with Hill and GOCO school yard grant)	Conduct pilot neighborhood event	Review neighborhood park planning and event pilot success and plan schedule for 2015	Finalize nneighborhood event schedule for 2015	Conduct neighborhood events	Conduct neighborhood events	Review pilot program and propose permit changes required to make improvements
		Link with park planning outreach	Summer recreation programs - arts, music, health, wellness	Continue summer art series and volunteer events					
		GOCO school yard grant	Submit GOCO grant	GOCO grant award - start civic area community park					
			Review and analysis of existing special event permitting	Develop recommendations					
Arts	Council Items		SS - Library & Arts, including Community Cultural Plan				Adoption of Community Cultural Plan		
	Staff Activities		Work with new director						

LIVABILITY

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Code Enforcement	Council Items	SS	SS (includes Social Issues Strategy information)						
	Staff Activities								
University Hill	Council Items	IP - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership					
		Bears/Trash							
	Staff Activities		SS - Hill Reinvestment Strategy	Update - Hill Reinvestment Strategy					
		14th St - Hill Alt. Mode survey	14th St - Finalize analysis and develop recommendation to proceed with the Global Agreement						
		14th St - Finalize LOI							
		14th St - Financial Analysis							
		14th St - Additional access analysis							
		14th St - Board outreach							
		Pilot Parklet Competition	Parklet Implementation						
		Outreach to CU and stakeholders for support of Reinvestment Strategy	Fox Theatre mural by CU students	start pilot RSD program (to run through 2016)					
Recommendation for staffing Strategy implementation and prelim. analysis of future org structure options	Hire a fixed term Hill Coordinator								
Civic Area	Council Items					SS - Park Program and Improvements			
	Staff Activities	Civic Activity Team established	Coordinate music in park series		Review summer series success and revise for 2015	Prepare first phase of park improvements for 2015	Conduct adult fitness and health classes	Conduct visitor event at civic area around art installations	
		Hire Civic Area staff for P&R	Add seasonal park staff for outdoor education and orientation		Expand Ready to Work crew	Revise summer programs and plan for 2015	Install temporary adult fitness playground	Coordinate horticulture gardens with Farmers' Market event	
		Prepare GOCO grant for nature play and park planning	Conduct volunteer event around upgrades to Peace Garden and edible plant exhibit		Complete park planning outreach	Conduct art competition for summer installation	Install south side nature play area		
		Work with Park Foundation to develop plan for art and entertainment	Coordinate with CU for partnership with GUB and Civic Area park plan		Develop 1% for Arts demonstration project in partnership with foundations and non-profits		Expand seasonal staffing and horticulture/edible garden displays		

LIVABILITY

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Civic Area	Council Items	IP - update on implementation		SS - catalyst projects					
	Staff Activities								
Ag Plan	Council Items	IP				Acceptance			
	Staff Activities								
Other or not categorized	Council Items								
	Staff Activities	CU/BVSD partnership for neighborhood garden	Form cross-dept team	Develop work plan to achieve council vision					
		Burk Park/Horizon School playground	Housing links with YSI programs and local gardening pilot						
	Staff Activities	Design guidelines for edible landscape in local parks							

Zero Waste Master Plan	Council Items	IP	SS - options and feedback		Acceptance and action plan		Implementation - commercial focus		
	Staff Activities	Stakeholder input on options and rulemaking on curbside compost		Public feedback on strategies	Draft plan and action plan for public review		Implementation - program enhancements and ordinance development		
Municipalization	Council Items		SS - workplan	Briefing - energy services	Briefing - energy services	Update - energy services	Update - energy services	Update - energy services	Update - energy services
	Staff Activities		SS - energy services	Xcel/city task force; refine recommendations					
Climate Commitment	Council Items		Briefing - framework, preliminary goals/targets, strategy development	SS - goals/targets, feedback on strategy scenarios, draft document	Approval				
	Staff Activities	Working groups meet	Scenario development; GHG inventory complete	Strategy formulation; city organization initiative launched		Launch action plan			
Valmont Butte	Council Items			SS					
	Staff Activities								

		2014				2015			
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<b>OPEN SPACE</b>	Charter Issues	Council Items			Address disposition process and use of Realization Point for pro bike race				
		Staff Activities							
	Highway 93 Underpass	Council Items							
		Staff Activities			In process				
	Eldo to Walker Ranch	Council Items							
		Staff Activities	City/County review of contractor proposals for potential mountain bike connection	Routes - weather dependent					
	IBM Connector	Council Items							
		Staff Activities		City/County requirement complete and await railroad to replace bridge					
	Trailhead as part of transportation system	Council Items							
		Staff Activities			status update				
	Other or not categorized	Council Items							
		Staff Activities			additional signage				

Project	Council or Staff?	2014				2015				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
OTHER	Emerald Ash Borer (EAB)	Council	IP Develop preliminary management plan	Implement pilot plan	Monitoring	Evaluate long term forest management plan and EAB strategy	Management plan and response	Response	EAB	EAB
	Civic Use Pad	Council	SS - Public/private partnership	Approval of MOU with St. Julien Partners	Update on negotiations with St. Julien Partners					
	Human Services Strategy	Council		SS		SS		Public hearing		
	Various	Council	IGA with CDOT/County for US 36 bikeway maintenance	Pilot dog waste composting project - Valmont and OSMP possible site	Transportation code changes for AMPS	Smoking ban - public hearing				
			IGA for bikeway maintenance/ US 36 enhancements	CEAP call up for Baseline Underpass east of Broadway	Comprehensive Annual Financial Report					
			Old Pearl Street ROW vacation	DRCOG TIP Priorities for city applications	Appointment of independent auditor					
Transportation code changes - bike parking, TDM, etc.			Mobile food vehicles - ordinance change to expand podding in downtown	Update on investment policies - action						
NPP - zone expansions and removal				Modification of construction use tax filing - IP then action						
				Pearl Street Mall regulations - code changes						

## 2013 City Council Committee Assignments

### INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Morzel, Young
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 <sup>st</sup> alternate), Castillo (2 <sup>nd</sup> alternate)
University of Colorado (CU) / City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Karakehian

### LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Shoemaker, Weaver, Young

### INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 <sup>th</sup> and Canyon	Karakehian, Morzel, Young
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Legislative Committee	Jones, Karakehian, Weaver, Young
School Issues Committee	Morzel, Plass, Shoemaker

### SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian
Sister City Sub-Committee	Morzel, Cowles, Karakehian

## **COUNCIL MEMBERS**

Matthew Appelbaum	Mayor
George Karakehian	Mayor Pro Tem
Macon Cowles	Council Member
Suzanne Jones	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

## **COUNCIL EMPLOYEES**

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

## **KEY STAFF**

Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Community Planning + Sustainability - Executive Director
Paul J. Fetherston	Deputy City Manager
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Larry Donner	Fire Chief
Mary Ann Weideman	Housing, Assistant City Manager for Human Resources (Acting) Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
Valerie Maginnis	Library and Arts Director
Lynne C. Reynolds	Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Jeff Dillon	Acting Parks and Recreation Director
Mark Beckner	Police Chief
Maureen Rait	Public Works - Executive Director
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director