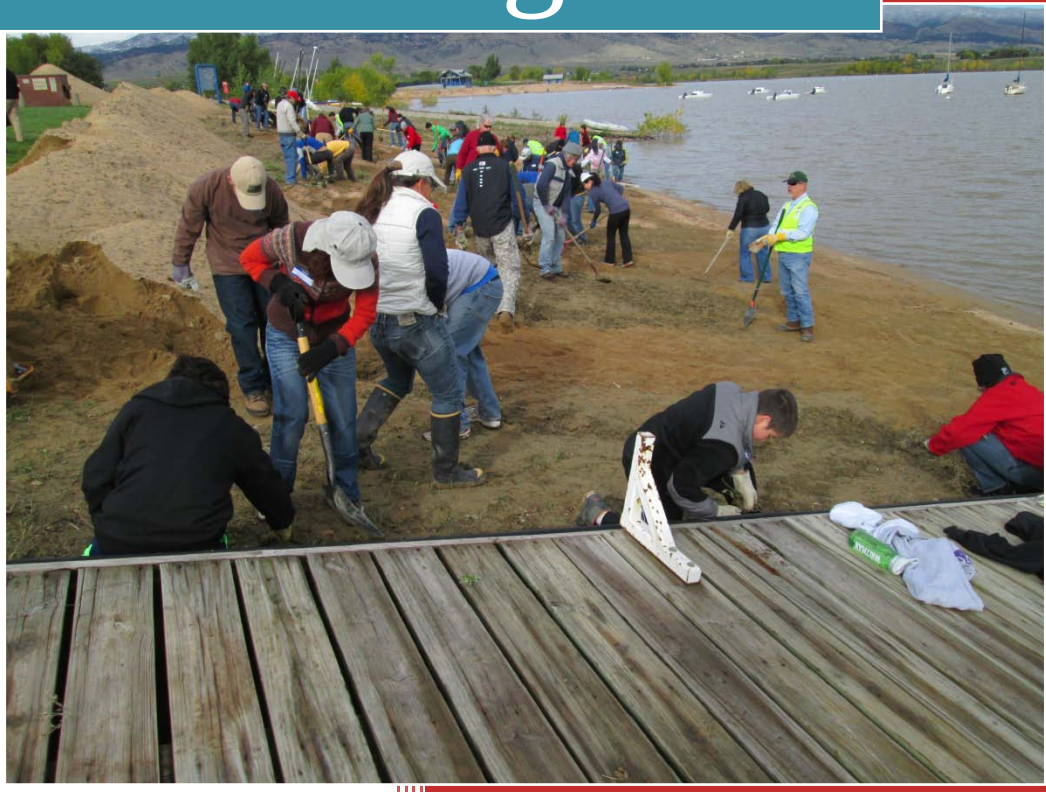
2014

State and Federal Legislative Agenda



Approved on

December 3, 2013

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- Oppose legislation that limits the state's ability to regulate concealed weapons or local government's ability to restrict possession of weapons in public facilities 32
- Oppose mandates for local government enforcement of federal immigration laws 33
- Oppose legislation that would infringe on employment and personnel decisions made by municipal police and fire departments 33
- Oppose legislation that imposes onerous information gathering and reporting requirements on public safety, especially when those requirements come with substantial costs that are not supported by adequate funding 33
- Support legislation that increases the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents 33
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- Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth 36
- Support efforts to realign the Colorado Transportation Commission to include population, not just geography, to ensure fair representation of the metropolitan area 38
- Support legislation that promotes "Complete Streets," accommodating all modes of travel 38
- Oppose legislation limiting the city's ability to regulate vehicle use on sidewalks, multi-use pathways, and bike lanes, or that requires the city to alter its current code in order to maintain current policy on allowed uses of those facilities 38
- Oppose legislation that would transfer the maintenance responsibilities for regional highways from the Colorado Department of Transportation to local governments 39

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- Support legislation that promotes the efficient utilization and conservation of water . 40
- Oppose state legislation that significantly threatens the city's water rights 41

QUICK FACTS ABOUT BOULDER

Demographic Characteristics: (2013 data unless otherwise stated)

Land Area: 25.8 Square Miles
Housing Units: 43,791
Median Value of Owner-Occupied Housing Units: $477,200
Median Rent: $1,189
Population: 99,716
Employment: 99,400
Median Family Income: $102,930
Median Household Income: $56,274
Median Age: 27.7
Education: 37% Advanced degree, 35% BA/BS; 18% some college
Unemployment Rate (July 2013): 5.4%
Sales and Use Tax Rate: 3.41%
Use of Alternative Transportation (2011 estimates): 36%
Open Space/Mountain Parks: 45,000 acres
City of Boulder Employees: 1,264

Key Industry Clusters: Aerospace; biotech; clean tech/renewable energy and energy research; IT-data storage, digital media and software development; nanotechnology; natural and organic products; outdoor products and recreation; photonics and tourism.

Major Employers: University of Colorado, IBM Corp, Boulder Community Hospital, Covidien, City of Boulder, Ball Aerospace, Lockheed Martin, Boulder County, UCAR/NCAR, Micro Motion/Emerson, Amgen, Cisco, GE, Google, Hain Celestial Group, Naropa Institute, NOAA, NIST, Whole Foods, Microsoft, Wall Street on Demand, and McGuckin Hardware.

2013 Best of Boulder:

- **The Top 75 College Cities and Towns in America (#1 among "The Top 20 Small Metros") -** *American Institute for Economic Research (AIER)*, Nov. 21, 2013
- **Top 100 Best Places to Live (#2) -** *Livability.com*, Oct. 16, 2013.
- **No. 1 City in Country for Technology Startups** - *FOX31 Denver KDVR-TV*, Sept. 10, 2013.
- **Best Urban Green Spaces in North America -** *USA Today*, Aug. 18, 2013.
- **The 25 Best U.S. Cities for Tech Startups (#1) -** *Entrepreneur*, Aug. 14, 2013.
- **Most Popular City for Tech Startups -** *The Wall Street Journal*, Aug. 14, 2013.
- **The Most Start-up 'Dense' Area in the U.S. -** *Inc.*, Aug. 14, 2013.
- **2013 eCity Award: Colorado's Digital Capital -** *Google*, Aug. 13, 2013.
- **Top 10 College Towns 2013 (#1) -** *Livability*, Aug. 2, 2013.
- **Top Urban Bike Paths Across the USA (Boulder Creek Path: #2)** - *USA Today*, July 23, 2013.
- **The Top 3 Cities for Startups: Austin, Seattle and Boulder -** *GeekWire*, July 17, 2013.
- **Best Places for Work-Life Balance -** *NerdWallet*, July 14, 2013.
- **10 Best U.S. Cities for Young Adults (#3) -** *MSN Money*, May 22, 2013.
- **10 Fittest and 10 Fattest Cities in America (#1 Fittest) -** *MSN Healthy Living*, May 17, 2013.
- **The Best Midsize Cities For Jobs 2013 (#1) -** *Forbes*, May 6, 2013
- **The 2013 Best Cities for Job Growth (#1 Medium-sized City and #7 Overall) -** *New Geography*, May 6, 2013.

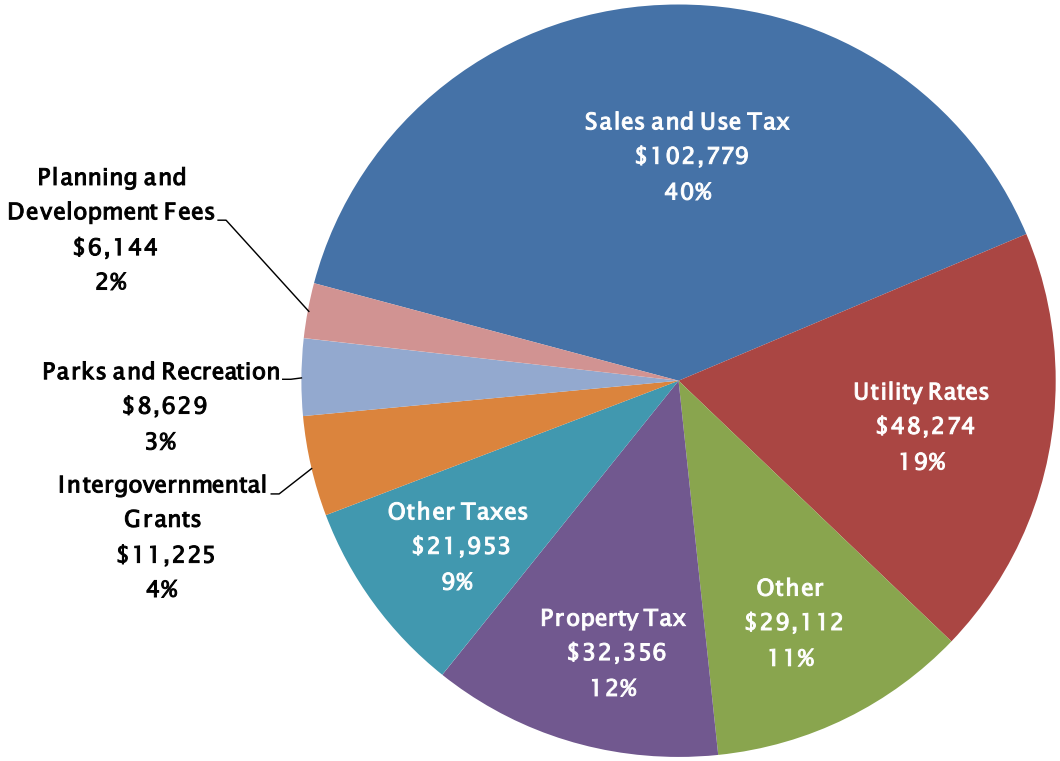
- **2012 Least-obese Metro Areas (#1) -** *Gallup*, April 11, 2013.
- **Dynamic Locales For Walkable Living -** *Where to Retire*, April 10, 2013.
- **Tree City USA (for the 29th consecutive year) -** *National Arbor Day Foundation*, April 9, 2013.
- **Top 10 Metros for Female Executives (#1) -** *Avalanche Consulting*, Feb. 18, 2013.

The 20 Most Innovative Cities in the U.S. (#5) - *Business Insider*, Feb. 1, 2013.

Revenue – Where the Money Comes From…

The 2014 Approved Budget is based on projected citywide revenues of $260 million. The three largest revenue sources for the city are sales/use taxes, property taxes and utility rate charges. These three funding sources represent 71 percent of the total sources of city funds and are described in more detail below.

Citywide Revenues (Sources) for 2014
(in $1,000s)
TOTAL = $260,471



Sales and use taxes comprise 40 percent of the city's total revenues. Sales or use tax is a transaction tax levied upon all sales, purchases, and leases of tangible personal property and taxable services sold or leased by persons engaged in business in the city and is collected by the vendor or lessor and remitted to the city.

PURPOSE OF THE LEGISLATIVE AGENDA

The purpose of the city's 2014 State and Federal Legislative Agenda (the "Legislative Agenda") is to formalize city positions on legislation expected to be considered by the Colorado General Assembly and the U.S. Congress. The city offers the Legislative Agenda as a guideline to legislators for reference when considering legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further legislative communications.

The Legislative Agenda was developed in advance of the convening of the 2013 Colorado General Assembly. Consequently, it does not address state legislation by bill number. Instead, it describes the underlying interest the city has on specific issues. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once the legislative session begins. At that point, council may also consider amendments to the Legislative Agenda and address specific bills that have been proposed.

Council may revisit the city's legislative strategy at any point. It may do so as a body, or through its Council Legislative Committee. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as appropriate when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff in developing a communication strategy to advance or defeat a bill which is clearly addressed by the city's legislative agenda or other established council policy, or;

2. There is a question about whether a bill, which was clearly not anticipated or addressed by council in the approved legislative agenda or by other established council policy, but which could be of significant concern to the city, should be brought to the full council for consideration of a position.

In recent years, Council's Legislative Committee has also been used during non-legislative periods to provide suggestions on revisions to the legislative agenda and to plan agendas for meetings with legislators.

As has been done in years past, council is again adopting a goal that modifications to this legislative agenda require consistency, when applicable, with the six criteria described below:

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming or present state and federal legislative sessions;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability, or likelihood of achieving goal;
5. Opportunity for providing funding for City of Boulder; and,

6. High probability of metrics of success in order to allow the position to be deleted from future agendas if achieved.

The city welcomes the opportunity to discuss the city's Legislative Agenda. Please direct any questions to City Council members or to the city's Policy Advisor at 303-441-3009.

STATE LEGISLATIVE PRIORITIES AT A GLANCE

1. Support legislation enhancing the ability of local governments to develop and implement effective energy strategies that reduce environmental impacts, provide stable rates and promote economic vitality and, conversely, oppose legislation that would diminish that ability, including the ability of cities to form a municipal utility. Page 15 of the agenda describes a variety of specific legislative concepts that the city would support.

2. Support legislation reestablishing the right of municipalities to provide telecommunication services such as large and complex city-wide fiber and premise networks. This position is explained in greater detail on page 36 of the agenda.

3. Support Amendment 64-implementing legislation that ensures the safe use of recreational marijuana by allowing local government access to background checks and the seed-to-sale tracking information for commercial operators. This position is explained in greater detail on page 30 of the agenda.

4. Support legislation that increases transportation funding and prioritizes its expenditure on projects that maintain existing infrastructure, are multimodal in design and that otherwise promote smart growth. As described on page 36, this may include legislation to continue funding the Safe Routes to School Program and to require public private partnerships for state-funded managed lanes to meet certain criteria including prioritizing the number of people moved by the project over the amount of vehicles moved or revenue generated. Legislative support may also be required for a possible state ballot measure.

FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for Boulder's federally funded labs and the University of Colorado Boulder. As described further on pages 13 and 39, these institutions are foundational to the economic and cultural well being of the city. One important way to assist them in 2014, as described further on page 15, is to support revisions to the federal budget sequestration.

2. Support legislation necessary to seek state and federal assistance for flood disaster recovery needs and expenses described further on page 30.

3. Continue to brief federal officials on the city's municipalization efforts and seek support as necessary, while positioning Boulder as a national pilot for the new energy utility, as explained further on page 15 of the agenda.

DEMOCRACY AND GOVERNANCE

- **SUPPORT FOR AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for "reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech."

The City of Boulder will support state and federal legislation similar to SJR12-1034, or action by other intergovernmental partners, that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H. This includes support for the joint resolution that was introduced in the U.S. Senate on December 8, 2011 by Senator Bernie Sanders to amend the Constitution to exclude corporations from First Amendment rights to spend money on Political Campaigns (a.k.a. the Saving American Democracy Amendment).

- **SUPPORT GENERAL ASSEMBLY ACTION TO SUBMIT TO THE COLORADO ELECTORATE A REFERRED MEASURE TO REFORM THE CURRENT PROCESS FOR CITIZEN-INITIATED CONSTITUTIONAL AND STATUTORY AMENDMENTS BY ALTERING THE SIGNATURE COLLECTION REQUIREMENTS; REQUIRING A SUPERMAJORITY VOTER APPROVAL, EXCEPT FOR THOSE MEASURES THAT LOOK TO AMEND PREVIOUS VOTER-APPROVED CONSTITUTIONAL AMENDMENTS; AND REQUIRING FOR A TIME A SUPERMAJORITY APPROVAL BY THE GENERAL ASSEMBLY TO CHANGE CITIZEN-INITIATED STATUTORY AMENDMENTS**

Over the past 25 years, as a result of its low threshold requirements, Colorado has experienced a surge in citizen-initiated ballot measures. In the last 18 years alone, the constitution has been amended 35 times, adding detailed and sometimes conflicting provisions with far-reaching consequences. The city supports state legislation similar to HCR12-1003 that would reform the citizen initiative process to make it more difficult to amend the state constitution while providing assurance to Colorado citizens that statutory amendments will be respected by state elected officials.

ECONOMIC VITALITY

- **PROTECT CORE PROVISIONS OF THE COLORADO URBAN RENEWAL LAW, WHICH PROVIDE EFFECTIVE REDEVELOPMENT TOOLS FOR MUNICIPALITIES SUCH AS TAX INCREMENT FINANCING AND EMINENT DOMAIN**

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Municipalities should retain the capacity to facilitate revitalization of their urbanized areas. The city, however, recognizes that there have been instances of abuse of this tool that threaten to jeopardize its continued availability. Accordingly, the city will support legislation designed to address such abuses, including changes to assure that the tax increment base is set at a fair level or requirements that the impacts of projects in the urban renewal area are adequately communicated to the other taxing districts.

- **SUPPORT FEDERAL LEGISLATION PROVIDING FOR CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

The city's economic vitality policy strongly supports the federally funded laboratories that are located in the city, specifically:

- Cooperative Institute for Research in Environmental Sciences (CIRES)
- Joint Institute for Laboratory Astrophysics (JILA)
- Laboratory for Atmospheric and Space Physics (LASP)
- National Center for Atmospheric Research (NCAR)
- National Ecological Observatory Network (NEON)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
    - Earth System Research Laboratory (ESRL)
    - National Geophysical Data Center (DGDC)
    - National Weather Service (NWS)
    - National Environmental Satellite, Data and Information Service (NESDIS)
    - Space Weather Prediction Center (SWPC)
- National Telecommunications and Information Administration (NTIA)
- University Corporation for Atmospheric Research (UCAR)

- UNAVCO
- United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state, and the nation as a whole. The research funding they receive is redistributed throughout Colorado and beyond in the form of discretionary employee income, purchases of goods and services from suppliers, and contractual agreements with universities and private industry. Technologies they've created have led to technology transfer and spin-off companies.

In the Boulder metro area alone, federal research labs employed over 3,539 people in 2012. The NOAA, NIST and NTIA labs accounted for over one-third of this employment. These are high-skilled, highly educated employees whose average annual compensation in 2012 was $107,900. In August 2013, CU's Leeds School of Business released a study entitled, "CO-LABS Economic Impact Study: Economic and Fiscal Impacts of Federally Funded Research Facilities". According to the report, the net economic benefit to Boulder County of the federal labs, combined with other federally funded research laboratories in Colorado, totaled $743.2 million in FY 2012.

Boulder highly values the scientific contributions the labs and their employees have made to the entire nation, as well as the economic impact they have on our community. These institutions work closely with scientific researchers from the University of Colorado in Boulder and Colorado State University in nearby Ft. Collins. This synergy of scientific knowledge is found nowhere else in the United States.

Just as the labs generate direct benefits (employment, local spending) and associated indirect activity through an economic multiplier effect, the opposite holds true for funding reductions. According to CU's Leeds School of Business, for every job lost at these federal laboratories, an additional 1.17 jobs will be lost in Colorado. For every $1 million in funding cuts to the labs, an additional $1.13 million in economic impact will be lost. Perhaps even more troubling, our national capacity for research and innovation will be damaged by lay-offs of scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

• SUPPORT FOR LEGISLATION FACILITATING THE ABILITY OF MUNICIPALITIES TO ENTER INTO REVENUE SHARING AGREEMENTS

The city believes that there are a number of shortcomings associated with the current reliance municipalities have on sales tax generation. These include revenue-driven development detached from community land use goals, the use of incentives to capture development at the expense of municipal budgets, and sales tax revenue volatility resulting from counterproductive competition of regional retail outlets. In order to address these and

other limitations, the City of Boulder, in conjunction with the Boulder County Consortium of Cities, is exploring the possibility of a revenue sharing agreement with one or more of its municipal neighbors. The significant challenge of such an undertaking would be diminished if the state were to provide mechanisms to encourage such agreements. One possibility would be for the state to establish a task force to evaluate the possibility of exploring revenue sharing as it may relate to the creation of a service tax or the removal of barriers to collecting Internet sales tax.

- **SUPPORT REVISIONS TO THE FEDERAL BUDGET SEQUESTRATION AS IT HAS AND WILL CONTINUE TO DRASTICALLY IMPACT FUNDING FOR VITAL PROGRAMS AND SERVICES PROVIDED BY THE FEDERAL LABS, THE UNIVERSITY OF COLORADO BOULDER, THE BOULDER VALLEY SCHOOL DISTRICT, BOULDER COUNTY AND THE CITY OF BOULDER**

Automatic cuts, enacted as a part of the debt ceiling and "Super Committee" debates of last year, are expected to trim $1.2 trillion from federal spending over the next decade. The city recognizes the importance of reducing the national debt through a combination of revenue increases and targeted budget reductions. However, the city is very concerned about the direct and indirect health, safety, education, human service and economic impacts to the Boulder community of across-the-board cuts to the federal budget. Instead, the city would support an approach that generates the Budget Control Act-mandated savings through administrative efficiencies and strategic cuts to obsolete or duplicative programs.

ENERGY AND CLIMATE

- **SUPPORT LEGISLATION TO ADDRESS CLIMATE CHANGE BY IMPROVING ENERGY EFFICIENCY, INCREASING USE OF RENEWABLE ENERGY, REDUCING GREENHOUSE GAS EMISSIONS AND DEPENDENCE ON FOSSIL FUELS, AND DEVELOPING CLIMATE CHANGE ADAPTATION STRATEGIES**

In May 2002, the Boulder City Council passed Resolution 906, also known as the Kyoto Resolution, setting the goal of reducing community greenhouse gas emissions to seven percent below 1990 levels by 2012. In June 2006, Council adopted a climate action plan to serve as a roadmap to achieve Boulder's necessary emission reductions. The overarching vision of the plan is to develop a sustainable energy future for Boulder. In August 2013, council adopted a longer-term climate commitment to achieve an 80% reduction in emissions by 2050. The city supports a variety of approaches to reach this goal, including legislation that would support creating a new rate category, similar to Windsource, that customers of publicly owned utilities could voluntarily sign up for with such funding going to support

distributed energy generation systems (e.g., community solar gardens and rooftop solar) within the locality where such funds were raised; change the Public Utilities Commission regulations to encourage investments in conservation by replacing the current focus on minimization of energy rates to one focusing on minimization of the consumer's total energy bill; unbundle rates to clearly differentiate fixed and variable energy costs; facilitate the use of investor–owned transmission lines at fair and reasonable prices to convey renewable energy from multiple sources (a.k.a. retail wheeling); allow distribution of city-generated or city-owned renewable energy sources at fair and reasonable prices; allow for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation); make any necessary changes to the community solar gardens law (HB10-1342) to allow for its successful implementation, especially with regard to facilitating formation of smaller (500 kW and under) solar gardens; require time-of-day electricity price signals that would, among other things, promote charging of vehicles at night; move the state toward feed-in tariffs so that electric utilities would be obligated to buy electricity from renewable energy sources at rates that are economically viable for the creation of such sources; fund local government energy efficiency and renewable energy programs; extend the federal production tax credit for wind energy which is due to expire at the end of 2013; establish high performance residential and commercial building codes; allow mobile home owners to receive the same rebates and incentives for installation of solar panels as are available to other homeowners; promote best practices related to energy data, such as adoption of Green Button by regulated utilities; facilitate the development of a third-party energy data center and/or demand-side management program implementer; enable regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; standardize regulated utility filings to increase transparency at the PUC; require utilities to file grid modernization plans; enhance governments' access to information from regulated utilities through regular reporting on designated undergrounding funds and the ability to obtain communitywide energy information relevant to climate action programs; make it easier for local governments to purchase street lighting; require statewide lighting, appliance and other equipment efficiency standards and/or incentives, as appropriate, for efficient technologies; "preclude utilities from imposing excessive charges to their customers for net metering of distributed renewable energy generation, customer-sited combined heat and power systems, or on-site energy recapture systems; establish a small state level carbon tax with proceeds being used to fund renewable energy projects as well as transmission and distribution system improvements that enable additional deployment of renewables and energy efficiency measures, and; support Federal policies that establish a price on carbon emissions domestically as well as internationally." Conversely, the city will oppose any legislation that impedes the above objectives or that limits a city's ability to form a municipal utility.

The city also supports legislation similar to HB12-1234 that would clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.

The city understands that the early impacts of climate change have already appeared and scientists believe that further impacts are inevitable, no matter what happens to future global greenhouse gas emissions. In addition, the city recognizes that decisions we make today about land use, infrastructure, health, water management, agriculture, biodiversity and housing will have lasting consequences. It is therefore important to begin planning now for the impacts of climate change in the future. Consequently, the city supports legislation that expands the development of climate change adaptation strategies such as those that initiate, foster, and enhance existing efforts to improve economic and social well-being, public safety and security, public health, environmental justice, species and habitat protection, and ecological function.

Specific to vehicle usage, the city supports legislation that would reduce growth in vehicle miles traveled; authorize collection of vehicle registration fees based on vehicle fuel efficiency levels if implementation can address social equity concerns; establish vehicle efficiency standards as called for in the Colorado Climate Action Plan; increase state biofuel infrastructure and develop a statewide biofuels policy; require more data during vehicle registration relating to fuel efficiency; change current regulations so that net metering of vehicle-to-grid charge and discharge cycling can be accommodated; and, encourage the proliferation of public charging stations for plug-in-electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations.

- **SUPPORT REFORM OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY'S CLIMATESMART LOAN PROGRAM (CSLP)**

The city has been an active supporter of Boulder County's PACE finance program, the CSLP. Many city residents have taken advantage of the CSLP to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. Actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the country, including Boulder County, to suspend their PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes to the new federal requirements.

- **SUPPORT LEGISLATION PROMOTING WASTE REDUCTION AND DIVERSION EFFORTS**

In Colorado, there are currently no statewide minimum waste diversion goals. In addition, there exist artificially inexpensive landfill tip fees and no minimum recycled content standards. This makes the most environmentally responsible management practices like recycling and composting often cost prohibitive. The city supports statewide legislation that would encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility"); ban specific materials; advance waste to energy technologies; require post-consumer minimum content standards for product manufacture; and implement statewide or regional landfill tip fee surcharges to be used for waste reduction, and/or a statewide waste diversion goal structured to include incentives and assistance programs to spur waste diversion state-wide, and encourage additional resource recovery. The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on "use or sale of specific types of plastic materials or products" or restrictions on "containers . . . for any consumer products."

- **SUPPORT IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION'S OVERSIGHT OF OIL AND GAS DRILLING AND PRESERVATION OF LOCAL CONTROL TO ADOPT REGULATIONS, MORATORIUMS OR OTHER LIMITS AS NECESSARY**

Oil and gas drilling is an industrial activity that is increasing in Colorado and within the northern Front Range, and which poses significant risks and potential adverse impacts, including damage to air and water quality, scenic values, property values, public infrastructure, and public health and that can significantly affect local quality of life and economic prosperity. There is growing public concern about the proximity of oil and gas development to communities and other sensitive resources and about industry techniques, such as hydraulic fracturing (or "fracking"), which are being used to access oil and gas resources. Fracking is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and enable new or increased exploitation of fossil fuel resources. Chemicals typically used in the fracking process include diesel fuel, benzene, industrial solvents, and other carcinogens and endocrine disrupters. According to the Colorado Oil and Gas Conservation Commission (COGCC), nearly all of the more than 51,000 oil and gas wells operating in Colorado are fracked. New requirements to substantiate trade secrets and disclose all chemicals and concentrations included in fracking fluids, save for those included in trade secrets, were positive steps forward. In addition, there is increasing evidence and growing concern that oil and gas operations emit toxic air

pollutants, volatile organic compounds that cause ground-level ozone, and potentially large amounts of methane, one of the most powerful greenhouse gasses. Further, according to the COGCC, since 2010, there have been more than 1,500 spills in Colorado – an average of 500 each year – and more than 20% of these have contaminated water supplies. Accordingly, the city believes that fracking should not be an exempted activity under the Clean Water Act or Safe Drinking Water Act or from other federal environmental laws.

In July of 1993 the City of Boulder adopted its own regulations to govern oil and gas operations or production on Open Space lands. Those regulations require an application to the city manager, and hearings conducted by the Open Space Board of Trustees and City Council. Since the adoption of the regulations in 1993, no one has applied to conduct new drilling operations on Open Space lands. These regulations, however, do not address the issue of fracking or other emerging concerns about oil and gas impacts, nor do they address any potential drilling that might be proposed within city limits on non-open space lands.

Boulder County and many of the communities surrounding Boulder are facing increased oil and gas drilling activity and are in various stages of adopting moratoria or crafting new rules to address potential risks and adverse impacts from fracking and other drilling activities. The State of Colorado argues that state authority preempts local rules and is currently suing Longmont for adopting its own rules. In addition, the oil and gas industry is suing Longmont challenging a ban on fracking within city limits that was adopted by Longmont citizens by a 60% vote. Furthermore, several multi-year studies are underway—including one by CU—to analyze air, water and public health impacts of fracking, the results of which won't be out for several years. In response, the Boulder City Council adopted a year-long moratorium in June 2013 on processing any new permits for oil and gas exploration or development within the city limits or on our city open space. The council subsequently placed an initiative on the November ballot to extend this moratorium until June 2018, while waiting for the results of these pending studies and lawsuits; voters passed this ballot initiative (2H) by over 78%.

The City of Boulder believes that local governments have both the right and responsibility to take action to protect the public health and well being of our residents as well as the environment. The city supports the state setting minimum standards and best management practices for the oil and gas industry (such as those suggested by the International Energy Agency on this subject, entitled "Golden Rules for a Golden Age of Gas"), but also believes that local jurisdictions must be allowed to adopt strong rules as needed to address local concerns and conditions. To that end, the city supports legislation that clarifies and strengthens the authority of local governments to use their existing land use authorities to manage and tailor oil and gas activities within their borders to ensure public health, safety and welfare, and to protect the environment. The city also opposes legislation that would preempt local authority to establish bans, temporary moratoriums, or to establish and enforce regulations over such fracking operations.

In addition, the city also supports legislation that would address specific oil and gas drilling impacts, including legislation to:

- Better protect homes and communities by increasing the minimum distance between wells and occupied buildings from the current 350' setback to 1000', 1,500' for schools, giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions, and; lifting the current prohibition on local governments passing along the cost of inspections to industry.
- Adopt statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; and requiring operators to formulate a water management plan and recycle wastewater before acquiring new supplies.
- Better protect air quality at and near oil and gas operations and decrease greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- Increase fines for negligent, repeated or significant spills.
- Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- Support further study of air, water and public health impacts oil and gas operations and ways to mitigate or avoid impacts.

HOUSING

- **OPPOSE FEDERAL EFFORTS TO REDUCE APPROPRIATIONS FOR HUD PUBLIC HOUSING AND SECTION 8 PROGRAMS WHICH PROVIDE RENTAL ASSISTANCE TO LOW-INCOME HOUSEHOLDS**

In the continuum of housing options for Boulder citizens, public housing and Section 8 vouchers provide a unique source of safe and affordable homes for approximately 1,000 families. Public housing and voucher assistance serve the most low income families in Boulder, 95 percent of whom have incomes below $14,000 annually and pay an average of less than $300 per month in rent. There are very few, if any, market options for these families who depend entirely on the availability of federal assistance in order to live with dignity and assurance of shelter.

- **OPPOSE FEDERAL REDUCTIONS TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIPS**

Boulder has participated in the CDBG program since 1975, and funds have been used in the past for a variety of projects ranging from assistance to nonprofit agencies that provide services to the city's low and moderate income residents, to construction of the Pearl Street Mall, and renovation of the Chautauqua Auditorium. Boulder has also participated in the HOME program since 1992 and program funds have supported the production and preservation of affordable housing. For the past six years Boulder has been the lead agency for a regional HOME Consortium including all of Boulder and Broomfield Counties. Half of the HOME funds received by Boulder are used in Boulder and half in the other Consortium communities. In 2013, the city received $754,180 in CDBG funding and $891,331 in HOME funding from the U.S. Department of Housing and Urban Development. The CDBG and HOME programs allow the city to strengthen public infrastructure, increase supply of affordable housing, and improve the quality of life for the city's low and moderate income residents.

- **SUPPORT FOR STATE HOUSING TRUST FUND**

The city is supportive of legislative efforts that would lead to creation and financing of a state affordable housing trust fund.

- **SUPPORT LEGISLATION THAT HELPS ADDRESS THE POWER IMBALANCE BETWEEN OWNERS OF MOBILE HOMES AND OWNERS OF MOBILE HOME PARKS**

It is the policy of the city to encourage affordable housing ownership, including manufactured housing. Current market conditions place owners of manufactured housing at a disadvantage compared to other potential investors in the purchase of manufactured home communities. These dynamics often lead to the exclusion of the potential buyers who have the most at stake and the greatest need for an opportunity to purchase the park.

- **OPPOSE FURTHER CUTS TO STATE FUNDED HEALTH AND HUMAN SERVICE PROGRAMS, ESPECIALLY THOSE THAT ARE PREVENTIVE IN NATURE**

The state recently made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to very low income residents, children and families, mentally ill, disabled and people without health insurance. The city urges the General

Assembly to avoid making further cuts to those essential services that serve the city's most vulnerable, especially intervention and prevention services that keep people out of crisis.

HUMAN SERVICES/HUMAN RIGHTS

- **SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM**

The City of Boulder has been, and remains, committed to the protection of civil and human rights for all people. It believes in the dignity of all Boulder residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city.

The failures of the U.S. immigration system have had profound impacts within the Boulder community. These include very young students losing motivation to excel in their learning because of knowledge that they lack affordable higher educational opportunities and the existence of an underclass, climate of fear, informal economy and work force inequities.

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable, humane, effective and comprehensive federal immigration reform that provides for:

1. Enforceable immigration laws;
2. A rational and humane approach to the undocumented population;
3. A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
4. A rate and system of controlled immigration that matches the needs of our economy;
5. Social integration for our existing immigrant workforce and their families;
6. Recognizing employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
7. A system which ultimately aids in border control, and;
8. Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

The city also supports federal legislation, such as the often introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character; put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least 2 years towards a 4-year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state

tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees.

Finally, the city supports the Uniting American Families Act of 2013 (S.296), federal legislation to ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws. This bill specifically allows partners and children of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status the same way heterosexual spouses can. It would allow for family-based immigration for gay and lesbian Americans and the reunification of families, which strengthens our communities.

- **SUPPORT LEGISLATION FURTHERING THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

On May 18, 2004, Boulder's City Council adopted Resolution No. 947. This resolution affirms the city's commitment to the protection of civil rights for all people as outlined in the city's human rights ordinance. Furthermore, the resolution recognized the many contributions that the city's gay, lesbian, bisexual and transgender residents have provided that have enhanced the lives of all in the community. Finally, the resolution declared support for repealing or legislatively challenging the Colorado state law prohibiting the issuance of same sex marriage licenses.

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city will continue to support the right for same-sex couples to enjoy and be bound by the same legal rights and responsibilities as married, opposite-sex couples, including the right to be issued a marriage license.

The city supports the Employment Non-Discrimination Act (ENDA) of 2013 (S. 815), a federal bill to prohibit employment discrimination on the basis of sexual orientation or gender identity. With no clear federal law prohibiting workplace discrimination on the basis of sexual orientation or gender identity, many lesbian, gay, bisexual, and transgender workers live with uncertainty and fear about whether they'll be able to keep a job and care for their families. Without a comprehensive federal law like ENDA, these workers lack antidiscrimination protections in a majority of states. The city also supports the Tax Parity for Health Plan Beneficiaries Act (S. 738 and H.R. 2523), bills that are pending in both the House and Senate of the 113th Congress. Under the existing federal tax code, health benefits for same-sex domestic partners (unlike those of heterosexual spouses of employees) are taxed as income to the employee. The Tax Parity for Health Plan Beneficiaries Act would provide tax equity for same-sex couples. It has received support from 77 of the nation's largest companies, including Microsoft, Boeing and Alaska Airlines. Under the umbrella organization named the Business Coalition for Benefits Tax Equity, they have stated that the current tax inequity puts them at a competitive disadvantage.

- **SUPPORT ANTI-WAGE THEFT LEGISLATION**

Wage theft is a common problem across Colorado in which an employee is denied the wages that they earned through their labor. It takes various forms and state statutes do not provide adequate remedies or protections for these workers. Victims of wage theft are often lower-income and each incident of wage theft puts the individual and family at risk of losing their housing or not having access to food and other necessities of daily life. The failure to pay wages owed is broadly destructive because it victimizes not only economically vulnerable members of the workforce but also the network of service providers and governmental institutions that strive to address the needs of Boulder's population.

The city's "Failure to Pay Wages" ordinance (B.R.C., 1981, Section 5-3-13) enables workers alleging an employer's failure to pay to seek recovery of their wages through the city's Office of Human Rights. That office has handled over 100 cases and recovered more than $50,000 in pay for work performed within Boulder. Examples of jobs most likely to encounter such wage disputes include construction, landscaping, day labor, personal services, and child care. However, the ordinance does not protect workers outside the City of Boulder, including Boulder residents who work outside the city limits.

State laws are very limited in the support they provide workers trying to recover unpaid wages. For this reason, the city supports legislation at the state level (e.g., the Income Protection Act by Singer-Ulibarri) to counter wage-theft by increasing administrative remedies that provide more access to justice for workers trying to secure wages that they earned.

INTERNAL ADMINISTRATIVE MATTERS

- **PROTECT WORKERS' COMPENSATION SYSTEM**

The city's self-insurance program is a cost efficient method to provide workers' compensation. The workers' compensation system serves a dual purpose, providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Consequently, the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation.

State intervention or taxation can negatively impact the city. Consequently, the city will oppose legislation that increases insurance premium costs to employers, adds administrative burdens or taxes to self-insurance programs, promotes litigation, or removes existing off-sets to workers' compensation benefits.

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained

the disease from work associated with that person's employer unless the employer can prove otherwise. The 2007 legislative session enacted legislation that requires that, under the Workers' Compensation Act of Colorado, if a firefighter contracts cancer of the brain, skin, digestive system, hematological system or genitourinary system, the condition be deemed to have occurred within the scope of employment unless the employer can prove that the covered cancer did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. The result of this legislation was a 15 percent increase in premiums associated with fire employees. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

- **PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities.

Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same. Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

- **OPPOSE STATE LEGISLATION THAT COULD UNNECESSARILY RESULT IN INCREASED CONTRIBUTIONS OR FORCE A REDUCTION IN BENEFITS FOR MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA)**

Two significant pieces of legislation were enacted in recent years aimed at putting PERA back on track to being fully funded. The first, SB06-235, passed in 2006, made several changes, including: (1) temporary increases in the amount that employers from each division must contribute to PERA, with increases staying in effect until accounts in those divisions are found to be 100% funded; (2) the addition of an eight percent cap per year on the Highest Average Salary (HAS) for new hires; (3) a change of the Rule of 80 to a Rule of 85 with a minimum retirement age of 55 for new hires; (4) a prescribed amortization period reduced from 40 years to 30 years; (5) a requirement for independent actuarial studies to be conducted before future benefit increases could occur; and, (6) a new requirement to purchase service at full actuarial cost.

Then in 2010, SB10-001 was enacted to require, among other things: (1) additional increases in the temporary employer contributions beyond previous requirements, with exemptions for the local government division where further increases were deemed unnecessary; (2) reductions in the cost of living adjustments (COLA); (3) application of the 3-year HAS with a base year and an eight percent spike cap applicable to current members not eligible to retire on January 1, 2011; (4) extension of the Rule of 85 to existing members with less than five years of service credit as of January 1, 2011, creation of a Rule of 88 for new hires and a Rule of 90 for hires after 2017, and; (5) a new requirement for contributions from retirees who return to work.

Despite this legislation, a result of comprehensive and collaborative efforts by PERA, legislators and representatives of employer groups, and despite a 2012 independent auditor finding that PERA's assumed 8% rate of return is "within a reasonable range of possible scenarios," a variety of legislation has since been and is expected to continue to be introduced in the Colorado General Assembly to further change the PERA system. The city recognizes that further reforms may indeed be required and consequently supports legislation deemed necessary to stabilize PERA's funds, but only when informed by a comprehensive evaluation of the impacts of those changes so as to protect against unnecessary increases to employer or employee contributions or reductions in employee benefits. One reform the city would support without further analysis is changes to the composition of the 16-member PERA Board of Trustees to provide more balanced representation from non-PERA covered members. However, as one of the largest of the 24 member governments in PERA's Local Government Division, Boulder will oppose piecemeal state legislation that has unknown financial impacts.

LOCAL CONTROL

- **OPPOSE LEGISLATION THREATENING LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments in areas such as land use, zoning, personnel matters and sales tax, should not be further eroded. Legislation threatening local control, that does not otherwise further interests specified in this legislative agenda or otherwise recognized by City Council, will be opposed by the city.

NATURAL RESOURCES, WILDLIFE AND PARKS

- **SUPPORT LEGISLATION PROTECTING THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado Lottery proceeds have been one of the few sources of state funding for conservation of natural resources, wildlife and parks, providing $2.3 billion statewide over the past 28 years. Profits from the sale of lottery products are allocated according to the following formula: up to 50 percent to the Great Outdoors Colorado (GOCO) Trust Fund, 40 percent to the Conservation Trust Fund (CTF), and 10 percent to the Colorado Division of Parks and Outdoor Recreation. GOCO provides competitive grants to projects that preserve, protect and enhance Colorado's wildlife, parks, rivers, trails and open space. The fund is capped (approximately $54 million in 2011) and any spillover is directed to the BEST rural school capital construction assistance fund. The CTF funds are used by local communities across the state for outdoor projects including trail construction, ball fields, playgrounds, and adding new parks or enhancing existing parks.

CTF and GOCO funds have for years been a critical part of the city's capital budget. Important acquisitions have been added to Boulder's inventory of parks and open space that have helped shape our community, preserve ecological systems and create opportunities for active and passive recreation for people of all ages. Among the projects accomplished with GOCO funding include Valmont Bike Park, winner of the 2011 Colorado Parks and Recreation Association award for recreation facility design and future host of the 2014 USA Cyclo-Cross National Championships.

The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

- **SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S URBAN WILDLIFE MANAGEMENT PLAN**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

Because of the network of nearby natural lands, its geographic setting at the intersection of the mountains and plains, Boulder's urban areas are visited or inhabited by a wide range of wildlife species. Some species keep a low profile, present little or no conflict and go unnoticed by most urban residents. Other species are highly valued by the community, but most of these present little or no conflict with urban services or land uses. There are, however species that are valued by the community that do come into conflict with people. These include prairie dogs, black bear, mountain lions, Canada geese and mule deer. The city is often attempting to simultaneously conserve these species on open space lands, while managing conflict in the urban area.

There are often opportunities on a species-specific level to support legislation at a state or federal level to complement our conservation and conflict management efforts. Examples include support of funding for mosquito management to address state or federal public health issues/mandates; modifications of laws to allow prairie dog relocation to other counties without commissioner approval; and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

- **SUPPORT LEGISLATION NECESSARY TO ALLOW FOR STATE SUPPORT TO ADDRESS THE CITY'S EMERALD ASH BORER INFESTATION**

In late September of 2013, the emerald ash borer (EAB), an invasive pest of ash trees, was identified within the city limits of Boulder. The EAB is a hard to detect, and even more difficult to exterminate, insect that kills even healthy ash trees within 2-4 years of first symptoms. Although the EAB flies, infestation normally results from movement of infested ash trees and wood (e.g., firewood, chips, packing and industrial materials).

To determine the full extent of infestation, a survey is being conducted by staff from city forestry, Colorado Department of Agriculture (CDA), Colorado State University Extension, and forestry staff from other Front Range cities. The results of the survey are expected by the end of January and will guide the future city of Boulder EAB Response Plan to manage the infestation within the city and potentially slow the spread to nearby communities.

The EAB poses a significant threat to the ash trees within the city. There are approximately 38,000 city park and public street rights-of-way trees under the jurisdiction of the Boulder Parks and Recreation Urban Forestry Division: approximately 6,000 are ash trees (15 percent of the public tree population). That number rises to 98,000 when you include private ash trees within the city and 1.45 million when you take into account all the ash trees in the Denver metro area. Consequently, local governments may require significant support from the state to contain the threat, enforce a quarantine, remove dead trees and to educate the public.

The city will support necessary state legislation, including requests for supplemental funding for the CDA or the creation of an account to support emergency response to pests when no specific agricultural or horticultural industry is primarily impacted, to allow the state to partner with the city in addressing the challenges presented by the EAB.

- **SUPPORT LEGISLATION PROVIDING FOR MORE BALANCE IN THE COMPOSITION OF COLORADO'S "PESTICIDE ADVISORY COMMITTEE" AND FOR RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES**

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on testing and licensing of commercial pesticide applicators. It also incorporates EPA rules and federal pesticide law. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Revisions to the Act can now be expected in 2015, following a sunset review initiated this fall and expected to be concluded with a report and recommendations by the end of 2014. Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, city representatives expect to be involved at several steps in the sunset review. During this time, it will advocate for legislation that provides a more balanced perspective on pesticide use that takes into account recent studies concerning the human health and environmental impacts of pesticides that were not known at the time the Act was initially enacted. Specifically, it will support expansion of the state's Pesticide Advisory Committee to include members with technical expertise in human health risk (particularly to children), non-target species impacts including pollinators, water quality impacts, local governments, and others to ensure the publics' best interests; state protections for children and pollinators; and, restoration of the ability in specific situations for local governments to regain some authority to restrict pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner.

PUBLIC HEALTH AND SAFETY

- **SUPPORT LEGISLATION NECESSARY TO SEEK STATE AND FEDERAL ASSISTANCE FOR FLOOD DISASTER RECOVERY NEEDS AND EXPENSES**

This past September, the city received historic rainfalls, with nearly a year's worth of precipitation falling in less than a week. As a result of the floods and mudslides, it sustained a significant amount of damage. Preliminary recovery estimates to city assets exceed $43 million. This assessment is likely to increase as staff and contractors gain access to additional damaged areas and begin restoration. There was also a yet un-quantified amount of significant damage to residential properties, businesses, irrigation ditches and agricultural crops and livestock operations.

The city continues to work with state and federal agencies to connect impacted residents to individual disaster assistance and is working to restore city facilities and streets. It is anticipated that in years to come there will be a role for state and federal legislation to facilitate these efforts.

- **SUPPORT AMENDMENT 64-IMPLEMENTING LEGISLATION THAT ENSURES THE SAFE USE OF RECREATIONAL MARIJUANA BY ALLOWING LOCAL GOVERNMENT ACCESS TO BACKGROUND CHECKS AND THE SEED-TO-SALE TRACKING INFORMATION FOR COMMERCIAL OPERATORS**

The city will support state implementing legislation that furthers the following principles:

1. Provides mechanisms to ensure marijuana is appropriately labeled and regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product with complete information about the impacts of what they are choosing to ingest, and that these substances are kept away from children.
2. Maintains a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities.
3. Allows local governments to recover the full costs of any commercial licenses they choose to allow.
4. Specifically enumerates as a matter of state interest and responsibility the creation of overall safety requirements related to recreational marijuana while reserving to local governments specific abilities, but not requirements, to adopt additional requirements and monitor and enforce those rules.
5. Does not expand the declaration of statewide concern beyond the scope of what is included in Amendment 64.

6. Allows local governments to have access to Colorado Bureau of Investigation records for background checks and the seed-to-sale tracking system implemented by the state for marijuana businesses within the city.
7. Addresses the public safety concerns of operating a cash-only business by providing commercial operators with options to traditional banking services.

- **SUPPORT REMOVAL OF BARRIERS THAT PREVENT LEGITIMATE MARIJUANA BUSINESSES TO ACCESS BANKING SERVICES**

Legitimate marijuana businesses in Boulder are forced to operate on a cash-only basis because the substance's federal status currently bars banks from doing business with them. This inequity creates a vulnerability to several of the enforcement priorities outlined in the Deputy Attorney General's letter dated August 29, 2013. More importantly it creates a serious local public safety problem. Statutory solutions are at the federal level and there are efforts underway to try and address this, most recently by Rep. Ed Perlmutter. The city will support these efforts to remove legal and administrative barriers that prevent these businesses from accessing banking services.

- **SUPPORT LEGISLATION THAT PROMOTES THE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

Boulder's City Council adopted Resolution 960 on October 19, 2004, concerning alcohol abuse within the community. This resolution affirmed the city's commitment to finding solutions to address the critical issues of health, safety and well being stemming from alcohol abuse within the city.

Since this time, Council has expressly stated its support for appropriate legislation that would:

1. Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, and;
2. Require mandatory server training.
3. Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and
4. Permit municipalities to regulate licensees' hours of alcohol service.

The city will support appropriate legislation that furthers these goals. Conversely, the city will oppose any legislation that undermines these goals, including efforts similar to SB12-118 which would eliminate the 25 percent food requirement for Hotel and Restaurant liquor licenses.

- **SUPPORT FEDERAL LEGISLATION THAT WOULD CLOSE THE FEDERAL GUN SHOW LOOPHOLE**

While criminal background checks are currently required for purchases of guns at gun shows in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals, a federal law eliminating the gun show loophole is necessary.

- **OPPOSE LEGISLATION THAT WOULD EXPAND THE APPLICATION OF THE "MAKE MY DAY" LAW BEYOND PERSONAL RESIDENCES**

- **OPPOSE LEGISLATION THAT LIMITS THE STATE'S ABILITY TO REGULATE CONCEALED WEAPONS OR LOCAL GOVERNMENT'S ABILITY TO RESTRICT POSSESSION OF WEAPONS IN PUBLIC FACILITIES**

H.R.822, the National Right-to-Carry Reciprocity Act of 2011, is pending in Congress. This legislation would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law. This would strip Colorado of the power to create its own public safety laws and hand that power over to the federal government – and the states with the weakest protections. H.R.822 would also empower gun traffickers and threaten the safety of our police officers. To protect vulnerable people, states have set standards for carrying handguns that include criteria beyond an applicant's ability to pass a federal background check. For example, many states issue permits to people with alcohol abuse problems, no firearms safety training, or who are under the age of 21. Colorado does not. Colorado also grants limited discretion to law enforcement to approve or deny a permit. Colorado's standards also keep guns out of the hands of dangerous criminals. H.R.822, however, would permit citizens of states with less strict laws to freely carry concealed weapons in our state. Because of these problems, the city urges its federal delegation to stand up for law enforcement and support Colorado's right to make its own decisions about how to protect public safety.

Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

- **OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

The city supports preserving the option for its police officers to enforce federal laws, including federal immigration laws. However, it will vigorously oppose any state or federal legislation that mandates that its police enforce federal immigration laws, especially if they are unfunded mandates or are likely to result in enforcement officers engaging in racial profiling or discrimination based on race, ethnicity or national origin.

- **OPPOSE LEGISLATION THAT WOULD INFRINGE ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

Employees of the city's fire and police departments are part of collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city opposes any state or federal law that would mandate municipalities to collectively bargain with public safety employee labor unions over wages, benefits, or working conditions, under one-size-fits-all rules.

- **OPPOSE LEGISLATION THAT IMPOSES ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

An example of a reporting requirement that has been imposed on local law enforcement agencies in the past is the state law requiring the arrest of undocumented immigrants to be reported to Immigration and Customs Enforcement.

- **SUPPORT LEGISLATION THAT INCREASES THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

It takes very little damage to a vehicle to reach the current threshold of $1,000. While the city's police department currently responds to most accidents, increasing the damage threshold will provide greater flexibility and more local control over the use of police resources.

- **OPPOSE LEGISLATION LIMITING MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY**

Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red light locations has yielded significant safety benefits and reduced red light running accidents by 50 percent. Moreover, fewer and fewer red light tickets are issued at these locations each year due to increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

Quantifying photo speed enforcement success is somewhat more difficult. It is implemented per strict state statute requirements that limit where it can be placed. It enables the city to enforce speed limits in neighborhood locations that do not have a high enough volume of traffic to justify deployment of officers. It is particularly effective in school zones. One conclusion that can be made is that photo speed enforcement has enhanced the safety of neighborhood streets and school zones by reducing speeding.

In 2012, fines associated with violations of the city's photo enforcement program and red light violations generated $1,331,196 in revenue at a cost to the city of $1,390,321.

The true cost associated with motorists running red lights and speeding through neighborhoods is not captured in the financial information provided above. It is best quantified in the cost to our community associated with the personal injury and property damage from motorists speeding and running red lights. Recent studies have shown that the average red light camera location in the U.S. results in $38,000 a year in reduced societal costs, not to mention the number of lives and grief saved from fewer right-angle crashes. For Boulder, with our eight (8) red light running cameras, this results in $304,000 in societal cost saved annually.

For these reasons, the city will oppose any legislation similar to SB12-050 that would prohibit or otherwise further restrict the rights of local governments to use red light cameras or photo radar enforcement.

ROCKY FLATS

- **SUPPORT LEGISLATION PROVIDING FUNDING TO THE DEPARTMENT OF ENERGY FOR THE OFFICE OF LEGACY MANAGEMENT AND U.S. FISH AND WILDLIFE SERVICE IN ORDER TO MANAGE ROCKY FLATS AS A NATIONAL WILDLIFE REFUGE WITH THE APPROPRIATE SYSTEMS IN PLACE FOR LONG TERM STEWARDSHIP**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant southwest of Boulder. As a member of RFSC, the city is very supportive of the 2001 federal legislation (Rocky Flats National Wildlife Refuge Act of 2001) that designates Rocky Flats as a future national wildlife refuge site as well as the requirement that long-term liability, ownership and management of the site remain with the federal government. The city supports legislation authorizing, funding, or otherwise providing assistance for the Rocky Flats Legacy Stakeholders Organization, or alternative organization, to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats

TAX POLICY

- **SUPPORT THE MARKET FAIRNESS ACT AND OTHER ACTION TO PRESERVE AND EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO COLLECT TAXES**

According to research undertaken by Forrester Research for Internet Retailer, national online retail spending climbed to nearly $200 billion in 2011, up from $30 billion in 2000, and will grow approximately 10 percent per year to reach $280 billion and comprise more than seven percent of overall national retail spending by 2015. At the state level, the National Conference of State Legislatures estimates that Colorado will lose $352 million in 2012 from uncollected sales taxes. The growth in internet retail activity presents a clear challenge to the operating budgets of Colorado's local governments, many of which rely on sales taxes to fund critical municipal services, as well as the state budget. Consequently, the city supports legislation, such as the Marketplace Fairness Act, that provides authority for states and Colorado local governments to collect sales taxes on purchases made over the internet, regardless of whether the vendor has a physical nexus with the state. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit tax revenues on non-nexus sales based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax

base or assume authority to collect revenues on local nexus sales which the city already has the authority to tax and collect.

TELECOMMUNICATIONS

- **SUPPORT LEGISLATION REESTABLISHING THE RIGHT OF MUNICIPALITIES TO PROVIDE TELECOMMUNICATION SERVICES SUCH AS LARGE AND COMPLEX CITY-WIDE FIBER AND PREMISE NETWORKS**

The provision of telecommunication access to ensure effective and appropriate access to educational and city resources is seen as a must in today's society. Utilizing current infrastructure and public-private partnerships can create necessary competition to retain low-cost, high-speed access to our residents, regardless of economic status. Senate Bill 05-152 preempted home rule municipalities from providing telecommunication services (with certain limited exceptions) without a vote of the people, even if infrastructure had already been built. Boulder believes that this legislation is overly restrictive in its private sector "non-compete" provisions. Given the very "low and slow" market evolution in providing low-cost and easily accessible internet and other telecommunication services, the city is completely hamstrung in seeking ways of legitimately investing public dollars in infrastructure and services to resolve the digital divide and general access issues in our communities.

TRANSPORTATION

- **SUPPORT LEGISLATION THAT INCREASES TRANSPORTATION FUNDING AND PRIORITIZES ITS EXPENDITURE ON PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE, ARE MULTIMODAL IN DESIGN AND THAT OTHERWISE PROMOTE SMART GROWTH**

The city and the entire Denver metropolitan area are in need of new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. In addition, despite the commencement of construction on Phase 1 and scheduled construction of Phase 2 asphalt improvements on Highway US 36, there remains a critical need for federal and state funds to ensure the project includes a robust system of bus rapid transit and supports the travel demand management components of the project.

The city supports turning to funding sources that are tied to transportation use, including vehicle registration, car rentals, gasoline consumption, or vehicle miles traveled, provided

that a significant portion of the funding generated is directed toward specific, identified projects, including US Highway 36, or to programs that fund alternative modes of transportation. This city also supports the recent trend of turning to managed lanes as practical solution for improving mobility by providing viable travel options in congested corridors. In fact, the city believes that any significant new lane capacity built with state funds be required to be managed. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage the corridor Public-private partnerships (PPPs) are often essential to identifying funding to construct managed lanes. The challenge, however, is that the partnerships can sometimes focus too much on revenue generation and insufficiently on transportation performance. Moreover, decisions can be made by the state that do not receive sufficient vetting and/or oversight from the affected local governments. In order to ensure that only appropriate toll projects are built, the city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city also support legislation mandating a determination by the appropriate Metropolitan Planning Organizations (MPOs) that all toll projects, including those which do not use state or federal funding, be analyzed for consistency with the development policies of the MPO's plan, and that the MPOs assess implications of such projects on the region's fiscal health, air and water quality, energy, climate change and long-term sustainability. Finally, the city would support legislation similar to HB12-1171 that would prohibit the use of so called "non compete" clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) in order to increase travel demand on new tolled lanes.

The city believes that new or existing funding should be used for regional priorities as determined by the area MPO, or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. In furtherance of Colorado's Climate Action Plan goal to reduce emissions of greenhouse gases by 20 percent by 2020, state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.

With regard to federal transportation funding, MAP-21, the latest federal transportation authorization bill, made continued funding for the federal government's Safe Routes to School (SRTS) program beyond the 2013-14 fiscal year very unlikely. The SRTS program has proven itself a successful and popular program in Colorado. It has provided CDOT with approximately $2.5 million/year allowing capital and programmatic funding to flow to more than 500 schools across Colorado to improve safe access to schools, ranging from small towns

like Ridgeway and Brush, to our largest cities like Denver and Colorado Springs. As a result, the number of children walking and biking to school has increased by as much as 31 percent. SRTS helps make kids safer, improves congestion near schools, and gives students opportunities to become more comfortable with travel options at an early age. The city would support legislation that would direct a small portion of FASTER safety funds to continue this existing program, helping ensure safe transportation for our most vulnerable population; our children.

- **SUPPORT EFFORTS TO REALIGN THE COLORADO TRANSPORTATION COMMISSION TO INCLUDE POPULATION, NOT JUST GEOGRAPHY, TO ENSURE FAIR REPRESENTATION OF THE METROPOLITAN AREA**

- **SUPPORT LEGISLATION THAT PROMOTES "COMPLETE STREETS," ACCOMMODATING ALL MODES OF TRAVEL**

The city supports legislation that furthers the concept of "Complete Streets" where modes are interconnected and a complete set of options are made available to improve efficiency and mobility for all. The city also supports legislation that promotes sustainable transportation solutions recognizing energy sources, impacts of vehicle miles traveled, connections to land use, urban design, and increased accessibility for all.

- **OPPOSE LEGISLATION LIMITING THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES**

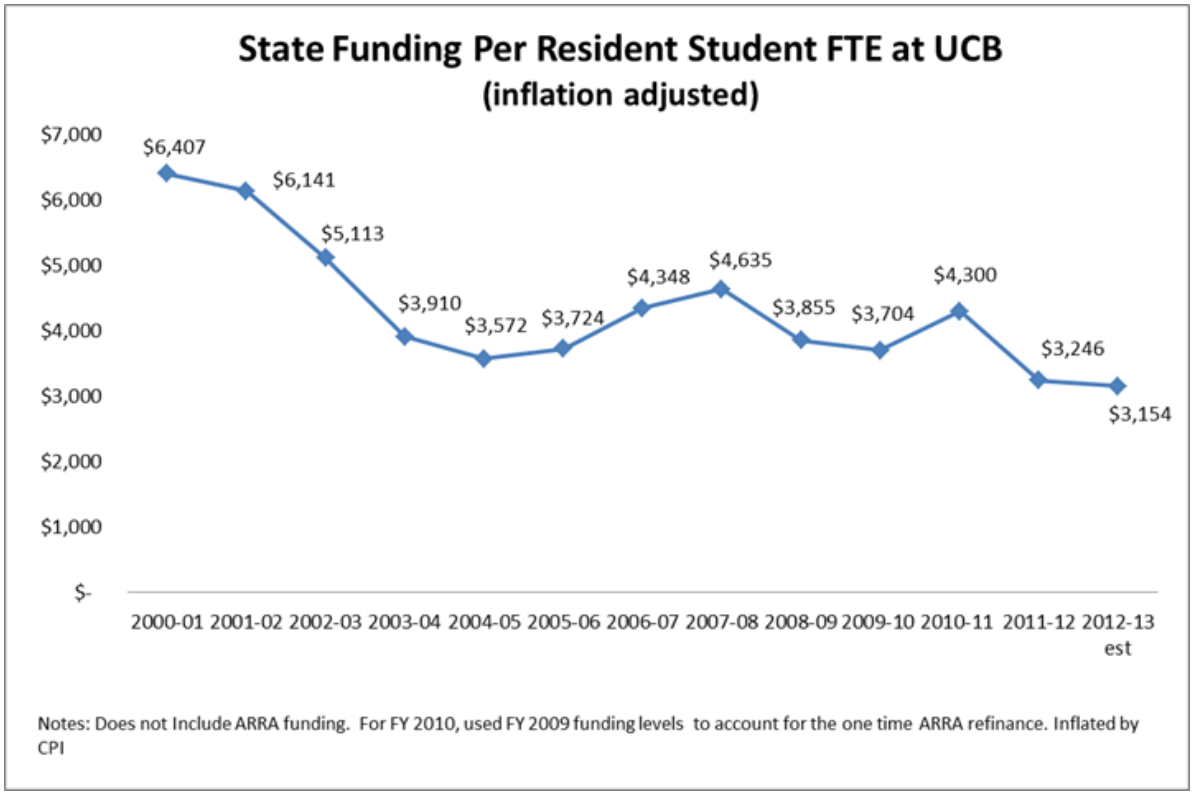
The city's current ordinances prohibit the use of Segways or motorized "toy vehicles" such as scooters, electric skateboards or mini bikes on sidewalks, multi-use paths or bike lanes. City-initiated changes to such policies would best be informed by a public process where input from the various sidewalk, multi-use path, and trail users could be solicited and evaluated. The city opposes changes to state law that would require the city to change its policy or force an unnecessary and potentially controversial re-evaluation of its policy.

- **OPPOSE LEGISLATION THAT WOULD TRANSFER THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such "devolution," including U.S. 36 and Highways 93, 7 and 119. The city believes that these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

UNIVERSITY OF COLORADO

- **SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS**



The City of Boulder has been the proud home to the flagship campus of the University of Colorado (CU) since 1876. CU's Boulder campus (CU-Boulder) brings to the city the Colorado

Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, access to libraries, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's vibrancy. Furthermore, it directly employed 14,803 people in fiscal year (FY) 2011, 8,105 which were non-students (including temporary workers) earning average salaries of $57,216, accounting for 5.2 percent of total employment in Boulder County. Through research, teaching, operations, construction, student spending, and visitation, CU is an economic driver in Boulder County, contributing more than $1.5 billion in economic activity locally driven off $809 million in direct expenditures in the county in FY2011. This funding is by and large non-local, thus leveraging outside investment for the local economy. The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city. Yet, as reflected in the above graph, state funding for CU-Boulder has seen a dramatic decline over the last decade, a decline that is anticipated to continue over at least the next two years. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (currently facing a maintenance backlog of approximately $320 million), and particularly legislation that helps preserve the flagship status of the CU-Boulder campus.

WATER

- **SUPPORT LEGISLATION THAT PROMOTES THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER**

Boulder is on the forefront of support for water conservation and efficient utilization of water. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods. Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that wouldphase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance.

- **OPPOSE STATE LEGISLATION THAT SIGNIFICANTLY THREATENS THE CITY'S WATER RIGHTS**

In prior years, Boulder has lost thousands of acre-feet of the city's water because of the lack of proper well augmentation on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the city's short-term and long-term needs for approximately $30 per acre foot. Offsetting un-augmented well use in the South Platte basin would represent a $120,000 loss to the city in a year that 4,000 acre-feet of water is given up and would also decrease water for Boulder Creek farmers by reducing the city's leasable supplies. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost $48,000,000 or more.

Recent Colorado Supreme Court decisions have found that the State Engineer was not properly administering some water rights, such as for agricultural irrigation wells that were operating under junior water rights without providing senior water rights owners with sufficient augmentation water. New state legislation passed in the years from 2003 to 2009 clarifies that many well owners must file in water court for well augmentation plans and address the amount of augmentation water to be provided. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have now been addressed. Nevertheless, some issues remain that may result in the General Assembly again becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced might include attempts to limit the amount of augmentation water that junior diverters are required to return to the river to less than their impact on more senior water rights or to replace the jurisdiction of water courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, such as by shifting responsibility for well augmentation from well users to senior water rights owners, or increasing reliability for junior water rights by decreasing reliability for senior water rights, they will be vigorously opposed.