CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, December 6, 2016
5:30 p.m.

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
   - **A. Declaration in honor of David Driskell**

   - **B.** Items relating to the **certification of the 2016 Special Coordinated Municipal Election held on November 8, 2016:**
     1. Motion to **convene as the General Canvassing and Election Board for the City of Boulder Special Coordinated Municipal Election**
     2. **Roll call** of the General Canvassing and Election Board
     3. Administration **of oath and signing of same by Board members**
     4. Consideration of a motion **nominating a member to chair the Board**
     5. Submission of the following to the Board:
        - a. **Certificate of the Public Notice of the November 8, 2016 election**
        - b. **Certificate of Official Ballot**
        - c. **Certificate of Election Returns**
     6. **Public hearing**
     7. Consideration of a motion to **approve the election returns and signing of the Certificate of the General Canvassing and Election Board**, if approved
     8. Motion to **adjourn from the General Canvassing and Election Board for the City of Boulder Special Coordinated Municipal Election and reconvene as the Boulder City Council**

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 **approve the April 5, 2016 Regular Meeting Minutes**

   - **B.** Consideration of a motion to **approve the October 5, 2016 Special Meeting Minutes**

   - **C.** Consideration of a motion to **approve the October 20, 2016 Special Meeting Minutes**

D. Consideration of a motion to **accept the October 25, 2016 Study Session Summary for the 2017 State and Federal Legislative Agenda**

E. Consideration of a motion to **accept the October 25, 2016 Study Session Summary regarding 30th and Pearl Redevelopment Options**

F. Consideration of a motion to **accept the October 25, 2016 Study Session Summary** regarding the **draft Middle Income Housing Strategy**

G. Consideration of a motion to **approve the Resilience Strategy**

H. Consideration of a motion to **authorize the City Manager,** pursuant to article XIV, Section 18 (2)(a) of the Constitution of the State of Colorado and Part 2, Article 1, Title 29, C.R.S., which encourages and authorizes intergovernmental agreements and Sections 29-1-203 and 29-1-203.5, CRS which authorizes governments to cooperate and contract with one another, **to enter an intergovernmental agreement establishing the Front Range Fire Consortium**

I. **Second reading and** consideration of a motion to **adopt Ordinance 8153** approving **November/December supplemental appropriations for the 2016 Budget**

Consideration of a motion **to adjourn from the Boulder City Council** and **convene as the Central Area General Improvement District Board of Directors (CAGID)**

J. Consideration of a motion to **adopt Resolution 281** amending the **2016 Downtown Commercial District Fund (formerly Central Area General Improvement District Fund) Budget**

Consideration of a motion to **adjourn** from the **CAGID Board of Directors** and **convene** as the **Boulder Municipal Property Authority Board of Directors (BMPA)**

K. Consideration of a motion to **adopt Resolution 145 amending the 2016 Budget for the Boulder Municipal Property Authority**

Consideration of a motion to **adjourn** from the **BMPA Board of Directors** and **reconvene as Boulder City Council**

L. **Second reading** and consideration of a motion to **adopt Ordinance 8156** vacating and authorizing the city manager to execute two deeds of vacation **to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Ave. and 4270 19th St. and** consideration of a motion **to amend the annexation agreements for the properties** located at 2010 Upland Avenue and 4270 19th Street in order to **remove the requirements to dedicate and construct an access lane known as N. 20th Street**

M. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance 8158 designating the property at 1345 Spruce St. to be known** as the **Physicians Building-Dorje Dzong,** as an individual **landmark** under

the city's Historic Preservation Ordinance; Owner/Applicant: Front Range Shambhala

N. **Introduction, first reading** and consideration of a motion to order published by title only **Ordinance 8159 designating the building** and a portion of the property **at 4750 Broadway to be known as the Armory Mess Hall,** as an individual **landmark** under the city's Historic Preservation Ordinance; Owner/Applicant: Armory Community, LLC

4. CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8A. No Action will be taken by Council at this time.

8A. Potential Call-Ups

ORDER OF BUSINESS

5. PUBLIC HEARINGS

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings

A. **Second reading** and consideration of a motion to **adopt Emergency Ordinance 8157 implementing the recommendations of the Marijuana Advisory Panel** by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapter 6-14 regarding medical marijuana and Chapter 6-16 regarding recreation marijuana, B.R.C. 1981, and setting forth related details

B. **Continued second reading** and consideration of a motion to **amend Ordinance 8119 intended to expand the availability of cooperative housing units** by amending Title 4, "Licenses and Permits," by adding a new Section 4-20-69, "Cooperative Housing License Fee," amending Title 9, "Land Use Code," by amending table 9-6-1 **to make cooperative housing an allowed use in certain zone districts,** by amending Section 9-6-3, eliminating the requirement of a special use permit for cooperative housing, by amending Section 9-8-5 to provide for specific occupancy limitation for cooperative housing units, by amending Section 9-16-1 **to add new definitions,** amending Title 10 "Structures," **by adding** a new Chapter 11 "Cooperative Housing," **establishing requirements for licensing housing cooperatives** and setting forth related details
(Public hearings were held on October 4 and November 15. No new testimony will be heard tonight).

6. MATTERS FROM THE CITY MANAGER

A. **Boulder's Climate Commitment: Adoption of Emission Reduction Goal and Progress Indicators**

B. Update and Council Input on **Community Dashboard: Boulder Measures Phase One Development**

7. MATTERS FROM THE CITY ATTORNEY

A. Background Information Regarding Sanctuary Cities

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-ups

B. Consideration of a motion regarding **Human Relation Commission Resolution 1200** declaring the **City of Boulder's support** for the **Standing Rock Sioux Tribe's Opposition to the construction of the Dakota Access Pipeline**

9. COMMENT ON MOTIONS MADE UNDER MATTERS

Public comment on any motions made under Matters

10. DECISIONS ON MOTIONS

Action on motions made under Matters

11. DEBRIEF

Opportunity for Council to discuss how the meeting was conducted

12. ADJOURNMENT

This agenda and the meeting can be viewed at www.bouldercolorado.gov /City Council. Meetings are aired live on Municipal Channel 8 and the city's website and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting.

Boulder 8 TV (Comcast channels 8 and 880) is now providing Closed Captioning for all live meetings that are aired on the channels. The closed captioning service operates in the same manner as similar services offered by broadcast channels, allowing viewers to turn the closed captioning on or off with the television remote control. Closed captioning also is available on the live HD stream on BoulderChannel8.com. In order to activate the captioning service for the live stream, the "CC" button (which is located at the bottom of the video player) will be illuminated and available whenever the channel is providing captioning services.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at 303-441-4222, 8 a.m. – 5 p.m. Monday through Friday. The Council Chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado 711 (711) or 1-(800)-659-3656. Please request special packet preparation no later than 48 hours prior to the meeting.

If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 negocios días antes de la junta.

Send electronic presentations to email address: CityClerkStaff@bouldercolorado.gov no later than 2 p.m. the day of the meeting.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE

Items relating to the certification of the 2016 Special Coordinated Municipal Election held on November 8, 2016:

1. Motion to convene as the General Canvassing and Election Board for the City of Boulder Special Coordinated Municipal Election.

2. Roll call of the General Canvassing and Election Board.

3. Administration of oath and signing of same by Board members.

4. Consideration of a motion nominating a member to chair the Board.

5. Submission of the following to the Board:
   a. Certificate of the Public Notice of the November 8, 2016 election
   b. Certificate of Official Ballot
   c. Certificate of Election Returns

6. Public hearing

7. Consideration of a motion to approve the election returns and signing of the Certificate of the General Canvassing and Election Board, if approved

8. Motion to adjourn from the General Canvassing and Election Board for the City of Boulder Special Coordinated Municipal Election and reconvene as the Boulder City Council.

PRESENTER/S

Jane S. Brautigam, City Manager
Lynnette Beck, City Clerk/Secretary of the General Canvassing and Election Board

EXECUTIVE SUMMARY

Boulder Home Rule Charter Section 32 provides for the certification of election results. The City Council shall serve as the General Canvassing and Election Board. The City Clerk/Secretary for the General Canvassing and Election Board will present the Board with all official election documents for review and signature. After conducting a public hearing, the Board shall consider a motion approving the election returns and shall sign the official documents.

STAFF RECOMMENDATION

Staff requests the General Canvassing and Election Board's consideration of this matter and action in the form of the following motion:

Suggested Motion Language:

Motion to approve the election returns from the 2016 Special Coordinated Municipal Election held on November 8, 2016.

ATTACHMENTS

A. Oath
B. Certificate of Publication Notice
C. Certificate of Official Ballot
D. Certificate of Election Returns
E. Certificate of the General Canvassing and Election Board

STATE OF COLORADO)
)
COUNTY OF BOULDER) SS. OATH OR AFFIRMATION OF GENERAL
) CANVASSING AND ELECTION BOARD
CITY OF BOULDER)

We, the undersigned, do solemnly swear or affirm that we will perform the duties of the General Canvassing and Election Board for the Special Coordinated Municipal Election held in the City of Boulder, County of Boulder, State of Colorado, on the 8th day of November, 2016 according to the law and to the best of our abilities.

IN WITNESS WHEREOF, we have hereunto set our hands and official Seal of the City of Boulder, Colorado, this 6th day of December, 2016.

[S E A L]

Matthew Appelbaum	Aaron Brockett	Jan Burton
Suzanne Jones	Lisa Morzel	Andrew Shoemaker
Sam Weaver	Bob Yates	Mary Young

Attest:

Lynnette Beck, Secretary

STATE OF COLORADO)
)
COUNTY OF BOULDER) SS. CERTIFICATE OF PUBLIC NOTICE
)
CITY OF BOULDER)

I, Lynnette Beck, City Clerk of the City of Boulder, County of Boulder, State of Colorado, do hereby certify that I am now and at all times hereinafter mentioned have been the duly appointed, qualified and acting City Clerk of the City of Boulder and approved the public notice for the Special Municipal Coordinated Election held in the City of Boulder on Tuesday, November 8, 2016. Said Notice was published in the *Daily Camera*, a newspaper of general circulation in the City of Boulder, State of Colorado, in its October 16, 2016 issue. The Affidavit of Publication is as indicated on the attached pages.

IN WITNESS WHEREOF, I have hereunto set my hand and official Seal of the City of Boulder, Colorado, this 6th day of December, 2016.

[S E A L]

_____
Lynnette Beck
City Clerk

AFFIDAVIT OF PUBLICATION

CAMERA

State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the CAMERA is a daily newspaper printed, in whole or in part, and published in the City of Boulder, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Broomfield counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **October 16, 2016**.

Melissa L Najera
Agent

Subscribed and sworn to before me this 17th day of **October, 2016** in the County of Boulder, State of Colorado.

RMWard
Notary Public

ACCOUNT #: 100502

AD # 2277053

FEE: $232.32

RITA MARIE HANNER-WARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144042765
MY COMMISSION EXPIRES NOVEMBER 4, 2019

Official Notice of General Election: Boulder County, Colorado

Boulder County

Election Day – Tuesday, November 8, 2016
Voting begins October 17
GENERAL ELECTION INFORMATION

Elections in Colorado are conducted by mail ballot with Voter Service and Polling Centers available for those who wo additional assistance or prefer to vote in person. See below for a list of locations and hours/days of operation.

For this General Election, ballots will be mailed to all active registered voters the week of October 17. Ballots must be r to the Clerk and Recorder no later than 7 p.m. on Election Day (Tuesday, November 8) in order for your votes to be c Voters can return their ballot by mail or by dropping it off at any designated ballot drop-off location or Voter Serv Polling Center. Ballots received after 7 p.m. on Election Day will not be counted. Postmarks do not count as a receiv

After returning a ballot, voters can verify that their ballot was received by visiting **www.BoulderCountyVotes.org.** Addi voters may also sign up with Boulder County Votes Ballot Track in order to receive alerts about their mail ballot. Vo sign up for this service at any time of year.

If you need to register or update your voter registration, please do so at **www.GoVoteColorado.com.** The Boulder Elections Division recommends all voters review their information to ensure their mailing address is correct.

If you make a mistake, damage, or lose your ballot, you may request a replacement ballot by e Vote@BoulderCountyVotes.org, calling 303-413-7740, or by visiting a Voter Service and Polling Center.

Voter Service and Polling Centers – Centers have staggered open dates. See below for sche openings and days/hours available. Services include:

- Drop off your ballot
- Cast a ballot in person
- Request a replacement mail ballot
- Register to vote or update your registration information
- Vote using equipme facilities for persons disabilities

Phase 1: Locations

Boulder – Boulder County Clerk & Recorder – 1750 33rd Street
Boulder – CU Campus – UMC – 2nd Floor – 1669 Euclid Avenue (very limited parking)
Boulder – Boulder Meadows – 4500 19th Street
Lafayette – Boulder County Clerk & Recorder – 1376 Miners Drive**
Longmont – St. Vrain Community Hub / Boulder County Clerk & Recorder – 515 Coffman Street (new entrance)**
Longmont – Fire Station #5 – 617 Barberry Drive (Airport & Nelson Roads)
Louisville – Louisville Police Department – 992 W. Via Appia Way

Phase 1: Days/Hours of Operation*
8 a.m. – 6 p.m. Monday, October 24 – Friday, October
9 a.m. – 1 p.m. Saturday, October 29
8 a.m. – 6 p.m. Monday, October 31 – Friday, Novemb
9 a.m. – 1 p.m. Saturday, November 5
8 a.m. – 6 p.m. Monday, November 7
7 a.m. – 7 p.m. Tuesday, November 8 – Election Day

*** Need to vote even earlier? The Boulder County Cle Recorder office at 1750 33rd Street in Boulder offers services weekdays 8 a.m. – 4:30 p.m. Monday, October 17 – Friday, October 21.**

****Both Clerk & Recorder's offices in Lafayette and Longmont will also be available for ballot drop-off a voter registration during normal business hours pri opening as Voter Service Centers.**

Phase 2: Locations
All of the above locations continue to operate plus:

Boulder – Boulder Municipal Building – 1777 Broadway
Boulder – Golden West Assisted Living – 1055 Adams Circle (limited parking)
Boulder – St. Paul's United Methodist Church – 4215 Grinnell Avenue
Gunbarrel – Hampton Inn & Suites – 6333 Lookout Road
Lafayette – Lafayette Public Library – 775 W. Baseline Road
Longmont – LifeBridge Christian Church – 10345 Ute Highway
Longmont – Fire Station #3 – 1000 Pace Street
Nederland – Community Center – 750 North Highway 72
Superior – Town Hall – 124 E. Coal Creek Drive

Phase 2: Days/Hours of Operation
8 a.m. – 6 p.m. Monday, November 7
7 a.m. – 7 p.m. Tuesday, November 8 – Election Day

24 **24-Hour Ballot Drop-off Boxes** – Open Monday, October 17 at 8 a.m. and close at 7 p.m. on Elec – Tuesday, November 8
Boulder – Boulder County Clerk & Recorder – 1750 33rd Street
Boulder – Boulder County Courthouse – East Wing Entrance – 2025 14th Street
Boulder – Boulder County Housing and Human Services – Broadway & Iris
Boulder – CU Campus – UMC –1669 Euclid Avenue – closest to Euclid street entrance of building (very limited
Boulder – South Boulder Recreation Center – 1360 Gillaspie Drive
Lafayette – Lafayette Public Library – 775 W. Baseline Road
Longmont – Boulder County Clerk & Recorder / St. Vrain Community Hub – Corner of 6th Avenue and Coffm
Longmont – Boulder County Fairgrounds – 9595 Nelson Road (on Fairground Lane near the south parking l
Longmont – Garden Acres Park – on 18th Avenue between Sunset and Juniper
Longmont – YMCA – 950 Lashley Street
Louisville – Louisville Police Department – 992 W. Via Appia Way
Superior – Superior Town Hall – 124 E. Coal Creek Drive

Drive-by Ballot Drop-off – Open Friday, November 4; Saturday, November 5; and Monday, Novemb 8 a.m. – 6 p.m. Open Election Day – Tuesday, November 8 from 7 a.m. – 7 p.m.
Boulder – Boulder County Clerk & Recorder – 1750 33rd Street
Erie – Arapahoe Ridge Marketplace – Arapahoe Road & Highway 287 (you may have to exit your vehicle)
Longmont – Boulder County Clerk & Recorder / St. Vrain Community Hub – 534 Terry Street (west side of

STATE OF COLORADO)
)
COUNTY OF BOULDER) SS. CERTIFICATE OF OFFICIAL BALLOT
)
CITY OF BOULDER)

I, Lynnette Beck, City Clerk of the City of Boulder, County of Boulder, State of Colorado, do hereby certify that the attached is an exact copy of an official ballot used in the Special Coordinated Municipal Election held in the City of Boulder, Colorado, on November 8, 2016

IN WITNESS WHEREOF, I have hereunto set my hand and official Seal of the City of Boulder, Colorado, this 6th day of December, 2016.

[S E A L]

_____
Lynnette Beck
City Clerk

SAMPLE BALLOT DS-**01**

Vote Both Sides

Attachment C

Official Ballot For
2016 Boulder County General Election
Boulder County, Colorado
November 08, 2016

Precincts: 800-802, 804, 806-853

Hillary Hall
Boulder County Clerk & Recorder

Instructions for voting:

1) Use a black or blue ink pen to mark your choices on the ballot. 2) To vote for your choice in each contest, completely fill in the box provided to the left of your choice. If you vote for more than the maximum number of allowed choices in a race, your votes in that race will not be counted. See the Voter Instructions insert for more information. 3) To vote for a certified write-in candidate, completely fill in the box provided to the left of the words "Write-in" and write in the name of the candidate on the line provided. 4) If you tear or make a mistake voting, please request a replacement ballot by calling 303.413.7740

"WARNING:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both." CRS 1-7.5-107(3)(b)

Presidential Electors
(Vote for One Pair)

- Hillary Clinton / Tim Kaine
  Democratic
- Donald J. Trump / Michael R. Pence
  Republican
- Darrell L. Castle / Scott N. Bradley
  American Constitution
- Gary Johnson / Bill Weld
  Libertarian
- Jill Stein / Ajamu Baraka
  Green
- Frank Atwood / Blake Huber
  Approval Voting
- "Rocky" Roque De La Fuente / Michael Steinberg
  American Delta
- James Hedges / Bill Bayes
  Prohibition
- Tom Hoefling / Steve Schulin
  America's
- Chris Keniston / Deacon Taylor
  Veterans of America
- Alyson Kennedy / Osborne Hart
  Socialist Workers
- Kyle Kenley Kopitke / Nathan R. Sorenson
  Independent American
- Laurence Kotlikoff / Edward Leamer
  Kotlikoff for President
- Gloria Estela La Riva / Dennis J. Banks
  Socialism and Liberation
- Bradford Lyttle / Hannah Walsh
  Nonviolent Resistance/Pacifist
- Joseph Allen Maldonado / Douglas K. Terranova
  Independent People
- Michael A. Maturen / Juan Munoz
  American Solidarity
- Evan McMullin / Nathan Johnson
  Unaffiliated
- Ryan Alan Scott / Bruce Kendall Barnard
  Unaffiliated
- Rod Silva / Richard C. Silva
  Nutrition
- Mike Smith / Daniel White
  Unaffiliated
- Emidio Soltysik / Angela Nicole Walker
  Socialist USA
- Write-in

United States Senator
(Vote for One)

- Michael Bennet
  Democratic
- Darryl Glenn
  Republican
- Lily Tang Williams
  Libertarian

(Signed declaration to limit service to no more than 2 terms)

- Arn Menconi
  Green
- Bill Hammons
  Unity

(Signed declaration to limit service to no more than 2 terms)

- Dan Chapin
  Unaffiliated
- Paul Noel Fiorino
  Unaffiliated
- Write-in

Representative to the 115th United States Congress - District 2
(Vote for One)

- Jared Polis
  Democratic
- Nicholas Morse
  Republican
- Richard Longstreth
  Libertarian

(Signed declaration to limit service to no more than 3 terms)

Regent of the University of Colorado - At Large
(Vote for One)

- Alice Madden
  Democratic
- Heidi Ganahl
  Republican

State Senator - District 18
(Vote for One)

- Stephen Fenberg
  Democratic
- M. Peter Spraitz
  Republican

State Representative - District 10
(Vote for One)

- Edie Hooton
  Democratic

District Attorney - 20th Judicial District
(Vote for One)

- Stan Garnett
  Democratic

County Commissioner - District 1
(Vote for One)

- Kevin Sipple
  Republican
- Elise Jones
  Democratic

County Commissioner - District 2
(Vote for One)

- Deb Gardner
  Democratic
- Paul Danish
  Republican

Colorado Supreme Court Justice
(Vote YES or NO)

Shall Justice William Hood of the Colorado Supreme Court be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Karen M. Ashby of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Michael H. Berger of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Steven L. Bernard of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Stephanie E. Dunn of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge David Furman of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Robert D. Hawthorne of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Jerry N. Jones of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Anthony J. Navarro of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Gilbert M. Román of the Colorado Court of Appeals be retained in office?

- YES
- NO

Colorado Court of Appeals Judge
(Vote YES or NO)

Shall Judge Diana Terry of the Colorado Court of Appeals be retained in office?

- YES
- NO

District Court Judge - 20th Judicial District
(Vote YES or NO)

Shall Judge Andrew Hartman of the 20th Judicial District be retained in office?

- YES
- NO

Vote Both Sides

Official Ballot For
2016 Boulder County General Election
Boulder County, Colorado
November 08, 2016

District Court Judge - 20th Judicial District
(Vote YES or NO)

Shall Judge Bruce Langer of the 20th Judicial District be retained in office?

YES

NO

Ballot questions referred by the general assembly or any political subdivision are listed by letter, and ballot questions initiated by the people are listed numerically. A ballot question listed as an "amendment" proposes a change to the Colorado constitution, and a ballot question listed as a "proposition" proposes a change to the Colorado Revised Statutes. A "yes/for" vote on any ballot question is a vote in favor of changing current law or existing circumstances, and a "no/against" vote on any ballot question is a vote against changing current law or existing circumstances.

Amendment T (CONSTITUTIONAL)

Shall there be an amendment to the Colorado constitution concerning the removal of the exception to the prohibition of slavery and involuntary servitude when used as punishment for persons duly convicted of a crime?

YES/FOR

NO/AGAINST

Amendment U (CONSTITUTIONAL)

Shall there be an amendment to the Colorado constitution concerning an exemption from property taxation for a possessory interest in real property if the actual value of the interest is less than or equal to six thousand dollars or such amount adjusted for inflation?

YES/FOR

NO/AGAINST

Amendment 69 (CONSTITUTIONAL)

SHALL STATE TAXES BE INCREASED $25 BILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR, AND BY SUCH AMOUNTS THAT ARE RAISED THEREAFTER, BY AN AMENDMENT TO THE COLORADO CONSTITUTION ESTABLISHING A HEALTH CARE PAYMENT SYSTEM TO FUND HEALTH CARE FOR ALL INDIVIDUALS WHOSE PRIMARY RESIDENCE IS IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING A GOVERNMENTAL ENTITY CALLED COLORADOCARE TO ADMINISTER THE HEALTH CARE PAYMENT SYSTEM; PROVIDING FOR THE GOVERNANCE OF COLORADOCARE BY AN INTERIM APPOINTED BOARD OF TRUSTEES UNTIL AN ELECTED BOARD OF TRUSTEES TAKES RESPONSIBILITY; EXEMPTING COLORADOCARE FROM THE TAXPAYER'S BILL OF RIGHTS; ASSESSING AN INITIAL TAX ON THE TOTAL PAYROLL FROM EMPLOYERS, PAYROLL INCOME FROM EMPLOYEES, AND NONPAYROLL INCOME AT VARYING RATES; INCREASING THESE TAX RATES WHEN COLORADOCARE BEGINS MAKING HEALTH CARE PAYMENTS FOR BENEFICIARIES; CAPPING THE TOTAL AMOUNT OF INCOME SUBJECT TO TAXATION; AUTHORIZING THE BOARD TO INCREASE THE TAXES IN SPECIFIED CIRCUMSTANCES UPON APPROVAL OF THE MEMBERS OF COLORADOCARE; REQUIRING COLORADOCARE TO CONTRACT WITH HEALTH CARE PROVIDERS TO PAY FOR SPECIFIC HEALTH CARE BENEFITS; TRANSFERRING ADMINISTRATION OF THE MEDICAID AND CHILDREN'S BASIC HEALTH PROGRAMS AND ALL OTHER STATE AND FEDERAL HEALTH CARE FUNDS FOR COLORADO TO COLORADOCARE; TRANSFERRING RESPONSIBILITY TO COLORADOCARE FOR MEDICAL CARE THAT WOULD OTHERWISE BE PAID FOR BY WORKERS' COMPENSATION INSURANCE; REQUIRING COLORADOCARE TO APPLY FOR A WAIVER FROM THE AFFORDABLE CARE ACT TO ESTABLISH A COLORADO HEALTH CARE PAYMENT SYSTEM; AND SUSPENDING THE OPERATIONS OF THE COLORADO HEALTH BENEFIT EXCHANGE AND TRANSFERRING ITS RESOURCES TO COLORADOCARE?

YES/FOR

NO/AGAINST

Amendment 70 (CONSTITUTIONAL)

Shall there be an amendment to the Colorado constitution increasing the minimum wage to $9.30 per hour with annual increases of $0.90 each January 1 until it reaches $12 per hour effective January 2020, and annually adjusting it thereafter for cost-of-living increases?

YES/FOR

NO/AGAINST

Amendment 71 (CONSTITUTIONAL)

Shall there be an amendment to the Colorado constitution making it more difficult to amend the Colorado constitution by requiring that any petition for a citizen-initiated constitutional amendment be signed by at least two percent of the registered electors who reside in each state senate district for the amendment to be placed on the ballot and increasing the percentage of votes needed to pass any proposed constitutional amendment from a majority to at least fifty-five percent of the votes cast, unless the proposed constitutional amendment only repeals, in whole or in part, any provision of the constitution?

YES/FOR

NO/AGAINST

Amendment 72 (CONSTITUTIONAL)

SHALL STATE TAXES BE INCREASED $315.7 MILLION ANNUALLY BY AN AMENDMENT TO THE COLORADO CONSTITUTION INCREASING TOBACCO TAXES, AND, IN CONNECTION THEREWITH, BEGINNING JANUARY 1, 2017, INCREASING TAXES ON CIGARETTES BY 8.75 CENTS PER CIGARETTE ($1.75 PER PACK OF 20 CIGARETTES) AND ON OTHER TOBACCO PRODUCTS BY 22 PERCENT OF THE MANUFACTURER'S LIST PRICE; AND ALLOCATING SPECIFIED PERCENTAGES OF THE NEW TOBACCO TAX REVENUE TO HEALTH-RELATED PROGRAMS AND TOBACCO EDUCATION, PREVENTION, AND CESSATION PROGRAMS CURRENTLY FUNDED BY EXISTING CONSTITUTIONAL TOBACCO TAXES; AND ALSO ALLOCATING NEW REVENUE FOR TOBACCO-RELATED HEALTH RESEARCH, VETERANS' PROGRAMS, CHILD AND ADOLESCENT BEHAVIORAL HEALTH, CONSTRUCTION AND TECHNOLOGY IMPROVEMENTS FOR QUALIFIED HEALTH PROVIDERS, EDUCATIONAL LOAN REPAYMENT FOR HEALTH PROFESSIONALS IN RURAL AND UNDERSERVED AREAS, AND HEALTH PROFESSIONAL TRAINING TRACKS?

YES/FOR

NO/AGAINST

Proposition 106 (STATUTORY)

Shall there be a change to the Colorado revised statutes to permit any mentally capable adult Colorado resident who has a medical prognosis of death by terminal illness within six months to receive a prescription from a willing licensed physician for medication that can be self-administered to bring about death; and in connection therewith, requiring two licensed physicians to confirm the medical prognosis, that the terminally-ill patient has received information about other care and treatment options, and that the patient is making a voluntary and informed decision in requesting the medication; requiring evaluation by a licensed mental health professional if either physician believes the patient may not be mentally capable; granting immunity from civil and criminal liability and professional discipline to any person who in good faith assists in providing access to or is present when a patient self-administers the medication; and establishing criminal penalties for persons who knowingly violate statutes relating to the request for the medication?

YES/FOR

NO/AGAINST

Proposition 107 (STATUTORY)

Shall there be a change to the Colorado Revised Statutes recreating a presidential primary election to be held before the end of March in each presidential election year in which unaffiliated electors may vote without declaring an affiliation with a political party?

YES/FOR

NO/AGAINST

Proposition 108 (STATUTORY)

Shall there be a change to the Colorado Revised Statutes concerning the process of selecting candidates representing political parties on a general election ballot, and, in connection therewith, allowing an unaffiliated elector to vote in the primary election of a political party without declaring an affiliation with that party and permitting a political party in specific circumstances to select all of its candidates by assembly or convention instead of by primary election?

YES/FOR

NO/AGAINST

COUNTY ISSUE 1A
(Road and Bridge Mill Levy Increase):

SHALL BOULDER COUNTY TAXES BE INCREASED $5.5 MILLION ANNUALLY (FIRST FULL FISCAL YEAR DOLLAR INCREASE IN 2017) THROUGH AN INCREASE IN BOULDER COUNTY'S AD VALOREM PROPERTY TAX MILL LEVY OF 0.785 MILLS, FOR FIFTEEN YEARS TO AND INCLUDING DECEMBER 31, 2031, FOR THE PURPOSE OF FUNDING ROAD AND BRIDGE PROJECTS WITHIN THE MUNICIPALITIES IN BOULDER COUNTY AND REHABILITATION OF PAVED PUBLIC LOCAL ACCESS SUBDIVISION ROADS IN UNINCORPORATED BOULDER COUNTY, SUCH INCREASE IN PROPERTY TAX REVENUES TO BE IN EXCESS OF THAT WHICH WOULD OTHERWISE BE PERMITTED UNDER SECTION 29-1-301, C.R.S., EACH YEAR WITHOUT SUCH INCREASE; AND SHALL THE REVENUES AND EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH TAX, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND A PROPERTY TAX REVENUE CHANGE; ALL AS MORE PARTICULARLY SET FORTH IN BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2016-89?

YES/FOR

NO/AGAINST

COUNTY ISSUE 1B
(Countywide Open Space Sales and Use Tax Bond Authorization and Tax Extension):

SHALL BOULDER COUNTY DEBT BE INCREASED BY UP TO $30 MILLION, WITH A MAXIMUM REPAYMENT COST OF UP TO $54 MILLION, WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, BY THE ISSUANCE OF REVENUE BONDS FOR THE PURPOSE OF OPEN SPACE LAND ACQUISITION, WHICH BONDS SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD AT SUCH TIME OR TIMES, AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH OTHER TERMS, NOT INCONSISTENT HEREWITH, INCLUDING PROVISIONS FOR FUNDING ANY CAPITALIZED INTEREST AND REQUIRED RESERVES, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE;
AND SHALL ONE-HALF (0.125%) OF THE COUNTY'S EXISTING 0.25% SALES AND USE TAX FOR OPEN SPACE, CURRENTLY SET TO EXPIRE DECEMBER 31, 2019, BE EXTENDED FOR AN ADDITIONAL PERIOD OF FIFTEEN YEARS TO AND INCLUDING DECEMBER 31, 2034 FOR THE PURPOSE OF FUNDING THE OPEN SPACE PROGRAM, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
- TARGETED OPEN SPACE LAND ACQUISITION, INCLUDING KEY REMAINING PROPERTIES THROUGHOUT BOULDER COUNTY; AND
- THE CONTINUED MANAGEMENT AND MAINTENANCE OF EXISTING OPEN SPACE, INCLUDING CONSTRUCTING MORE TRAILS ON AND CONNECTING TO OPEN SPACE AND RESTORING WETLANDS AND AREAS ALONG RIVERS AND STREAMS ON OPEN SPACE DAMAGED BY THE 2013 FLOOD;
AND SHALL SUCH BONDS BE REPAID FROM THE PROCEEDS OF SUCH EXTENDED TAX AND, TO THE EXTENT PROCEEDS FROM SUCH EXTENDED TAX ARE INSUFFICIENT OR UNAVAILABLE FOR THE REPAYMENT OF SUCH BONDS, FROM OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, THE CONSERVATION TRUST FUND, THE COUNTY'S GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS; SHALL THE COUNTY BE AUTHORIZED, IN ORDER TO PROVIDE FOR THE PAYMENT OF SUCH BONDS, TO ENTER INTO A MULTIPLE-FISCAL YEAR OBLIGATION TO TRANSFER THE PROCEEDS OF SUCH EXTENDED TAX, OTHER COUNTY OPEN SPACE SALES AND USE TAX REVENUES, AND MONEYS FROM THE CONSERVATION TRUST FUND, THE GENERAL FUND AND OTHER LEGALLY AVAILABLE FUNDS TO THE OPEN SPACE CAPITAL IMPROVEMENT TRUST FUND IN AN AMOUNT SUFFICIENT TO PAY THE DEBT SERVICE ON SUCH BONDS AND TO OTHERWISE COMPLY WITH THE COVENANTS OF THE RESOLUTION OR OTHER INSTRUMENTS GOVERNING SUCH BONDS; AND SHALL THE REVENUES AND THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH TAX AND SUCH BONDS, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2016-77?

YES/FOR

NO/AGAINST

Official Ballot For
2016 Boulder County General Election
Boulder County, Colorado
November 08, 2016

Precincts: **800-802, 804, 806-853**

COUNTY ISSUE 1C
(Countywide Sustainability Sales and Use Tax Extension):

WITH NO INCREASE IN ANY COUNTY TAX OR TAX RATE, SHALL ONE-HALF (0.125%) OF THE COUNTY'S EXISTING 0.25% SALES AND USE TAX FOR OPEN SPACE, CURRENTLY SET TO EXPIRE DECEMBER 31, 2019, BE EXTENDED FOR AN ADDITIONAL PERIOD OF FIFTEEN YEARS TO AND INCLUDING DECEMBER 31, 2034 FOR THE PURPOSE OF FUNDING SUSTAINABILITY INFRASTRUCTURE AND PROGRAMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
- PROGRAMS TO CONSERVE OUR WATER RESOURCES BY HELPING FARMERS, RESIDENTS AND BUSINESSES REDUCE THEIR WATER USE;
- RECYCLING AND COMPOSTING SERVICES AND FACILITIES FOR BOULDER COUNTY RESIDENTS AND BUSINESS OWNERS TO HELP REDUCE WASTE;
- ENERGY EFFICIENCY AND RENEWABLE ENERGY SERVICES SUCH AS ENERGYSMART PROGRAMS FOR HOMES AND BUSINESSES AND HOME WEATHERIZATION FOR LOW INCOME HOUSEHOLDS;
- ASSISTANCE TO LOCAL FARMERS TO GROW MORE LOCAL AND ORGANIC FOOD FOR BOULDER COUNTY RESIDENTS; AND
- PROGRAMS TO INCREASE TRANSPORTATION CHOICES BY MAKING IT EASIER TO USE PUBLIC TRANSIT, PROVIDING AFFORDABLE TRANSPORTATION OPTIONS FOR LOW INCOME RESIDENTS AND STUDENTS, AND PROMOTING ELECTRIC VEHICLES AND CHARGING STATIONS;

AND SHALL THE REVENUES AND THE EARNINGS ON THE INVESTMENT OF THE PROCEEDS OF SUCH TAX, REGARDLESS OF AMOUNT, CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH BOARD OF COUNTY COMMISSIONERS' RESOLUTION NO. 2016-79?

☐ YES/FOR

☐ NO/AGAINST

County Question 1D
(District Attorney Term Limit Extension to Four Terms):

Shall the term limits imposed by state law and in Article XVIII, Section 11, of the Colorado Constitution on the office of District Attorney of Boulder County, Twentieth Judicial District, be modified so as to permit an elected officeholder in that office to seek and, if the voters of Boulder County choose to re-elect that person to a fourth term in office, to serve a fourth consecutive term?

☐ YES/FOR

☐ NO/AGAINST

CITY OF BOULDER BALLOT ISSUE 2H
SUGAR SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX

SHALL CITY OF BOULDER TAXES BE INCREASED $3.8 MILLION (FIRST FULL FISCAL YEAR INCREASE) ANNUALLY BY IMPOSING AN EXCISE TAX OF 2 CENTS PER OUNCE ON THE FIRST DISTRIBUTOR IN ANY CHAIN OF DISTRIBUTION OF DRINKS WITH ADDED SUGAR, AND SWEETENERS USED TO PRODUCE SUCH DRINKS, EXEMPTING: (1) SWEETENERS SOLD SEPARATELY TO THE CONSUMER AT A GROCERY STORE; (2) MILK PRODUCTS; (3) BABY FORMULA; (4) ALCOHOL; AND (5) DRINKS TAKEN FOR MEDICAL REASONS;
AND IN CONNECTION THEREWITH, SHALL ALL OF THE REVENUES COLLECTED BE USED TO FUND: THE ADMINISTRATIVE COST OF THE TAX, AND THEREAFTER FOR HEALTH PROMOTION, GENERAL WELLNESS PROGRAMS AND CHRONIC DISEASE PREVENTION IN THE CITY OF BOULDER THAT IMPROVE HEALTH EQUITY, SUCH AS ACCESS TO SAFE AND CLEAN DRINKING WATER, HEALTHY FOODS, NUTRITION AND FOOD EDUCATION, PHYSICAL ACTIVITY, OTHER HEALTH PROGRAMS ESPECIALLY FOR RESIDENTS WITH LOW INCOME AND THOSE MOST AFFECTED BY CHRONIC DISEASE LINKED TO SUGARY DRINK CONSUMPTION, ALL EFFECTIVE JULY 1, 2017,
AND IN CONNECTION THEREWITH, SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

☐ FOR THE MEASURE

☐ AGAINST THE MEASURE

City of Boulder Ballot Question 2I
Clarify and Amend Blue Line, Water Not Supplied West of Line

Shall the boundary described in Boulder Home Rule Charter section 128A and approved by the voters in 1959 that provides that the City of Boulder shall not supply water for domestic, commercial, or industrial uses to land lying on the westward side of the line be amended to clarify the location of the boundary and to allow the provision of water service to existing developed properties as described in Ordinance No. 8133, and further shall the standards in Charter section 128A be amended to clarify the conditions and eligibility for water service as described in Ordinance No. 8133?

☐ For the Measure

☐ Against the Measure

City of Boulder Ballot Question 2J
Provide Insurance Benefits for Council Members

Shall section 7, "Compensation," of the Boulder Home Rule Charter be amended pursuant to Ordinance No. 8132 to allow council members serving on January 1, 2020 and after to be eligible to receive benefits under the same terms and conditions that are available to full-time city employees including without limitation participation in city health, vision, dental and life insurance plans?

☐ For the Measure

☐ Against the Measure

City of Boulder Ballot Question 302
Qualifications of Council Members

Shall section 4 of the Boulder Home Rule Charter be amended by adding a new paragraph to restrict council members to three terms in the person's lifetime, which requirement shall apply to any candidate for council after November 8, 2016?

☐ For the Measure

☐ Against the Measure

BOULDER VALLEY SCHOOL DISTRICT BALLOT ISSUE 3A:

SHALL BOULDER VALLEY SCHOOL DISTRICT RE-2 TAXES BE INCREASED BY $10,000,000 IN 2016 FOR COLLECTION IN 2017 AND BY WHATEVER AMOUNTS IN ANY YEAR THEREAFTER AS ARE RAISED FROM A MILL LEVY WHICH SHALL NOT EXCEED FOUR (4) MILLS, PROVIDED THAT NO MILL LEVY INCREASE FROM YEAR TO YEAR SHALL EXCEED ONE (1) MILL, FOR THE PURPOSE OF PROVIDING ONGOING CASH FUNDING FOR CAPITAL CONSTRUCTION, NEW TECHNOLOGY, EXISTING TECHNOLOGY UPGRADE, AND MAINTENANCE NEEDS OF THE DISTRICT; AND SHALL SUCH TAX REVENUES BE DEPOSITED INTO THE SUPPLEMENTAL CAPITAL CONSTRUCTION, TECHNOLOGY AND MAINTENANCE FUND TO BE CREATED BY THE DISTRICT AND SHALL SUCH TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

☐ YES/FOR

☐ NO/AGAINST

The Denver Metropolitan Scientific and Cultural Facilities District ("SCFD") Ballot Issue 4B

SHALL THERE BE AN EXTENSION UNTIL JUNE 30, 2030, OF THE AGGREGATE 0.1 PERCENT SALES AND USE TAXES CURRENTLY LEVIED AND COLLECTED BY THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT THAT ARE SCHEDULED TO EXPIRE ON JUNE 30, 2018, FOR ASSISTING SCIENTIFIC AND CULTURAL FACILITIES WITHIN THE DISTRICT, WHILE AUTHORIZING THE DISTRICT TO CONTINUE TO COLLECT, RETAIN, AND SPEND ALL REVENUE GENERATED BY SUCH TAX IN EXCESS OF THE LIMITATION PROVIDED IN ARTICLE X OF SECTION 20 OF THE COLORADO CONSTITUTION AND WHILE MODIFYING THE RATES OF THE THREE INDIVIDUAL SALES AND USE TAXES COLLECTED BY THE DISTRICT AS FOLLOWS: FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT UP TO THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .0655 PERCENT SALES AND USE TAX TO .064 PERCENT; INCREASING THE .021 PERCENT SALES AND USE TAX TO .022 PERCENT; AND INCREASING THE .0135 PERCENT SALES AND USE TAX TO .014 PERCENT; AND, FOR TOTAL ANNUAL REVENUES COLLECTED BY THE DISTRICT THAT EXCEED THIRTY-EIGHT MILLION DOLLARS, DECREASING THE .064 PERCENT SALES AND USE TAX TO .057 PERCENT; INCREASING THE .022 PERCENT SALES AND USE TAX TO .026 PERCENT; AND INCREASING THE .014 PERCENT SALES AND USE TAX TO .017 PERCENT?

☐ YES/FOR

☐ NO/AGAINST

This page intentionally left blank

STATE OF COLORADO)
)
COUNTY OF BOULDER) SS. CERTIFICATE OF ELECTION RETURNS
)
CITY OF BOULDER)

I, Lynnette Beck, City Clerk of the City of Boulder, County of Boulder, State of Colorado, do hereby certify that the attached voting returns have been delivered to me from the Boulder County Elections Division, with said returns reflecting the results of all votes cast in the Special Coordinated Municipal Election held on November 8, 2016, on matters submitted to the qualified electors of the city of Boulder.

IN WITNESS WHEREOF, I have hereunto set my hand and official Seal of the City of Boulder, Colorado, this 6th day of December, 2016.

[S E A L]

_____
Lynnette Beck
City Clerk

2016 Boulder County General Election - Official Summary of Votes

Attachment D 11/21/2016
Active Voters: 215,378
Total Ballots Counted: 192,882

Contest Name	Choice Name	Active Voters	Total Ballots	Total Votes	Percent of Votes	Total Under Votes	Total Over Votes	Number of Precincts
Presidential Electors	Hillary Clinton / Tim Kaine	215378	192405	132334	70.34%	4160	100	233
Presidential Electors	Donald J. Trump / Michael R. Pence	215378	192405	41396	22.00%	4160	100	233
Presidential Electors	Darrell L. Castle / Scott N. Bradley	215378	192405	502	0.27%	4160	100	233
Presidential Electors	Gary Johnson / Bill Weld	215378	192405	8034	4.27%	4160	100	233
Presidential Electors	Jill Stein / Ajamu Baraka	215378	192405	3733	1.98%	4160	100	233
Presidential Electors	Frank Atwood / Blake Huber Approval Voting	215378	192405	17	0.01%	4160	100	233
Presidential Electors	"Rocky" Roque De La Fuente / Michael Steinberg American Delta	215378	192405	59	0.03%	4160	100	233
Presidential Electors	James Hedges / Bill Bayes Prohibition	215378	192405	6	0.00%	4160	100	233
Presidential Electors	Tom Hoefling / Steve Schulin America's	215378	192405	18	0.01%	4160	100	233
Presidential Electors	Chris Keniston / Deacon Taylor Veterans of America	215378	192405	197	0.10%	4160	100	233
Presidential Electors	Alyson Kennedy / Osborne Hart Socialist Workers	215378	192405	32	0.02%	4160	100	233
Presidential Electors	Kyle Kenley Kopitke / Nathan R. Sorenson Independent American	215378	192405	28	0.01%	4160	100	233
Presidential Electors	Laurence Kotlikoff / Edward Leamer Kotlikoff for President	215378	192405	30	0.02%	4160	100	233
Presidential Electors	Gloria Estela La Riva / Dennis J. Banks Socialism and Liberation	215378	192405	30	0.02%	4160	100	233
Presidential Electors	Bradford Lyttle / Hannah Walsh Nonviolent Resistance/Pacifist	215378	192405	23	0.01%	4160	100	233
Presidential Electors	Joseph Allen Maldonado / Douglas K. Terranova Independent People	215378	192405	25	0.01%	4160	100	233
Presidential Electors	Michael A. Maturen / Juan Munoz American Solidarity	215378	192405	63	0.03%	4160	100	233
Presidential Electors	Evan McMullin / Nathan Johnson	215378	192405	1473	0.78%	4160	100	233
Presidential Electors	Ryan Alan Scott / Bruce Kendall Barnard	215378	192405	24	0.01%	4160	100	233
Presidential Electors	Rod Silva / Richard C. Silva Nutrition	215378	192405	38	0.02%	4160	100	233
Presidential Electors	Mike Smith / Daniel White	215378	192405	47	0.02%	4160	100	233
Presidential Electors	Emidio Soltysik / Angela Nicole Walker Socialist USA	215378	192405	33	0.02%	4160	100	233
Presidential Electors	Bruce Lohmiller / J.R. Smith - Green / Democratic	215378	192405	0	0.00%	4160	100	233
Presidential Electors	Thomas J. Nieman / Bernie Jackson - Unaffiliated / Libertarian	215378	192405	0	0.00%	4160	100	233
Presidential Electors	Corey Sterner / Jeff Ryan - Unaffiliated / Republican	215378	192405	0	0.00%	4160	100	233
Presidential Electors	David Perry / Eric "Rick" Seiley - Republican	215378	192405	2	0.00%	4160	100	233
Presidential Electors	Brian Anthony Perry / Michael Byron Nelson - Unaffiliated	215378	192405	0	0.00%	4160	100	233
Presidential Electors	Cherunda Fox / Roger Kushner - Unaffiliated	215378	192405	1	0.00%	4160	100	233
United States Senator	Michael Bennet	215378	192405	126334	67.99%	6400	185	233
United States Senator	Darryl Glenn	215378	192405	45755	24.62%	6400	185	233
United States Senator	Lily Tang Williams	215378	192405	6089	3.28%	6400	185	233
United States Senator	Arn Menconi	215378	192405	6768	3.64%	6400	185	233
United States Senator	Bill Hammons	215378	192405	431	0.23%	6400	185	233
United States Senator	Dan Chapin	215378	192405	315	0.17%	6400	185	233
United States Senator	Paul Noel Fiorino	215378	192405	127	0.07%	6400	185	233
United States Senator	Don Willoughby - Unaffiliated	215378	192405	1	0.00%	6400	185	233
Representative to the 115th United States Congress - District 2	Jared Polis	157583	141871	101137	75.15%	7266	26	175
Representative to the 115th United States Congress - District 2	Nicholas Morse	157583	141871	27388	20.35%	7266	26	175
Representative to the 115th United States Congress - District 2	Richard Longstreth	157583	141871	6054	4.50%	7266	26	175
Representative to the 115th United States Congress - District 4	Bob Seay	57792	50534	25600	53.34%	2540	2	58
Representative to the 115th United States Congress - District 4	Ken Buck	57792	50534	19774	41.20%	2540	2	58
Representative to the 115th United States Congress - District 4	Bruce Griffith	57792	50534	2618	5.46%	2540	2	58

2016 Boulder County General Election - Official Summary of Votes

Active Voters: 215,378
Total Ballots Counted: 192,882

Contest Name	Choice Name	Active Voters	Total Ballots	Total Votes	Percent of Votes	Total Under Votes	Total Over Votes	Number of Precincts
Representative to the 115th United States Congress - District 4	Donald Howbert - Republican	57792	50534	0	0.00%	2540	2	58
Regent of the University of Colorado - At Large	Alice Madden	215378	192405	118669	69.21%	20943	12	233
Regent of the University of Colorado - At Large	Heidi Ganahl	215378	192405	52781	30.79%	20943	12	233
Regent of the University of Colorado - Congressional District 4	Suzanne M. Sharkey	57792	50534	20370	45.71%	5961	10	58
Regent of the University of Colorado - Congressional District 4	Bob Owens	57792	50534	24193	54.29%	5961	10	58
State Senator - District 17	Matt Jones	98165	87334	57649	100.00%	29685	0	94
State Senator - District 18	Stephen Fenberg	107940	96750	67799	79.61%	11571	10	128
State Senator - District 18	M. Peter Spraitz	107940	96750	17370	20.39%	11571	10	128
State Representative - District 10	Edie Hooton	55538	49594	35984	100.00%	13610	0	59
State Representative - District 11	Jonathan Singer	52273	46032	25327	60.19%	3953	3	57
State Representative - District 11	Corey Piper	52273	46032	16749	39.81%	3953	3	57
State Representative - District 12	Bob Dillon	55812	50302	15906	34.91%	4726	7	55
State Representative - District 12	Mike Foote	55812	50302	29663	65.09%	4726	7	55
State Representative - District 13	KC Becker	36387	32543	23395	100.00%	9148	0	48
State Representative - District 33	Karen Nelson	15365	13934	4681	37.17%	1339	2	14
State Representative - District 33	Matt Gray	15365	13934	7169	56.93%	1339	2	14
State Representative - District 33	Kim Tavendale	15365	13934	743	5.90%	1339	2	14
District Attorney - 20th Judicial District	Stan Garnett	215378	192405	131787	100.00%	60618	0	233
Regional Transportation District Director - District I	Véronique Marie Bellamy	75155	66403	8151	19.92%	25481	12	74
Regional Transportation District Director - District I	Lee Kemp	75155	66403	14152	34.59%	25481	12	74
Regional Transportation District Director - District I	Judy Lubow	75155	66403	18607	45.48%	25481	12	74
County Commissioner - District 1	Kevin Sipple	215378	192405	55625	32.96%	23596	23	233
County Commissioner - District 1	Elise Jones	215378	192405	113161	67.04%	23596	23	233
County Commissioner - District 2	Deb Gardner	215378	192405	106979	62.76%	21935	18	233
County Commissioner - District 2	Paul Danish	215378	192405	63473	37.24%	21935	18	233
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Kevin C. Ryan	7831	7037	1997	15.53%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Jason Reese	7831	7037	1211	9.42%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Sandie Hammerly	7831	7037	1988	15.46%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Narayan Shrestha	7831	7037	599	4.66%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Mark Lacis	7831	7037	2511	19.53%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Patricia E. Dunham	7831	7037	1308	10.17%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Gladys M. Forshee	7831	7037	960	7.47%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Anthony Stewart	7831	7037	1670	12.99%	8191	21	8
Town of Superior - Trustee (4 Year Term) (Electorate votes for 3 choices)	Jerry Malia	7831	7037	613	4.77%	8191	21	8
Colorado Supreme Court Justice - William Hood	YES	215378	192405	109608	80.15%	55626	31	233
Colorado Supreme Court Justice - William Hood	NO	215378	192405	27140	19.85%	55626	31	233
Colorado Court of Appeals Judge - Karen M. Ashby	YES	215378	192405	106405	79.22%	58065	20	233
Colorado Court of Appeals Judge - Karen M. Ashby	NO	215378	192405	27915	20.78%	58065	20	233
Colorado Court of Appeals Judge - Michael H. Berger	YES	215378	192405	103881	78.75%	60465	29	233
Colorado Court of Appeals Judge - Michael H. Berger	NO	215378	192405	28030	21.25%	60465	29	233
Colorado Court of Appeals Judge - Steven L. Bernard	YES	215378	192405	90525	69.26%	61683	25	233
Colorado Court of Appeals Judge - Steven L. Bernard	NO	215378	192405	40172	30.74%	61683	25	233

2016 Boulder County General Election - Official Summary of Votes

Active Voters: 215,378
Total Ballots Counted: 192,882

Contest Name	Choice Name	Active Voters	Total Ballots	Total Votes	Percent of Votes	Total Under Votes	Total Over Votes	Number of Precincts
Colorado Court of Appeals Judge - Stephanie E. Dunn	YES	215378	192405	105752	80.65%	61255	19	233
Colorado Court of Appeals Judge - Stephanie E. Dunn	NO	215378	192405	25379	19.35%	61255	19	233
Colorado Court of Appeals Judge - David Furman	YES	215378	192405	100541	77.26%	62246	20	233
Colorado Court of Appeals Judge - David Furman	NO	215378	192405	29598	22.74%	62246	20	233
Colorado Court of Appeals Judge - Robert D. Hawthorne	YES	215378	192405	100806	77.78%	62761	42	233
Colorado Court of Appeals Judge - Robert D. Hawthorne	NO	215378	192405	28796	22.22%	62761	42	233
Colorado Court of Appeals Judge - Jerry N. Jones	YES	215378	192405	85386	65.90%	62796	35	233
Colorado Court of Appeals Judge - Jerry N. Jones	NO	215378	192405	44188	34.10%	62796	35	233
Colorado Court of Appeals Judge - Anthony J. Navarro	YES	215378	192405	96234	74.15%	62592	33	233
Colorado Court of Appeals Judge - Anthony J. Navarro	NO	215378	192405	33546	25.85%	62592	33	233
Colorado Court of Appeals Judge - Gilbert M. Román	YES	215378	192405	102028	78.47%	62356	30	233
Colorado Court of Appeals Judge - Gilbert M. Román	NO	215378	192405	27991	21.53%	62356	30	233
Colorado Court of Appeals Judge - Diana Terry	YES	215378	192405	96711	74.56%	62644	44	233
Colorado Court of Appeals Judge - Diana Terry	NO	215378	192405	33006	25.44%	62644	44	233
District Court Judge - 20th Judicial District - Andrew Hartman	YES	215378	192405	103193	79.52%	62612	30	233
District Court Judge - 20th Judicial District - Andrew Hartman	NO	215378	192405	26570	20.48%	62612	30	233
District Court Judge - 20th Judicial District - Bruce Langer	YES	215378	192405	100699	78.60%	64271	13	233
District Court Judge - 20th Judicial District - Bruce Langer	NO	215378	192405	27422	21.40%	64271	13	233
Amendment T (CONSTITUTIONAL)	YES/FOR	215378	192405	118241	67.67%	17646	36	233
Amendment T (CONSTITUTIONAL)	NO/AGAINST	215378	192405	56482	32.33%	17646	36	233
Amendment U (CONSTITUTIONAL)	YES/FOR	215378	192405	77711	46.99%	26996	19	233
Amendment U (CONSTITUTIONAL)	NO/AGAINST	215378	192405	87679	53.01%	26996	19	233
Amendment 69 (CONSTITUTIONAL)	YES/FOR	215378	192405	68312	38.20%	13554	30	233
Amendment 69 (CONSTITUTIONAL)	NO/AGAINST	215378	192405	110509	61.80%	13554	30	233
Amendment 70 (CONSTITUTIONAL)	YES/FOR	215378	192405	131176	71.22%	8200	12	233
Amendment 70 (CONSTITUTIONAL)	NO/AGAINST	215378	192405	53017	28.78%	8200	12	233
Amendment 71 (CONSTITUTIONAL)	YES/FOR	215378	192405	64959	36.98%	16738	29	233
Amendment 71 (CONSTITUTIONAL)	NO/AGAINST	215378	192405	110679	63.02%	16738	29	233
Amendment 72 (CONSTITUTIONAL)	YES/FOR	215378	192405	111242	60.72%	9163	23	233
Amendment 72 (CONSTITUTIONAL)	NO/AGAINST	215378	192405	71977	39.28%	9163	23	233
Proposition 106 (STATUTORY)	YES/FOR	215378	192405	144331	79.43%	10667	27	233
Proposition 106 (STATUTORY)	NO/AGAINST	215378	192405	37380	20.57%	10667	27	233
Proposition 107 (STATUTORY)	YES/FOR	215378	192405	124075	70.34%	15992	32	233
Proposition 107 (STATUTORY)	NO/AGAINST	215378	192405	52306	29.66%	15992	32	233
Proposition 108 (STATUTORY)	YES/FOR	215378	192405	89521	51.69%	19187	29	233
Proposition 108 (STATUTORY)	NO/AGAINST	215378	192405	83668	48.31%	19187	29	233
COUNTY ISSUE 1A (Road and Bridge Mill Levy Increase):	YES/FOR	215378	192405	80589	45.91%	16843	13	233
COUNTY ISSUE 1A (Road and Bridge Mill Levy Increase):	NO/AGAINST	215378	192405	94960	54.09%	16843	13	233
COUNTY ISSUE 1B (Countywide Open Space Sales and Use Tax Bond Authorization and Tax Extension):	YES/FOR	215378	192405	107182	61.17%	17169	13	233
COUNTY ISSUE 1B (Countywide Open Space Sales and Use Tax Bond Authorization and Tax Extension):	NO/AGAINST	215378	192405	68041	38.83%	17169	13	233
COUNTY ISSUE 1C (Countywide Sustainability Sales and Use Tax Extension):	YES/FOR	215378	192405	124722	70.11%	14492	11	233
COUNTY ISSUE 1C (Countywide Sustainability Sales and Use Tax Extension):	NO/AGAINST	215378	192405	53180	29.89%	14492	11	233

2016 Boulder County General Election - Official Summary of Votes

Active Voters: 215,378
Total Ballots Counted: 192,882

Contest Name	Choice Name	Active Voters	Total Ballots	Total Votes	Percent of Votes	Total Under Votes	Total Over Votes	Number of Precincts
County Question 1D (District Attorney Term Limit Extension to Four Terms):	YES/FOR	215378	192405	80353	47.96%	24836	19	233
County Question 1D (District Attorney Term Limit Extension to Four Terms):	NO/AGAINST	215378	192405	87197	52.04%	24836	19	233
CITY OF BOULDER BALLOT ISSUE 2H SUGAR SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX	FOR THE MEASURE	72700	64717	32767	53.90%	3917	12	87
CITY OF BOULDER BALLOT ISSUE 2H SUGAR SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX	AGAINST THE MEASURE	72700	64717	28021	46.10%	3917	12	87
City of Boulder Ballot Question 2I Clarify and Amend Blue Line, Water Not Supplied West of Line	For the Measure	72700	64717	40149	78.39%	13497	5	87
City of Boulder Ballot Question 2I Clarify and Amend Blue Line, Water Not Supplied West of Line	Against the Measure	72700	64717	11066	21.61%	13497	5	87
City of Boulder Ballot Question 2J Provide Insurance Benefits for Council Members	For the Measure	72700	64717	33195	60.54%	9880	6	87
City of Boulder Ballot Question 2J Provide Insurance Benefits for Council Members	Against the Measure	72700	64717	21636	39.46%	9880	6	87
City of Boulder Ballot Question 302 Qualifications of Council Members	For the Measure	72700	64717	31951	59.27%	10796	9	87
City of Boulder Ballot Question 302 Qualifications of Council Members	Against the Measure	72700	64717	21961	40.73%	10796	9	87
CITY OF LAFAYETTE BALLOT ISSUE NO. 2C CITY OF LAFAYETTE COMMUNITY BUS PASS PROGRAM LEVY	YES/FOR	18703	16834	7091	45.12%	1117	1	17
CITY OF LAFAYETTE BALLOT ISSUE NO. 2C CITY OF LAFAYETTE COMMUNITY BUS PASS PROGRAM LEVY	NO/AGAINST	18703	16834	8625	54.88%	1117	1	17
CITY OF LAFAYETTE BALLOT ISSUE NO. 2D CITY OF LAFAYETTE STORAGE TAX	YES/FOR	18703	16834	6436	42.03%	1519	1	17
CITY OF LAFAYETTE BALLOT ISSUE NO. 2D CITY OF LAFAYETTE STORAGE TAX	NO/AGAINST	18703	16834	8878	57.97%	1519	1	17
City Of Lafayette Ballot Question No. 2E Authorizing The Provision Of Telecommunication Services	YES/FOR	18703	16834	12222	80.43%	1637	1	17
City Of Lafayette Ballot Question No. 2E Authorizing The Provision Of Telecommunication Services	NO/AGAINST	18703	16834	2974	19.57%	1637	1	17
City Of Lafayette Ballot Question No. 2F Charter Amendment Boards And Commissions Qualifications	YES/FOR	18703	16834	5315	36.91%	2434	0	17
City Of Lafayette Ballot Question No. 2F Charter Amendment Boards And Commissions Qualifications	NO/AGAINST	18703	16834	9085	63.09%	2434	0	17
CITY OF LOUISVILLE BALLOT ISSUE 2A	YES/FOR	14784	13649	7771	60.54%	809	3	15
CITY OF LOUISVILLE BALLOT ISSUE 2A	NO/AGAINST	14784	13649	5066	39.46%	809	3	15
CITY OF LOUISVILLE BALLOT ISSUE 2B	YES/FOR	14784	13649	7874	61.44%	829	4	15
CITY OF LOUISVILLE BALLOT ISSUE 2B	NO/AGAINST	14784	13649	4942	38.56%	829	4	15
Town of Superior Ballot Question 2G Authorizing Municipal Broadband Services	YES/FOR	7831	7037	5830	89.55%	527	0	8
Town of Superior Ballot Question 2G Authorizing Municipal Broadband Services	NO/AGAINST	7831	7037	680	10.45%	527	0	8
BOULDER VALLEY SCHOOL DISTRICT BALLOT ISSUE 3A:	YES/FOR	141170	126898	69241	61.13%	13626	8	159
BOULDER VALLEY SCHOOL DISTRICT BALLOT ISSUE 3A:	NO/AGAINST	141170	126898	44023	38.87%	13626	8	159
ST. VRAIN VALLEY SCHOOL DISTRICT NO. RE-1J BALLOT ISSUE NO. 3A	YES/FOR	73566	64954	37856	62.02%	3914	6	81
ST. VRAIN VALLEY SCHOOL DISTRICT NO. RE-1J BALLOT ISSUE NO. 3A	NO/AGAINST	73566	64954	23178	37.98%	3914	6	81
THOMPSON SCHOOL DISTRICT R2-J BALLOT ISSUE NO. 3D	YES/FOR	170	154	53	37.32%	12	0	2
THOMPSON SCHOOL DISTRICT R2-J BALLOT ISSUE NO. 3D	NO/AGAINST	170	154	89	62.68%	12	0	2
THOMPSON SCHOOL DISTRICT R2-J BALLOT ISSUE NO. 3E	YES/FOR	170	154	59	41.84%	13	0	2
THOMPSON SCHOOL DISTRICT R2-J BALLOT ISSUE NO. 3E	NO/AGAINST	170	154	82	58.16%	13	0	2
ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT BALLOT ISSUE NO. 4A:	YES/FOR	68909	61069	45899	80.87%	4312	2	81
ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT BALLOT ISSUE NO. 4A:	NO/AGAINST	68909	61069	10856	19.13%	4312	2	81
The Denver Metropolitan Scientific and Cultural Facilities District ("SCFD") Ballot Issue 4B	YES/FOR	215378	192405	121492	70.61%	20324	9	233
The Denver Metropolitan Scientific and Cultural Facilities District ("SCFD") Ballot Issue 4B	NO/AGAINST	215378	192405	50580	29.39%	20324	9	233
KNOLLWOOD METROPOLITAN DISTRICT BALLOT ISSUE 5A	YES/FOR	105	96	76	81.72%	3	0	1
KNOLLWOOD METROPOLITAN DISTRICT BALLOT ISSUE 5A	NO/AGAINST	105	96	17	18.28%	3	0	1

STATE OF COLORADO	)		
	)		
COUNTY OF BOULDER	)	SS.	CERTIFICATE OF THE GENERAL
	)		CANVASSING AND ELECTION BOARD
CITY OF BOULDER	)		

We, the undersigned, as the General Canvassing and Election Board of the City of Boulder, duly assembled for the purpose of reviewing the canvass of the election returns pertaining to four ballot measures referenced on the official ballot of said Special Coordinated Municipal Election held on November 8, 2016, do hereby certify that the foregoing and attached schedule of returns are a true and complete summary of votes from said election on the above matters as shown by the official returns from the voting precincts in the City of Boulder.

IN WITNESS WHEREOF, we have hereunto set our hands and official Seal of the City of Boulder, Colorado, this 6th day of December, 2016.

[S E A L]

Matthew Appelbaum	Aaron Brockett	Jan Burton
Suzanne Jones	Lisa Morzel	Andrew Shoemaker
Sam Weaver	Bob Yates	Mary Young

Attest:

Lynnette Beck, Secretary

CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, April 5, 2016

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:03 p.m.

Roll was called and the following were present: Mayor Jones and Council Members Appelbaum, Brockett, Burton, Morzel, Weaver, Yates and Young. Council Member Shoemaker arrived at 6:15 p.m.

Council Member Young moved to amend the agenda removing item 1B Update on Boulder Small Business Development Center and adding a Proclamation of support for the University of Colorado at Boulder "It's On Us" awareness campaign as a new 1B, removing Item 3I from the Consent Agenda and Item 6C from Matters from the City Manager. Council Member Brockett seconded the motion. The motion passed 8:0 with Council Member Shoemaker absent at 6:04 p.m.

A. Earth Week Declaration
Mayor Jones read the declaration and presented it, along with Senior Planner Brett KenCairn, to co-founder of C3 Boulder: Climate Culture Collaborative, Joellen Raderstorf at 6:10 p.m.

B. Support for the University of Colorado at Boulder "It's On Us" awareness campaign to end sexual assault on college campuses
Mayor Jones read the proclamation and presented it to Executive Director/Title IX Coordinator Valerie Simons at 6:12 p.m.

C. Guest Announcement
Mayor Pro Tem Young introduced a delegate from Boulder's sister city Jalapa, Nicaragua. Council Member Young provided some Spanish translation for a greeting from the former Mayor of Jalapa, Orlando Zeledon Sobalvarro at 6:15 p.m.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

Open Comment was opened at 6:20 p.m. and the following spoke:

1. Patrick Murphy spoke in opposition to municipalization.
2. Leslie Glustrom spoke in support of municipalization.
3. Jen Watson pooled time with Maria Richmond and Michael Fitzgerald and shared personal homelessness experiences.
4. Robert Stuart spoke in opposition to the camping ban.
5. Patris Lobulo shared his immigration story from South Sudan.
6. Judy Nogg spoke in opposition to the current bear-resistant containers.

7. Chuck Patterson spoke in opposition to the staff recommendation for the North Trail Study Area.
8. Laurel Herndon spoke in opposition to the camping ban.
9. Renee Hummel thanked Council for providing assistance to the Vista Village Mobile Home Park in forming a Home Owner's Association.
10. Horace Goldberg spoke in opposition to the "process" on the North Trail Study Area Plan.
11. Richard Kluding spoke to request funds from the City for infrastructure for the Mapleton Home Association.
12. Mike Homner spoke in opposition to the camping ban.
13. Nancy Lackey spoke in support of the North Sky Multi-Use Trail and the North Trail Study Area Plan.
14. Rob Smoke spoke in opposition to the camping ban.
15. Anne Fenerty spoke in opposition to the trail at the Boulder Greenway project.
16. Denise Maes pooled time with Dorie Glover and Carolyn Cosmos and spoke in opposition to the camping ban.
17. Alia Assali spoke in support of the Nablus application.
18. Dan Poloyin, owner of Mustard's Last Stand, expressed disappointment at being left out of the Civic Area planning.
19. Lisa Brusino spoke in opposition to the "lack of response" from the City to the recent water main break and requested compensation for losses.
20. Bill Cohen spoke in opposition to the camping ban.
21. Darren O'Connor spoke in opposition to the camping ban.
22. Jo Morgan thanked Council for providing mediation services with Attorney Ann Norton at the Mapleton Home Park.
23. Gail Gray pooled with Abby Daniels and Katherine Barth and spoke in support of the Atrium building as a local landmark.
24. Kathy Fiser thanked Council for advocacy support in the creation of a Home Owner's Association at Vista Village Mobile Home Park.
25. Tom Birkle spoke in support of the City checking various pressure levels as a means of preventing further water main breaks.

    With no further speakers, Open Comment was closed at 7:18 p.m.

    Public Works Director Jeff Arthur answered Council questions. City Manager Brautigam updated Council that staff would research the idea of providing financial reimbursement to residents from water main breaks when the City is not liable.

3. CONSENT AGENDA

A. Consideration of a motion to approve the February 2, 2016 Regular Meeting Minutes

B. Consideration of a motion to accept the January 26, 2016 Study Session Summary on Cooperative Housing

C. Consideration of a motion to accept the February 9, 2016 Study Session Summary on the Neighborhood Parking Permit Program

D. Consideration of a motion to accept the February 23, 2016 Study Session Summary regarding the Hillard Heintze Report on the Analysis of Police Data and Review of Complaint Processes

E. Consideration of a motion to approve an intergovernmental agreement between the City of Boulder and Boulder County for the Sustainability Matching Grant funding

F. Consideration of a motion to authorize the City Manager to enter into an Agreement for Delegation of Activities regarding Community Development Block Grant - Disaster Recovery (CDBG-DR) funding with the City of Longmont for the Wonderland Creek Greenways Improvement Project

G. Consideration of a motion authorizing the City Manager to enter into a settlement agreement in the litigation brought against the city by William and Ellen Habay and the Estate of Michael Habay

H. Consideration of a motion to authorize the City Manager to dispose of the property located at 3289 Airport Road, Boulder (subdivided from Boulder Municipal Airport)

I. This item was removed from the Consent Agenda by motion.
Consideration of a motion to approve Resolution No. 1182 supporting a federal grant application by Jefferson County to fund planning, design and construction of up to two underpasses and trail segments to connect Rocky Flats National Wildlife Refuge with adjacent City of Boulder and Boulder County trails north of State Highway 128 and approving the accompanying response guidelines

J. Second reading and consideration of a motion to adopt Ordinance No. 8109 approving supplemental appropriations to the 2016 Budget covering the second year of the three-year sales and use tax for capital projects that was approved by the voters in November 2014

K. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8111 amending Title 9, “Land Use Code,” B.R.C. 1981, to allow for changes to the city’s sign code related to lettering heights in the Boulder Valley Regional Center and compliance with a recent United States Supreme Court ruling regarding content based signage regulations and setting forth related details

L. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8112 amending Chapter 10-7.7, “Commercial and Industrial Energy Efficiency,” to clarify regulation of large industrial campuses related to reporting energy usage, and setting forth related details

M. Introduction, first reading and consideration of a motion to be published by title only Ordinance No. 8113 to adopt Amendments to 13-1, “Elections," B.R.C. 1981, to Change from the Uniform Election Code to the Municipal Election Code to Streamline the Process for Municipal Non-Partisan Elections, and Setting Forth Related Details

N. Introduction, first reading and consideration of a motion to publish by title only Ordinance No. 8114 Amending Chapter 13-2, “Campaign Financing Disclosure,” B.R.C. 1981; Chapter 13-3, “Campaign Activities,” B.R.C. 1981; And Chapter 13-4, “Complaints Related To Election Procedures And Regulations,” B.R.C. 1981, To Make Changes to Conform to Recent Supreme Court Cases and Changes to State Law, Change the Campaign Limits for Matching Funds from Formulas to Dollars, Clarify Issues; And Setting Forth Related Details

O. Consideration of a motion to call a Special Council meeting on April 7, 2016, for the purpose of holding an Executive Session for the purpose of receiving legal advice and discussion regarding Municipalization Strategy

Council Member Yates moved to approve the Consent Agenda Items 3A-3O with amendments (blue and pink sheets) with Item 3I removed. Council Member Weaver seconded the motion. The motion passed 9:0 at 7:27 p.m. with Council Members Burton and Weaver abstaining from Item 3B.

4. POTENTIAL CALL-UP CHECK IN

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. Consideration of a motion to approve the Boulder Arts Commission recommendations for 2016 Operating Grants for Large Organizations

Library Director David Farnan and Cultural and Arts Coordinator Matt Chasansky introduced this item to Council at 7:30 p.m.

The public hearing opened at 7:49 p.m. and the following spoke:

1. David Dadone spoke in appreciation of Council for this program.
2. Bill Obermeier spoke in appreciation of Council and requested that available funds be increased for the arts and cultural programs.

With no further speakers, the public hearing was closed at 7:52 p.m.

Council Member Brockett moved to approve the Boulder Arts Commission recommendations for 2106 Operating Grants for Large Organizations. Council Member Young seconded the motion. The motion passed 9:0 at 8:00 p.m.

6. MATTERS FROM THE CITY MANAGER

A. Quarterly Municipal Court Update regarding discussion of data on camping ordinance tickets

Municipal Judge Linda Cooke and Court Administrator James Cho introduced this item to Council at 8:01 p.m.

Council direction to staff was to continue with a Court Navigator position.

The City Manager will work with Police Chief Testa regarding policy around directing homeless persons to the local shelters.

B. Civic Area Long Term Planning Update
Senior Urban Planner Sam Assefa and Public Works Projects Coordinator Joanna Crean introduced this update to Council at 9:20 p.m.
Staff and the consultant answered questions for Council.

Council Member Young moved to suspend the rules and continue the meeting.
Council Member Weaver seconded the motion. The motion passed 6:3 with Council Members Appelbaum, Brockett and Morzel "Nay" at 10:57 p.m.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

B. Portland/Eugene Trip
The City Manager presented the report from the subcommittee (Council Members Appelbaum and Burton) at 11:08 p.m.

Council Member Appelbaum introduced this item to Council with three requests:
(1) The Human Relations Commission requested a second representative be included on this trip.
Council agreed to add an additional person.

(2) Invite a representative from the Environmental Advisory Board to attend the trip.
Council response was to add one person.

(3) Sponsor 1-2 people from neighborhoods (as suggested by the subcommittee) to offer perspectives from homeless advocates in organized neighborhood associations.
Council agreed at 11:29 p.m.

9. PUBLIC COMMENT ON MATTERS

10. FINAL DECISIONS ON MATTERS

11. DEBRIEF

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on April 5, 2016 at 11:28 p.m.

Approved this 6th DAY of DECEMBER, 2016.

APPROVED BY:

_____
Suzanne Jones, Mayor

ATTEST:

_____
Lynnette Beck, City Clerk

CITY OF BOULDER
CITY COUNCIL SPECIAL MEETING
Municipal Building, 1777 Broadway
Boulder, Colorado 80302
Wednesday, October 5, 2016
MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 10:02 a.m.

Roll was called and the following were present: Mayor Jones, Council Members Appelbaum, Brockett, Burton, Morzel, Shoemaker, Weaver, Yates and Young.

2. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Consideration of a motion to go into Executive Session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility

Council Member Morzel moved to go into Executive Session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility. Council Member Weaver seconded the motion. The motion passed 9:0 at 10:03 a.m.

The Boulder City Council adjourned into executive session at the Fishbowl Conference Room on the 2nd floor of the Municipal Building.

At 4:00 p.m. Council reconvened in the Council Chambers.

City Attorney Carr stated that the council was responsible for disclosing any conversation during an executive session if it was outside the scope of discussion allowed by the Charter amendment approved by the voters on November 4, 2014. He asked if there were any such disclosures to be made. There were none. He also stated Council took two 10-minute coffee breaks inside the room, and one 20-minute lunch break outside of the room.

3. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on October 5, 2016 at 4:01 p.m.

Approved this 6th DAY of DECEMBER, 2016.

APPROVED BY:

_____

Suzanne Jones, Mayor

ATTEST:

_____

Lynnette Beck, City Clerk

CITY OF BOULDER
CITY COUNCIL SPECIAL MEETING
MUNICIPAL BUILDING, 1777 Broadway
Thursday, October 20, 2016
MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to order at 6:04 p.m.

Roll was called and the following were present: Mayor Jones and Council Members Appelbaum, Brockett, Burton, Morzel, Shoemaker, Weaver and Yates. Council Member Young was absent.

2. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Consideration of a motion to go into Executive Session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility

Council Member Burton moved to go into Executive Session to obtain and discuss legal advice, including negotiation strategy, with respect to Boulder's electric utility. Council Member Weaver seconded the motion. The motion passed 8:0 at 6:05 p.m.

The Boulder City Council adjourned into executive session in the Fishbowl Conference Room on the 2nd floor of the Municipal Building.

At 9:31 p.m. Council reconvened in the Council Chambers.

City Attorney Carr stated that the council was responsible for disclosing any conversation during an executive session if it was outside the scope of discussion allowed by the Charter amendment approved by the voters on November 4, 2014. He asked if there were any such disclosures to be made. There were none.

3. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on October 20, 2016 at 9:32 p.m.

Approved this 6th day of December, 2016.

APPROVED BY:

_____

Suzanne Jones, Mayor

ATTEST:

_____

Lynnette Beck, City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: Dec. 6, 2016

AGENDA TITLE: Summary of October 25 study session to provide input on the proposed 2017 State and Federal Legislative Agenda.

PRESENTERS
Carl Castillo, Policy Advisor
Kate Busse, Management Analyst (Intern)

EXECUTIVE SUMMARY

This agenda item presents a summary of the October 25, 2016 study session: Input on the Proposed 2017 State and Federal Legislative Agenda (the "Legislative Agenda"). The study session provided the following:

- An overview of the state and federal priorities in the Legislative Agenda;
- An overview of implementation of the Legislative Agenda; and,
- Opportunity for council input on state and federal legislative positions.

A summary of the study session can be found as **Attachment A**: Study Session Summary: Input on the Proposed 2017 State and Federal Legislative Agenda.

NEXT STEPS

- City Council Consideration of a Motion to Approve the 2017 State and Federal Legislative Agenda-Nov. 15, 2016;
- Boulder City Council's Breakfast with State Legislative Delegation-Dec. 19, 2016; and,
- Update to the Legislative Agenda: Mar. 7, 2017.

ATTACHMENT

Attachment A: Study Session Summary: Input on the Proposed 2017 State and Federal Legislative Agenda

October 25, 2016 Study Session Summary: Input on the Proposed 2017 State and Federal Legislative Agenda

PRESENT

City Council: Mayor Suzanne Jones, Mayor Pro Tem Mary Young, Council Members Matt Appelbaum, Jan Burton, Lisa Morzel, Aaron Brockett, Bob Yates

Staff Presenters: Carl Castillo, Policy Advisor; Kate Busse, Management Analyst (Intern); Matt Lehrman, Energy Strategy Coordinator; Will Coyne and Adam Eichberg, Headwater Strategies.

PURPOSE

The study session provided the following:

- An overview of the state and federal priorities in the Legislative Agenda;
- An overview of implementation of the Legislative Agenda; and,
- Opportunity for council input on state and federal legislative positions.

OVERVIEW OF PRESENTATION

Staff provided an overview of:

- State Legislative Priorities:
    - Conversion and updating of existing priority on implementation of Clean Power Plan Rule to shift it from a position of defense to one of proactive support.
    - New priority position encouraging electric utilities to support adoption of electric vehicles.
    - Expansion of existing position on the Hospital Provider Fee to place it in the larger context of support for eventually "de-Brucing" state's budget.
- Federal Legislative Priorities:
        - Federal support for Boulder's federally funded labs and the University of Colorado at Boulder.
        - Support legislation necessary to seek federal assistance for flood disaster recovery needs and expenses.
        - Continue to brief federal officials of the city's municipalization efforts and seek support as necessary.
- Legislative Agenda Implementation:
    - City's Policy Advisor and lobbyists, Will Coyne and Adam Eichberg of Headwater Strategies, ask legislators to kill, support and amend bills.
    - Legislative Breakfast in December.
    - City's Policy Advisor and lobbyists speak to congressional delegation asking for support.
    - The City is a member/influencer of a variety of intergovernmental organizations that advocate for policies including the Metro Mayors Caucus, Colorado Municipal League, US 36 Mayors and Commissioners Coalition and Colorado Communities for Climate Action (CC4CA).

- City's approval of CC4CA Policy Statement.

Questions for Council:

- Does council wish to make any changes to the proposed 2017 State and Federal Legislative Agenda, either to the newly proposed positions or to positions proposed to be carried over from the 2016 Agenda?
- Does council have any questions or concerns about the city's past or proposed approach to implementing its Legislative Agenda?

COUNCIL DISCUSSION

General Themes

- Support to reconsider in February a position on gender equality to the extent that there is legislation on which to act. Human Services is working on the issue and staff will bring forward their recommendations at that time.
- Support to further the city's homelessness agenda as opportunities arise such as a statewide coalition, Metro Mayors Caucasus or working in concert with Boulder County.
- Support to add local control over minimum wage back into the Legislative Agenda.
- Support for a public hearing on the entire Legislative Agenda subject to CAC.
- Support to continue the discussion on the structure of the Legislative Agenda with Council's Legislative Committee. Some members of council expressed concern at the Legislative Agenda's length and the ability to fully understand all positions in their entirety, while others expressed support for its comprehension to guide decisions throughout the year.
- Support to revisit construction defects and mobile homes in February subject to the potential for legislative action.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Consideration of a motion to accept the study session summary from Oct. 25, 2016 regarding 30th and Pearl Redevelopment Options.

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Susan Richstone, Deputy Director of Planning
Kurt Firnhaber, Deputy Director of Planning, Housing and Sustainability
Eric M. Ameigh, Public Works Projects Coordinator

EXECUTIVE SUMMARY

This agenda item provides a summary of the Oct. 25, 2016 study session on 30th and Pearl Redevelopment Options. The purpose of the study session was to solicit council feedback on potential redevelopment options for the city-owned site at 30th and Pearl. Council's input and guidance on the preferred development direction will shape the next steps.

Council was supportive of a redevelopment scenario featuring a mix of uses with an emphasis on housing and, in particular, affordable housing. There was broad support for a mix of housing types, including stacked flats and some townhomes or other types that may be somewhat less dense than stacked flats.

Staff will develop a Request for Proposals (RFP) and proposed selection process for choosing a development partner(s). Council will receive an update in the first quarter of 2017. Partner(s) selection will take place in the second quarter of 2017.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff recommends council consideration of this summary and action in the form of the following motion:

Motion to accept the summary of the Oct. 25, 2016 study session on 30th and Pearl Redevelopment Options.

BACKGROUND

The background information for this topic can be found in the study session memorandum and the study session presentation, both dated Oct. 25, 2016.

NEXT STEPS

Fourth Quarter 2016 – Staff will develop a RFP for a development partner(s) as well as a review and selection process.

First Quarter 2017 – RFP and proposed selection process will be shared with council for their review and feedback. Following council consultation, the RFP will be issued.

Second Quarter 2017 – Selection process will commence and partner(s) will be chosen.

ATTACHMENTS

- **Attachment A** – Oct. 25, 2016 Study Session Summary on 30th and Pearl Redevelopment Options

Attachment A

Oct. 25, 2016 Study Session Summary on 30th and Pearl Redevelopment Options

PRESENT
City Council: Matt Appelbaum, Aaron Brockett, Jan Burton, Suzanne Jones, Lisa Morzel, Sam Weaver, Bob Yates, and Mary Young

Staff members: City Manager Jane S. Brautigam, City Attorney Tom Carr, Executive Director of Planning, Housing and Sustainability David Driskell, Deputy Director of Planning, Housing and Sustainability Susan Richstone, Deputy Director of Planning, Housing and Sustainability Kurt Firnhaber

Consultants: John Koval and Peter Weber of Coburn Development Partners

OVERVIEW

Mr. Driskell, Mr. Firnhaber, and Mr. Koval made a presentation describing the project's background, the analysis leading to the development of the representative scenarios, and the staff's recommended approach to a preferred alternative. Following is a summary of the council discussion.

- Council had questions about the square foot costs for land and for other uses. Residential is the most valuable use and the cost to produce one unit, exclusive of land costs, is nearly $350,000.

- Council discussed the effective subsidy provided by the contribution of land. Depending on the scenario, the subsidy for middle income units could be excess of $200,000 per unit. This is a large amount of subsidy compared to what the city usually pays to housing providers. While the value of the land could be used to support housing goals elsewhere in the city, there are policy reasons to apply this level of subsidy for specific outcomes in this location.

- Council felt that a variety of housing types was important to accommodate a broad range of households and residents. In particular, there was support for including townhomes or another larger, lower density type that would appeal to larger households and/or families with children, as opposed to building all units as stacked flats.

- Some members of council were supportive of micro units. Because of their small size, they provide more housing units without requiring more total square footage in the project. They can also potentially play a role in facilitating co-operative housing arrangements and/or supportive housing. Council also discussed the need for careful thought about micro units so that they do not end up as relatively affordable second homes for owners who live elsewhere.

- Some members said they would support a focus on increasing the number of units as much as possible within the constraints of the site.

- Some members of council were supportive of the possibility of co-op housing somewhere within the mix of housing units.

- Council expressed interest in and support for using the Holiday neighborhood redevelopment as a model for redeveloping the city-owned site.

- Council stated its desire for creative design and making the site into an attractive neighborhood center. The development should set a high bar for design and not be monolithic. The participation of multiple developers could help achieve those goals.

- Some members of council spoke in support of affordable retail or commercial space on the ground level. As commercial rents have risen in Boulder in recent years, there is a sense that certain types of businesses cannot remain in Boulder. A below market rent would help.

- Council was broadly supportive of the preferred alternative which is a dense mixed-use development with a variety of housing types, including some number of townhomes or other similar type, and as much affordability as possible. The exact amount of additional subsidy and the site design and architecture, while important considerations, will be discussed in future phases of the project.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Consideration of a motion to accept the study session summary from October 25, 2016 regarding the draft middle income housing strategy.

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Executive Director, Planning, Housing + Sustainability
Kurt Firnhaber, Deputy Director for Housing
Susan Richstone, Deputy Director for Planning
Lesli Ellis, Comprehensive Planning Manager
Jay Sugnet, Project Manager
Crystal Launder, Housing Planner

SUMMARY

This agenda item provides a summary of the October 25, 2016 Study Sessions on the Middle Income Housing Working Group Recommendations.

The purpose of the study sessions was to request council feedback on the following:

1. ***Proposed middle income housing goal;***
2. ***Proposed policies and tools to preserve and create middle income housing;***
3. ***Proposed next steps and timeline; and***
4. ***Updating the inclusionary housing ordinance to include a middle income requirement***.

The draft Middle Income Housing Strategy was updated based on Planning Board and City Council feedback and is posted on the Housing Boulder website at www.HousingBoulder.net.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff recommends Council consideration of this summary and action in the form of the following motion:

Motion to accept the October 25, 2016 Study Session summary on the draft Middle Income Housing Strategy.

Oct. 25, 2016 Study Session Summary on the draft Middle Income Housing Strategy

PRESENT
City Council: Matt Appelbaum, Aaron Brockett, Jan Burton, Suzanne Jones, Lisa Morzel, Sam Weaver, Bob Yates and Mary Young

Staff members: City Manager Jane S. Brautigam, City Attorney Tom Carr, Executive Director of Planning, Housing + Sustainability David Driskell, Deputy Director for Housing Kurt Firnhaber, Deputy Director for Planning Susan Richstone, and Housing Planner Crystal Launder

OVERVIEW
David Driskell introduced the item and explained the interrelationships with the following agenda item, 30th and Pearl Redevelopment Options. Mr. Driskell thanked the council members who participated in the Middle Income Housing Working Group.

Kurt Firnhaber noted that Council adopted the Housing Boulder goal in 2013 to "Maintain the middle" and that in many community forums concern has been expressed about the loss of middle income households. He provided the history of the formation of the Middle Income Housing Working Group and provided an overview of the Draft Middle Income Housing Strategy, including a discussion of the foundational analysis, the Middle Income Working Group's task, goal, and tools.

Below are Council's responses to the staff questions:

1) ***Council feedback on the proposed middle income housing goal:*** Overall, City Council expressed support for the proposed goal. In particular, the idea of staying within the 1% per annum growth rate as well as balancing aspiration with realism. Concern was expressed related to the goal, with the long-term affordability of the market-rate middle income component of the goal. It was acknowledged that recent city-sponsored studies showed certain housing types retain affordability over time; therefore, including a market-rate component was supported. The analysis at 30th and Pearl demonstrated that achieving the middle market component is challenging. Interest was expressed in setting a higher share of the middle-income goal as permanently deed-restricted homes. Staff stated that the balance of market-rate and deed restricted units as stated in the goal, would be refined through further analysis being completed as part of the Boulder Valley Comprehensive Plan update and the 30th and Pearl site.

2) ***Council feedback on proposed policies and tools to preserve and create middle income housing:*** Generally, there was support expressed for the proposed policies and tools. Comments were made that land use and zoning changes in targeted areas would be the most effective, lowest cost option to expand middle income housing options in Boulder. Discomfort was expressed by some council members with using funding to support production of middle income units. Council members identified annexation as an important tool, but acknowledged annexations contribution to achieving the middle income goal may

be small due to few annexable parcels. Some felt the Middle Income Housing Strategy should include an element that seeks opportunities to free up housing stock currently occupied by student households, similar to the 28th Street Frontage rezoning. Support was voiced for: continued analysis of market middle housing, including prototypes, and affordability over time; exploration of market acceptance of middle income deed restrictions, particularly those that serve higher income tiers; and exploration of a down payment assistance program.

Demolitions with luxury rebuilds were an area of concern for council. Interventions suggested by council members to address demolition and high-end rebuilds, included: seeking opportunities to preserve smaller homes on larger lots; more specifically exploring the use of a Right of First Refusal or similar approach to preserve housing affordability; exploring how our current regulations result in housing types we don't want; and, generally seeking opportunities to restrict new home sizes in Boulder.

3) ***Council feedback on proposed next steps and timeline:*** Generally, it was noted that housing is currently council's top priority, therefore work items should continue to come forward. It was noted that prioritization of the Middle Income Housing Strategy tools will occur at the January retreat. While broad consensus wasn't sought or measured, specific tools raised as next steps included:
   - Inclusionary Housing Ordinance update.
   - Neighborhood Pilot Program.
   - Exploration (e.g., market study, survey) of the popularity of a middle income down payment assistance program.
   - Address the demolition and rebuilding of single-family homes.

4) ***Council feedback on updating the inclusionary housing ordinance to include a middle income requirement:*** There was broad support by council for moving forward in 2017 the Inclusionary Housing Update, which would explore expanding the ordinance to address middle income housing. (Preliminary staff discussion and analysis were underway at the time of the study session). Concern was raised in regards to potential legal considerations. The percentage of middle income housing included in an updated IH Ordinance will require financial and legal analysis to inform the update of this ordinance.

CITY OF BOULDER

CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Consideration of a Motion to Approve the Resilience Strategy.

PRESENTER
Greg Guibert, Chief Resilience Officer

EXECUTIVE SUMMARY

The purpose of this item is provide council the opportunity to approve the Resilience Strategy.

The objective of Boulder's Resilience Strategy is to provide a roadmap for building resilience in the city organization and community through strategic and targeted changes in how the city conducts business and makes decision. The strategy identifies core areas where the city's work has already helped advance resilience principles and established a strong foundation for future action; identifies specific actions for further embedding resilience principles and concepts into city operations; and defines an approach for developing an ethos of preparedness and vigilance in the community.

STAFF RECOMMENDATION

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

Motion to approve the City of Boulder Resilience Strategy reflected in **Attachment A.**

BACKGROUND

The table below inventories the changes made on the public comment draft, released in April 2016 and presented to Council on Nov. 29, 2016, to be responsive to City Council, public and Board and Commission feedback. The final agenda, as amended, is **Attachment A**. All changes

are in red. Text that has been removed from the draft has a strike through.

Final Strategy Document Revision Inventory		
Page	**Original Text with Markup (April 2016)**	**Modified Final Text**
Cover	~~DRAFT FOR PUBLIC COMMENT~~ ~~April 2016~~ ~~www.resilientboulder.com~~	
i	Building on a legacy of ~~frontier~~ innovation, Boulder will cultivate a creative spirit to adapt to and thrive in a changing climate, economy, and society	Building on a legacy of innovation, Boulder will cultivate a creative spirit to adapt to and thrive in a changing climate, economy, and society
ii	~~From its early history as a frontier town fueled by the discovery of gold in the middle of the 19th Century, Boulder has consistently served as a destination for individuals defined by their pioneering spirit. Boulder has originated some of the most progressive policies in the United States in a variety of areas. Its long history of preserving open space and its bold climate action plans and programs are just a few examples. The launch of Boulder's first resilience strategy is a continuation of that legacy -- complementing your history of sustainability work and establishing Boulder at the vanguard of the urban resilience revolution that will define our time.~~ ~~This strategy takes a comprehensive and honest view of Boulder's resilience challenges and opportunities.~~	The launch of Boulder's first resilience strategy is a continuation of long legacy. Over the last century, Boulder has consistently served as a destination for individuals defined by their creative and innovative spirit, originating some of the most progressive policies in the United States in a variety of areas. Its long history of preserving open space and its bold climate action plans and programs are just a few examples. This work complements your history in sustainability and establishes Boulder at the vanguard of the urban resilience revolution that will define our time.
5	Rising housing and commercial real estate costs may limit the diversity of residents and businesses and threaten long-term economic vitality, community character, and social cohesion.	Rising housing and commercial real estate costs may limit the diversity of residents and businesses and threaten long-term economic vitality, community character, and social cohesion.
6	For many Front Range cities, nearly 75	For many Front Range cities, nearly 75

	percent of revenues come from sales taxes; in Boulder, less than 45 percent of sales taxes comprise the city's general fund, thereby helping to insulate the city's finances from periodic declines in tourism or cyclical economic shifts.	percent of revenues come from sales taxes; in Boulder, less than 45 percent of sales taxes comprise the city's general fund, thereby helping to insulate the city's finances from periodic declines in tourism or cyclical economic shifts.
6	The roots of ~~Boulder's~~ our community's robust open space system date back to 1875 to 1929 when the city acquired over 5,000 acres, including Chautauqua, Buckingham Park (in Left Hand Canyon) and much of the mountain backdrop.	The roots of our community's robust open space system date back to 1875 to 1929 when the city acquired over 5,000 acres, including Chautauqua, Buckingham Park (in Left Hand Canyon) and much of the mountain backdrop.
6	~~There are more than 102,000 acres of land in Boulder County's parks and open space system. Of these, approximately 62,000 acres (60 percent) are either publicly owned, leased from the State Land Board, or held in the form of access or trail easements. The remaining 40,000 acres in the system (40 percent of the total) are privately-owned lands with county conservation easements.~~	There are more than 45,000 acres of land with 151 miles of trails in the city's open space system, with an additional 102,000 acres in the County's system. New land is acquired through sales tax revenues, bond issues, private donations and development dedications. Nearly 5.3 million visitors enjoy the city's open space each year.
24	Building community resilience is a never-ending process and requires constant adjustment to new conditions and opportunities. At its heart, building community resilience is about social cohesion and the connections between and among people and organizations. The design and implementation of each of these strategies, actions and frontiers is intended to create new or amplify existing bonds to build our collective resilience, regardless of the threat we face. Through the actions identified here, we take steps towards meeting these goals, but as noted earlier, these are not the first steps. These new actions add to ongoing and historic efforts in a way that brings intentional direction toward catalyzing change across	Building community resilience is a never-ending process and requires constant adjustment to new conditions and opportunities. At its heart, building community resilience is about social cohesion and the connections between and among people and organizations. The design and implementation of each of these strategies, actions and frontiers is intended to create new or amplify existing bonds to build our collective resilience, regardless of the threat we face. Through the actions identified here, we take steps towards meeting these goals, but as noted earlier, these are not the first steps. These new actions add to ongoing and historic efforts in a way that brings intentional direction

	all sectors of the community.	toward catalyzing change across all sectors of the community.
27	A key to effective and successful disaster response is community and individual preparedness. Boulder's formal emergency response capabilities are well-resourced and effective; however, local neighborhoods and communities need to be better prepared and possess a deeper capacity to be first responders while formal systems gear up for relief operations. The city will develop a community-centered course to enhance emergency preparedness, emphasizing social connections and risk awareness as core personal resilience attributes. Developing a more robust and flexible capacity to respond to crisis when it occurs is a direct outcome of lessons learned from recent disasters.	A key to effective and successful disaster response is community and individual preparedness. Boulder's formal emergency response capabilities are well-resourced and effective; however, local neighborhoods and communities need to be better prepared and possess a deeper capacity to be first responders while formal systems gear up for relief operations. The city will develop a community-centered course to enhance emergency preparedness, emphasizing social connections and risk awareness as core personal resilience attributes. Developing a more robust and flexible capacity to respond to crisis when it occurs is a direct outcome of lessons learned from recent disasters.
32	~~Ensure Food Security~~ Ensure the Resilience of the Local Food System	Ensure the Resilience of the Local Food System
32	Design and conduct a local food ~~security~~ system assessment.	Design and conduct a local food system assessment.
33	New capabilities created by the integration of enhanced computational power, big data and visual representation systems provide the opportunity to bring many previously complex and abstract concepts into stunning visual relief for the first time. The city will convene some of the world's great artists and media professionals to work with scientists, librarians and city officials to develop and refine some of these data visualization systems to create a compelling community education and communication approach. Boulder will work with partners to put the vast amount of collected scientific and citizen science	New capabilities created by the integration of enhanced computational power, big data and visual representation systems provide the opportunity to bring many previously complex and abstract concepts into stunning visual relief for the first time. The city will convene some of the world's great artists and media professionals to work with scientists, librarians and city officials to develop and refine some of these data visualization systems to create a compelling community education and communication approach. Boulder will work with partners to put the vast amount of collected scientific and citizen science data in the hands of artists and hackers, giving them the tools

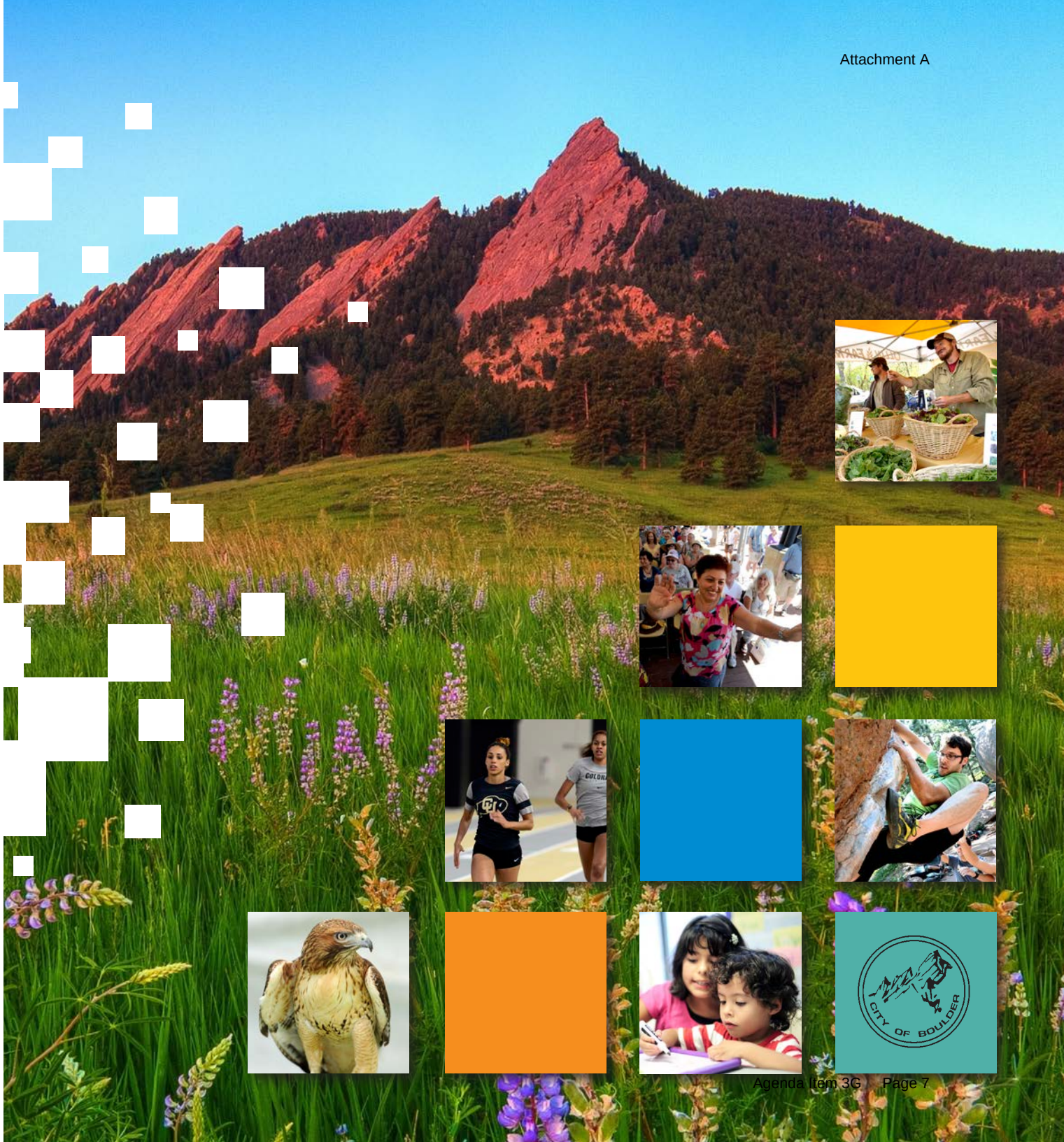
	data in the hands of artists and hackers, giving them the tools they need to interpret and represent the data in a clear, resonant message. An emphasis will be placed on creating a variety of pathways, tools and systems to enhance accessibility to a wide an array of prospective users. Through these creative partnerships, the city will unleash untapped knowledge to inform decisions and mobilize collective action.	they need to interpret and represent the data in a clear, resonant message. An emphasis will be placed on creating a variety of pathways, tools and systems to enhance accessibility to a wide an array of prospective users. Through these creative partnerships, the city will unleash untapped knowledge to inform decisions and mobilize collective action.
33	~~Ensure Food Security~~ Ensure the Resilience of the Local Food System	Ensure the Resilience of the Local Food System
33	Design and conduct a local food ~~security~~ system assessment.	Design and conduct a local food system assessment.
38	~~Develop an integrated urban ecosystem management plan.~~ Develop an integrated approach to managing ecosystems and green infrastructure.	Develop an integrated approach to managing ecosystems and green infrastructure.
39	We must prepare to accommodate a much wider range of possible environmental, social and economic future conditions than in the past.	We must prepare to accommodate a much wider range of possible environmental, social and economic future conditions than in the past.
41	~~Develop an integrated urban ecosystem management plan.~~ Develop an integrated approach to managing ecosystems and green infrastructure.	Develop an integrated approach to managing ecosystems and green infrastructure.
41	By creating an integrated ~~ecosystem~~ management plan, Boulder will support its complex local ecosystem and plan for the systemic stresses and changes anticipated with climate change impacts. As part of Boulder's long history of progressive planning, the city actively manages many aspects of the urban ecosystem, including monitoring wildlife-human interactions, maintaining a healthy forest canopy and conducting regular	By creating an integrated management plan, Boulder will support its complex local ecosystem and plan for the systemic stresses and changes anticipated with climate change impacts. As part of Boulder's long history of progressive planning, the city actively manages many aspects of the ecosystem, including monitoring wildlife-human interactions, maintaining a healthy forest canopy and conducting regular riparian renewal and restoration efforts. The

	riparian renewal and restoration efforts. The success of these programs contributes to the city's rich quality of life and sense of community. These programs also add to the ongoing success of Boulder's signature planning achievement—the vast greenbelt of open space that encircles the city. ~~Building on these efforts, Boulder will develop an integrated strategy that aims to knit disparate efforts to create a single ecosystem management plan.~~ Building on these efforts, Boulder will develop an integrated strategy that aims to knit disparate efforts to create a single management plan that will evaluate new opportunities and maximize value around existing and future green infrastructure planning initiatives.	success of these programs contributes to the city's rich quality of life and sense of community. These programs also add to the ongoing success of Boulder's signature planning achievement—the vast greenbelt of open space that encircles the city. Building on these efforts, Boulder will develop an integrated strategy that aims to knit disparate efforts to create a single management plan that will evaluate new opportunities and maximize value around existing and future green infrastructure planning initiatives.
44	~~Develop an integrated urban ecosystem management plan.~~ Develop an integrated approach to managing ecosystems and green infrastructure.	Develop an integrated approach to managing ecosystems and green infrastructure.
44	~~Ensure Food Security~~ Ensure the Resilience of the Local Food System	Ensure the Resilience of the Local Food System
44	Design and conduct a local food ~~security~~ system assessment.	Design and conduct a local food system assessment.

ATTACHMENTS

Attachment A: Final Resilience Strategy

CITY OF BOULDER
RESILIENCE STRATEGY

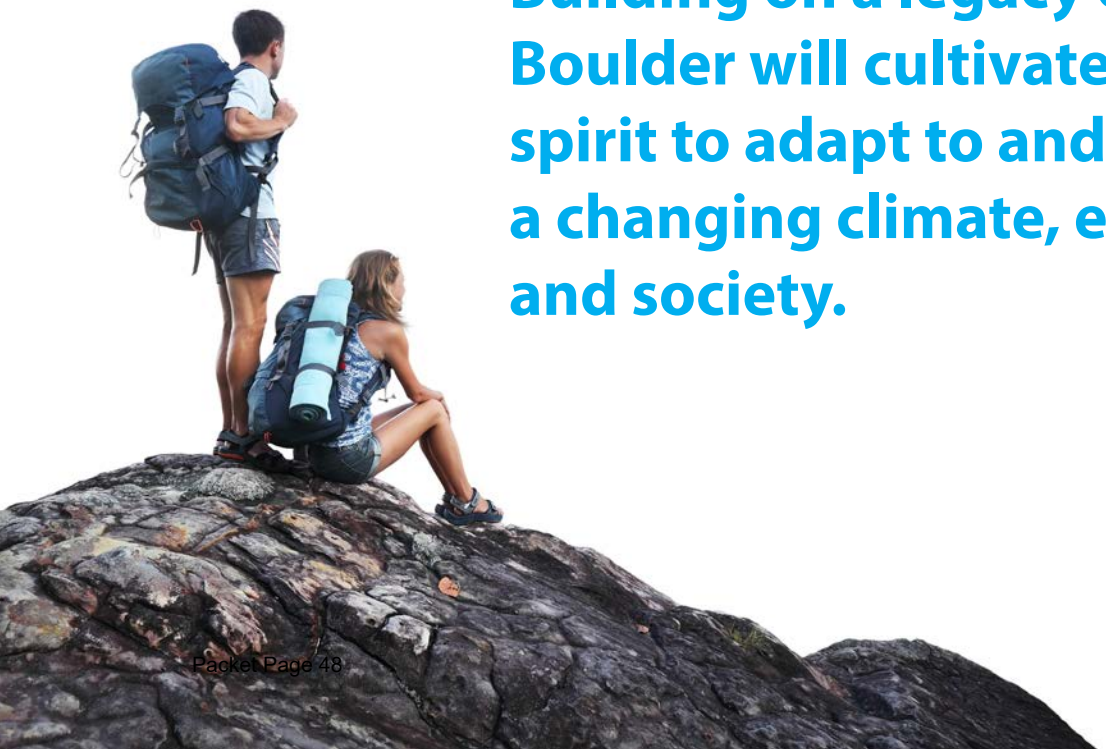


PIONEERED BY THE ROCKEFELLER FOUNDATION

100 RESILIENT CITIES

VISION

Building on a legacy of innovation, Boulder will cultivate a creative spirit to adapt to and thrive in a changing climate, economy, and society.



RESILIENT BOULDER
AND 100 RESILIENT CITIES (100RC)

MICHAEL BERKOWITZ
President of 100 Resilient Cities - Pioneered by The Rockefeller Foundation.

The launch of Boulder's first resilience strategy is a continuation of long legacy. Over the last century, Boulder has consistently served as a destination for individuals defined by their creative and innovative spirit, originating some of the most progressive policies in the United States in a variety of areas. Its long history of preserving open space and its bold climate action plans and programs are just a few examples. This work complements your history in sustainability and establishes Boulder at the vanguard of the urban resilience revolution that will define our time.

This strategy takes a comprehensive and honest view of Boulder's resilience challenges and opportunities. It outlines a path forward for the city to confront not just its most obvious shocks, like flash flooding or wildfires, but also the chronic stresses, such as the need for affordable housing, integrated regional planning, and strong, cohesive communities, which exacerbate those shocks and impact the city over the long term.

None of this could have been accomplished without the stalwart support and vision of the Mayor, Suzanne Jones, City Manager, Jane Brautigam and the Boulder City Council. We also extend our thanks to Boulder's exceptional Chief Resilience Officer, Greg Guibert. Greg led a tremendous effort over the course of the past year of robust research, extensive community outreach, and thoughtful planning in order to make this strategy come to fruition.

What makes Boulder's strategy a leading example for our international network of member cities is the way in which it integrates world-class solutions from our platform of partners, while also highlighting the various city-to-city connections Boulder has facilitated through the 100RC network. Boulder has hosted resilience delegations from Da Nang, Vietnam around climate change mitigation efforts, and will do so again, with another 100 Resilient Cities partner, Wellington, New Zealand around a community based resilience outreach program, in the coming months.

Going forward, we know that this bold vision will strengthen your work to make Boulder a more resilient city for the entire community. As you begin to implement the various initiatives outlined in this strategy, I am confident that Boulder will continue to honor its history as an urban innovator, and begin to export the lessons we learn together to cities across the 100RC network and beyond. My congratulations to you all, on behalf of the entire 100 Resilient Cities team. We look forward to partnering with Boulder on its resilience journey for many years to come.

Dear neighbors,

We are delighted to present Boulder's Resilience Strategy, a document that reflects approaches our community will be taking as we work to strengthen our preparedness for – and ability to respond to – future challenges. These approaches build on what we already know works in our highly engaged community, as well as best practices we have learned about as one of the inaugural cities participating in the 100 Resilient Cities program. We are so appreciative of the opportunity to work with 100RC and the cohort of other cities in the program, and want to acknowledge their leadership in this crucial endeavor.

You will notice that each of the strategic focus areas in our Resilience Strategy is defined by verbs. This is by design. We know that the best way to make Boulder more resilient in the face of stress is to act – to act now, to act strategically and with appropriate coordination, and to act together. And as you can see, there is an exciting group of initiatives underway under each of these focus areas.

In exploring what it means to be a "resilient" community, this resultant strategy recognizes the importance of broadening our understanding of potential future stresses. We know from recent experiences that wildfires and floods are very real dangers in Boulder. But this plan covers so much more. How can Boulder leverage the emerging risk of the Emerald Ash Borer beetle, for example, to make our forestry systems and practices stronger? How can we strengthen the social fabric of our neighborhoods and provide more support to particularly vulnerable populations so they can withstand potential economic downturns more effectively? How can the city work with the business community to ensure that they have plans in place to recover quickly after disruptions?

As you read through this strategy document, we hope you will feel the same pride we do for our community. Many of you have played a role in the creation of this framework. You've participated in forums and learning opportunities. You've engaged in dialogue with our Chief Resilience Officer Greg Guibert. And you've provided input that has helped us understand our community's priorities. We are so grateful for this kind of support and engagement. Our people and our sense of community continue to be among our greatest assets as we work toward the shared goal of strengthening Boulder and implementing the many terrific programs outlined in this plan. Let's work together to make Boulder the very best – and strongest – it can be!

Sincerely,

Suzanne Jones
Mayor

Jane Brautigam
City Manager

TABLE OF CONTENTS

1. Challenge ..... pg. 1

2. Context ..... pg. 7

3. Approach ..... pg. 17

4. Strategies ..... pg. 23

5. Credits ..... pg. 45

RESILIENT BOULDER

1 CHALLENGE

BOULDER has a long history of planning today for the challenges of tomorrow, creating innovative solutions, and undertaking successful resilience-building activities and projects. From its 40+ year legacy of open space preservation, to pioneering commitments to climate action goals, the community has supported some of the most progressive resilience activities in the country for decades, even before we saw them as building Boulder's resilience.

In order to mobilize the resources and community support necessary to significantly increase social, economic and ecological resilience, we must have a compelling vision of the future that allows us to adapt and thrive in the face of disruption. Tapping into the community's forward-thinking civic and planning culture, the goal is to weave resilience into the day-to-day life and functions of community and government. This strategy knits those activities together and presents new actions to address gaps and weaknesses discovered through a community-wide assessment to create an integrated, strategic, and intentional approach to building resilience. The actions included here are immediately implementable activities that take advantage of partnerships and resources offered by the 100 Resilient Cities network. They build off of a long and fruitful legacy in Boulder's community and intend to bring new resources and perspectives to existing ones.

An Unpredictable Future

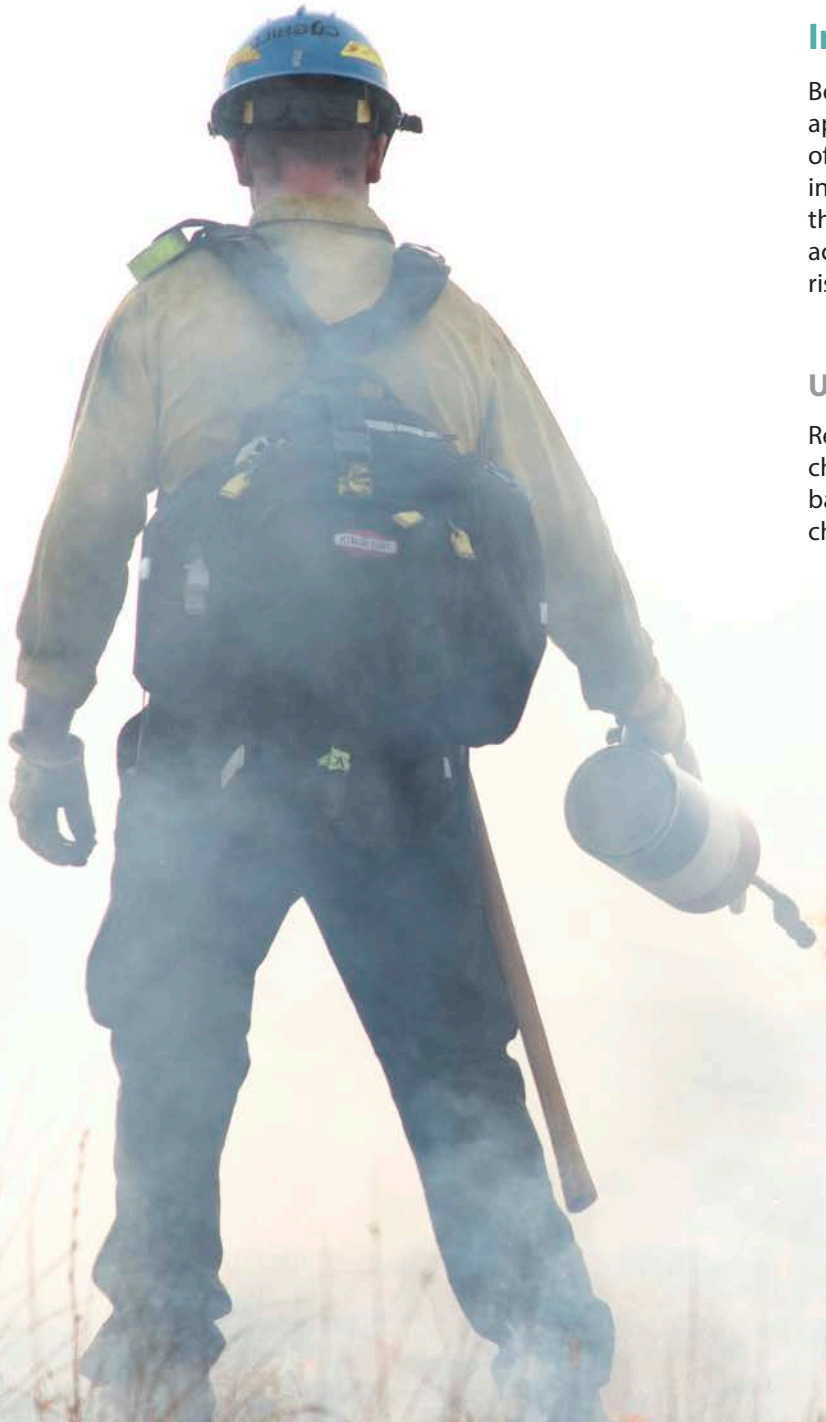
Like many cities and communities across the country and around the world, Boulder is adjusting to a "new normal," where the effects of climate change are becoming increasingly apparent. And like residents of other cities that have recently experienced a severe natural disaster, many of us understandably perceive resilience as preparing for the kinds of events that are magnified by climate change. But shocks are not limited to natural hazards or the effects of climate change. A hyper-connected economy and the ability for pests and diseases to circle the globe with unprecedented speed, for example, mean the community is confronting a host of challenges that can strike at little notice and have severe, unknowable repercussions.

Boulder's complex topography and natural climate variability make it difficult, and sometimes impossible, to predict when and how often extreme events may occur. Flash flooding, for example, does not follow the boundaries of established flood maps, a lesson learned through the adversity of the 2013 floods. Flash floods may inundate neighborhoods and roads with little advance notice, impacting locations that may not have experienced flooding in the past.

At the same time, increasing global temperatures exacerbate many of these hazards. The 2011 National Academies of Science assessment indicates that a one-degree Celsius rise in temperature would increase fire incidence probabilities by over 600 percent. Rising temperatures also increase the length of drought cycles, which intensify flood, fire risks and create additional risks for Boulder's water supply. These dry conditions have in turn exacerbated insect, exotic weed, and disease threats in the flora and fauna communities. These complex climate and ecological connections show the tight linkages between Boulder's risks and complicate solutions to any single problem, necessitating a holistic approach.

Multiple independent measurements confirm widespread warming in the western United States. In Colorado, temperatures increased by approximately 2°F between 1977 and 2006.

- COLORADO CLIMATE PLAN



Interlinked Hazards

Boulder's natural hazards are tightly linked, necessitating a comprehensive and integrated approach to risk mitigation. Droughts stress the city's ecosystems, helping accelerate the damage of pests to forests, thereby increasing the fuel for wildfires, and consequently denuding slopes and increasing flash flooding risk. But this cycle itself is not linear; each event builds on another and sets the stage for even more complex interactions. Therefore, to address these interlinked hazards, activities and programs must be well coordinated, using a systemic approach to reduce multiple risks at the same time and prepare communities to handle disruptions of any kind.

UNDERLYING STRESSES

Resilience is not only about disaster preparedness and extreme events. It is about addressing the chronic stresses on a fundamental level that weaken the fabric of a city on a day-to-day or cyclical basis. By focusing on both shocks and stresses together, Boulder becomes more able to respond to challenging events and is more likely to thrive as a happy, healthy and inclusive community.

Boulder's regional Fire Training Center was completed in mid-2010 and is used across Boulder County by all 26 fire departments. It served as a regional hub and emergency control center during the September 7, 2010 Fourmile Canyon Fire.

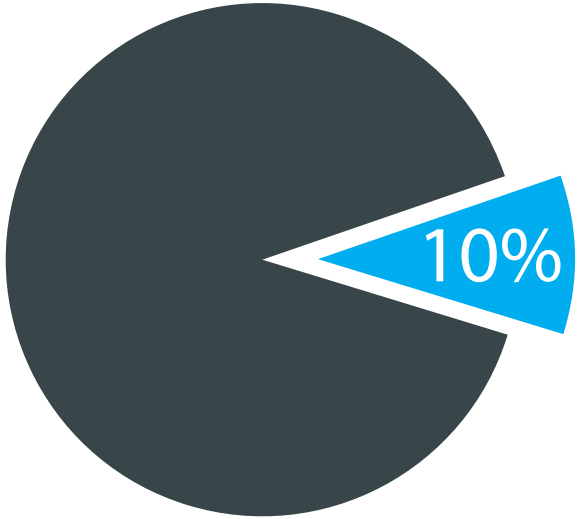
"Lower-income people are among the least able to recover, yet they are often central to the economy and culture of a community."

- ISET INTERNATIONAL

Shocks Expose Stresses

Boulder's social and economic stresses are sometimes harder to see, but can be exposed and exacerbated during a crisis or disaster. The city's vibrant economy and high quality of life often mask latent stresses that strain the community and make it less resilient overall. Natural disasters like floods and fires disproportionately impact low-income residents who already struggle to thrive in a city that is becoming more unaffordable. A Boulderite living on a fixed income, for example, whose home is damaged in a disaster has limited options to find affordably-priced alternatives because the city has a constrained supply of housing.

Stresses can also present a threat to our economic future. Successful, thriving cities need young people to fuel their economic pipeline. However, in Boulder, individuals between the ages of 25 to 44 is a cohort that has declined by 15 percent since 2000. Similarly, increasing real estate prices have also affected the commercial sector. High office rents and limited commercial space hamper the opportunity of growth-stage firms seeking to expand from start-up status, and many of these companies choose to expand in places like Denver and Longmont where there may be more available space.



Percentage of Boulder families that have children under the poverty level.

Boulder's Core Resilience Challenges:

Natural events such as flooding and wildfires will become more frequent and severe as a result of climate change.

Ecological and social stresses are tied to hazards and will negatively impact and exacerbate each other.

Rising housing and commercial real estate costs may limit the diversity of residents and businesses and threaten long-term economic vitality, community character and social cohesion.

Boulder's residents, businesses and government need to work together to be vigilant and prepared for future disruption.

Resilient Communities and Government

At a community level, preparing for an uncertain future means understanding our risks and being vigilant for the unexpected, whether it is a flash flood or global recession. It means that individuals, families and neighborhoods strengthen ties to support each other during times of need. Residents will need to reach out to their neighbors, particularly the most vulnerable and isolated individuals, to support each other when disaster strikes and critical systems fail. Business owners will need to create business continuity plans and understand the available public and private resources to prepare for the economic risks they face.

At the same time, local government must plan for and respond to shocks that affect the city and stresses by working collaboratively across departments and jurisdictional boundaries, as well as with private and institutional stakeholders. This collaborative approach will facilitate more robust information sharing and analysis, development of cross-cutting solutions and strategic private-public partnerships.

Leveraging Boulder's History of Planning Innovation

Boulder's pioneering spirit and commitment to advancing critical initiatives such as open space preservation, climate mitigation and inclusive affordable housing happened decades before the rest of the country adopted similar efforts. Through this strategy, and as reflected by the process leading up to the preparation of this document, the Boulder community will prepare and adapt to existing and future challenges by infusing resilience into the day-to-day operations and activities of residents, businesses and government.

City Highlight

HOUSING AFFORDABILITY INITIATIVES

We recognize that housing affordability is a key issue for the community. It ensures that Boulder remains a place for residents of different backgrounds, incomes and household sizes.

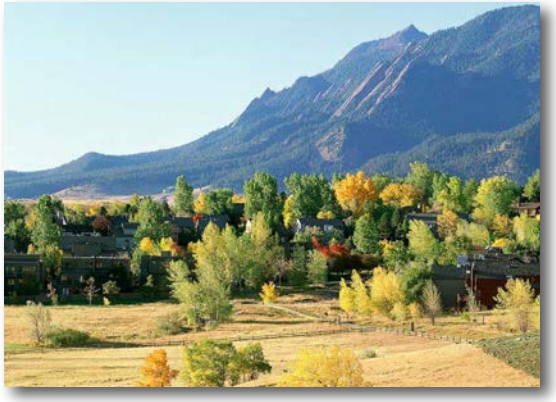
- Boulder's mandatory inclusionary housing ordinance requires 20 percent of housing in new developments to be priced affordably for low-income households.
- As of August 2015, there are 3,586 units in Boulder's affordable housing program. This represents 8 percent of the total units in the city, which puts Boulder 2 percent away from the city's goal of making 10 percent of all housing units affordable.

City Highlight

FISCAL LEADERSHIP

Leadership in fiscal resilience is making Boulder better equipped to respond to and recover from economic shocks, whether this is withstanding a global recession or responding to a major event.

- For many Front Range cities, nearly 75 percent of revenues come from sales taxes; in Boulder, less than 45 percent of sales taxes comprise the city's general fund, thereby helping to insulate the city's finances from periodic declines in tourism or cyclical economic shifts..
- One of the city's primary financial policies is that one-time revenues shall only be used to cover one-time expenses and that ongoing costs should not be greater than ongoing revenues.



City Highlight

OPEN SPACE CONSERVATION

Nearly 50 years ago, Boulder voters enacted an open space initiative where residents taxed themselves to purchase and preserve und eveloped land surrounding the city, an unprecedented feat at the time and even today still rarely emulated.

- The roots of our community's robust open space system date back to 1875 to 1929 when the city acquired over 5,000 acres, including Chautauqua, Buckingham Park (in Left Hand Canyon) and much of the mountain backdrop.
- There are more than 45,000 acres of land with 151 miles of trails in the city's open space system, with an additional 102,000 acres in the County's system. New land is acquired through sales tax revenues, bond issues, private donations and development dedication. Nearly 5.3 million visitors enjoy the city's open space each year.

2 CONTEXT

Boulder has a long history of planning today for the challenges of tomorrow, creating innovative solutions and undertaking many successful resilience-building activities and projects.

Located at the base of the foothills of the Rocky Mountains, Boulder is a small city with a high quality of life, a diverse and vibrant economic base and tremendous open space resources. The community enjoys the natural and recreational amenities resulting from decades of progressive land use planning which preserves a vast rural and undeveloped landscape that encircles the city. Boulder is truly a city whose identity and future is inextricably linked with the natural environment, and environmental sustainability has been a long-standing and primary guiding principle in planning and policies. A strong commitment to sustainability is regularly reinforced through voter-initiated ballot measures to increase taxation for additional open space preservation or carbon reduction measures.

Boulder is inextricably linked to the mountains, which contain the city's watershed and attract over 5.3 million visitors to its open spaces each year.

BOULDER'S natural terrain and location at the mouth of numerous canyons creates a constant flood risk for the city. Fifteen major creeks pass through town, including Boulder Creek, which flows right through downtown. The Front Range is also susceptible to wildfires and drought, which create dry, less vegetated conditions and contribute to increased flood risk. In addition, Boulder's propensity for sudden bursts of isolated and severe storms contributes to flash flooding risk. Flooding and wildfires demonstrate the connections between Boulder's natural environment, climate change-related conditions and the interconnections between major hazards.

BOULDER'S WATER RESOURCES

Like most western communities, Boulder depends on stored water most of the year. High streamflows from melting snowpack occur for only a few spring and summer months. Natural streamflows in late summer and the winter are not sufficient to meet customer demands and must be supplemented with previously stored water supplies. The amount of water available also changes from year to year depending on how much snow falls in the mountains. Therefore, Boulder must store water in reservoirs during wetter years to carry over for use in dry years.

The city stores water in seven reservoirs and several natural lakes in the headwaters of the North Boulder Creek basin within the Silver Lake Watershed. In addition, the city stores water in the Barker Reservoir facilities on Middle Boulder Creek and the Boulder Reservoir northeast of Boulder. The latter is supplied through Western Slope water diversions that come from miles away.

Investing in both source water protection and enhancing water infrastructure continue to be of chief importance to the city. This has included investments that secure additional capacity and redundancy at the city's water treatement facilities which help reduce risk from drought and other concerns. It also includes a long history of investing in the city's stormwater and wastewater systems which help mitigate flooding and sewer back-ups.

INVASIVE SPECIES ARE A MAJOR CONCERN FOR BOULDER

Boulder's urban forest provides nearly $5.2 million in annual environmental, economic and social services benefits to the community. These services include air quality improvements, energy savings, stormwater runoff reduction, atmospheric CO2 reduction and aesthetic contributions to the social and economic health of the community. One of the largest threats faced by urban forests across the U.S. is from invasive insects and disease pests such as the Emerald Ash Borer (EAB). EAB will cause mortality of all untreated ash trees in Boulder and destroy a significant portion of urban tree canopy.

EAB is a green jewel beetle that feeds on ash tree species. The beetle originated from Asia and is thought to have been introduced to North America in the 1990s on solid wood packing material. In the U.S., EAB is a federally quarantined, invasive tree pest responsible for the death or decline of more than 50 million ash trees to date.

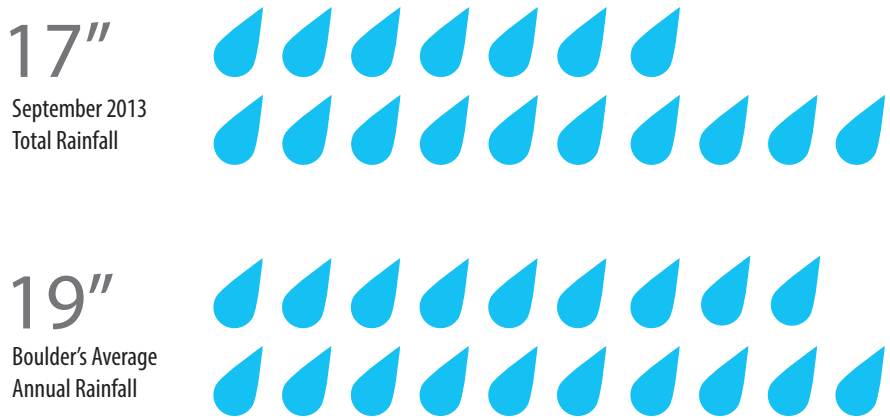
Percentage of Boulder's ash trees infested with EAB in 2013.

Percentage of Boulder's ash trees infested with EAB in 2016.

Expected percentage of Boulder's untreated ash trees that will be infested with EAB in 2020.

Putting It In Perspective

COMPARING HISTORICAL RAINFALL TO 2013 FLOOD



From Fire to Drought to Flood

Changing weather in Colorado is nothing new, but the arc of shocks from 2012 to 2013 offers a glimpse of the types of extreme events and swings that will only be exacerbated by the impacts of a warming climate. A dry summer with little rainfall set up conditions for Boulder's 2012 Flagstaff Fire. Drought concerns loomed larger in Boulder and across the state moving into 2013, only to have the year end with flooding and record rainfall.

The Greenways Program

The Greenways Program divides each of the city's 15 tributaries into reaches to facilitate a manageable implementation approach for improvements. The greenways system is maintained by the city and funded by the city's Transportation Fund, Stormwater and Flood Control Utility Fund and the state's Lottery Fund. Each of these funding sources provides $150,000 annually to 1) protect and restore riparian, floodplain and wetland habitat; 2) enhance water quality; 3) mitigate storm drainage and floods; 4) provide alternative modes of transportation routes or trails for pedestrians and bicyclists; 5) provide recreation opportunities and 6) protect cultural resources

Boulder has a history of floods including the "Big Flood" of 1894 - the largest flood on record. Other major floods in 1938, 1969,1995 and 2013 all reinforce the need to educate the public about flood safety. Each year, city staff coordinate with multiple groups to maximize the impact and reach of ongoing community engagement around flood outreach.

City Highlight

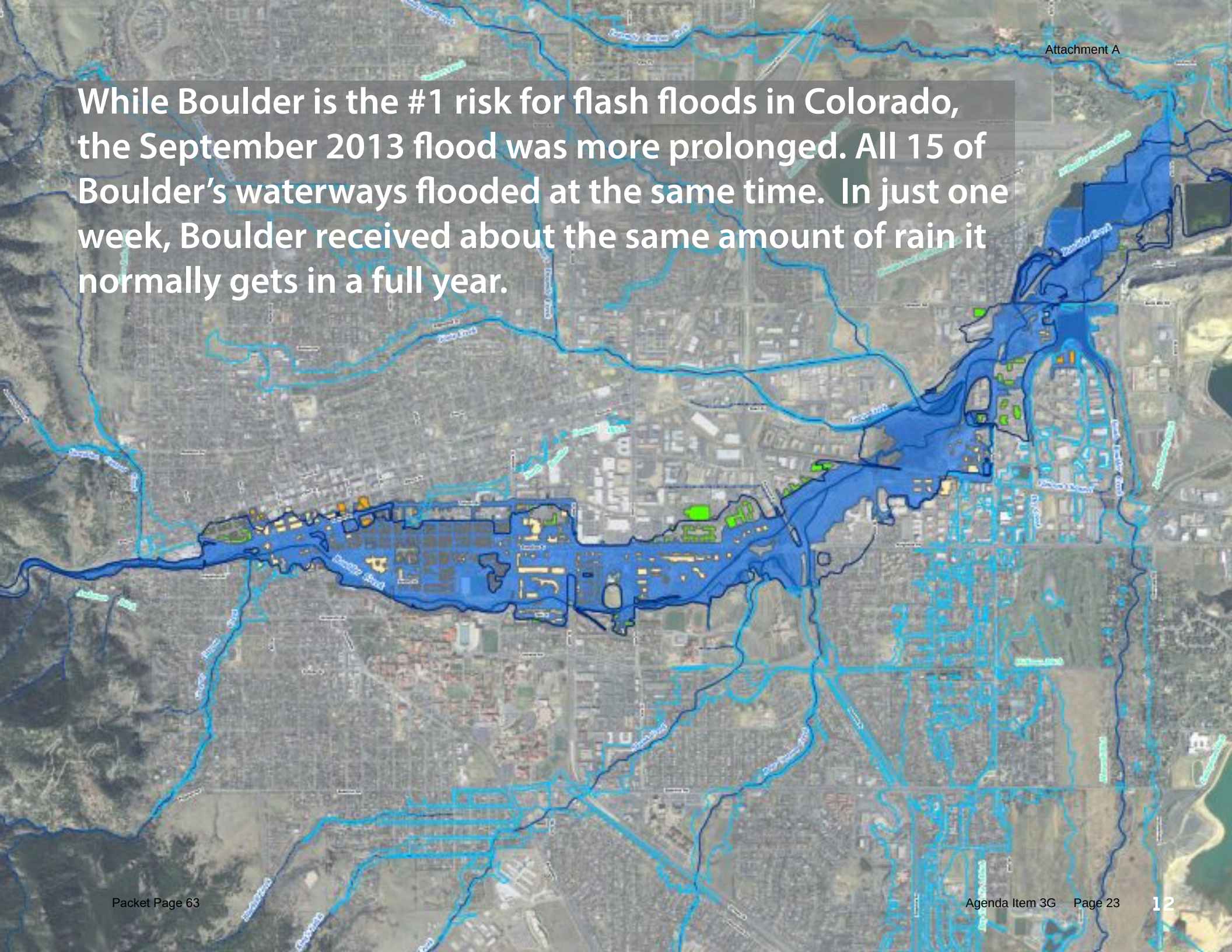
COMMUNITY RATING SYSTEM (CRS)

The federal Community Rating System provides flood insurance discounts to communities that exceed the minimum requirements to prevent and reduce flood damage to insurable property. The city's efforts have earned discounted flood insurance rates for Boulder property owners.

City Highlight

CIVIC CENTER FLOOD MEMORIAL

Gilbert F. White arguably did more to advance flood policy than anyone. While his efforts had broad impacts advancing natural hazard research, White was a tour de force in Boulder. The Gilbert F. White Memorial dedication monument marks the level of the 50-year, 100-year, 500-year and the Big Thompson floods (one of the biggest in Colorado).



While Boulder is the #1 risk for flash floods in Colorado, the September 2013 flood was more prolonged. All 15 of Boulder's waterways flooded at the same time. In just one week, Boulder received about the same amount of rain it normally gets in a full year.

Boulder is nationally-recognized for its quality of life, thriving tech- and research-based economy and booming real estate market. In addition, Boulder has become a hub of entrepreneurship in the U.S., particularly for businesses that value the lifestyle that is rooted in a love of the outdoors, healthy living and access to tech resources. We have a robust and diverse economy defined by the research and institutional sector. Over the past 10 to 15 years, the tech industry has experienced pronounced growth throughout Boulder County.

"If you look at a lot of the green technology and the systems we're implementing, they're coming from Boulder."

- Robert F. Kennedy Jr.
Speaking at the June 12, 2013
BizWest, *Boulder Earth Conference*

Owing to the presence of the University of Colorado's (CU) flagship campus in Boulder, the city maintains a relatively high proportion of young people. With a current enrollment of just under 30,000 students, CU accounts for approximately 29 percent of the total population. Boulder is also one of the most educated metropolitan areas in the country. The presence of the university and 17 federally-funded research labs support many of the jobs for this demographic including those that focus on weather, climate and geophysical research. Furthermore, this segment of the workforce is supported by the presence of tech jobs that draw from and attract scientists and engineers.

Regional Resilience

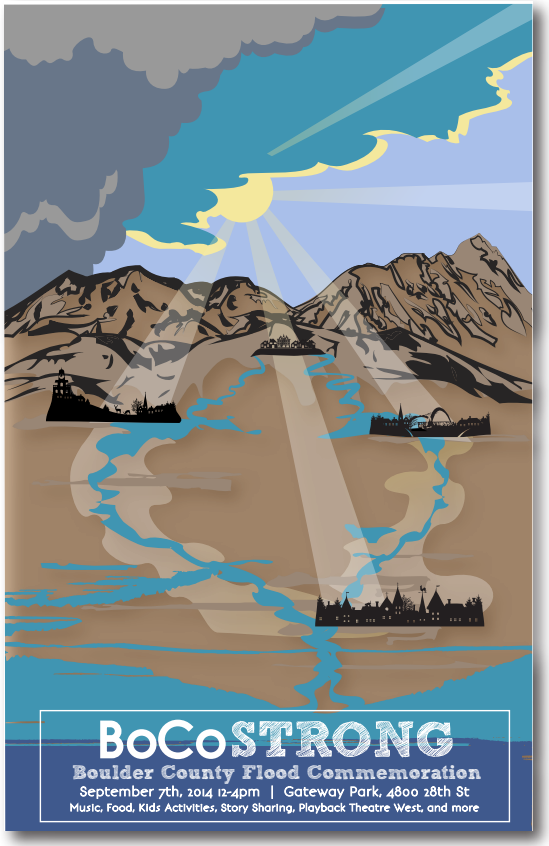
Boulder is part of a larger community and region, and, just as the shocks and stresses we face do not simply start at the borders, neither do the actions and partnerships necessary to address them. Even as recent disasters have motivated Boulder's own resilience building efforts, they have also spurred action at the county, state and national levels. Boulder has developed a strong network of partnerships that have helped inform activities and strategies, and it regularly participates in the collaborative development of this emerging field.

BoCo Strong

BoCo Strong is a countywide resilience hub that creates and supports collaborative relationships between individuals, communities, nonprofits, governments and businesses. BoCo Strong increases the web of connections among individuals, organizations and governments across Boulder County to foster inclusivity, increase disaster resilience and build vibrant and prosperous communities. Its vision is that all Boulder communities will have access to the resources and connections needed to allow all residents to adapt and thrive in the face of community stressors. From the outset, Boulder has recognized that the challenges we face do not start or stop at the city's edge. Building a sustaining effort requires close collaboration, learning from a broad base of experience and building enduring partnerships.

Colorado Resilience Framework

Governor John Hickenlooper adopted the Colorado Resiliency Framework in May of 2015, a first-of-its-kind statewide framework in the nation. The framework was developed under the leadership of the Colorado Resiliency and Recovery Office (CRRO) through a collaborative and inclusive process that engaged local, state, federal, non-profit and private sector partners, as well as individual Coloradans. The framework provides guiding principles for Colorado communities and concrete actions that the state commits to implement. One of the first priority strategies implemented under the framework was a pilot regional resiliency planning process to build and strengthen collaborative relationships locally, establish a unified regional vision for resilience, and put in place a coordinating framework for long-term regional resilience action. Starting in the summer of 2015, the CRRO partnered with some of the most heavily disaster-impacted communities to conduct the pilot process which utilized the state framework's guiding principles to help facilitate a vision and identify strategies unique to each participating region. The Boulder County region was one of three communities to participate.



Uniquely Boulder

GROWING UP BOULDER

In collaboration with Resilient Boulder, Growing Up Boulder (GUB) worked with approximately 120 children and youth to develop their perceptions of resilience within the city. Overall, access to nature and family, friends and supportive networks (from school and community) help support resilience, as do activities that help young people develop skills and confidence (including music, arts and skateboarding). Aspects of the community that do not support resilience include social, environmental and economic concerns (including the need for greater care of homeless residents, fracking and the cost of living). Children spoke about bullying and youth spoke about cultural exclusion as aspects of their community that need to be addressed in the city. High school students also participated in a poetry project in which they described a personal moment of resilience. Many of these stories included surviving the flood, family losses and coping with poor family health, and the challenges of immigration/immigration status. Access to nature in relatively close walking space could help some of the children and youth we worked with access greater opportunities for restoration and resilience.

3 APPROACH

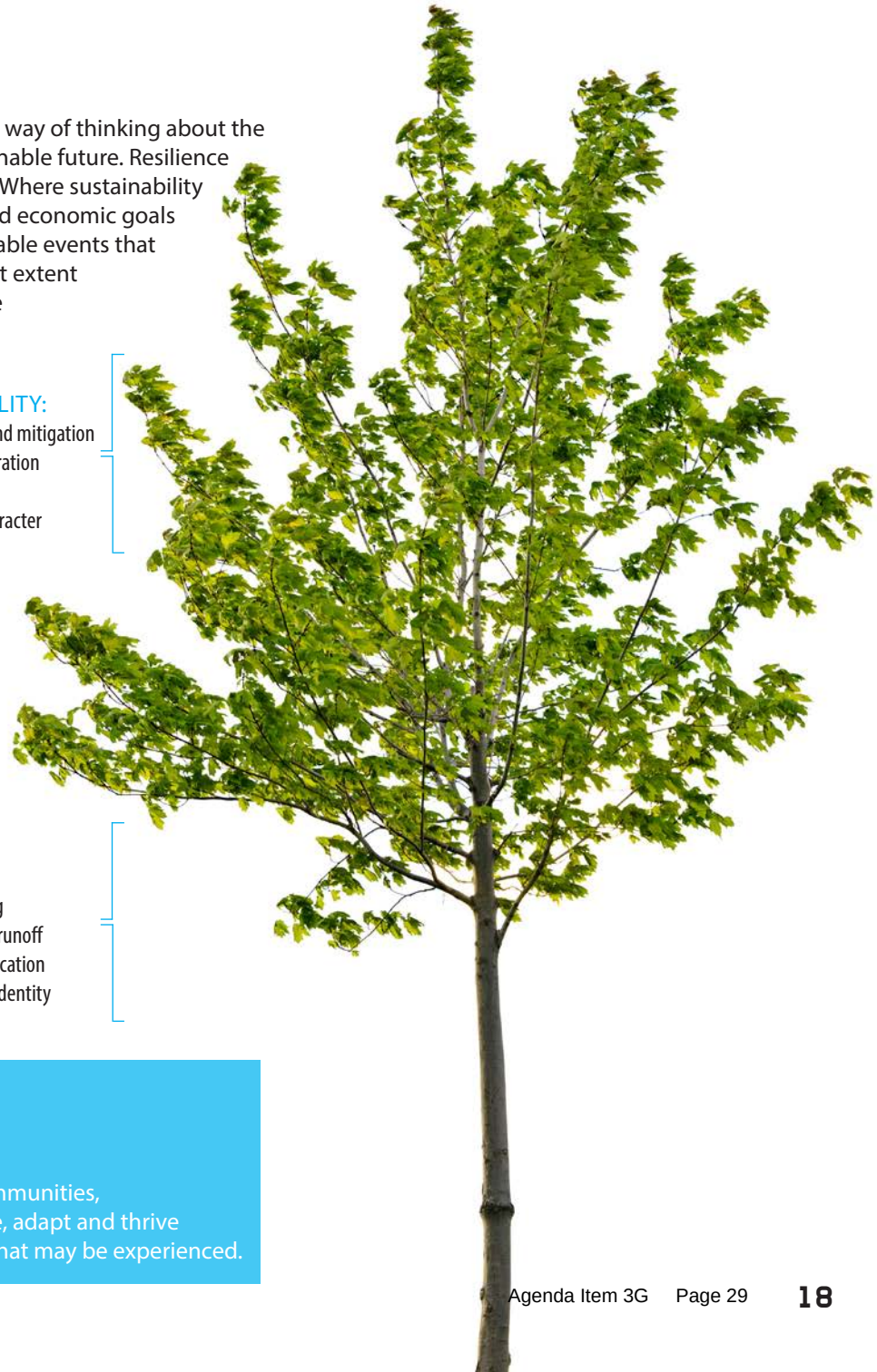
Resilience and Sustainability

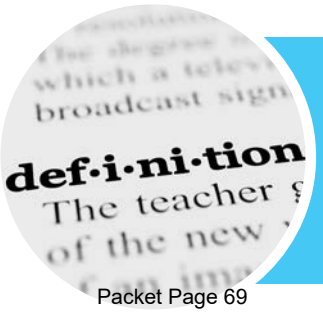
Resilience and sustainability are sometimes confused with one another. Resilience is a new way of thinking about the community in a holistic way that adds to and deepens the way we already plan for a sustainable future. Resilience and sustainability represent complementary values and ways of managing urban systems. Where sustainability is about actively and thoughtfully managing resources to achieve environmental, social and economic goals that preserve or enhance Boulder's quality of life, resilience is about anticipating the inevitable events that cause disruption and then developing the strategies to reduce their impacts to the greatest extent possible. While resilience itself is not new, 100 Resilient Cities is the first organization to use resilience as a systematic framework, on a global scale, for actively managing and prioritizing city operations and activities.

Sometimes metaphors can help explain complex topics. For some, the reasons for planting street trees help illustrate the relationship between resilience and sustainability.

SUSTAINABILITY:
- Urban heat island mitigation
- Carbon sequestration
- Cleaner air
- Community character
- Aesthetic value

RESILIENCE:
- Summer cooling
- Reduced storm runoff
- Species diversification
- Neighborhood identity





re·sil·ience

/rə ' zilyəns/

Boulder defines resilience as the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt and thrive no matter what kinds of chronic stresses and acute shocks that may be experienced.

CITY RESILIENCE FRAMEWORK

The City Resilience Framework (CRF) provides a lens to understand the complexity of cities and the drivers that contribute to their resilience, and a common language that enables cities to share knowledge and experiences. The framework is built on four essential dimensions of urban resilience: Leadership & Strategy, Health & Wellbeing, Economy & Society, and Infrastructure & Environment. Each dimension contains three "drivers," which reflect the actions cities can take to improve their resilience.

Leadership & Strategy

The processes that promote effective leadership, inclusive decision-making, empowered stakeholders and integrated planning.

Health & Wellbeing

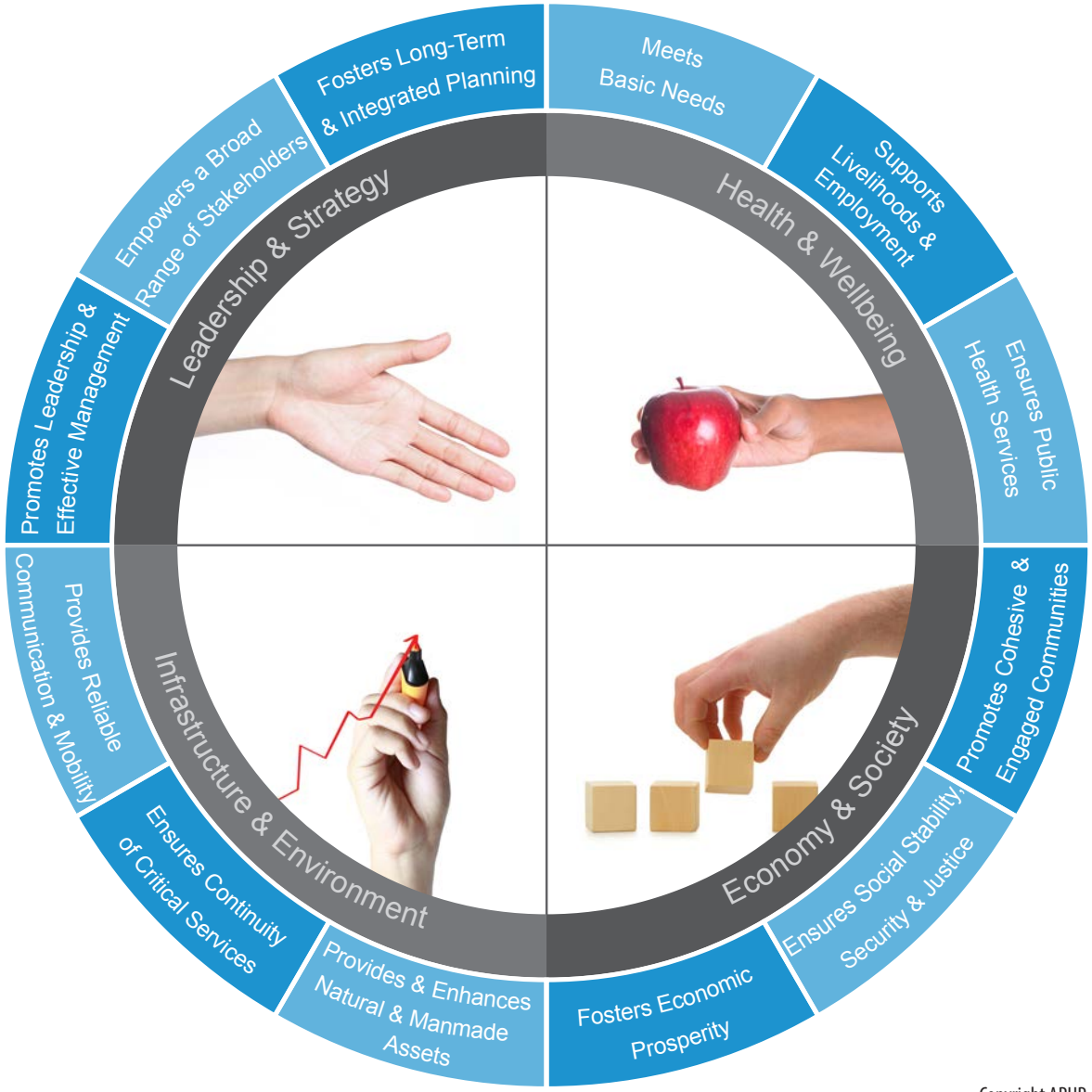
Everyone living and working in the city has access to what they need to survive and thrive.

Economy & Society

The social and financial systems that enable urban populations to live peacefully and act collectively.

Infrastructure & Environment

The physical and natural systems that provide critical services and protect and connect urban assets, enabling the flow of goods, services and knowledge.



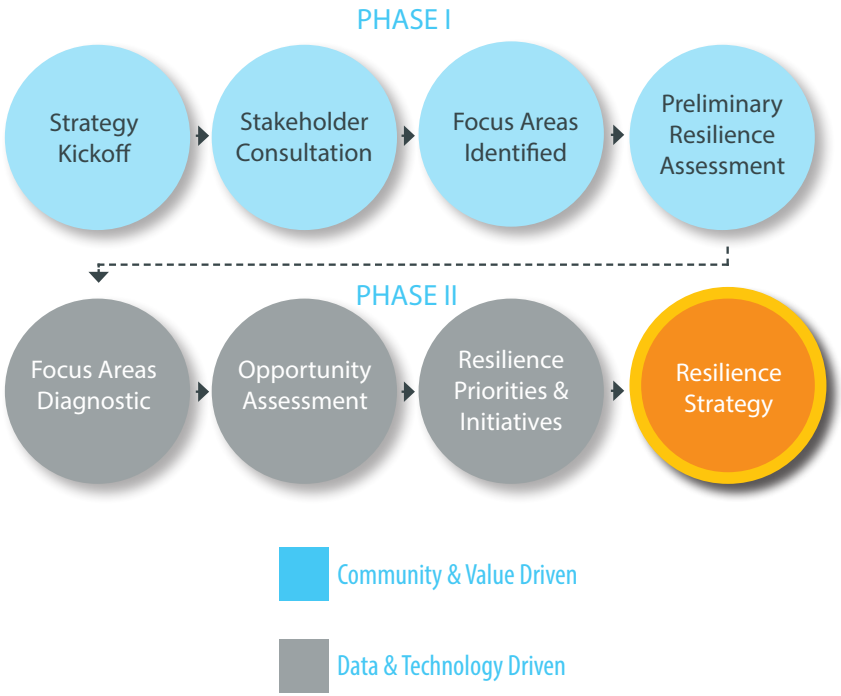
Copyright ARUP

The Process

Building resilience is as much a process as it is a set of outcomes. The process itself must also embody the characteristics of resilient systems and be iterative, inclusive, integrated, adaptive and flexible. It must allow for the constant infusion of new information and accommodate often unpredictable change in the community, creating the ability for reassessment and reprioritization of activity to address new risks and opportunities.

From the outset, Boulder's goal has been to do things differently. The city set off to build on existing efforts, but recognized the opportunity to tap into the new energy around the 100 Resilient Cities network. For example, the city has explored new methods for community engagement and ownership through the MIT Climate CoLab, harnessing the creative potential of the whole community, and Growing Up Boulder (GUB), giving voice to youth in the process. This approach has given us the chance to position Boulder as a resilience testbed for new technologies, innovative partnerships and creative thinking.

In 2014, the city initiated its first resilience assessment, ultimately leading to the creation of this strategy. The assessment methodology was an analysis of current efforts that support resilience and identified important gaps in knowledge, capacity and activity. However, this initial assessment process itself highlighted areas where the existing methodology could be augmented by new diagnostics to be incorporated in future resilience assessments. New elements being developed as part of Boulder's resilience efforts will bring insights and depth of analysis for the continuous process of reflection and assessment.



Learning with 100 Resilient Cities

WHAT ARE THE PLATFORM PARTNERS?

The 100RC Platform of Partners provides member cities with a curated suite of donated tools and services, supplied by partners from the private, public, academic, and non-profit sectors, to support cities in their resilience-building activities. Boulder has already partnered with a number of these service providers, including Trimble, a company that provides geospatial technical solutions and domains to capture, measure, analyze, monitor and share built and environmental information.

From Boulder's 40+ year legacy of open space preservation, to pioneering commitments to climate action goals, the Boulder community has supported some of the most progressive resilience activities in the country for decades.

2010-2011
City's Affordable Housing Task Force Report; Comprehensive Housing Strategy first approved in 2000

2010
Fourmile Canyon Fire; utilizes staff from the Wildland Fire Program, which began in 1990

2011
EnergySmart Program launches; provides home and business advice and incentives to reduce energy use

2012
Flagstaff Fire

2012 -2013
Drought Concerns; Water Conservation Program began in 1992

2013
Earth Conference held in Boulder hosts Robert F. Kennedy Jr. and is dedicated to the sharing of knowledge, bold ideas and technologies to advance sustainable business practices regionally, nationally and globally

2013
Major flooding causes significant damage

2013
City launches a significant planning effort to define priorities and goals for the expansion and preservation of diverse, affordable housing

2013
Open Space Tax extended by voters; an initiative started in 1967

2013
Boulder provides $20k to fund Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, to support low-income purchases of local food, doubling the value of purchases at the Boulder Farmer's Market

2013
City Council adopted the Economic Sustainability Strategy

2014 Public supports 75% increase in Stormwater/Flood Utility rates to more quickly address flood-related work; utility efforts began in 1973

2014
City of Boulder announced as one of the 100 Resilient Cities

2014
100 Resilient Cities Boulder Kick-off Workshop

2014
National Disaster Resilience Competition Kick Off

2014
Chief Resilience Officer Annual Summit

2015
Growing Up Boulder elementary students present to City Council

2015
Citywide Perceptions Survey

2015
National Institutes for Standards and Technology Community Resilience Workshop

2015
Resilience Assessment Expert Workshops

2015
100 Resilient Cities Network Exchange: Resilient Land Use Workshop

Since joining 100RC, the City of Boulder has increasingly leveraged opportunities, participated in events and utilitized the Chief Resilience Officer to drive community engagement.

- 2015 City Council Study Sessions
- 2015 Update to Boulder Valley Comprehensive Plan begins
- 2015 Resilience Advisors Spontaneous Volunteers Training
- 2015 State of Colorado releases Resiliency Framework
- 2015 Natural Hazards Mitigation Association Symposium
- 2015 National Disaster Resilience Competition Academy
- 2015 MIT Climate CoLab Community Challenge
- 2015 BoCoStrong Annual Summit
- 2015 Understanding Risk Boulder
- 2015 100 Resilient Cities City Leaders Urban Resilience Summit
- 2015 Climate Action Plan Tax extended by voters; an initiative started in 2007
- 2015 Resilience Tech Challenge
- 2015 Chief Resilience Officer Annual Summit
- 2015 National Renewable Energy Lab Resilience Workshop
- 2015 Boulder sends delegates to Paris COP Convening
- 2016 Colorado Recovery and Resilience Office Stakeholder Planning Workshop
- 2016 City launches Climate Commitment Framework draft
- 2016 Boulder Talks: Deliberative Inquiry
- 2016 Resilience by Design University Prototype Workshop
- 2016 Human Services Strategy (Master Plan) update begins
- 2016 USAID/ICMA Shimla City-Links Exchange
- 2016 City launches Resilience Strategy

RESILIENT

4 STRATEGIES

THROUGH THE RESILIENCE assessment and community discussions, Boulder has identified three major resilience strategies. Working collaboratively to create actions that achieve these interconnected strategies will help build a resilient and adaptive community that is better able to address the unpredictable impacts of environmental, social and economic shocks and stresses.

Building community resilience is a never-ending process and requires constant adjustment to new conditions and opportunities. At its heart, building community resilience is about social cohesion and the connections between and among people and organizations. The design and implementation of each of these strategies, actions and frontiers is intended to create new or amplify existing bonds to build our collective resilience, regardless of the threat we face. Through the actions identified here, we take steps towards meeting these goals, but as noted earlier, these are not the first steps. These new actions add to ongoing and historic efforts in a way that brings intentional direction toward catalyzing change across all sectors of the community.

Strategies

The following three strategies represent the main action areas for the city:

- **CONNECT AND PREPARE** - Prepare all segments of the community for uncertainty and disruption by encouraging community preparedness, creating a culture of risk awareness and personalizing resilience.
- **PARTNER AND INNOVATE** - Capitalize on the collective problem-solving and creativity of our community by leveraging advances in data, research and observations to address emerging resilience challenges.
- **TRANSFORM AND INTEGRATE** - Embed resilience into city operations and systems by transforming our approach to community resilience.

Actions

These are immediate priority activities to be implemented over the next two to three years that take advantage of partnerships and resources catalyzed by the 100RC network and program. The actions being proposed are intended to be responsive to existing city priorities and bring a resilience lens and added value to projects and initiatives that are already underway. A summary table of all the proposed activities is provided at the end of this document.

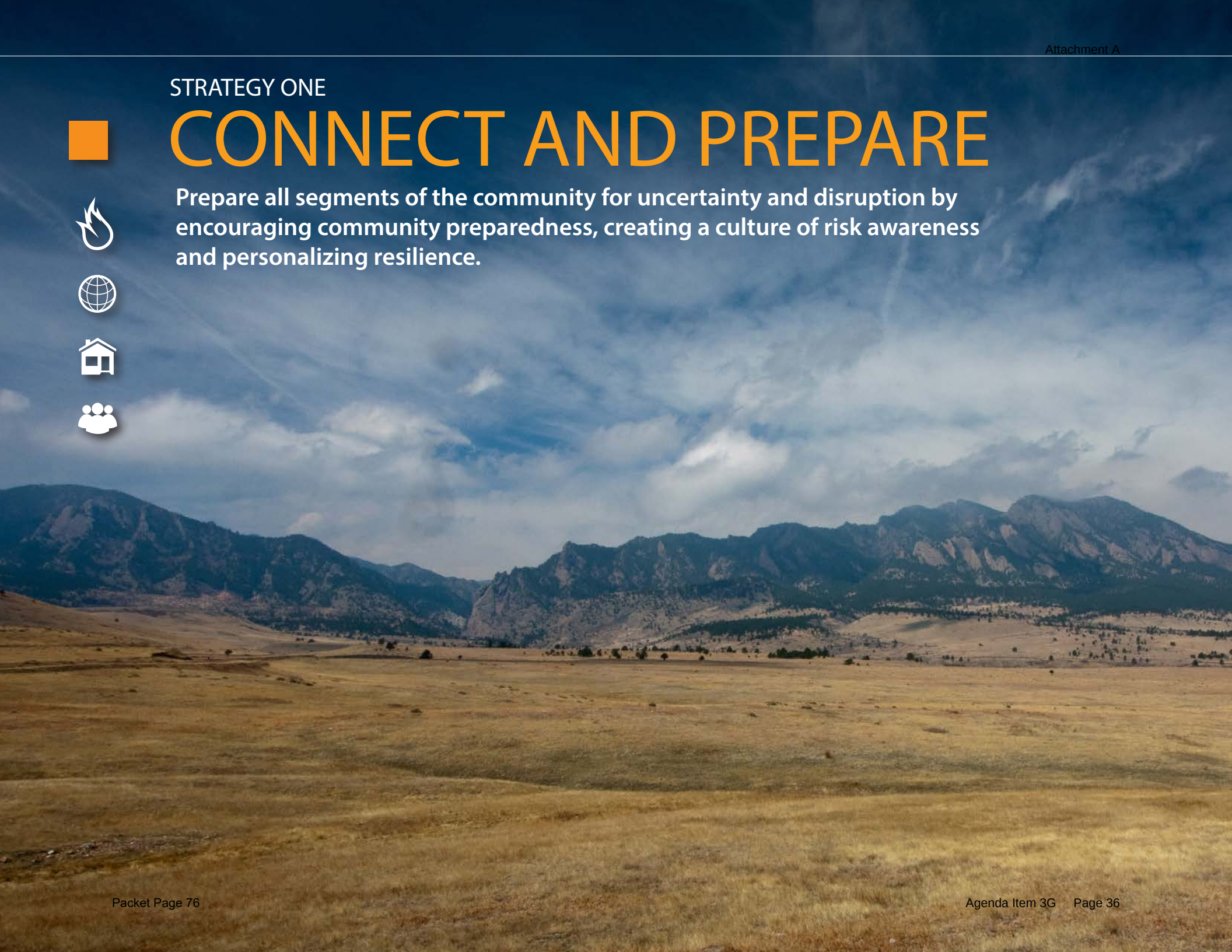
Frontiers

Transformative investments in community resilience that currently have no models to emulate, represent extremely complex areas for action and/or require an extensive community conversation to be successful.

STRATEGY ONE

CONNECT AND PREPARE

Prepare all segments of the community for uncertainty and disruption by encouraging community preparedness, creating a culture of risk awareness and personalizing resilience.



ACTIONS:

1.1 Make Resilience Accessible

Deploy a community driven, interactive "Mobile Resilience Lab."

1.2 Activate Volunteerism

Develop a volunteer community preparedness training program.

1.3 Assess Economic Strength

Identify risks to future economic vitality.

1.4 Prepare Businesses

Facilitate the use of continuity planning strategies with local businesses.

1.5 Connect for Rapid Recovery

Develop rapid post-disaster impact assessment capacity in partnership with the local business community.

1.6 Foster Artistic Engagement

Engage the creative power of the arts to convey and involve people in complex risk and resilience themes.

PURPOSE:

Despite several severe natural disasters over the last decade, most Boulder community members remain unprepared for future events. Many of the potential shocks the city faces require constant vigilance, a deeply personalized understanding of individual exposure and community risk, and an ability to act quickly in case of an emergency. Fundamental to preparedness is community connectivity and the ability for all members of the community to contribute to response and recovery when disaster strikes. Community connection can be as simple as knowing your neighbors, but it can also mean building new relationships and capacities between the city and local businesses. By enhancing preparedness and connection now, before the next disaster, the city can empower everyone to take quick action, while also deepening the city's overall sense of community.

RESILIENCE VALUE:

Preparing for future disruption is a core aspect of building community resilience. To address gaps in the city's response to the 2013 flood, the city is preparing for future uncertainty by building robust and flexible local capacity, inclusive plans and new opportunities for community collaboration.

Action 1.1 Make Resilience Accessible

Deploy a community driven, interactive "Mobile Resilience Lab."

In partnership with BoCo Strong, the collaborative countywide resilience building organization, the City of Boulder will bring resilience and preparedness activities directly into neighborhoods and communities through a "Mobile Resilience Lab." The lab will be a highly interactive space that accommodates programming as varied as developing your own bee-safe garden to creating personalized blueprints for individual resilience to building disaster "go kits." Deploying a mobile lab recognizes that true resilience building occurs first and foremost at home and in your own neighborhood, with the people and places you know best. The lab will provide a fun and dynamic platform for building relationships around preparedness and will, literally, be a vehicle for the community to share challenges and solutions. By meeting people where they are, the city will deepen public ownership of resiliency and seek to address community concerns about the responsiveness and transparency of government.

Action 1.2 Activate Volunteerism

Develop a volunteer community preparedness program.

A key to effective and successful disaster response is community and individual preparedness. Boulder's formal emergency response capabilities are well-resourced and effective; however, local neighborhoods and communities need to be better prepared and possess a deeper capacity to be first responders while formal systems gear up for relief operations. The city will develop a community-centered course to enhance emergency preparedness, emphasizing social connections and risk awareness as core personal resilience attributes. Developing a more robust and flexible capacity to respond to crisis when it occurs is a direct outcome of lessons learned from recent disasters.

In August 2015, Boulder was selected as one of 10 cities to host the inaugural class of Resilience AmeriCorps VISTA members. The program was created as a response to the recommendations made by President Barack Obama's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience. The AmeriCorps VISTAs will assist Boulder in developing and piloting a citizen corps disaster preparedness training initiative by partnering with 100RC network city, Wellington, New Zealand, and aligning these emerging efforts with deliberate ties to community volunteerism and civic ownership opportunities that already exist.

Action 1.3 Assess Economic Strength

Identify risks to future economic vitality.

Ensuring the continuing vitality of the local economy is an essential component of long-term community resilience. The City of Boulder will incorporate an analysis of the local business community's vulnerability to disruptions in core infrastructure provision, workforce availability and financial services into an update to the Economic Sustainability Strategy. Boulder will also explore whether there are latent vulnerabilities to larger macro-economic trends that the city can plan for proactively. Cyclical swings in the economy are normal and are predictable stresses whose effects can be minimized through thoughtful preparation.

Learning with 100 Resilient Cities

RESILIENCY ADVISORS

During the 2013 flood, even before the rain had stopped falling, thousands of volunteers were out helping neighbors, friends and strangers protect their homes and clean up debris. This outpouring of assistance reflected the best of Boulder's spirit and was a vital unplanned resource during the flood recovery. However, without the coordination to direct, equip and support these activities, volunteers can place themselves in danger and unintentionally hamper or overwhelm formal responses. Recognizing the need to create the capacity to welcome this energetic community support, the City of Boulder, the newly-formed Boulder County Volunteers Active in Disaster (VOAD) and 100 Resilient Cities Platform Partner, Resiliency Advisors, partnered to deliver the "Leading and Managing Community Volunteers in Disaster" workshop. During this best practices workshop to manage and marshal spontaneous volunteerism, participants engaged in sharing lessons learned, assessing future risks and resourcing mapping, as well as applying proven disaster management concepts to manage spontaneous volunteers. Post session, the group was provided an after action report that outlined next steps including a strong focus on Volunteer Reception Center training. The session was delivered by Lisa Orloff, president of Resiliency Advisors.

Learning with 100 Resilient Cities

PARTNERSHIP WITH WELLINGTON, NEW ZEALAND

Wellington, New Zealand is a 100 Resilient Cities network city that is recognized globally for its community disaster preparedness program. Wellington's approach integrates volunteerism, community-based trainings and a network of district disaster hubs to create a multi-tiered preparedness and response capability across their region. Wellington's success rests largely on the accessibility of training courses to a wide range of community members, as well as an innovative approach to regularly scheduled activities that create new opportunities for community interaction with the program. In May 2016, experts from Wellington, NZ will visit with city staff and community organizations in a weeklong workshop to design and implement activities that will prepare the community for the next disaster.

Action 1.4 Prepare Businesses

Facilitate the use of continuity planning strategies with local businesses.

The sooner local businesses return to normal operations after a disaster, the faster the surrounding neighborhoods and city recover. We will collaborate with public and private institutions and organizations to identify best practices; facilitate the use of continuity plan templates and other resources; develop policies and procedures for improved situational awareness; coordinate between business support organizations; and communicate with businesses after a disaster. Ultimately it is in each organization's interest to proactively plan for uncertainty and disruption, but our community at large has a clear stake in helping all businesses weather the inevitable crises and bounce back faster and better.

Action 1.5 Connect for Rapid Recovery

Develop rapid post-disaster impact assessment capacity in partnership with the local business community.

The ability for businesses to rapidly access resources and financial assistance after a disaster is essential for the successful return to operations. Each day that businesses remains idle represents lost revenue, wages and taxes, eliminating vital infusions of financial capital just when a community needs it most. Boulder will partner with local businesses and associations to develop the necessary capacity, relationships and systems to quickly and efficiently collect impact information and data, access recovery funds and return businesses to operation after a disaster with minimal disruption. The city will also explore the creation of a Business Disaster Assistance Center that would become operational when needed. By developing a user-friendly process to address gaps in our response to the 2013 flood, we are preparing for future uncertainty.

Action 1.6 Foster Artistic Engagement

Engage the creative power of the arts to convey and involve people in complex risk and resilience themes.

Mobilizing action at a broad scale also requires varied ways of communicating complex topics so that they are relatable and actionable to the diverse residents that make up our community. Breaking from the traditional model of community engagement, we will invest in the creative talent of our visual artists, filmmakers, poets, theatre-makers, dancers and musicians to broaden our vision, discussion and experience of risk and resilience. By enhancing our collective thinking about resilience and exploring creative ways to communicate it, we will broaden the circle of community ownership, action and perspective. This effort will lead to creative insights and solutions from community members who might not otherwise participate.

Uniquely Boulder

YOUTH "SHINE" IN PERFORMANCE FOR RESILIENCE

Performance can be a dynamic tool for including youth participation in authoring our city's plan for resilience. Shine is a musical performance that weaves climate science and artist expression into a funny and powerful story that spans 300 million years of geological time to convey how humanity and climate are interrelated. Performed at NCAR in Boulder in June 2015 as a collaboration between NCAR scientists, Beth Osnes at CU and Boulder's youth, rehearsing each part of the musical led participants through different aspects of climate science, from dancing the various phases of photosynthesis to creating flags to representing the ways in which our city utilizes fossil fuels. This show has gone on to engage youth in other 100 Resilient Cities, including New York City and London, with Durban, South Africa and New Orleans to come.

FRONTIER

INVEST IN THE FUTURE

Prioritize city investments to promote community resilience and proactively address future risks.

The capital budgeting process is the critical intersection between public policy and program implementation. Given limited resources, city officials must choose among competing priorities. These choices are often significantly determined by the criteria that are used to prioritize and rank public expenditures. Given the relatively recent emergence of resilience capacity-building as a public policy priority, there are few formal evaluation criteria built into the capital planning process that provide guidance on how to weigh the costs of proposed actions against potential benefits. This is essential to enable systematic consideration of proposed resilience actions and measures against other priorities.

Currently, for example, city investments and budgets do not specifically consider likely climate impact on city systems, nor are there mechanisms for internalizing the cost implications of the city's commitment to a zero-carbon energy policy. It is important to have valuation mechanisms that evaluate the potential cost of carbon and the potential for future constraints on carbon emissions. Implementing climate risk screening mechanisms in the Capital Improvement Program or internalizing the carbon cost of projects will reprioritize budgets and drive new conversations about risk and resilience tradeoffs across the entire city organization.

STRATEGY TWO

PARTNER AND INNOVATE

Capitalize on the collective problem solving and creativity of Boulder's community by leveraging advances in data, research and observations to address emerging resilience challenges.

ACTIONS:

2.1 Put Science in the Hands of the Community

Create a "citizen science" program to foster the co-creation of knowledge.

2.2 Ensure the Resilience of the Local Food System

Design and conduct a local food system assessment.

2.3 Make Data Accessible to All

Spur creative representation of data through investments in artistic visualization and knowledge display.

2.4 Crowd Source Solutions

Drive the creative use of community data through competitive challenges and hackathons.

PURPOSE:

In order to make the most informed decisions about the future, Boulder needs a better understanding of the changes taking place around us. The city must develop the ability to anticipate changes to proactively address emerging challenges. Rapid evolutions in remote sensing, data architecture and mobile technology now allow us to design integrated monitoring and observations systems to create new insights into the world and community. By using the power of people and place, tapping into vast research and educational resources, the city will develop the data, observation systems and partnerships necessary to understand and predict forces of change across social, economic and environmental factors, as well as create new opportunities for engagement from a wide range of stakeholders.

RESILIENCE VALUE:

The complex issues which the Boulder community faces lack easy or obvious solutions. By developing mechanisms and partnerships for inclusive and collective problem-solving, Boulder can elicit novel and innovative answers from a broad pool of expertise, creativity and talent.

Action 2.1 Put Science in the Hands of the Community

Create a "citizen science" program to foster the co-creation of knowledge.

Citizen science can take many forms, but as technologies have advanced over the last decade, each member of the community can now serve as independent, mobile data-collecting participants. To harness this potential, the city will develop the information architecture necessary to support community-driven mobile science applications and translate that data into information and metrics to inform city decision-making. The aggregation of information from so many data points can create new insights into changes in the community, collective behavior or climate, as examples. By relying on community members to play a role in the creation of data and shared knowledge, Boulder will foster co-ownership in understanding the factors of change affecting us all. The underlying architecture will be openly available to the public to creatively develop applications to support data collection from sources as diverse as the Boulder Valley School District to Boulder's active and enthusiastic outdoor community.

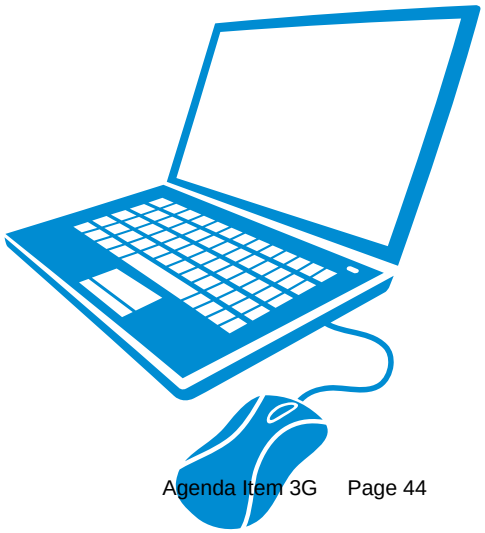
Action 2.2 Ensure the Resilience of the Local Food System

Design and conduct a local food system assessment.

Boulder's passion for safe, local and ethical food has made the community a global hub for natural foods. As a leader in the natural and organic industry, Boulder has world-class, locally sourced restaurants and has made revolutionary contributions to natural food packaging and labeling. However, Boulder needs a better understanding of what role locally produced food can play in buffering the community from a disruption in national or global food or transportation systems. The city will conduct an entirely new food security assessment, deviating from traditional scales of analysis and definitions of "security." An assessment of this type will require a broad range of partnerships from the business, agricultural, transportation and water sectors, among others, to understand how changes in the complex dynamics of the food production, delivery and consumption system can both be impacted by disruption, but also meaningfully mitigated by local action.

Action 2.3 Make Data Accessible to All

Spur creative representation of data through artistic visualization and knowledge display.



New capabilities created by the integration of enhanced computational power, big data and visual representation systems provide the opportunity to bring many previously complex and abstract concepts into stunning visual relief for the first time. The city will convene some of the world's great artists and media professionals to work with scientists, librarians and city officials to develop and refine some of these data visualization systems to create a compelling community education and communication approach. Boulder will work with partners to put the vast amount of collected scientific and citizen science data in the hands of artists and hackers, giving them the tools they need to interpret and represent the data in a clear, resonant message. An emphasis will be placed on creating a variety of pathways, tools and systems to enhance accessibility to a wide an array of prospective users. Through these creative partnerships, the city will unleash untapped knowledge to inform decisions and mobilize collective action

Action 2.4 Crowd Source Solutions

Drive the creative use of community data through competitive challenges and hackathons.

As part of an ongoing effort to democratize the city's data through community dashboarding and a more accessible open-data portal, Boulder will create data and technology challenges to encourage the use of city and community data. These challenges are dynamic competitions intended to focus the creative and entrepreneurial talent of the city to help identify and solve collective problems. Similarly, the city will partner with the local coding and tech community to host hackathons—events that focus intense programming attention toward a collaborative solution to a single, discrete issue. Taken together, this approach taps into two powerful behavioral motivators—competition and collaboration—to find solutions to particularly complex resilience issues.

Uniquely Boulder

UNDERSTANDING RISK: BOULDER

In October 2015, the City of Boulder, in partnership with Ushahidi, a 100 Resilient Cities Platform Partner, the University of Colorado, the World Bank's Global Facility for Disaster Risk Reduction (GFDRR) and several local technology companies, hosted a two-day event called Understanding Risk Boulder (URBoulder). URBoulder convened the talent and expertise of the region's communities, scientists, technologists and government to develop a shared understanding of the challenges faced in building long-term resilience to natural hazards; understand the impacts of climate change; and develop innovative solutions to meet them.

In conjunction with UR Boulder, Ushahidi hosted a Tech Challenge that sought to use open-source technology to improve resilience in Boulder and strengthen community engagement. The UR Boulder Tech Challenge was designed to identify technological gaps in the resilience landscape of Boulder and provide seed funding for innovate solutions to them. The challenge was funded by The Rockefeller Foundation.

"With an estimated 2.8 million visitor nights in 2013, the tourism industry contributed to an estimated $420 million total economic impact on the City of Boulder. The industry is supported by the area's scenic beauty and recreational opportunities, variety of entertainment and attractions, support for arts and culture, and broad range of dining, shopping and lodging options."

- BOULDER ECONOMIC COUNCIL

FRONTIER

ENVISION THE FUTURE OF ENERGY

Develop a sustainable, secure and equitable energy system.

Extreme weather events have created a call to action for deploying more resilient power systems. Communities face a growing number of stresses that pose risks to their energy systems and economies. These include aging infrastructure in need of costly maintenance upgrades and severe weather events. Energy efficiency and local power generation are strategies that enhance the resilience of energy systems and the communities they serve.

Boulder is committed to transitioning to a no-carbon energy system as part of its climate action plan. This wholesale transformation will fundamentally alter the landscape of energy production, storage, distribution and use in ways that are only now being fully explored. With this transition comes an additional opportunity—a chance to apply core resilience principles, such as flexibility, redundancy and robustness, as additional drivers of the system design. Many of the renewable energy sources we rely on as part of our strategies for reducing carbon are well suited to serve as the backbone for a resilient energy system.

The city aims to improve resiliency and address economic and environmental concerns by prioritizing a local, clean energy system that combines Boulder-based generation, integrated storage and other distributed energy resources, increasing clean energy opportunities to low-income communities and protecting vulnerable populations by serving critical power needs. It will require careful consideration and extensive design, partnerships that span the entire community, and, ultimately, a collective leap of faith and the willingness to embrace change, even when the outcome is not yet entirely clear.

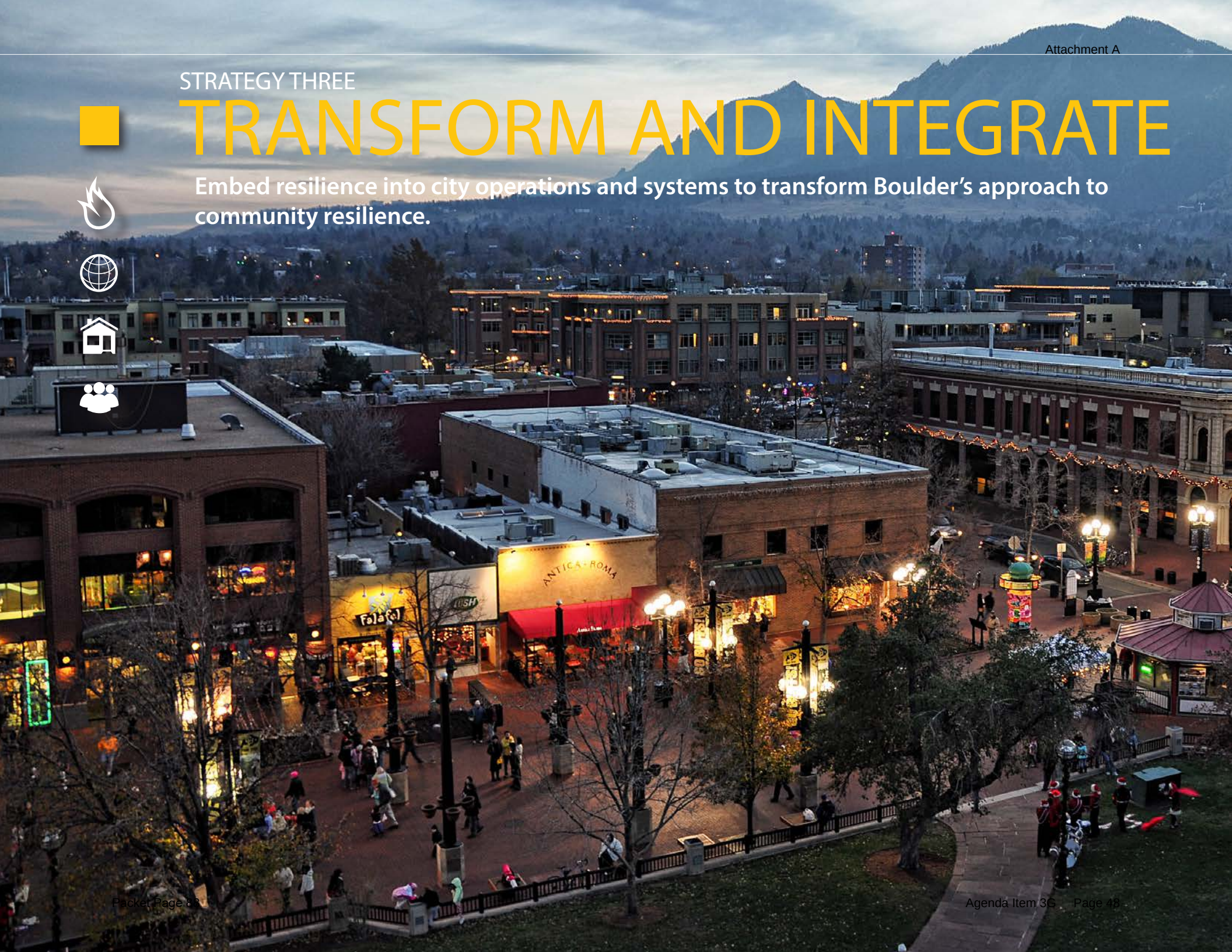
"We are working on a wide array of policies, programs and projects to reduce emissions and realize other important community outcomes. We know that long-term success will require better feedback loops, honest assessment, persistence and collective action."

- City of Boulder's 2016
Climate Commitment Framework

STRATEGY THREE

TRANSFORM AND INTEGRATE

Embed resilience into city operations and systems to transform Boulder's approach to community resilience.



ACTIONS:

3.1 Create Community Resilience Centers

Ensure the continuity of all critical life-safety services at a network of community resilience centers.

3.2 Foster Climate Readiness

Build climate preparedness capacity across the city organization.

3.3 Advance Sustainability with Resilience

Integrate resilience principles into Boulder's Sustainability Framework.

3.4 Embed Resilience in the Comprehensive Plan

Integrate resilience into the Boulder Valley Comprehensive Plan.

3.5 Manage Thriving Ecosystems

Develop an integrated approach to managing ecosystems and green infrastructure.

PURPOSE:

The city's infrastructure, design and neighborhoods are driven by public investments and land use decisions. Choices made today will last for generations. These choices also must be considered on multiple scales and across issues and systems. Facing a future with so much uncertainty will ultimately require flexible and adaptive systems that do not lock the Boulder community into a single pathway.

RESILIENCE VALUE:

Embedding resilience into long-held sustainability values creates systemic change for both the city and the larger community that allows us to better address a wide range of climate, economic and social challenges.

Action 3.1 Create Community Resilience Centers

Ensure the continuity of all critical life-safety services at a network of community resilience centers.

Recent events have highlighted the extreme vulnerabilities and interdependencies of core life-safety infrastructure and utilities (e.g. energy, water and sanitation) and the need for their combined secure, continuous operation during crisis. Advance planning for large-scale, high-impact events is critical to ensuring that these incidents do not overwhelm either immediate response capabilities or the long-term well-being of highly vulnerable segments of Boulder's community. The city will design and implement a communitywide network of resilience centers that ensures continuity of critical community services, protection for high-risk populations and infrastructure, and an enhanced capacity to provide and maintain basic services at a neighborhood scale, and develop the capacity to 'island' critical infrastructure provision without jeopardizing core life-safety functions. These resilience centers will contain small-scale or compartmentalized infrastructure systems that can operate independent of the larger utility system to sustain a sheltering facility during wide-scale disruption.

Boulder will also create place-based platforms for assembly, cooperation and education. By basing and delivering community outreach, activities and other functions (e.g., mobile farmers markets, food trucks, fix it clinics, recycling support, etc.) from these locations, these centers can be integrated into the new focus on neighborhood- based engagement during good times as well as crisis. The likely integration of significant renewable energy assets at these locations can also provide foundational elements for a distributed energy system that could include neighborhood-based load balancing through on-site battery storage, neighborhood microgrid development or other emerging decentralized energy utility models.

By thoughtfully investing in public safety infrastructure as a response to lessons learned in previous events, the city can weave in multiple additional community benefits such as neighborhood development and energy transition.

Action 3.2 Foster Climate Readiness

Build climate preparedness capacity across the city organization.

Most of the city's climate risk is tied to larger scale changes in the global and regional climate, and the community's understanding of those impacts at the local scale is inconsistent. This is in part because of the complexities of Boulder's local topography, but also because the city currently uses a wide variety of models, methods and analysis to characterize potential "futures." In order to efficiently and effectively plan for Boulder's future climate impacts, the city will systematize the use of climate information across all departments and city functions in a way that is scientifically robust yet retains appropriate flexibility.

CLIMATE LEADERS PROGRAM

The City of Boulder will pilot a program to train department leaders, from Human Resources and Finance to Utilities and Parks and Recreation, in the science of climate change so that everyday decisions across the organization can be informed by a consistent foundation of knowledge and understanding.

SCENARIO PLANNING

We must prepare to accommodate a much wider range of possible future environmental, social and economic conditions than in the past. Part of the solution is to design a scenario-based process for planning that allows us to test programs, actions and investments against different plausible potential future conditions and prioritize actions that represent "no or low regrets" strategies. "No or low regrets" strategies are those that are sound investments and adaptations regardless of the severity of future change.

By investing in the core capacity of city staff to understand climate science and impacts, and by developing flexible mechanisms to plan for a range of potential climate impacts, Boulder is creating the adaptive governance structures necessary to address the wide-ranging effects that climate change will have on all functions of government.

Action 3.3 Advance Sustainability with Resilience

Integrate resilience principles into Boulder's Sustainability Framework.

Boulder's Sustainability Framework is the unifying mechanism that connects all of the city's policies and programs, and therefore represents the best point for integrating the resilience principles that will have the greatest impact across all of Boulder's departments and functions. The Sustainability Framework has been used successfully in practice for several years, informing the city's policies, budget prioritization and program design. The Boulder community has a deeply embedded sense of sustainability as a core value system, manifested through the well-established framework, among many other community-driven initiatives. Resilience, however, is a relatively new and emerging concept being systematically applied as a practice in cities for the first time. By thoughtfully integrating resilience into a familiar and operational framework, resilience activity will be placed in a relatable and immediately actionable context.

The city is continuously working to provide service excellence for an inspired future and moving towards the vision of One City, One Boulder.

Action 3.4 Embed Resilience in the Comprehensive Plan

Integrate resilience into the Boulder Valley Comprehensive Plan.

The Boulder Valley Comprehensive Plan (BVCP) serves as the city's highest level policy document, articulating the community's vision and core values. The BVCP contains sustainability principles and policies and chapters that convey discrete topics such as land use, transportation, housing and economy. By integrating new resilience policies and strategies into the BVCP, the plan can address key elements of a healthy, stable and adaptive community, reflect and address Boulder's highest risks so the community can be adaptive, underscore connectively between systems and vulnerabilities, and illustrate ways that the BVCP can address Boulder's resilience, not only in times of disruption and crisis, but also on a day-to-day basis and over the long term. Integrating resilience into the BVCP will leverage interdisciplinary expertise and generate strategies that are responsive to Boulder's challenges, as well as align activities and priorities across city departments.

Action 3.5 Manage Thriving Ecosystems

Develop an integrated approach to managing ecosystems and green infrastructure.

By creating an integrated management plan, Boulder will support its complex local ecosystem and plan for the systemic stresses and changes anticipated with climate change impacts. As part of Boulder's long history of progressive planning, the city actively manages many aspects of the ecosystem, including monitoring wildlife-human interactions, maintaining a healthy forest canopy and conducting regular riparian renewal and restoration efforts. The success of these programs contributes to the city's rich quality of life and sense of community. These programs also add to the ongoing success of Boulder's signature planning achievement—the vast greenbelt of open space that encircles the city. Building on these efforts, Boulder will develop an integrated strategy that aims to knit disparate efforts to create a single management plan that will evaluate new opportunities and maximize value around existing and future green infrastructure planning initiatives.

Learning with 100 Resilient Cities

TRIMBLE AND DIGITALGLOBE

Boulder's urban forest faces unique challenges due to both the higher stresses already caused by geographic conditions and the onset of diseases and exotic pests such as the recently arrived Emerald Ash Borer (EAB). Given these factors and the need to develop a more robust set of urban forest management tools, the City of Boulder partnered with 100RC Platform Partners Trimble and DigitalGlobe to map the urban tree canopy.

DigitalGlobe was able to provide Boulder with the high-resolution multi-spectral satellite imagery needed to extract, map, and measure the trees throughout the city. Trimble presented an initial citywide urban tree canopy analysis, as well as provided free training to city staff on the use of the eCognition software necessary to map changes to the urban tree canopy over time.

The result provided the city with a baseline to prioritize future management plans and track green infrastructure changes whether through loss due to EAB infestation or gain through green infrastructure improvements. The urban tree canopy analysis will be published in Boulder's Open Data Catalog. In addition to working with Boulder, Trimble and DigitalGlobe are assessing how to replicate and offer similar outcomes to other municipalities based on the work done and lessons learned with Boulder.

The 18-month "Tree Debris to Opportunity" project (see pg 42) aims to transform Emerald Ash Borer infested wood debris into items area residents can use. In partnership with the Bridge House Ready to Work program, participants will receive expert training to turn milled wood into practical items and artistic expressions at the new Building 61 Makerspace at the Boulder Main Library.

Uniquely Boulder

TRAINING THE HOMELESS TO TURN "TREE DEBRIS TO OPPORTUNITY"

The City of Boulder has won a prestigious Knight Cities Challenge grant to develop an innovative program that will train homeless community members to turn trees impacted by Emerald Ash Borer into beautiful products. This 18-month project addresses a variety of community challenges, including Emerald Ash Borer infestation and homelessness. The program, called Tree Debris to Opportunity, was one of 37 recipients chosen by the Knight Cities Challenge for support and funding. The city's application was submitted in partnership with the Bridge House and Library Maker Space.

The goal is to engage the Boulder community in repurposing Ash tree debris to usable products to be sold back to the community. The program will hire participants of the Bridge House Ready to Work program. These individuals will complete a multi-month apprenticeship at the Maker Space, located in the Main Library, to learn how to become woodworkers. The group will make products that will then be sold at the Farmers Market and other locations. Public classes will also be offered for free. The Bridge House participants will help teach and facilitate the classes, encouraging collaboration between all members of the community. The project is expected to begin in mid- to late summer and is made possible through the generous support of the Knight Cities Challenge. The grant amount totals $200,000.

FRONTIER

CREATE ADAPTIVE SOCIAL SERVICES

Reduce homelessness by designing an adaptive and predictive social service network.

Human Services provides vital support for large segments of the Boulder community through grants to community agencies, direct services and community capacity-building partnerships. These programs provide a range of community services for vulnerable residents—from access to mental and physical health, child care and family support to emergency services. The 2016 revision to the Human Services Strategy seeks to shift how Human Services conducts business, away from primarily tracking program-based success metrics, such as the number of shelter beds filled or meals served, to a predictive and adaptive service provision based on achieving social outcomes. This shift will allow us to identify "tipping points" in the social safety net that cause individuals and families to move from relative stability into homelessness. It will allow us to monitor for those changes and preemptively adjust resources to avoid them.

Homelessness represents a profound threshold for the most vulnerable in our society and once crossed, individuals and families encounter significantly more social, economic and health barriers. Reducing homelessness not only brings obvious and important benefits for the individuals and families involved, but ultimately saves substantial resources in the social safety net that can be redirected toward additional positive investments. Boulder is a prosperous and innovative city, and it has pioneered many important cultural and environmental issues. Thus, developing new ways to assist residents with the greatest needs, so that no one falls into homelessness, is a resilience frontier.

A RUNNING START

The actions listed to the right showcase many of the resilience activities the city is currently undertaking across the community. Boulder has taken inspiration and learned from its successes in the design of the new actions proposed earlier in this strategy. However, the list is not comprehensive – Boulder is doing much more. Let us know what you, your organization or company is already doing to build community resilience at www.resilientboulder.com Add to the ever-growing list of resilience building projects, programs and activities!

2016-2017 Resilience Actions	Resilience Challenge Area	Boulder's Running Start
Strategy 1: **CONNECT AND PREPARE** Prepare all segments of the community for uncertainty and disruption by encouraging community preparedness, creating a culture of risk awareness, and personalizing resilience.		
1.1 Make Resilience Accessible: Deploy a community driven, interactive "Mobile Resilience Lab."		NEW!
1.2 Activate Volunteerism: Develop a volunteer community preparedness training program.		City of Boulder Fire Rescue's Citizen's Fire Academy
1.3 Assess Economic Strength: Identify risks to future economic vitality.		City of Boulder's Economic Sustainability Strategy
1.4 Prepare Businesses: Incentivize the use of continuity planning strategies with local businesses.		Boulder Office of Emergency Management
1.5 Connect for Rapid Recovery: Develop rapid post-disaster impact assessment capacity in partnership with the local business community.		NEW!
1.6 Foster Artistic Engagement: Engage the creative power of the arts to convey and involve people in complex risk and resilience themes.		Boulder's Community Cultural Plan
FRONTIER 1: Invest in the Future: Prioritize city investments to promote community resilience and proactively address future risks.		City of Boulder Capital Improvements Program
Strategy 2: **PARTNER AND INNOVATE** Capitalize on the collective problem solving and creativity of Boulder's community by leveraging advances in data, research and observations to address emerging resilience challenges.		
2.1 Put Science in the Hands of the Community: Create a "citizen science" program to foster the co-creation of knowledge.		NEW!
2.2 Ensure the Resilience of the Local Food System: Design and conduct a local food system assessment.		City of Boulder's Local Foods Initiative
2.3 Make Data Accessible to All: Spur creative representation of data through investments in artistic visualization and knowledge display.		Bold Measures, Boulder's Community Dashboard (Coming Soon!)
2.4 Crowd Source Solutions: Drive the creative use of community data through competitive challenges and hackathons.		Understanding Risk Boulder
FRONTIER 2: Envision the Future of Energy: Develop a sustainable, secure, and equitable energy system.		City of Boulder's Energy Future
Strategy 3: **TRANSFORM AND INTEGRATE** Embed resilience into city operations and systems to transform Boulder's approach to community resilience.		
3.1 Create Community Resilience Centers: Ensure the continuity of all critical life-safety services at a network of community resilience centers.		City of Boulder's Climate Commitment
3.2 Foster Climate Readiness: Build climate preparedness capacity across the city organization.		Colorado's Water Plan - Chapter 6, Water Supply Management for the Future
3.3 Advance Sustainability with Resilience: Integrate resilience principles into Boulder's Sustainability Framework.		Boulder's Sustainability Framework
3.4 Embed Resilience in the Comprehensive Plan: Integrate resilience into the Boulder Valley Comprehensive Plan (BVCP).		Our Legacy. Our Future. BVCP 2015 Update
3.5 Manage Thriving Ecosystems: Develop an integrated approach to managing ecosystems and green infrastructure.		City of Boulder's Urban Forest Strategic Plan
FRONTIER 3: Create Adaptive Social Services: Reduce homelessness by designing an adaptive and predictive social service network.		City of Boulder's Human Services Strategy

5 CREDITS

ACKNOWLEDGMENTS

Resilient Boulder would like to thank the many partners that contributed to Boulder's Resilience Strategy. Most importantly, we thank the thousands of community members who participated in workshops, surveys and conversations and provided boundless energy, creativity and insights during the strategy process.

The city would like to extend a very special thanks to the tremendous support provided by the team at 100 Resilient Cities, including Michael Berkowitz, Bryna Lipper, Andrew Salkin, Amy Armstrong, Leah Flax, Corinne LeTourneau, Katherine Michonski, Paul Nelson, David Schreiner, Roya Shariat, Max Young and the rest of the team. The success of this effort and partnership, however, would not have been possible without the immeasurable contributions of Katya Sienkiewicz.

Finally, we offer our sincere thanks and appreciation to our 100RC platform and strategy partners listed below.

STRATEGY PARTNER:

HR&A Advisors

100RC PLATFORM PARTNERS:

AGU Thriving Earth Exchange
Climate CoLab
DigitalGlobe
Earth Economics
Resiliency Advisors LLC
Trimble
Ushahidi

PHOTO CREDITS:

Pg. 03, Full Page	Nate Paradiso, Open Space & Mountain Parks Photo Contest
Pg. 10, Top Left	George Karakehian Collection
Pg. 10, Top Right	George Karakehian Collection
Pg. 10, Middle Left	The Sink
Pg. 11, Full Page	Earth Observatory, NASA
Pg. 15, Full Page	University of Colorado Sports Video & Athletics
Pg. 31, Middle	Walk My Path in Class 18- AmeriCorps NCCC
Pg. 37, Full Page	Downtown Boulder (DBI.org)
Pg. 38, Bottom	UR Boulder
Pg. 45, Full Page	Austin Baily, Open Space & Mountain Parks Photo Contest

RESILIENT BOULDER

Printed on 100% post-consumer recycled paper.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Consideration of a motion to authorize the City Manager, pursuant to article XIV, Section 18 (2)(a) of the Constitution of the State of Colorado and Part 2, Article 1, Title 29, C.R.S., which encourages and authorizes intergovernmental agreements and Sections 29-1-203 and 29-1-203.5, CRS which authorizes governments to cooperate and contract with one another, to enter an intergovernmental agreement establishing the Front Range Fire Consortium.

PRESENTER/S
Jane S. Brautigam, City Manager
Michael Calderazzo, Fire Chief

EXECUTIVE SUMMARY

Historically, the Front Range Fire Consortium has operated as an informal collaboration of 10 fire departments in Northern Colorado, Wyoming and Montana. This informal collaboration has been in existence for 20 years and has provided recruit fire academies and professional development to over half of the current 840 career employees of the collaborating agencies.

This plan outlines the proposal by the Fire Chiefs of the collaborating agencies to establish a separate governmental entity, which will continue to be called the Front Range Fire Consortium ("FRFC"). The governmental entity will be a political subdivision of the State of Colorado, and will be established through an Intergovernmental Agreement ("Establishing IGA") that is approved by the governing bodies of each establishing agency ("Establishing Member").

The new governmental entity will provide the stability and predictability to the governance, administration, funding and planning of FRFC activities that have been difficult to maintain under the present informal collaboration. In addition, forming the

new governmental entity will (a) ensure that services and resources are provided by participating agencies on a more equitable basis; (b) its activities will be protected by governmental immunity under Colorado law; and, (c) there is an actual legal entity that can hold title to donated resources and can purchase shared resources.

The new governmental entity will continue the historical mission of the collaborating agencies, particularly the recruit fire academies. While the operations of the fire academies will remain substantially the same, the financial strategy will change from "donated resources" to a "per-participant" cost and "leased resources".

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests Council consideration of this matter and action in the form of the following motion: Motion to authorize the City Manager to enter in to an Intergovernmental Agreement that allows City of Boulder to be an establishing member of the Front Range Fire Consortium (FRFC).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – This IGA has no direct economic impact on the community.
- Environmental – This agreement facilitates regional training of firefighters. Our ability to train in a joint environment assists with relationships and response which can help reduce fire loss within the city and in the surrounding areas.
- Social – This IGA has no direct social impact on the community.

OTHER IMPACTS

- Fiscal – The budgetary impact to the city will include a $10,000.00 membership fee along with an $11,000.00 per-participant fee to attend the academy. This cost is offset with how BFD supported the academy in the past, which was not well defined or properly tracked. BFD provided instructors, support crews and equipment to facilitate the academy but was never reimbursed for that support. It is estimated that the new model will provide a cost savings to the City of Boulder by better defining the funding and support required to run the academy and spreading that cost more evenly throughout the FRFC members.
- Staff time-This IGA has no impact on staffing from the City of Boulder.

BOARD AND COMMISSION FEEDBACK

There is no city board or commission associated with the FRFC or BFD.

PUBLIC FEEDBACK

No public notice is required for this application type.

ANALYSIS

The FRFC has been instrumental in conducting the training and certification for new firefighters over the last 20 years. There was a need to formalize the process for legal and liability reasons. It is recommended that council provide consent to move forward with the IGA in order to allow BFD to become an establishing member of the FRFC thereby having a seat on the board and helping to achieve the objectives of the FRFC. If the city chooses not to participate then BFD could still send new firefighters to the academy for the same cost to include membership and per-participant cost but would be non-voting associate members. Additional options would be to participate in another academy or conduct an internal fire academy. Estimated costs for these options would be greater than the current FRFC proposal but actual cost is difficult to compile based on historical data which does not exist.

ATTACHMENTS

A-Intergovernmental Agreement Establishing the Front Range Fire Consortium
B-Front Range Fire Consortium Business plan November 3, 2016

INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE FRONT RANGE FIRE CONSORTIUM

This INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE FRONT RANGE FIRE CONSORTIUM ("***Agreement***") is made and entered into as of the Effective Date (defined below) by and among the following local governments that have signed this Agreement by the Effective Date, which are referred to individually as an "***Establishing Member***" and collectively as the "***Establishing Members***":

1. CITY OF BOULDER, a home rule municipality, incorporated and existing under the laws of the State of Colorado;

2. CITY OF GREELEY, a home rule municipality, incorporated and existing under the laws of the State of Colorado;

3. CITY OF LONGMONT, a home rule municipality, incorporated and existing under the laws of the State of Colorado;

4. CITY OF LARAMIE, a municipal corporation, incorporated and existing under the laws of the State of Wyoming;

5. CITY OF CHEYENNE, a municipal corporation, incorporated and existing under the laws of the State of Wyoming;

6. MOUNTAIN VIEW FIRE PROTECTION DISTRICT, a political subdivision of the State of Colorado;

7. WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT, a political subdivision of the State of Colorado;

8. POUDRE FIRE AUTHORITY, a public entity of the State of Colorado; and,

9. LOVELAND FIRE RESCUE AUTHORITY, a public entity of the State of Colorado.

RECITALS

WHEREAS, Article XIV, Section 18(2)(a) of the Constitution of the State of Colorado and Part 2, Article 1, Title 29, C.R.S., encourages and authorizes intergovernmental agreements;

WHEREAS, Sections 29-1-203 and 29-1-203.5, C.R.S., authorize governments to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each, and to establish a separate political subdivision of the State to do so. Section 29-1-206.5, C.R.S., authorizes Colorado municipalities, fire protection districts and fire protection authorities to contract with municipalities of neighboring states to provide emergency services; and,

SIGNATURE DOCUMENT 10-12-16

WHEREAS, the Establishing Members wish to establish a separate political subdivision of the State of Colorado that will be responsible for providing training and other services supporting the provision of emergency services by the Establishing Members and, when appropriate, to provide such training and other support services to Associate Members (defined below) and/or Contracting Agencies (defined below).

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Establishing Members agree as follows:

AGREEMENT

ARTICLE 1
ORGANIZATION AND PRINCIPAL PLACE OF BUSINESS

1.1 **Organization.** There is hereby established the "Front Range Fire Consortium" ("***Consortium***"), which shall constitute a separate political subdivision of the State pursuant to Sections 29-1-203 and 29-1-203.5, C.R.S., and a "public entity" within the meaning of the Colorado Governmental Immunity Act, Section 24-10-101, C.R.S., *et seq*. The Consortium is established in conformity with Section 29-1-203.5, C.R.S. and the provisions of that statute shall apply to the Consortium.

1.2. **Principal Place of Business.** The Board will from time to time establish the Consortium's principal place of business, which initially will be 1731 Cedar Ave, Greeley, Colorado 80631.

ARTICLE 2
DEFINITIONS

In addition to those terms defined elsewhere in this Agreement, the following terms shall have the following meanings:

2.1 "**Advance Deposit**" means the portion of the projected expenditures set forth in the Annual Budget adopted by a Majority vote of the Voting Directors that shall be paid by each Establishing Member and Associate Member. The amount of the Advance Deposit, if any, shall be set by a Majority vote of the Voting Directors at the time they adopt the Annual Budget.

2.2 "**Alternate Non-Voting Director**" means an alternative representative appointed by an Associate Member to serve as its Non-Voting Director when its Non-Voting Director is absent or unable to perform his/her duties.

2.3 "**Alternate Voting Director**" means an alternative representative appointed by an Establishing Member to serve as its Voting Director when its Voting Director is absent or unable to perform his/her duties.

SIGNATURE DOCUMENT 10-12-16

2.4 "**Annual Budget**" means the fiscal plan adopted annually by the Board regarding anticipated revenues and expenditures, and the funding of or expenditure from the General Operating Fund and/or the Reserve Fund during the ensuing Fiscal Year.

2.5 "**Annual Membership Fee**" means the non-refundable annual fee charged to each Establishing Member and Associate Member for membership in the Consortium, the amount of which is established by the Board each year as part of the Annual Budget.

2.6 "**Associate Member**" means a governmental agency that is not an Establishing Member or Contracting Agency, which (a) pays the Annual Membership Fee; (b) pays the Per Participant Fee(s) (when applicable); and, (c) is entitled to participate in the Consortium Leased Resources Program. The following agency is accepted as an Associate Member as of the Effective Date with no further action being required by the Consortium or the agency:

CENTRAL VALLEY FIRE DISTRICT, a Montana statutory rural fire district.

2.7 "**Board**" means the Board of Directors for the Front Range Fire Consortium, as established by this Agreement.

2.8 "**Contracting Agency**" means either a governmental agency that provides emergency services or a private entity that provides emergency services, and which governmental agency or private entity enters into one or more Service Agreements with the Consortium.

2.9 "**Director(s)**" means (a) each Voting Director or, in his/her absence or inability to perform, the Alternate Voting Director; and (b) each Non-Voting Director or, in his/her absence or inability to perform, the Alternate Non-Voting Director.

2.10 "**Effective Date**" means January 1, 2017.

2.11 "**Fiscal Year**" means the fiscal year of the Consortium, which is concurrent with the calendar year.

2.12 "**General Operating Fund**" means a fund into which all revenues from any source are deposited and from which all financial obligations and expenditures of the Consortium are paid, except for revenues that are deposited into and paid directly from the Reserve Fund.

2.13 "**Majority**" means one more than half the Voting Directors present at a regular or special meeting where a quorum of Voting Directors are present in-person, telephonically or by any other media by which each Director can hear and be heard by the other Directors and the audience. For purposes of an emergency meeting, a Majority means, regardless whether a quorum of Voting Directors is present, one more than half the Voting Directors present in-person, telephonically or by any other media by which each Director can hear and be heard by the other Directors and the audience.

SIGNATURE DOCUMENT 10-12-16

2.14 "**Non-Voting Director(s)**" means a non-voting representative appointed by each Associate Member (exclusive of any Associate Member that withdraws or is involuntarily terminated).

2.15 "**Participant**" means an employee or volunteer of an Establishing Member, Associate Member or Contracting Agency, who participates in one or more of the Services provided by the Consortium.

2.16 "**Per Participant Fee**" means the fee charged an Establishing Member or Associate Member for each Participant that Establishing Member or Associate Member has participating in one or more of the Services provided by the Consortium. The Voting Directors, by Majority vote, shall establish each Per Participant Fee that will be charged, and the amount of each Per Participant Fee, as part of adopting the Annual Budget. The Per Participant Fees may be established for each individual Service, for a group of Services, or in any other manner the Voting Directors deem appropriate. By way of example only, in a given year, the Voting Directors could establish: a) a separate Per Participant Fee for each Service provided by the Consortium; b) a "group" Per Participant Fee that entitles a Participant to participate in a certain group of Services provided by the Consortium; and, c) an "all inclusive" Per Participant Fee that entitles a Participant to participate in all Services provided by the Consortium.

2.17 "**Quorum**" means more than one-half the number of Voting Directors serving on the Board at the time of the regular or special meeting, whether participating in-person, telephonically or by any other media by which each Voting Director can hear and be heard by the other Voting Directors and the audience. A vacant Voting Director position will not be counted for purposes of determining if a quorum is present. A Voting Director who abstains from a vote will still be counted for purposes of determining if a quorum is present.

2.18 "**Reserve Fund**" means a fund established to defray the costs of unanticipated or unreimbursed administrative or operating expenses, or for future capital expenditures

2.19 "**Reserve Fund Contribution**" the amount each Establishing Member may be required to pay from time to time into the Reserve Fund, as determined by the Board.

2.20 "**Services**" means the training and other services provided by the Consortium to support the emergency services of the Establishing Members, which services shall be determined by the Board from time to time.

2.21 "**Service Agreement(s)**" means one or more contracts entered into between a Contracting Agency and the Consortium whereby the Consortium provides one or more Services in exchange for monetary compensation.

2.22 "**Super Majority**" means at least sixty-six percent (66%) of the Voting Directors at the time of a regular or special meeting where a quorum of Voting Directors are present in-person, telephonically or by any other media by which each Voting Director can hear and be heard by the other Voting Directors and the audience.

SIGNATURE DOCUMENT 10-12-15

2.23 "**Unaffiliated Participant**" means an individual who is not an employee or volunteer of an Establishing Member, Associate Member or Contracting Agency, and who participates in an Unaffiliated Participant Program established by the Majority vote of the Voting Directors.

2.24 "**Unaffiliated Participant Fee(s)**" means the fee(s) charged an Unaffiliated Participant to participate in one or more of the Services provided by the Consortium. The Voting Directors, by Majority vote, shall establish each Unaffiliated Participant Fee that will be charged, and the amount of each Unaffiliated Participant Fee, as part of adopting the Annual Budget. The Unaffiliated Participant Fees may be established for each individual Service, for a combination of Services, or in any other manner the Voting Directors deem appropriate. By way of example only, for a given year, the Voting Directors could establish: a) a separate Unaffiliated Participant Fee for each Service provided by the Consortium; b) a "group" Unaffiliated Participant Fee that entitles an Unaffiliated Participant to participate in a certain group of Services provided by the Consortium; and, c) an "all inclusive" Unaffiliated Participant Fee that entitles an Unaffiliated Participant to participate in all Services provided by the Consortium.

2.25 "**Voting Director(s)**" means a voting representative appointed by each Establishing Member (exclusive of any Establishing Member that withdraws or is involuntarily terminated).

ARTICLE 3
POWERS AND AUTHORITY

All legislative power of the Consortium is vested in the Board. The Consortium, through its Board, shall have the following powers and authority:

3.1 Determine, develop and provide high quality Services.

3.2 Acquire, lease, operate, maintain, repair, replace or sell real and personal property, systems, equipment and other materials necessary or appropriate for the administration of the Consortium and its provision of the Services.

3.3 Hire employees and appoint volunteers; lease personnel from an Establishing Member or Associate Member; and, hire independent contractors, consultants and professionals.

3.4 Collect and disburse all funds related to administering the Consortium and providing the Services, and establish such banking accounts and relationships necessary for these purposes.

3.5 Maintain separate asset inventory schedules for all real or personal property acquired by the Consortium, whether through purchase, donation, grant or otherwise.

3.6 Enter into, make and perform contracts of every kind as authorized by law with other local governmental entities, the State of Colorado or any political subdivision thereof, the United States, or any political subdivision thereof, and any individual, firm, association,

SIGNATURE DOCUMENT 10-17-16

partnership, corporation, or any other organization of any kind.

3.7 Receive contributions, gifts, donations, bequests, or grants of any type or nature, including but not limited to cash, real or personal property, equipment, or services.

3.8 Adopt bylaws, policies, and procedures with respect to the exercise of its powers and authority, and the provision of its Services.

3.9 Obtain and maintain general liability and management liability insurance coverage, and such other insurance as it deems appropriate or as may be required by law.

3.10 Exercise any other powers and authority that are necessary to administer the Consortium or provide the Services, including all implied or inherent powers and authority granted the Consortium by this Agreement or by law.

ARTICLE 4
ESTABLISHING MEMBERS, ASSOCIATE MEMBERS AND CONTRACTING AGENCIES

4.1 **Establishing Members and Associate Members.**

4.1.1 Rights of Establishing Members. Each Establishing Member shall have the rights:

a. To participate in and receive any Services provided by the Consortium. Establishing Members shall pay for costs associated with the Services provided by the Consortium in accordance with the terms of this Agreement;

b. To receive reimbursement for Leased Resources;

c. To a prorated share of the assets of the Consortium upon termination of this Agreement, unless the Establishing Member has been involuntarily terminated or has withdrawn prior to the effective date of termination of this Agreement;

d. To have a representative serve on the Board and to cast one vote on any matter coming before the Board; and,

e. To all other benefits and privileges bestowed on Establishing Members under this Agreement.

4.1.2 Rights of Associate Members. Associate Members shall have all of the rights of Establishing Members except that the representative an Associate Member appoints to the Board shall serve as an *ex officio* Board member and shall not be entitled to vote on matters coming before the Board.

SIGNATURE DOCUMENT 10-12-16

4.1.3 Involuntary Termination. The Board may terminate the participation of any Establishing Member or Associate Member ("***Defaulting Member***") in the Consortium, and remove such Defaulting Member as a party to this Agreement, upon the occurrence of either of the following: a) the Defaulting Member's breach of this Agreement ("***Breach***"); or b) the Defaulting Member's failure to pay in full at the required time either its Annual Membership Fee and/or any Reserve Fund Contribution ("***Failure to Pay***"). The procedure for such termination and removal shall be as follows:

a. Super Majority Vote. Termination and removal shall require a Super Majority vote of the Voting Directors at a regular or special meeting during which the Defaulting Member shall have the opportunity to present relevant evidence in its defense, which relevancy shall be determined by the Voting Directors.

b. Opportunity to Cure. If the Voting Directors vote to terminate and remove a Defaulting Member as set forth above, the Defaulting Member shall have thirty (30) calendar days to cure a Breach, or ten (10) calendar days to cure a Failure to Pay, as applicable.

c. Final Termination Vote. At a regular or special Board meeting, the Board shall determine whether the Defaulting Member cured the violation within the applicable cure period. The Board may review such evidence as it determines is reasonable and necessary and shall thereafter vote on the matter. Whether the Defaulting Member successfully cured the violation shall be determined by a Majority vote of the Voting Directors. If the meeting is to evaluate the cure of a Breach, this meeting shall be held not less than thirty (30) days and not more than sixty (60) days after a Super Majority vote of the Voting Directors to terminate and remove the Defaulting Member. If the meeting is to evaluate the cure of a Failure to Pay, this meeting shall be held not less than ten (10) days nor more than thirty (30) days after a Super Majority vote of the Voting Directors to terminate and remove the Defaulting Member. If the Board determines that the Defaulting Member did not cure the violation, the Defaulting Member's participation in the Consortium shall immediately terminate and the Defaulting Member shall be removed as a party to this Agreement.

Upon termination, the terminated Defaulting Member shall have no further interest, right or title in or to any assets or equity of the Consortium. Termination of one or more Establishing Members shall not cause termination of this Agreement.

4.1.4 Consolidation by Establishing Members. Consolidation by a Establishing Member with another Establishing Member or a non-Establishing Member to form a single legal entity will neither terminate this Agreement nor constitute a withdrawal by the consolidating Establishing Member(s). All rights and obligations of such consolidating Establishing Member(s) will inure to the newly created single legal entity. Any consolidated Establishing Member will have one Voting Director on the Board and will be entitled to one vote.

4.1.5 Withdrawal of Establishing Members. An Establishing Member may withdraw from this Agreement at the end of any calendar year by written notice authorized by the governing body of such Establishing Member that is given to the Board and every other

SIGNATURE DOCUMENT 10-12-16

Establishing Member no later than January 15th of that calendar year. To the extent permitted by law, a withdrawing Establishing Member will remain liable for its share of any and all financial obligations and indebtedness of the Consortium incurred while the withdrawing Establishing Member was an Establishing Member of the Consortium. Upon withdrawal, a withdrawing Establishing Member will have no further interest, right, or title in or to any assets or equity of the Consortium, unless there is a specific written agreement to the contrary approved by the governing body of the withdrawing Establishing Member and a Super Majority vote of the Voting Directors. Withdrawal by any Establishing Member or combination of Establishing Members will not cause termination of this Agreement. A Establishing Member's non-appropriation of funds pursuant to Section 6.5 will constitute a withdrawal; provided however, that the three hundred fifty (350) calendar days prior notice period will not apply and, instead, the Establishing Member will be deemed withdrawn as of January 1 of the Fiscal Year for which funds are not appropriated. A non-appropriating Establishing Member must notify every other Establishing Member as soon as reasonably practical when it is certain that its governing body will fail to appropriate the funds necessary for the Establishing Member to meet its financial obligations for the ensuing Fiscal Year.

4.1.6 Addition of Establishing Members and Associate Members. A new governmental agency may join the Consortium as an Establishing Member of this Agreement upon the Super Majority vote of the Voting Directors consenting to the new governmental agency becoming an Establishing Member. A new governmental agency may join the Consortium as an Associate Member of this Agreement upon the Majority vote of the Voting Directors consenting to the new governmental agency becoming an Associate Member.

4.2 **Contracting Agency.** Upon the affirmative Majority vote of the Voting Directors, the Consortium may enter into a Service Agreement(s) with a Contracting Agency to provide to the Contracting Agency one or more of the Services. Each Service Agreement will specify the Service(s) to be provided by the Consortium and the terms under which such Service(s) is to be provided, including the compensation to be paid the Consortium, and the terms and conditions upon which the Service Agreement may or shall be terminated.

ARTICLE 5
GOVERNANCE

5.1 **Establishment of Board of Directors**. There is hereby established a Board of Directors. The Board shall consist of one Voting Director and, in his/her absence or inability to perform his/her duties, one Alternate Voting Director for each Establishing Member, and one Non-Voting Director and, in his/her absence or inability to perform his/her duties, one Alternate Non-Voting Director for each Associate Member. Directors may be appointed to serve consecutive terms on the Board.

5.2 **Appointment.** A Director will serve at the pleasure of the governing body of the Establishing Member or Associate Member, as applicable, and may be replaced at any time and for any reason by the governing body of the applicable Establishing Member or Associate Member.

SIGNATURE DOCUMENT 10-2-18

5.3 **Compensation.** Directors will not receive compensation for their services. The Board may provide for reimbursement to the Directors of their actual and reasonable expenses incurred on behalf of the Consortium.

5.4 **Board Action.** Final actions or decisions of the Board (including ratification or rescission of action taken by the Board at an emergency meeting) may be taken or made only at regular or special meetings of the Board, called upon notice as required herein, at which a Quorum is present. Except as set forth below or as otherwise provided in this Agreement, final actions or decisions of the Board shall be made by the affirmative vote of a Majority of the Voting Directors at a properly-noticed regular or special meeting at which a Quorum is present.

5.5 **Meetings.**

5.5.1 All Meetings Public. All regular, special and emergency meetings of the Board will be open to the public and subject to the Colorado Sunshine Law, Part 4 of Article 6, Title 24 of the Colorado Revised Statutes ("***Sunshine Law***"), except that an emergency meeting may be called without 72 hours prior notice as provided in Section 5.5.6, below.

5.5.2 Regular Meetings. Regular meetings shall be held at least quarterly. A schedule of regular meetings of the Board for an upcoming year shall be set by resolution of the Voting Directors no later than the last quarterly meeting of the current year, which resolution will identify the dates, times, and location(s) of said regular meetings. Following adoption of said resolution, no additional notice to the Directors will be required. Regular meetings of the Board will be posted in accordance with the Sunshine Law. Directors may participate in any regular meeting in-person, telephonically or by any other media by which each Director can hear and be heard by the other Directors and the audience.

5.5.3 Special Meetings. Special meetings of the Board may be called by any two (2) or more Voting Directors. Thereupon it will be the duty of the Board Secretary to cause notice of such meeting to be given as hereinafter provided. Work/study sessions will constitute a special meeting. Special meetings of the Board will be held at the time and place fixed by the Voting Directors calling the meeting. Special meetings of the Board will be posted in accordance with the provisions of the Sunshine Law. Directors may participate in any special meeting in-person, telephonically or by any other media by which each Director can hear and be heard by the other Directors and the audience.

5.5.4 Notice of Special Meeting. Written notice of any special meeting of the Board shall be delivered to each Director not less than 72 hours before the date and time fixed for such meeting. Notice may be delivered in person, by facsimile or by electronic mail at the direction of the Board Secretary, or upon the Board Secretary's default, by the Voting Directors calling the meeting.

5.5.5 Waiver of Notice**.** Whenever any notice is required to be given to any Director under the provisions of law or this Agreement, a waiver thereof in writing by such Director, whether before or after the time stated therein, will be equivalent to the giving of such notice. Attendance of a Director at any meeting of the Board will constitute a waiver by such

SIGNATURE DOCUMENT 10-12-16

Director of notice of such meeting, except when such Director attends such meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully convened.

5.5.6 Emergency Meetings. Two (2) or more Voting Directors may call an emergency meeting at any time and without 72 hours prior notice in the event of an emergency that requires the immediate action of the Voting Directors in order for the Consortium to carry out its Services and related functions. The Board Secretary, or upon the Board Secretary's default, the Voting Directors calling the emergency meeting, shall cause notice of the emergency meeting to be given immediately to all Directors. Notice may be given in-person, by facsimile or by electronic mail at the direction of the Board Secretary, or upon the Board Secretary's default, by the Voting Directors calling the emergency meeting. To the extent practicable, public notice of an emergency meeting will be posted in the same locations as for regular meetings. At the emergency meeting, the Board, by affirmative vote of a Majority of the Voting Directors present, may take any action within the express or implied powers of the Consortium to carry out its Services and related functions; provided, however, any action taken at an emergency meeting will be effective only until the first to occur of: a) the next regular meeting, or b) the next special meeting of the Board at which the emergency issue is on the public notice of such meeting. At such subsequent meeting, the Voting Directors may ratify any emergency action taken. If any emergency action taken is not ratified, it shall be deemed rescinded. Emergency meetings of the Board shall be open to the public.

5.5.7 Procedural Rules Governing Meetings. The Board shall develop procedural rules for conducting regular and special meetings, provided that such rules will include the following: a) the reading of the text of minutes, financial statements or proposed Resolutions into the record is not required; and b) the Chairperson may make a motion and may vote on a motion. In the absence of an established procedural rule, the Board will, to the extent practicable, follow the latest edition of *Robert's Rules of Order*.

5.5.8 Officers. The officers of the Consortium will be a President, Vice-President, Secretary, and Treasurer. All officers shall be Voting Directors.

a. Election and Term of Office. The term of office for all officers will be two Fiscal Years; provided, however, that the first President and Treasurer elected after the Effective Date shall serve an initial term of three Fiscal Years. The initial officer of each position also will serve for the remainder of the Fiscal Year in which he/she was elected. Thereafter, at its last regular or special meeting during a Fiscal Year in which an officer's term is expiring, the Board, by Majority vote of the Voting Directors, will elect a new officer to that position. Vacancies occurring in any officer position may be filled by Majority vote of the Voting Directors at any regular or special meeting of the Board at the time the vacancy occurs.

b. Removal. Any officer elected by the Voting Directors may be removed by the Voting Directors, with or without cause, at any time by Majority vote of the Voting Directors at any regular or special meeting of the Board at which a quorum is present.

SIGNATURE DOCUMENT 10-17-16

c. Duties and Authority of Officers.

i. President. Except as otherwise directed by a Majority of the Voting Directors, the President will execute all legal instruments of the Consortium and will represent the Board at any meeting, event, or other activity at which a Board representative is permitted, requested, or required to be in attendance. The President will perform such additional duties and have such additional authority as directed by a Majority of the Voting Directors from time to time. The President will serve as the Chairperson and preside at all Board meetings.

ii. Vice-President. Except as otherwise directed by a Majority of the Voting Directors, the Vice-President will perform the duties and have the authority of the President in the President's absence or inability or refusal to perform his/her duties. The Vice-President will perform such additional duties and have such additional authority as directed by a Majority of the Voting Directors from time to time so long as such duties are not inconsistent with the duties and authority of the President. The Vice-President will serve as the Chairperson at any Board meeting where the President is absent, or is unable or refuses to serve as the Chairperson.

iii. Secretary. The Secretary will (A) maintain the official records of the Consortium, including this Agreement, bylaws, policies, procedures and protocols established by the Voting Directors, minutes of Board meetings, and a register of the names and addresses of the Establishing Members, Associate Members, Contracting Agencies, Directors and officers; and (B) issue meeting notices, attest documents as necessary or appropriate, and prepare the minutes of all Board meetings. The Secretary will perform such additional duties and have such additional authority as directed by a Majority of the Voting Directors from time to time.

iv. Treasurer. The Treasurer will be responsible for the general oversight of all financial aspects of the Consortium. The Treasurer will serve as the financial official of the Consortium. The Treasurer will serve as the Chairperson at any meeting where both the President and Vice-President are absent, or fail or refuse to serve as the Chairperson. The Treasurer will perform such additional duties and have such additional authority as directed by a Majority of the Voting Directors from time to time.

5.5.9 Bonds of Officers, Employees and Agents. The Treasurer and any other officer, employee or agent of the Consortium charged with the responsibility for the custody of any of its funds or property shall give a bond in such sum and with such surety, if any, as the Board will determine. The Voting Directors, in their discretion, also may require any other officer, employee or agent of the Consortium to give a bond in such amount and with such surety as will be determined. The cost of such bond will be an expense of the Consortium.

5.5.10 Governmental Immunity. Every Director, officer, employee and volunteer of the Consortium, while performing his/her duties and functions on behalf of the Consortium, whether such duties and functions have been expressly assigned or are reasonably implied based

SIGNATURE DOCUMENT 10-19-16

on his/her expressly assigned duties and functions, will constitute a public employee for the purposes of the Colorado Governmental Immunity Act, including but not limited to C.R.S. § 24-10-110.

5.5.11 Execution of Contracts**.** Except as otherwise provided by law or in this Agreement, the Board may authorize any Director, officer, employee, or agent to enter into any contract, or execute and deliver any instrument in the name and on behalf of the Consortium.

5.5.12 Assets Held In Trust. All assets of the Consortium will be held in trust for the purposes stated in this Agreement, including payment of liabilities of the Consortium.

5.6 **Committees.** The Voting Directors may, by written Resolution adopted by a Majority vote, establish such committees as they deem appropriate from time to time. The Resolution establishing a committee shall, at a minimum, state: the name of the committee; the names of the Board member(s), employees, volunteers and/or other individuals, such as citizens or consultants, who will serve on the committee; a detailed statement of the committee's mission/goals, duties and authority; and, the period for which the committee shall be in place. Notwithstanding anything stated in a Resolution establishing a committee, the Board shall have the absolute right by Majority vote to modify any aspect of any committee or to terminate any committee.

ARTICLE 6
FISCAL ADMINISTRATION

The Consortium will be subject to the Local Government Budget Law of Colorado, Part 1 of Article 1, Title 29 of the Colorado Revised Statutes. The provisions of Article 10.5 of Title 11, C.R.S. will apply to all monies of the Consortium.

6.1 **Initial and Annual Budget.**

6.1.1 Initial Budget. The initial budget for the Consortium, which will take effect on the Effective Date and will continue through December 31 of the Fiscal Year immediately following the Effective Date, is attached to this Agreement as ***Exhibit A*** ("***Initial Budget***"). Each Establishing Member and Associate Member shall pay its share of the Initial Budget, as set forth therein.

6.1.2 Annual Budget. The Annual Budget for the next Fiscal Year will be adopted by a Majority of the Voting Directors on or before July 1 of each Fiscal Year. The Annual Budget shall set forth the: a) Annual Membership Fee; b) the Per Participant Fee(s); c) the Unaffiliated Participant Fee(s), if any; d) the Fee Schedule (defined below); e) Reserve Fund Contributions, if any; and f) any other fees for Services the Board may establish from time to time. The Annual Budget also shall establish the Advance Deposit, if any, to be made by each Establishing Member and Associate Member.

6.2 **Payment.**

SIGNATURE DOCUMENT 10-12-16

6.2.1 Annual Membership Fee. Each Establishing Member and Associate Member shall pay its non-refundable Annual Membership Fee within forty-five days of adoption of the Annual Budget.

6.2.2 Advance Deposit. If an Advance Deposit is adopted as part of an Annual Budget, each Establishing Member and Associate Member shall pay the Advance Deposit within forty-five days of adoption of the Annual Budget. On or before January 31 of the following year the Consortium shall determine the total amount actually incurred for the Services provided to each Establishing Member and Associate Member during the preceding year relative to the amount of the Advance Deposit, if any. The Consortium shall give credit, if appropriate, for any reimbursement owed an Establishing Member or Associate Member under the applicable Fee Schedule. An Establishing Member and Associate Member that owes additional funds shall pay it within forty-five calendar days of receiving an invoice from the Consortium. An Establishing Member and Associate Member that has overpaid shall receive reimbursement within forty-five calendar days of the Consortium determining such overpayment has occurred.

6.3 **Late Payments.** Any undisputed payment required under this Agreement that is not paid when due will accrue interest in the amount of eight percent (8%) per annum until paid.

6.4 **Annual Audit.** The Consortium's revenues and expenditures shall be subject to an annual audit in accordance with Colorado law, which will be performed by a certified public accountant.

6.5 **Non-Appropriation.** All direct and indirect financial obligations of an Establishing Member or an Associate Member under this Agreement are subject to the annual appropriation of funds by its governing body. No provision of this Agreement will be construed or interpreted: a) to directly or indirectly obligate an Establishing Member or an Associate Member to make any payment in any Fiscal Year in excess of amounts it appropriated for such Fiscal Year; or b) as creating a debt or multiple fiscal year direct or indirect debt or other financial obligation whatsoever of an Establishing Member or an Associate Member within the meaning of Article X, Section 20 of the Colorado Constitution or any other constitutional or statutory limitation or provision.

6.6 **General Financial Matters**.

6.6.1 Negotiable Instruments. All checks, drafts, or other orders for payment of money will be issued in the name of the Consortium, and in such manner as, from time to time, will be determined by the Board.

6.6.2 Financial Obligations and Debt Not That of Establishing Members. All financial obligations of the Consortium will not be the debts, liabilities, or obligations of the Establishing Members, unless provided by written consent of the governing body of each of the Establishing Members in compliance with law.

SIGNATURE DOCUMENT 10-12-16

6.6.3 Financial Support. The Consortium may receive financial support from any source, including public or private donations, gifts, or grants.

6.6.4 Compliance with State Laws Related to Deposit and Investment of Consortium Funds. Under the general oversight of the Treasurer, the Board will ensure all funds of the Consortium placed in bank deposit accounts, including checking, savings, bank money-market, and certificate of deposit (CD) accounts, comply with the requirements of the Public Deposit Protection Act, C.R.S., §11-10.5-101, *et. seq*., as may be amended. The Board will establish the investment policies of the Consortium funds, which policies will comply with the federal and state constitutional and statutory laws governing the investment of public funds, including but not limited C.R.S, § 24-75-601, *et seq*., as may be amended. Under the general oversight of the Treasurer, all investments of Consortium funds shall comply with the investment policies established by the Board.

6.6.5 Records Subject to Inspection. All of the Consortium's financial records will be available for inspection by any Establishing Member or Associate Member upon reasonable notice during normal business hours.

ARTICLE 7
LEASED RESOURCES

An Establishing Member or Associate Member ("***Leasing Member***") may from time to time lease personnel, real property and/or personal property (i.e., fire apparatus, vehicles, equipment, tools, etc.), or provide support services (collectively, the "***Leased Resource(s)***"), to the Consortium for a period mutually agreed upon by the parties. During the period that a Leasing Member leases a Leased Resource to the Consortium, the Leasing Member shall be entitled to reimbursement in an amount set forth in the Fee Schedule, adopted by the Board each year as part of the Annual Budget ("***Fee Schedule***"). The initial Fee Schedule for Fiscal Year 2017 is attached as ***Exhibit B***. By leasing a Leased Resource to the Consortium, the Leasing Member and the Consortium expressly agree to, and shall be bound by, the terms and conditions set forth in this Article 7.

7.1 **Leased Personnel**. Any employee or volunteer of a Leasing Member shall at all times remain solely the employee or volunteer of the Leasing Member. The Leasing Member shall be solely responsible for all compensation, benefits, withholdings and deductions, hiring/appointing, termination, discipline, and other terms and conditions of employment/ volunteerism. The Leasing Member shall be solely responsible for maintaining all benefits required by federal or state law, including unemployment compensation insurance and worker's compensation insurance. Under no circumstances shall the Consortium be considered an employer or appointing organization of a Leasing Member's employees or volunteers. Either the Leasing Member or the Consortium may terminate the lease at any time with respect to all or any of the Leasing Member's employees or volunteers with 10 calendar days prior written notice to the other party.

7.2 **Leased Real Property**. Any real property leased to the Consortium by a Leasing Member shall at all times remain the solely real property of the Leasing Member. The

SIGNATURE DOCUMENT 10-12-17

Consortium shall take no action, or allow any action to be taken, that would cause a lien, verified statement of claim, encumbrance or other liability to attach to the leased real property. The Consortium shall at all times maintain property and liability insurance covering the real property leased to it, in the amount established by the Majority vote of the Voting Directors from time to time. The Consortium shall be responsible for any damage caused to real property during the period it is leased to the Consortium. The Leasing Member shall pay for all water, sanitation, sewer, electricity, light, heat, gas, power, fuel, janitorial, and other services incident to the Consortium's use of the real property. The Consortium shall make no modifications or improvements to real property leased to it.

7.3 **Leased Personal Property**. All apparatus, vehicles, equipment, tools or other personal property (collectively, "***Personal Property***") leased to the Consortium by a Leasing Member shall at all times remain the sole property of the Leasing Member. The Consortium shall at all times maintain property and liability insurance covering the Personal Property leased to it, in the amount established by the Majority vote of the Voting Directors from time to time. The Consortium shall be responsible for any damage caused to Personal Property during the period it is leased to the Consortium. The Leasing Member shall pay for all fuel, supplies, maintenance and repairs for Personal Property during the period it is leased to the Consortium. The Consortium shall make no modifications or improvements to Personal Property leased to it.

7.4 **Leased Support Services**. A Leasing Member and the Consortium may mutually agree that the Leasing Member will provide certain Support Services, such as accounting, human resources, etc., to the Consortium for a fixed or indefinite period of time. Any employee or volunteer of a Leasing Member who provides Support Services to the Consortium on behalf of the Leasing Member shall at all times remain solely the employee or volunteer of the Leasing Member. The Leasing Member shall be solely responsible for all compensation, benefits, withholdings and deductions, hiring/appointing, termination, discipline, and other terms and conditions of employment/ volunteerism. The Leasing Member shall be solely responsible for maintaining all benefits required by federal or state law, including unemployment compensation insurance and worker's compensation insurance. Under no circumstances shall the Consortium be considered an employer or appointing organization of a Leasing Member's employees or volunteers. Either the Leasing Member or the Consortium may terminate all or a portion of the support services at any time with 30 calendar days' prior written notice to the other party.

ARTICLE 8
PARTICIPANTS AND UNAFFILIATED PARTICIPANTS

8.1 **Participants.** A Participant shall at all times remain the employee or volunteer of his/her Establishing Member, Associate Member or Contracting Agency. Under no circumstances shall a Participant be an employee or volunteer of the Consortium. An Establishing Member, Associate Member or Contracting Agency shall remain solely responsible for all terms and conditions of its Participant's employment/volunteerism, including but not limited to, compensation (including nominal fees), benefits (including workers' compensation and unemployment compensation insurance), hiring/appointing, personnel policies, discipline, termination, etc. An Establishing Member, Associate Member or Contracting Agency shall remain solely responsible for all claims, demands, damages, loss, liability, cost or expense

SIGNATURE DOCUMENT 10-12-16

(including reasonable attorneys' fees, costs and expenses) of any kind or nature whatsoever arising from or relating to any intentional or negligent act or omission of its Participant.

8.2 **Unaffiliated Participants.** The Voting Directors, by Majority vote, may establish an Unaffiliated Participants program, whereby an Unaffiliated Participant may participate in one or more Services provided by the Consortium. The Voting Directors, by Majority vote, may modify or discontinue the Unaffiliated Participants program at any time in their sole discretion. The Voting Directors, by Majority vote, shall from time to time establish: a) the minimum qualifications, skills and/or experience an individual must possess to participate in the Unaffiliated Participant program; b) the Unaffiliated Participant Fee(s) that will be charged; and, c) such other terms and conditions for the Unaffiliated Participant program as they deem appropriate. Under no circumstances shall an Unaffiliated Participant be an employee or volunteer of the Consortium.

8.3 **Compliance with Consortium's Policies and Procedures.** Every Participant and Unaffiliated Participant shall be subject to, and shall fully comply with, the policies and procedures established or modified by the Voting Directors from time to time, by Majority vote.

ARTICLE 9
TERM, TERMINATION AND DISTRIBUTION

9.1 **Term, Termination, and Distribution.**

9.1.1 Term. The term of this Agreement shall be unlimited, and shall continue until terminated as provided herein.

9.1.2 Termination. This Agreement may be terminated at any time by written agreement of all Establishing Members, or all Establishing Members except one, who are an Establishing Member to this Agreement at the time of such termination.

9.1.3 Distribution or Transfer of Assets Upon Termination. If this Agreement is terminated pursuant to Section 9.1.2, the Voting Directors by unanimous affirmative vote of all, or one less than all, of the Voting Directors serving on the Board at the time of termination, will determine whether all of the Consortium's tangible and intangible property and assets ("***Assets***") are distributed to the Establishing Members or transferred to a successor entity(ies).

a. Transfer to Successor Entity(ies). If the Assets are to be transferred to a successor entity(ies), the Assets will be transferred in such manner as is determined by unanimous affirmative vote of all, or one less than all, of the Voting Directors serving on the Board at the time of termination, subject to any outstanding debts, liens, mortgages, or other pledges of such Assets.

b. Transfer to Establishing Members. If the Assets are to be distributed to the Establishing Members, they will be distributed pro rata to each then-Establishing Member as follows:

SIGNATURE DOCUMENT 10.12.19

i. All monies remaining in the General Operating Fund or the Reserve Fund will be distributed equally to each Establishing Member;

ii. Any Personal Property owned by the Consortium shall be sold, and the proceeds will be distributed equally to each Establishing Member. Personal Property that has no appreciable value shall be disposed of in a commercially reasonable manner. Each Establishing Member has a first right to purchase some or all of the Personal Property at its fair market value; provided, that if two or more Establishing Members want to buy the same Personal Property and are unable to agree as to which Establishing Member will purchase the Personal Property, the Personal Property shall be sold at fair market value to a third person or entity, and the proceeds distributed equally to each Establishing Member; and,

iii. Any real property owned by the Consortium shall be sold at fair market value and the proceeds will be distributed equally to each Establishing Member. Each Establishing Member has a first right to purchase some or all of the real property at its fair market value; provided that if two or more Establishing Members want to buy the same real property and are unable to agree as to which Establishing Member will purchase the real property, the real property shall be sold at fair market value to a third person or entity, and the proceeds distributed equally to each Establishing Member.

iv. By Super Majority vote of all Voting Directors serving on the Board at the time of termination, the Board may provide for an alternate disposition of the Consortium's Assets between and among the Establishing Members.

9.1.4 Leased Resources. Leased Personnel, Leased Real Property and Leased Personal Property will revert back to the Leasing Member as of the effective date of the termination of this Agreement. Support Services will terminate as of the effective date of the termination of this Agreement.

ARTICLE 10
MISCELLANEOUS

10.1 **Notices.** Except for notice of a special or emergency meeting delivered in person, by facsimile or by electronic mail in accordance with this Agreement, any notice, demand or request required by or relating to this Agreement shall be in writing and shall be given by personal delivery, by facsimile, or sent by registered or certified mail, postage prepaid, to each Member at the address set forth on the signature page(s) attached hereto, unless an Establishing Member or an Associate Member has provided another address to the Consortium.

10.2 **Third Party Beneficiaries.** Except for Associate Members, nothing in this Agreement shall be deemed to create any third party benefits or beneficiaries, or create a right or cause of action for the enforcement of its terms, in any entity or person not an Establishing

SIGNATURE DOCUMENT 10-12-15

Member to this Agreement. Associate Members are intended third party beneficiaries solely as to those provisions that impose obligations or grant rights to Associate Members and those provisions related to the enforcement of a Party's rights and obligations under this Agreement, including but not limited to, Section 10.7 (Governing Law, Jurisdiction and Venue) and Section 10.9 (Dispute Resolution).

10.3 **Amendments.** This Agreement may be amended only by a written document approved by formal consent of the governing bodies of all of the Establishing Members at the time of the amendment; provided, however, that such amendment will not affect other obligations outstanding of the Consortium unless provision for full payment of such obligations, by escrow or otherwise, has been made pursuant to such obligations. Course of conduct, no matter how long, shall not constitute an amendment to this Agreement.

10.4 **No Assignment.** This Agreement may not be assigned by any Establishing Member.

10.5 **Severability.** In the event that any of the terms, covenants or conditions of this Agreement, or their application, shall be held invalid by any court having competent jurisdiction, the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect.

10.6 **Governmental Immunity.** This Agreement is not intended, and shall not be construed, as a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by, the Establishing Members, and their past and present directors, officers, council members, employees and volunteers, under federal or state constitutional, statutory or common law, including but not limited to the Colorado Governmental Immunity Act, Section § 24-10-101, C.R.S., *et seq*.

10.7 **Governing Law, Jurisdiction and Venue.** Colorado law governs this Agreement. Jurisdiction and venue shall lie in the District Court for the county in which all of the disputing parties are located. If one or more of the disputing parties are located in different counties, the Establishing Members agree that jurisdiction and venue shall lie in the District Court for Weld County. Under no circumstances may a civil action be removed to a federal court.

10.8 **Waiver of Breach.** An Establishing Member's waiver of another Establishing Member's breach of any term or provision of this Agreement will not operate or be construed as a waiver of any subsequent breach by any Establishing Member.

10.9 **Dispute Resolution.** Any dispute or claim arising under or relating to this Agreement shall be submitted first to the Board for possible resolution. If the Board is unable to resolve the dispute or claim, or if one or more of the Establishing Members to the dispute or claim are not satisfied with the Board's proposed resolution, the dispute or claim shall be submitted to mediation. The Establishing Members to the dispute or claim shall share equally the cost of the mediation, provided that each Member shall pay its own attorneys' fees, costs and expenses incurred in preparing for and participating in the mediation. If the Establishing

SIGNATURE DOCUMENT 10-12-16

Members are unable to resolve their dispute or claim through mediation, any Member to the dispute or claim may bring a civil action. Each Establishing Member waives its right to a jury trial.

10.10 **Execution.** This Agreement may be executed in several counterparts, and by facsimile or electronic pdf, each of which will be an original, and all of which together will constitute one in the same instrument.

10.11 **Statutory Amendments.** All statutory references in this Agreement shall include any subsequent statutory amendments or reenactments.

IN WITNESS WHEREOF, the Establishing Members have approved, and caused to be executed, this Agreement.

[SIGNATURE PAGES IMMEDIATELY FOLLOW]

SIGNATURE DOCUMENT 10-12-16

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam

Attest:

_____
City Clerk

Approved as to Form:

By:_____
Office of the City Attorney

SIGNATURE DOCUMENT 10-12-16

CITY OF GREELEY

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO SUBSTANCE:

_____
City Manager

AVAILABILITY OF FUNDS:

_____
Director of Finance

APPROVED AS TO LEGAL FORM:

_____
Office of City Attorney

SIGNATURE DOCUMENT 10-12-16

CITY OF LONGMONT, a home rule municipality, incorporated and existing under the laws of the State of Colorado

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

CITY OF LARAMIE, a municipal corporation, incorporated and existing under the laws of the State of Wyoming

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

MOUNTAIN VIEW FIRE PROTECTION DISTRICT, a political subdivision of the State of Colorado

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT, a political subdivision of the State of Colorado

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

POUDRE FIRE AUTHORITY, a Colorado public entity

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

LOVELAND FIRE RESCUE AUTHORITY, a Colorado public entity

_____

By: _____

ATTEST:

_____

By: _____

SIGNATURE DOCUMENT 10-12-16

Boulder Fire Department

Cheyenne Fire and Rescue

Greeley Fire Department

Laramie Fire Department

Central Valley Fire District

Longmont Fire Department

Loveland Fire and Rescue

Poudre Fire Authority

Mountain View Fire Protection District

Windsor-Severance Fire Rescue

Front Range Fire Consortium

Business Plan

November 3, 2016

Executive Summary

Historically, the Front Range Fire Consortium has operated as an informal collaboration of 10 fire departments in Northern Colorado, Wyoming and Montana. This informal collaboration has been in existence for 20 years and has provided recruit fire academies and professional development to over half of the current 840 career employees of the collaborating agencies.

This business plan outlines the proposal by the Fire Chiefs of the collaborating agencies to establish a separate governmental entity, which will continue to be called the Front Range Fire Consortium ("FRFC"). The governmental entity will be a political subdivision of the State of Colorado, and will be established through an Intergovernmental Agreement ("Establishing IGA") that is approved by the governing bodies of each establishing agency ("Establishing Member")

The new governmental entity will provide the stability and predictability to the governance, administration, funding and planning of FRFC activities that have been difficult to maintain under the present informal collaboration. In addition, forming the new governmental entity will (a) ensure that services and resources are provided by participating agencies on a more equitable basis; (b) its activities will be protected by governmental immunity under Colorado law; and, (c) there is an actual legal entity that can hold title to donated resources and can purchase shared resources.

The new governmental entity will continue the historical mission of the collaborating agencies, particularly the recruit fire academies. While the operations of the fire academies will remain substantially the same, the financial strategy will change from "donated resources" to a "per-participant" cost and "leased resources".

This Business Plan describes the organizational structure and operations of the new FRFC for the next three years, starting on January 1, 2017.

Mission

The mission of the FRFC is to offer collaborative training and education to its member agencies by sharing resources among the members for mutual benefit.

Objectives

- Provide at least two recruit fire academies annually to FRFC member agencies that prepare entry-level firefighters to fully function in the role of firefighter in their respective agencies.
- In the recruit academy, prepare recruit firefighters for certification in their respective agency's certification systems for Firefighter I and II, and Hazardous Materials Operations.
- In the recruit fire academy, provide state-of-the-art, value-added skills that are collectively determined by the member agencies to prepare entry level firefighters for success.
- Provide at least one annual professional development program for aspiring and current officers of the member agencies.
- Provide special educational and training programs that enhance the capabilities of the member agencies.
- Maintain a financial system that equitably distributes the cost of services based on the participation of member agencies for the services provided.

Legal Structure and Governmental Status

As discussed above, the new FRFC will be a separate political subdivision of the State of Colorado. As a governmental entity, the new FRFC will be subject to all applicable laws, regulations and rules of the State of Colorado relating to governmental entities. For example, the new FRFC will be subject to such statutory requirements as the Colorado Open Records Act and the Colorado Sunshine Law (i.e., public meetings), as well as annual budget and auditing requirements.

While it is a governmental entity, the new FRFC will not have the power to tax; instead, it will be fully funded by membership and per-participant fees. As a separate governmental entity, the new FRFC may qualify for certain federal and state grants, and may receive donations from the private sector.

Governance and Management

The FRFC will be governed by a Board of Directors (Board) representing the Establishing Members. Agencies that wish to participate in the new FRFC, but are not Establishing Members will be "Associate Members", which will have non-voting representatives on the Board.

The day-to-day operations of the new FRFC will be managed by an Executive Director employed by the Board either as a contractual employee or as a leased resource from a member agency as described in the Staffing section later in this plan. Within the timeframe of this Business Plan the Executive Director is expected be a part-time positon.

The major services provided by the new FRFC will be managed by committees established by the Board. Within the timeframe of this Business Plan it is expected that the Board will establish a Recruit Academy Committee and a Professional Development Committee. The members of the Recruit Academy Committee will be the Training Chiefs of the member agencies and such academy staff as designated by the Board.

Services Provided and Customers

Within the timeframe of this Business Plan, the new FRFC is expected to provide three services: (1) the recruit fire academy; (2) professional development; and,(3) special educational and training programs. All of these services have been provided in the past although the current major service is the recruit fire academy.

The primary customers of the new FRFC will be the current 10 collaborating agencies. Analysis of past and current recruit fire academies predict that the member agencies will require recruit fire academy training for 40-50 new hires per year with indications that this number of recruits will increase in the future. Past experience with FRFC professional development programs indicates that 20-30 personnel will participate in professional development programs annually. While the primary customers are the Establishing Members and the Associate Members, the Establishing IGA provides for the new FRFC to offer these services to other agencies as contacting members and to individuals in the case of professional development, and special education and training programs.

Funding and Revenue

The FRFC will be funded from two sources: annual membership fees and per-participant fees for services provided. The current annual membership fee for each Establishing Member and Associate Member has been set by the FRFC Chiefs at $10,000. This will generate $100,000 per year. This membership fee will be evaluated annually and adjusted as necessary.

The second funding source will be per-participant fees for services provided. In the case of the recruit fire academy, the FRFC Chiefs have set a per-participant fee of $11,000 per recruit for

2017. This is based on the actual costs of the last two academies and estimated costs of the fall 2016 academy. Based on an estimate of 50 recruits per year the estimated annual revenue from per-participant academy fees will be $550,000. Fees for professional development and special education and training programs will be adopted when those programs are approved by the Board. The Board will review all fees annually and adjust as necessary.

The Establishing IGA permits the Board to require an "advance deposit" for services and maintaining reserves, should there be an insufficient fund balance going into a given year. However, advance deposits are not expected to be required within the timeframe of this Business Plan. The IGA also allows for the establishment of a Reserve Fund to defray costs of unanticipated or unreimbursed administrative or operating costs, or for capital expenditures.

See attached three-year budget.

Expenditures

The expenditures of the new FRFC will be in two major categories: administrative and services. During the timeframe of this Business Plan, the administrative expenditures will include the part-time Executive Director, a portion of the insurance costs, legal expenses, Board operations, budget, annual audit and finance, office and equipment, web-site and similar communication services, administrative support of committees and maintenance of reserves.

Expenditures for services will be for the services provided. In the case of the recruit fire academy these are the direct costs of the academy that are paid directly by FRFC and the cost of "leased resources" paid to Establishing Members and Associate Members after the conclusion of each academy.

The direct academy costs include a portion of the insurance, administrative support to academy operations, instructional materials, maintenance and replacement of training equipment, maintenance of vehicles, lodging for instructors and graduation expenses. It also will include the expanse of contract staff if the member agencies cannot provide adequate leased resources as described in the staffing section of this Business Plan.

The "leased resources" are the cost of personnel, equipment, apparatus and facilities of the member agencies used by the academy. Leased resources may also include certain on-going services provided by a participating member, such as the accounting services currently being provided by one of the participating members. The leased resources rates will be set by the Board annually based on the average costs of the pay rates of agency personnel as well as daily rates for facilities and apparatus.

The per-participant fees for professional development and special education and training programs will be set by the Board annually and assessed on a per-participant basis.

Reserves and Debt

The FRFC Fire Chiefs have determined that the level of undesignated reserves in the general fund will be $50,000. This will include the three percent (3%) emergency reserve required by TABOR. This reserve is included in the ending balances of the attached three-year budget.

The FRFC Chiefs will also establish a special Reserve Fund for the maintenance and purchase of equipment in the three year period of this plan. This fund will be initially established from annual dues and no additional contributions from the establishing or associate members are anticipated within the timeframe of this plan.

Staff

The staff of the new FRFC will include a part-time Executive Director and Academy Administrative Coordinator, and other part-time contractual staff as needed to meet service needs that cannot be provided by member agencies as leased resources. The duties of the Executive Director and Academy Administrative Coordinator are now provided by a single person, but may be separated within the timeframe of this Business Plan.

Financial Services

The FRFC will have its own budget, banking, accounting, financial policies and audit systems. The Windsor Severance Fire District will manage these financial services in cooperation with the Executive Director. These services will be provided as a “leased resource” as described previously.

Asset Ownership and Management

The assets that will be used by the new FRFC are facilities, apparatus and equipment used in the recruit fire academy and a small amount of administrative office equipment and software. All facilities, as well as much of the apparatus and equipment, will be leased from the member agencies. The current FRFC equipment collectively owned by collaborating agencies will be transferred to the new FRFC. After adoption of the Establishing IGA, leased resource agreements will be executed between the Establishing Member/Associate Member and the new FRFC. All assets directly owned by the new FRFC will be covered by FRFC insurance. Assets directly owned by the new FRFC will be maintained by FRFC funds allocated in the annual budget.

Front Range Fire Consortium

Business Plan

Shown below is the estimated three-year budget for the timeframe of this Business Plan. It uses the following assumptions:

- The membership fee will be $10,000 per year.
- The recruit academy per-participant fee will be $11,000. The annual number of recruits is estimated at 50.

	2017	2018	2019
Beginning General Fund Balance	$ 32,253	$ 74,360	$ 95,967
Revenue			
Membership fees	$100,000	$100,000	$100,000
Academy fees	$550,000	$550,000	$550,000
Total available funds	$682,253	$724,360	$745,967
Expenditures			
FRFC administration	$ 35,300	$ 32,800	$ 30,300
Academy direct expenses	$102,942	$ 95,942	$ 95,942
Academy leased resources	$459,651	$459,651	$459,651
Transfer to Reserve Fund	$ 10,000	$ 40,000	$ 70,000
Ending fund balance (includes undesignated general fund reserve of $50,000)	$ 74,360	$ 95,967	$ 90,074
Reserve Fund Balance	$ 10,000	$ 50,000	$120,000

C I T Y O F B O U L D E R
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance 8153 approving November/December supplemental appropriations for the 2016 Budget.

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors.

PRESENTERS:
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Advisor
Cheryl Pattelli, Director of Finance & Risk Management
Peggy Bunzli, Executive Budget Officer
Gina Coluzzi, Senior Budget Analyst

EXECUTIVE SUMMARY

As described in the *Budget Philosophy and Process* section of the annual budget document, each year at least two supplemental ordinances (known as Adjustments to Base (ATB), where the "base" is the original annual budget) are presented to City Council for review and approval. In years where new initiatives are launched and other unique circumstances become apparent after annual budget approval, additional adjustments to base may be brought forward for council consideration as were the following:

- City Ordinance 8103 on February 2, 2016, related to the new Short Term Rental program;
- City Ordinance 8109 on April 5, 2016, related to the Community, Culture and Safety projects;
- Central Area General Improvement District Resolution 275 on May 3, 2016, related to the Trinity Commons Project;
- City Ordinance 8120 on June 2, related to the annual carryover and "first" Adjustments to Base covering numerous adjustments related to ongoing work plan items and new revenues.

This supplemental request for 2016 is the **Budget Supplemental** that council sees every year in November/December, that will help close out the year with necessary adjustments for new revenues, such as grants, and other evolving budget needs identified as the year progresses, as well as adjustments necessitated by accounting requirements.

As always, existing budget is used, wherever possible, to cover ever increasing costs, and regular operating tradeoffs are made, and savings sought, in order to complete work plans within existing budget. Supplemental budget is only requested at this time for clearly identified, 2016 priority work items for which additional budget is needed and one-time funds are available, after all reserves have been met.

This supplemental ordinance will adjust only the current year budget and the adjustments included are considered "one-time" only. As a result, they have no direct or immediate impact on the following year's budget.

The first reading of this ordinance was heard on Nov. 15, 2016 (Agenda Item 3D).

The proposed ordinance is provided as **Attachment A** to this packet.

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 8153 approving supplemental appropriations to the 2016 Budget.

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District Board of Directors.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental ordinance appropriates funding for a variety of citywide projects and services that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal:
  In the **General Fund** this ordinance will appropriate $849,427 from additional revenue and $3,438,689 from fund balance for a total appropriation of $4,288,116. It also includes a net increase in revenue only of $175,000.

In **restricted funds**, this ordinance will appropriate $13,810,812 from additional revenue and $2,956,681 from fund balance for a total appropriation of $16,767,493. It also includes a net increase in revenue only of $1,689,807.

- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

Types of Requests Contained in this Ordinance

The following requests provide examples of **supplemental appropriations from various fund balances**:

- Renewable Energy Program Grants (General Fund)
- Courtroom Remodel (Equipment Replacement and Facility Renovation & Replacement Funds)
- Snow Much Fun Event (.25 Cent Sales Tax)
- Snowstorm Limb Cleanup (Stormwater/Flood Fund)

The following requests provide examples of **supplemental appropriations from new revenue**:

- Fire Wildland Reimbursement (General Fund)
- Betasso Bond Appropriation (Water Fund)
- Appropriation for additional program funding from grant and/or donation revenue (multiple funds)

A third category of supplemental appropriations are a **negative appropriation**, an example of this type of request is a reduction in grant funding.

Also included are supplemental appropriations to **transfer** between funds. An example of this type of request is the transfer of funds from the Airport Fund to the General Fund to pay the remaining balance of a loan to the Airport Fund for purchase of an easement.

Finally, a number of **other adjustments** are identified in this final budget supplemental to meet accounting requirements. Examples of these types of requests are prior year encumbrance corrections in various funds related to the recent transition to a new financial system.

Corrections to First Adjustment to Base

There are a number of items in this supplemental request that correct requests from the first adjustment to base and carryover request from June. A new financial system was implemented in 2015 and the 2016 budget was the first budget built directly in the system, as well as the first year of identifying and processing carryover budget adjustments within the new system. As with most new systems, there is a period of learning and even debugging that may take place after implementation. While most of the issues associated with this first budget build and roll were addressed in the first ATB, a few additional issues were discovered during the regular reconciliation work done

throughout the year and corrections for these are included in this packet. These are shown as negative appropriations or as budget supplementals from fund balance. An example of this is within the Lottery Fund where several projects were carried over into the wrong fund due to a coding error.

Additional Information on Selected Adjustment to Base Requests on Ordinance

Betasso Bond Appropriation

This adjustment appropriates an additional $11,061,574 from bond revenue in the Water Fund for the Betasso capital improvement project. On May 3, 2016 Council approved the sale of these bonds, and this adjustment is the final step in funding for this project. This appropriation brings the budget in line with the actual bond sale and project cost.

This projects includes improvements at the City's Betasso Water Treatment Facility (BWTF) and will also fund rehabilitation of the water transmission system that moves water treated at BWTF to City customers. The BWTF project will involve the construction of new pretreatment facilities to help meet more stringent treatment requirements and replace existing electrical, mechanical and structural facilities that are at the end of their useful lives. In addition, the project includes replacement and rehabilitation of around 12,500 feet of 18" diameter steel water transmission line.

Pleasant Street Parking Garage Pre-Development Costs

This request appropriates $350,000 for pre-development costs related to the development of a city-owned parking garage located on University Hill. On Sept. 6, 2016 City Council approved a Letter of Intent with a development team that approached University Hill General Improvement District (UHGID) with a public-private partnership opportunity to develop a hotel, parking garage, and retail space.

The development of the garage will be funded through Certificates of Participation (COPs) which will be issued in late 2017 or early 2018. On October 18, 2016, Council approved a resolution to allow the city to participate in the issuance of COPs and reimburse itself for capital expenditures in advance of issuance. This reimbursement resolution allows the pre-development costs incurred up to 60 days prior to the approved resolution date and in advance of the issuance of COPs to be reimbursed out of proceeds of the issuance. Approximately $21,000 of costs related to environmental and architectural consulting costs were paid earlier in 2016 and will not be eligible for reimbursement from COP proceeds.

This budget request includes the full contract costs for agreements that will be executed in 2016. Based on discussions with the City Attorney's Office regarding the multi-year nature of this project, to be in compliance with charter requirements, total funds will be appropriated in 2016. Any amounts not expended in 2016 will be carried over into 2017. Expenditures on this multi-year project are expected to occur through 2018. If the COPs are issued, these costs will be reimbursed to the city.

Anticipated costs include:

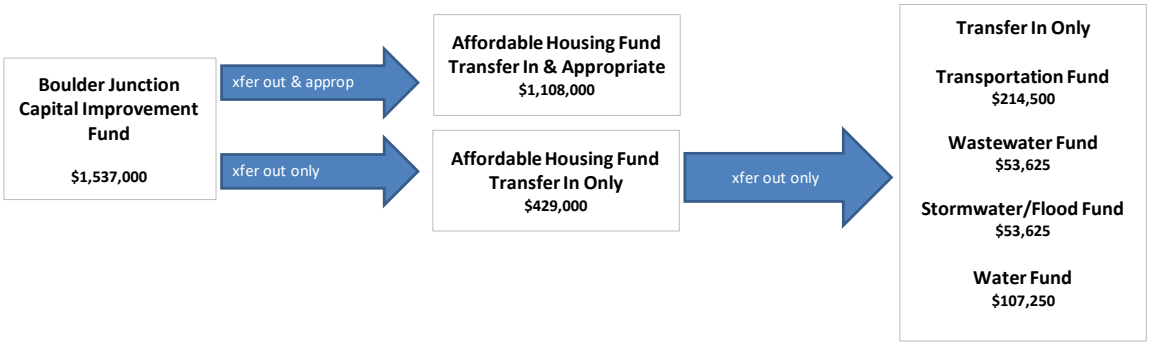
- Legal counsel to assist staff with the negotiation, preparation, and review of real estate agreements (development agreement, condo declaration, deeds, etc.).
- Bond counsel to review real estate agreements to ensure that terms meet the requirements of the financing structure.
- Legal counsel to assist staff with the evaluation of options for environmental remediation, negotiation of cost sharing with the hotel developer, and preparation of a Voluntary Clean Up Plan (VCUP).
- A professional architect to serve as owner's representative during the design, entitlement, and construction process.
- Consultants to develop hotel demand analyses to support the COP marketing process.

30th and Pearl Financial Reconciliation

At the Oct. 25 City Council study session, council received information regarding the potential redevelopment options for the undeveloped portion of the city owned site at 30th and Pearl. This budget request reconciles the funding transactions related to the redevelopment that has already occurred on the site.

In 2004, City Council approved the purchase of the 11.24 acres Pollard property at 30th and Pearl Streets by the city's Housing and Transportation divisions. This purchase came with the expressed purpose of designing and constructing a "transit-oriented development" that would be located near high-frequency transit service and provide a mix of housing types, including a "significant level" of affordable housing. Since a large portion of the site has been developed, there's a better understanding of the amount of land devoted to transportation and housing uses, and as a result, a reconciliation of investment contributions has occurred. This request transfers and appropriates funds from the Boulder Junction Improvement Fund (Parkland DET) to the Affordable Housing (AH) Fund to pay back the fund for the land purchase that is being used for the depot and the pocket park in the Depot Square project. Also, the AH fund will pay back several Public Works funds based on the original terms of the agreement of the land purchase and Pollard's option to lease back the original land and purchase a portion of the city's Municipal Service Center to relocate its business.

Because of the complexity of this transaction, the flow of funding between the different funds is shown below. Using Parkland DET in the Boulder Junction Improvement Fund, Parks is paying back the AH fund ($1,537 thousand) for land used for 'park' purposes. A portion of that amount ($1,108 thousand) is staying in the AH fund and being appropriated for affordable housing needs. AH will use the remaining $429 thousand to pay back Public Works (Transportation Fund, Wastewater Fund, Water Fund, and Stormwater/Flood Fund) the reconciliation amount based on the original terms of the agreement of the land purchase, loan and lease back options.



Overview of Total Requests

In total, the city recommends $21,055,609 in appropriations, of which $14,660,239 come from new revenues and $6,395,370 from fund balance. This adjustment also includes a total net increase in revenue only of $1,864,807. It should be noted that of the $21.1 million in appropriations, $11.1 million is in bond proceeds, and $1.5 million is in currently appropriated budget in the Boulder Junction Improvement Fund being transferred to the Affordable Housing Fund.

PUBLIC AND COUNCIL FEEDBACK

There were no questions or comments at the first reading of Ordinance 8153. Additional Information was provided in Attachments B, C and D of Agenda Item 3D of the Nov. 15, 2016 City Council Agenda Packet.

ATTACHMENTS

A. Ordinance 8153 containing supplemental appropriations to the 2016 Budget

ORDINANCE 8153

AN ORDINANCE RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016 SETTING FORTH DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 102 of the Charter of the City of Boulder provides that: "At any time after the passage of the annual appropriation ordinance and after at least one week's public notice, the council may transfer unused balances appropriated for one purpose to another purpose, and may by ordinance appropriate available revenues not included in the annual budget;" and

WHEREAS, the City Council now desires to make certain supplemental appropriations for purposes not provided for in the 2016 annual budget; and,

WHEREAS, required public notice has been given;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, that the following amounts are appropriated from additional projected revenues and from unused fund balances to the listed funds:

Section 1. General Fund

Appropriation from Fund Balance	$ 3,438,689
Appropriation from Additional Revenue	$ 849,427
Increase in Revenue	$ 175,000

Section 2. .25 Cent Sales Tax Fund

Appropriation from Fund Balance	$ 180,000

Section 3. Affordable Housing Fund

Appropriation from Additional Revenue	$ 1,537,000

Section 4. Airport Fund

Appropriation from Fund Balance	$ 186,654

Increase in Revenue	$	1,260,807

Section 5. Boulder Junction Improvement Fund

Appropriation from Fund Balance	$	1,537,000
Negative Appropriation	$	(1,537,000)

Section 6. Climate Action Plan Fund

Appropriation from Additional Revenue	$	3,900

Section 7. Community Development Block Grant Fund

Appropriation from Additional Revenue	$	6,673

Section 8. Equipment Replacement Fund

Appropriation from Fund Balance	$	241,894
Appropriation from Additional Revenue	$	7,642

Section 9. Facility Renovation and Replacement Fund

Appropriation from Fund Balance	$	191,050

Section 10. HOME Fund

Negative Appropriation	$	(38,634)

Section 11. Library Fund-Old

Negative Appropriation	$	(873,876)

Section 12. Library Fund-New

Appropriation from Additional Revenue	$	358,342

Section 13. Lottery Fund

Appropriation from Fund Balance	$	1,751,657

Section 14. Open Space Fund

Appropriation from Fund Balance	$	795,406
Appropriation from Additional Revenue	$	326,698

Section 15. Permanent Parks and Recreation Fund

Appropriation from Additional Revenue	$	6,000

Section 16. Planning and Development Services Fund

Appropriation from Additional Revenue	$	3,642

Section 17. Property and Casualty Insurance Fund

Appropriation from Fund Balance	$	350,000

Section 18. Recreation Activity Fund

Appropriation from Additional Revenue	$	25,000

Section 19. Stormwater/Flood Management Utility Fund

Negative Appropriation	$	597,129
Increase in Revenue	$	53,625

Section 20. Transportation Fund

Appropriation from Fund Balance	$	400,000
Appropriation from Additional Revenue	$	644,000
Increase in Revenue	$	214,500

Section 21. Wastewater Utility Fund

Increase in Revenue	$	53,625

Section 22. Water Utility Fund

Appropriation from Additional Revenue	$	11,061,574
Increase in Revenue	$	107,250

Section 23. Workers Compensation Insurance Fund

Appropriation from Fund Balance	$	200,000

Section 24. The City Council finds that 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 25. If any part or parts hereof are for any reason held to be invalid, such shall not affect the remaining portion of this ordinance.

Section 26. The Council deems it appropriate that this ordinance be published by title only and order 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 15th day of November, 2016.

_____

Mayor

Attest:

_____

City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 6th day of December, 2016.

_____

Mayor

Attest:

_____

City Clerk

CENTRAL AREA GENERAL IMPROVEMENT DISTRICT (CAGID)
BOARD OF DIRECTORS AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Consideration of a motion to adopt Resolution 281 amending the 2016 Downtown Commercial District Fund (formerly Central Area General Improvement District Fund) Budget.

Consideration of a motion to adjourn from the CAGID Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors.

PRESENTERS
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Adviser
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer
Gina Coluzzi, Senior Budget Analyst

EXECUTIVE SUMMARY
This budget supplemental resolution is the fourth to be presented to City Council in 2016 for the Downtown Commercial District (DCD) Fund (formerly Central Area General Improvement District - CAGID Fund) Budget. All supplementals adjust only the 2016 budget and are considered "one-time" adjustments. As a result, they have no direct or immediate impact on the following year's budget. In contrast, the city assigns budget requests with "ongoing" or multi-year impacts to the annual budget process (budget planning for the coming fiscal year) and not to the budget supplemental resolution.

A proposed resolution is provided as **Attachment A** to this packet. The resolution contains a request for supplemental appropriations from fund balance.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt Resolution 281 amending the 2016 Downtown Commercial District Fund (formerly Central Area General Improvement District Fund) Budget.

Motion to adjourn from the CAGID Board of Directors and convene as the Boulder Municipal Property Authority Board of Directors.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental resolution appropriates funding for capital projects and ongoing operations that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal: This resolution appropriates a supplemental request of $204,353.

- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

This supplemental resolution appropriates funding for a one-time request in the amount of up to $204,353. This will fund phases I, II, and III of a pilot project collaboration between the city (through the Central Area General Improvement District - CAGID) and the Downtown Boulder Partnership (formerly Downtown Boulder Inc.) with the nonprofit Rocky Mountain Institute/Carbon War Room, local transportation network companies (TNCs), including Lyft, Uber, and zTrip, Boulder-based mobility technology provider Commutifi, and the downtown business community on a holiday promotion.

Dubbed d2d (for door-to-downtown), the pilot will run from the day after Thanksgiving through New Year's Day to bring riders from their homes directly to their downtown destinations. During the downtown holiday promotion, the city will offer a $4 discount matched by an additional $1 discount from the TNCs for the first five rides into downtown from a Boulder residence, and participating merchants will offer a discount for the trip home with a qualifying purchase.

This downtown mobility pilot program has multiple goals including:

- To reduce the downtown parking demand by customers who currently drive and park single-occupancy vehicles (SOVs);
- To support the economic vitality of downtown Boulder during the holiday season;
- To provide increased roadway safety for return trips after an evening downtown in support of Boulder's Toward Vision Zero safety initiatives;
- To encourage customers to explore a new way of accessing downtown; and

- To promote "Mobility as a Service" as Boulder prepares for a future with less need to own, drive and park SOVs;

Phase I includes consulting on program design and is budgeted at $56,843. Phase II is the preparation and initial implementation of the pilot, budgeted at $94,640. This includes program coordination, data analytics, technology management and integration and TNC provider coordination and integration. Survey data will be collected from riders to assess how the pilot goals are being met.

If the results of the initial implementation period warrant it, Phase III will begin January 1, 2017 as an extension of the initial holiday promotion through Valentine's Day, a particularly soft period for downtown merchants. The budget for the extension period is $52,870. Also included are funds to explore the potential of incorporating electric vehicles. The funds allocated are restricted to use by CAGID.

Attachment B shows the impact the supplement request will have on the Downtown Commercial District fund balance.

COUNCIL FEEDBACK AND QUESTIONS
This pilot project was presented to Council during the 1st reading of Ordinance 8153, Supplemental Appropriations for the City of Boulder. At that meeting, Council had several questions about the program as outlined and answered below.

Is the ride for those within city limits only?
In order to receive the $5 discount, rides must end in downtown Boulder; however, the inbound ride can originate anywhere and receive the discount. The discount is covered by program funds. Participating downtown businesses will provide a ride discount for purchases of $50 or more; this will apply to rides departing from downtown Boulder, but the outbound ride destination can be anywhere.

What is the minimum qualifying purchase?
There is no minimum qualifying purchase for the inbound discount. There is a $50 minimum qualifying purchase for the outbound discount.

Will vehicle miles traveled (VMT) data be collected?
Not at this time. VMT data is tied to data that is highly proprietary for the Transportation Network Companies (TNCs).

While the pilot itself is not expected to decrease VMT, it is expected to reduce parking demand. Most likely, VMT will be neutral if every trip has a passenger both ways, but in practice that is unlikely to happen. This pilot is geared, in concert with the Downtown Boulder Partnership (DBP), towards shopping/dining.

The pilot will provide data on how people respond to a mobility service that is priced competitively with driving and parking. It may also expose new people to this mode of transportation and demonstrate potential advantages. The pilot may also serve as a learning experience on how to enable mobility as a service. See Rocky Mountain Institute's report on peak car ownership for further information on mobility services.

Are Boulder Uber drivers originating from Denver? Will this happen under the pilot?
Because the TNCs consider this proprietary data, we are unable to answer this question, but by expanding the market in Boulder, the pilot will provide more opportunity for local drivers. We have heard from the TNCs that they are interested in expanding their roster of Boulder drivers.

Here are some driver cases pilot partners have personally experienced:

- A driver lives outside of Boulder but works in Boulder and drives before or after their primary employment hours.
- A driver brings a passenger from the airport and then stays in Boulder to drive.
- We also know some Boulder drivers do leave Boulder to go to Denver because of demand. Increased demand in Boulder could entice them to stay.

Comments and questions posted on Council Hotline

The following was submitted on the Council Hotline by Councilwoman Mary Young:

Molly and Susan,

Thank you for the short presentation on the "d2d" initiative. I would like to share some thoughts regarding the pilot.

The effort should go further and recognize who is at the root of downtown economic vitality: employees. They are the many who work retail, restaurants and various other service jobs that make everything possible. Transportation programs, specifically transit, are generally not targeted toward these workers with non-standard hours and shift work. Consequently, they are forced to drive.

Yes, CAGID does make EcoPasses available to them, but as already stated, public transportation is not designed with their situations in mind. Many live outside of Boulder.

As you move forward, please keep this in mind. The city can choose to create programs that consider everyone that makes economic vitality possible. I would like to see us make that conscious choice as you examine "what may be applicable to other users and other parts of our community."

Additionally, I would like us to always start a program by asking "Who benefits?" And, if the answer to that question is not "those who need it most," we go back to square one.

Staff Response (submitted by Susan Connelly)
Dear Mary,

Thank you so much for sharing these thoughts. Your words echo much of what we have discussed as we work on d2d.

We, too, see the next natural iteration of this initial pilot, which is focused on downtown customers during the holiday season, as being a focus on downtown employees. Shared mobility could be a useful first- and last-mile option to make transit ridership more feasible for more people. Mobility as a Service also could be a supplement to use of the EcoPass for those with unusual schedules, exactly as you have identified.

We are excited to see what we can learn from this first pilot program over six to 12 weeks and to finding ways to expand its reach and benefits as soon as possible thereafter. If the pilot goes well, we plan to work on finding ways and funds to offer a similar service to downtown employees. Thanks for your support, and for your continuing feedback. If you would like to discuss further, please reach out to me.

ATTACHMENTS

A. Proposed Resolution amending the 2016 DCD Fund Budget
B. 2016 DCD Fund Activity Summary

ATTACHMENT A

RESOLUTION 281

A RESOLUTION RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND), MAKING A SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the District desires to make fund balance transfers to continue and complete projects previously authorized and approved; and

WHEREAS, the District also desires to make certain supplemental appropriations for purposes not provided for in the 2016 Annual Appropriation Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, THAT THE FOLLOWING BE ACCOMPLISHED:

Section 1. Appropriation from Fund Balance $204,353

INTRODUCED, READ, PASSED AND ADOPTED this 6th day of December, 2016.

_____
Chair

Attest:

_____
Secretary

2016 FUND ACTIVITY SUMMARY
2ND BUDGET SUPPLEMENTAL OF 2016

	At January 1, 2016			Year-to-date Appropriation Ordinance(s)		Projected Dec 31, 2016
FUND	Projected Fund Balance	Original Estimated Revenues (Including Xfers In)	Original Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Fund Balance
Downtown Commercial District Fund	8,613,091	8,478,357	8,781,777	0	4,260,191	4,049,480

BOULDER MUNICIPAL PROPERTY AUTHORITY
BOARD OF DIRECTORS AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Consideration of a motion to adopt a resolution amending the 2016 Budget for the Boulder Municipal Property Authority.

Consideration of a motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as Boulder City Council.

PRESENTERS
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Adviser
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer
Gina Coluzzi, Senior Budget Analyst

EXECUTIVE SUMMARY:

The Boulder Municipal Property Authority (BMPA) was formed as a Colorado nonprofit corporation in February of 1988. BMPA was formed for the purpose of acquiring real and personal property and leasing, selling or otherwise conveying the same to the city. BMPA is governed by a nine-member board of directors, which consists of the members of the City Council. BMPA's officers include a President and Vice President, which, pursuant to its Bylaws, shall be the Mayor and Mayor Pro Tem, respectively, of the city and a Secretary-Treasurer, which shall be the Chief Financial Officer of the city. BMPA has no assets, other than assets acquired from the issuance of debt securities, which are pledged to the repayment of such securities.

BMPA is a nonprofit corporation. However, it is a component unit of the city of Boulder as provided in the definition of "Reporting Entity" used by Governmental Accounting Standards Board. This requires that the financial statements of BMPA be included in the

city's Comprehensive Annual Financial Report. Therefore, BMPA must adopt a formal annual budget and all supplemental appropriations must be approved by resolution.

This request appropriates the amounts needed for the debt service payment on the Certificates of Participation (COPs) issued for the purchase of Boulder Community Hospital in this fund. Although placeholder funding had been included in the General Fund in 2016 to pay the debt service, the specific revenue and expense in the BMPA fund were not budgeted as the COPs had not yet been issued. This supplemental request appropriates the revenue and expense amount for this first year of debt service. Amounts for 2017 have been included in the 2017 Approved Budget.

STAFF RECOMMENDATION:

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

Motion to adopt Resolution 145 approving a supplemental appropriation to the Boulder Municipal Property Authority 2016 budget.

Motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as Boulder City Council.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

This action is an accounting requirement of the Governmental Accounting Standards Board.

OTHER IMPACTS:

- This resolution appropriates an amount of $2,698,068 from additional revenue.
- Staff time for this process is allocated in the Budget Office's regular annual work plan.

ATTACHMENTS:

A. Proposed resolution
B. Fund Activity Summary

ATTACHMENT A

RESOLUTION 145

A RESOLUTION CONCERNING THE BOULDER MUNICIPAL PROPERTY AUTHORITY (BMPA), MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Boulder Municipal Property Authority is a nonprofit corporation duly organized and existing under the laws of the State of Colorado, and;

WHEREAS, the Boulder Municipal Property Authority is a component unit of the City of Boulder, for accounting purposes only, and as such, is required to formally adopt an annual budget, and;

WHEREAS, certain 2016 debt service and capital expenditure obligations of the Boulder Municipal Property Authority were not provided for in the 2016 Annual Appropriation Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY, THAT THE FOLLOWING BE ACCOMPLISHED:

Section 1. Appropriation from Additional Revenue $2,698,068

INTRODUCED, READ, PASSED AND ADOPTED this 6th day of December, 2016.

_____
President

Attest:

_____
Secretary

2016 FUND ACTIVITY SUMMARY
2ND BUDGET SUPPLEMENTAL OF 2016

	At January 1, 2016			Year-to-date Appropriation Ordinance(s)		Projected Dec 31, 2016
FUND	Projected Fund Balance	Original Estimated Revenues (Including Xfers In)	Original Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Fund Balance
BMPA Debt Service	1,098,575	1,862,397	1,862,397	2,698,068	3,548,811	247,832

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Second reading and consideration of a motion to adopt Ordinance 8156 vacating and authorizing the city manager to execute two deeds of vacation to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Ave. and 4270 19th St. and consideration of a motion to amend the annexation agreements for the properties located at 2010 Upland Avenue and 4270 19th Street in order to remove the requirements to dedicate and construct an access lane known as N. 20th Street.

PRESENTER/S
Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Maureen Rait, Executive Director of Public Works
Susan Richstone, Deputy Director of Planning
Charles Ferro, Development Review Manager – Planning
Edward Stafford, Development Review Manager – Public Works
Annie Noble, Greenways Program Coordinator
David Thompson, Civil Engineer II
Sloane Walbert, Planner II

EXECUTIVE SUMMARY
The property owners (Anne Hockmeyer, Ellen Stark and Robert and Elaine Schuman) request vacation of public right-of-way dedicated for N. 20th Street immediately adjacent to the properties at 2010 Upland Ave. and 4270 19th St. and amendments to the annexation agreements for these properties to remove the requirements pertaining to the construction of the street. On Nov. 3, 2016, the Planning Board approved an amendment to the North Boulder Right-of-Way Plan, which is part of the North Boulder Subcommunity Plan (NBSP), to remove the vehicular connection known as N. 20th Street between Upland and Tamarack Avenues. The right-of-way was dedicated as a part of the annexations of these properties and the applications for the vacation of right-of-way and

amendments to the annexation agreements on the subject properties is a necessary step in removing the N. 20th Street vehicular connection.

The right-of-way vacation and amendments to the annexation agreements are consistent with the findings made in the Fourmile Canyon Creek Community and Environmental Assessment Process (CEAP), approved by City Council in March 2012. The call-up memo to council for the CEAP can be found here.

On Nov. 15, 2016, City Council approved first reading of the draft ordinance and had no questions for staff. The companion amendment to the North Boulder Right-of-Way Plan was also considered for call-up by City Council at this meeting and was not called up.

STAFF RECOMMENDATION

Staff finds that the criteria of section 8-6-9, "Vacation of Public Rights-of-Way and Public Access Easements," B.R.C. 1981 can be met and that the proposed annexation agreement amendments are consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms and recommends that the City Council take the following action:

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

Motion to adopt Ordinance 8156 vacating and authorizing the city manager to execute two deeds of vacation to vacate public rights-of-way dedicated for N. 20th Street adjacent to the properties at 2010 Upland Ave. and 4270 19th St. and consideration of a motion to amend the annexation agreements for the properties located at 2010 Upland Avenue and 4270 19th Street in order to remove the requirements to dedicate and construct an access lane known as N. 20th Street.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None identified.
- Environmental: None identified.
- Social: None identified.

OTHER IMPACTS

- Fiscal: Vacating the right-of-way would free the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the right-of-way creates an unnecessary financial burden for the city.
- Staff time: The vacation and annexation agreement amendment applications have been processed through the provisions of the standard processes and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Per the city's charter, no Planning Board action or input is required for the vacation of public right-of-way. Notification was sent to the Planning Board on Nov. 4, 2016 in conformance with Section 79 of the Boulder City Charter.

Pursuant to section 9-4-2, B.R.C. 1981, Planning Board is required to make a recommendation to City Council on applications for annexation agreement amendments. Following the board's recommendation, the proposed amendments require a motion approving the amendment by City Council.

On Nov. 3, 2016, Planning Board voted to approve the request to amend the annexation agreements for the properties located at 2010 Upland Avenue and 4270 19th Street in order to remove the requirements to dedicate and construct an access lane known as N. 20th Street. The board discussed the CEAP from March 2012 and the relationship of the process to the NBSP. One board member opposed the proposals (amendment to the NBSP, vacation and annexation amendments), indicating that no compelling reason exists to remove the connection. The board member also stated that the CEAP made excellent recommendations, but the new multi-use path and emergency access connection are not a substitute for N. 20th Street. Other members stated their support for the requests based on the site context, the low development potential along Tamarack Avenue, and the conclusion that the removal of the connection would be consistent with the neighborhood input from the March 2012 CEAP. Please refer to the minutes from the Nov. 3, 2016 Planning Board hearing in **Attachment H**.

On a motion by **C. Gray**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) to recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

PUBLIC FEEDBACK

City staff sent public notice of the applications to property owners within 600 feet of the subject properties. In addition, several open houses were held to solicit community input as part of the March, 2012 CEAP public outreach process. Staff has not received any public comments in support or opposition to the proposals to remove the N. 20th Street connection. However, staff received feedback from neighbors as part of the Fourmile Canyon Creek CEAP process expressing strong support of the proposed removal of the street connection.

BACKGROUND

The subject properties at 2010 Upland Ave. and 4270 19th St. are located in North Boulder in the Crestview East Neighborhood, which is roughly defined as those properties located north of Tamarack Avenue, south of Violet Avenue, east of 19th Street and west of 22nd Street.

Over time, the following properties have dedicated or reserved the right-of-way necessary for the future construction of N. 20th Street in accordance with the North Boulder Right-of-Way Plan (refer to *Figure 1*):

- 4306 19th St. – reserved[1] 15 feet of right-of-way in 2002.
- 2010 Upland Ave. – dedicated 15 feet of right-of-way in 2009.
- 4270 19th St. – dedicated 15 feet of right-of-way in 2014.

As is common in annexations where infrastructure is to be constructed in accordance with an adopted connections plan, each of the respective annexation agreements have a trigger for the construction of N. 20th Street. The owner(s) of the first of the three properties to subdivide or redevelop is responsible for the construction of the roadway. The remaining two properties would then reimburse their share of the construction costs to the constructor upon subdivision or redevelopment of their respective properties. Refer to the annexation agreements for 2010 Upland Ave. in **Attachment C** and for 4270 19th St. in **Attachment D**.

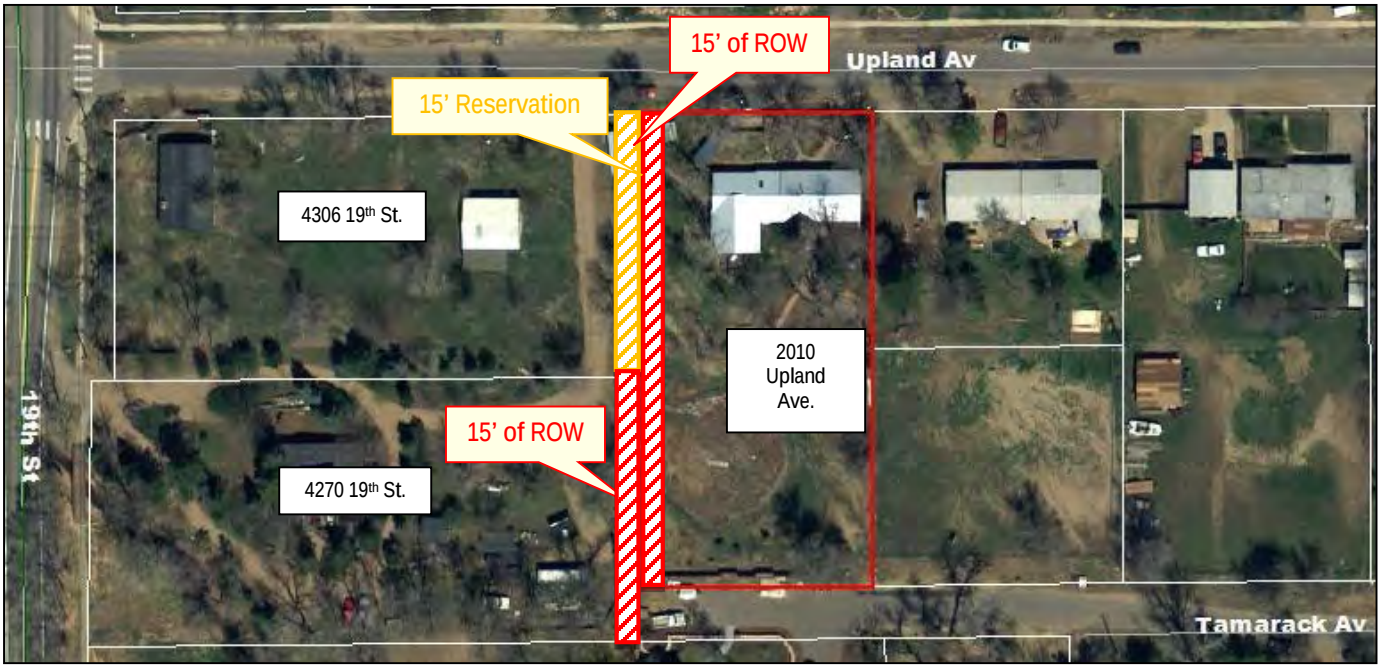


Figure 1: Dedications and Reservations for N. 20th Street

In March 2012, the city conducted a CEAP to evaluate flood mitigation and multi-use path connection alternatives along Fourmile Canyon Creek between 19th and 22nd Streets as part of a greenways improvement project (refer to *Figure 2*). Emergency access to Tamarack Avenue was also evaluated as part of the process. Several open houses were

[1] *The 2002 annexation agreement for 4306 19th St. called for the "reservation" of 15' of right-of-way to be dedicated in fee to the city within 30 days of a request, whereas 2010 Upland Ave. and 4270 19th St. provided fee dedications of right-of-way through their respective annexations. No action or vacation is required for the property at 4306 19th St. since right-of-way was never dedicated.*

held to solicit neighborhood input. The Greenways Advisory Committee (GAC) proposed recommendations at a public hearing on Feb. 15, 2012.

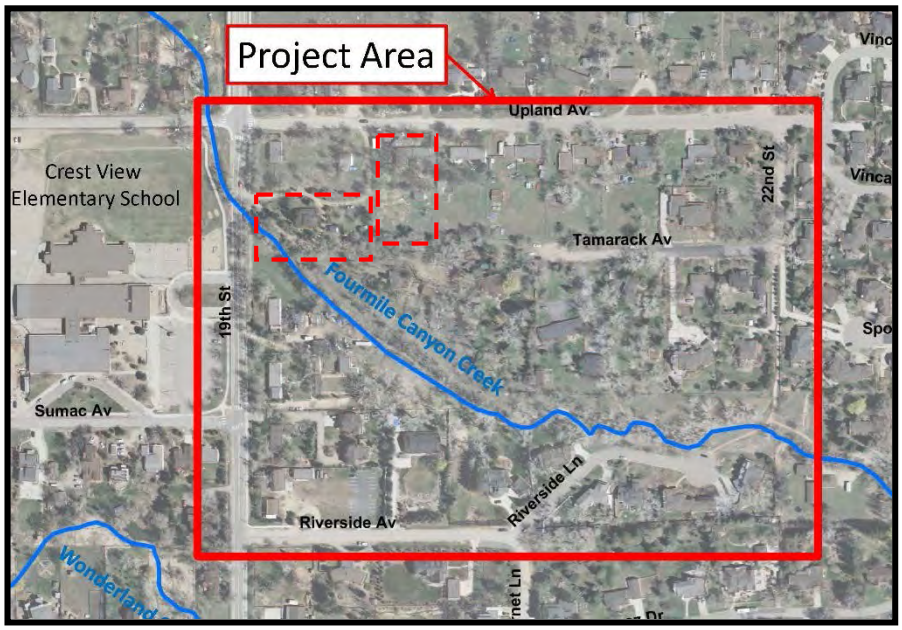


Figure 2: CEAP Project Area

The staff recommended alternative to meet the goals of the greenways improvement project was to connect 19th Street to Tamarack Avenue via a path and bridge connection that would also provide improved emergency vehicle access to Tamarack Avenue (refer to *Figure 3* on the following page). It was determined that this alternative would consolidate the future bicycle and pedestrian access to Tamarack Avenue with emergency vehicle access only. At that time staff found that construction of N. 20th Street was not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. The GAC unanimously (6-0) recommended approval of this alternative.

The CEAP was submitted to City Council on Mar. 29, 2012 for call-up. City Council did not call up the CEAP and the GAC recommendation was finalized and is reflected in the final CEAP document. The proposed vacation is consistent with the findings made in the CEAP. The necessary easements are in place to make the connection from 19th Street and Tamarack Avenue, as recommended by the CEAP. The construction schedule for the Greenways project is unknown at this time because the full project design has not been completed and requires permitting through the U.S. Army Corps of Engineers.

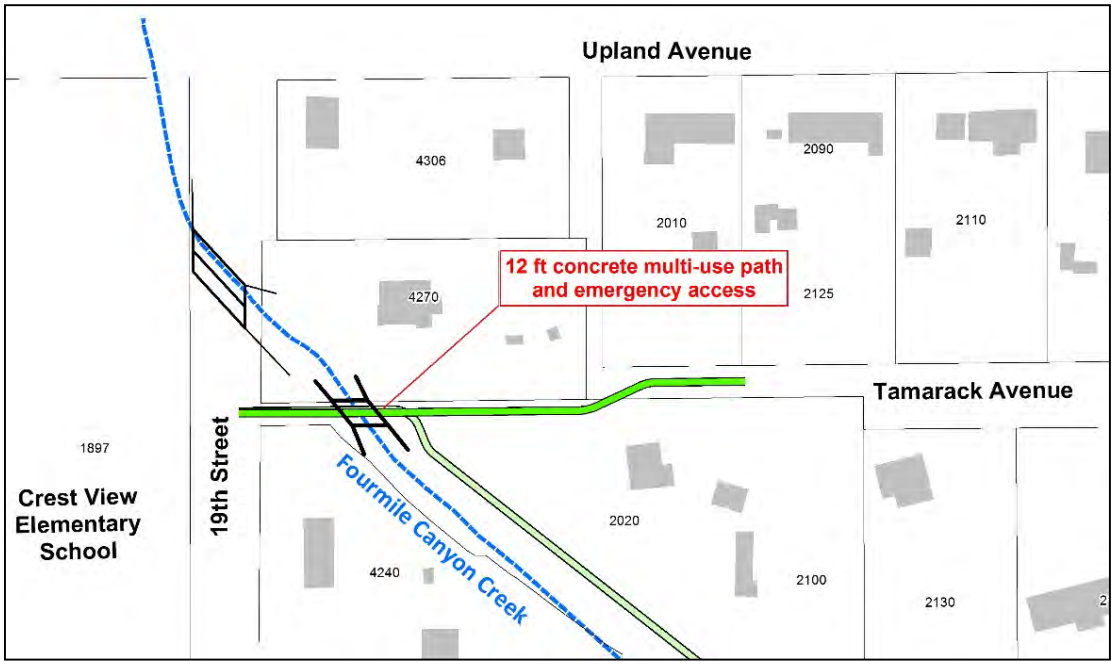


Figure 3: Approved Transportation Connection Alternative in CEAP

In 2016, the property owners of 2010 Upland Ave. (Anne Hockmeyer and Ellen Stark) applied for subdivision, thereby triggering the requirement to construct N. 20th Street. Based on the findings made in the CEAP, they subsequently requested that the requirement to construct N. 20th Street be removed from their annexation agreement, their dedicated right-of-way be vacated and returned, and the North Boulder Right-of-Way Plan be amended to delete the connection. In reviewing the request for the property at 2010 Upland Ave. staff determined that it was appropriate to pursue mirror proposals for the property at 4270 19th St. (owned by Robert and Elaine Schuman), since the annexation agreements contain the same requirements for the dedication and construction of N. 20th Street.

On Nov. 3, 2016, the Planning Board approved the amendment to the North Boulder Right-of-Way Plan within the North Boulder Subcommunity Plan (NBSP) to remove the vehicular connection known as N. 20th Street between Upland and Tamarack Avenues (refer to *Figure 4* on the following page). On Nov. 15, 2016, City Council considered this amendment for call-up and the request not called up. The required 30-day call-up period ends on Dec. 5, 2016.

The following amendment to the North Boulder Right-of-Way Plan was approved:

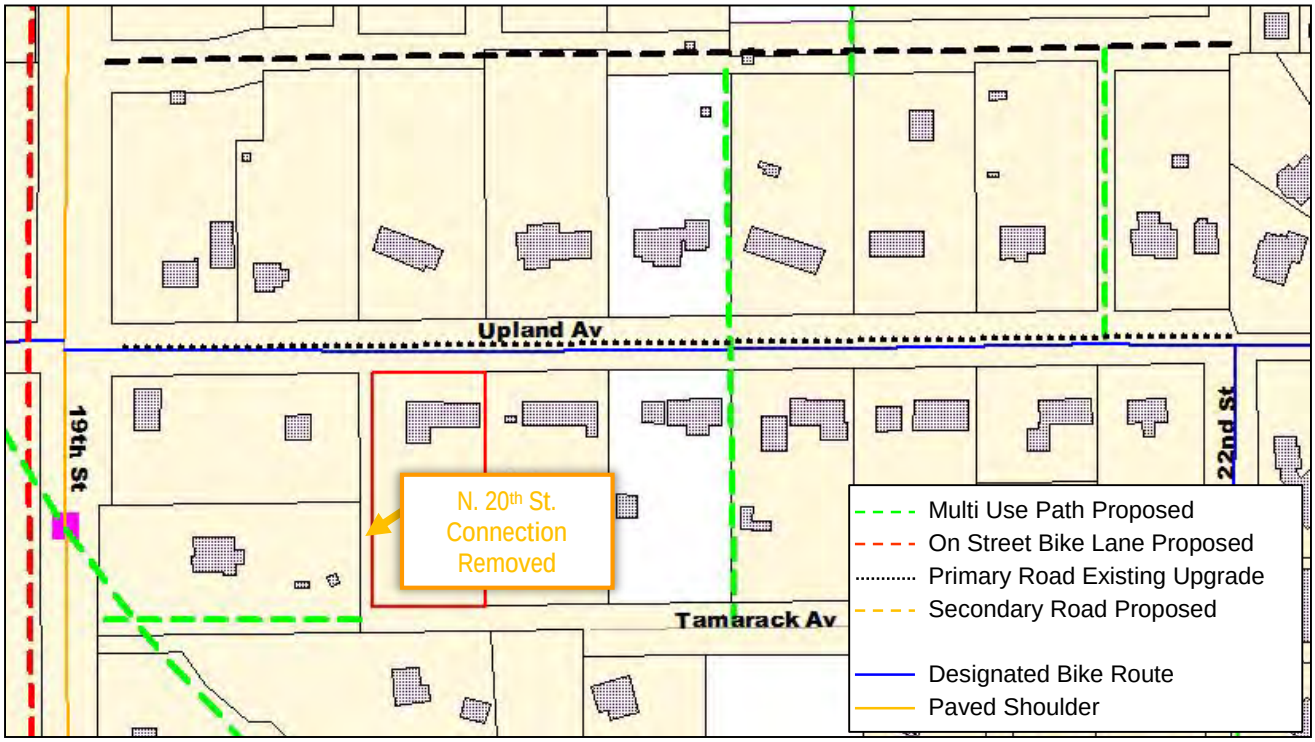


Figure 4: Approved Amendment to NBSP North Boulder Right-of-Way Plan

Only the necessary utility easements would remain in the areas of vacation to serve existing and future public utilities (refer to *Figures 5 and 6* on the following page). Refer to the draft Deeds of Vacation in **Attachment B**.

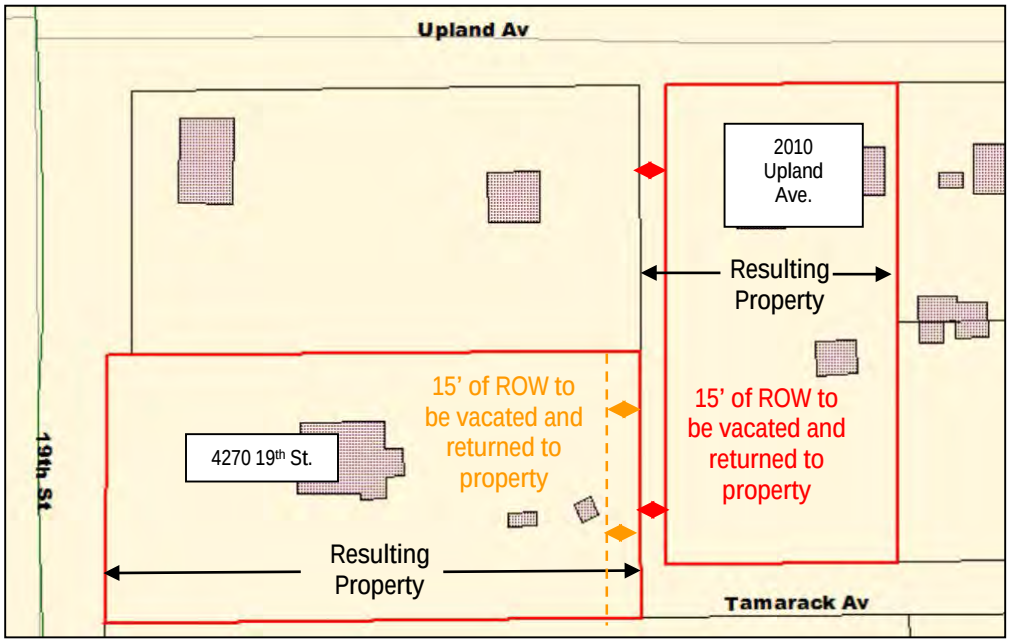


Figure 5: Right-of-Way to be Vacated

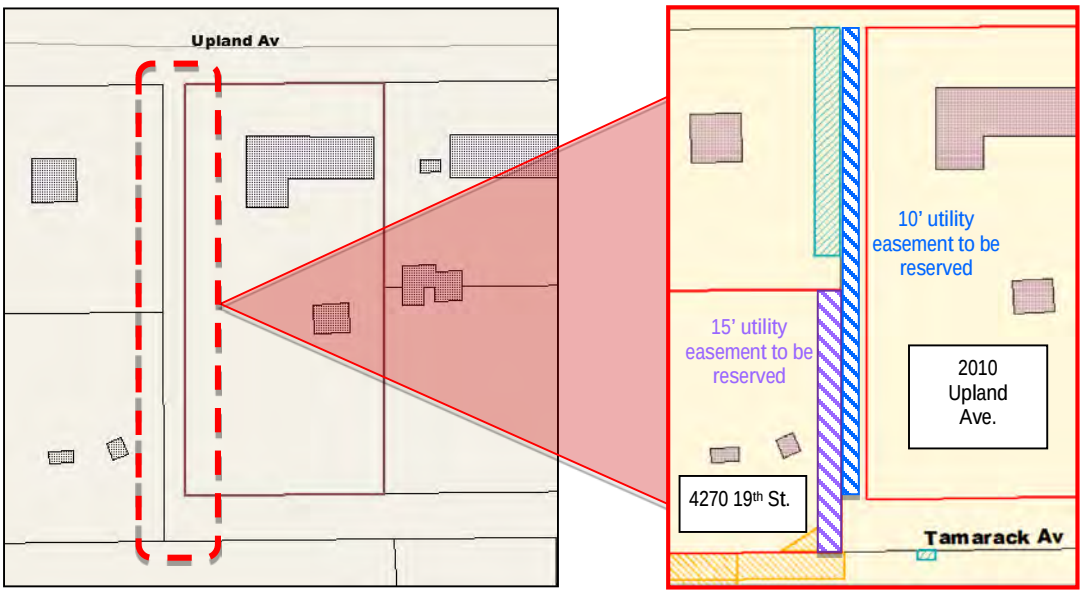


Figure 6: Portion of Utility Easements to Remain

ANALYSIS

Right-of-Way Vacation

The subject rights-of-way were declared open to the public when they were dedicated and thus, must be vacated by ordinance passed by City Council. In order for the existing right-of-way to be vacated, the council must conclude that the vacation meets the criteria

under subsection 8-6-9(c), B.R.C. 1981. Staff has reviewed this vacation request and has concluded that the criteria has been met. Staff provides the following information in support this conclusion:

(1) The applicant must demonstrate that the public purpose for which an easement or right-of-way was originally acquired or dedicated is no longer valid or necessary for public use;

The purpose of the right-of-way dedications was to implement a N. 20th Street vehicular connection shown on the North Boulder Right-of-Way Plan at the time of annexation. However, because it has been determined that the N. 20th Street connection is not required for either vehicle or multi-modal purposes, the right-of-way is no longer valid or necessary for public use.

Furthermore, the Fourmile Canyon Creek Improvements Project will provide a more direct route to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street, via a new multi-use path and bridge connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, and an underpass under 19th Street to eliminate the need to cross 19th Street at Upland Avenue. A planned, mid-block multi-use path will remain a few properties over to the east, further accommodating north/south pedestrian and bicycle circulation. City staff received feedback from neighbors as part of the Fourmile Canyon Creek CEAP process expressing strong support of the proposed removal of the N. 20th Street.

The removal of N. 20th Street would not affect the overall connectivity of the area. Vehicular access in this location is not warranted based on current and projected traffic volumes generated by potential future subdivisions along Tamarack Avenue. Tamarack Avenue is not part of the City's east/west vehicle grid and low daily trips are projected to be generated on Tamarack Avenue upon subdivision build-out. A turnaround will continue to be provided at the west end of Tamarack Avenue. A primary purpose of the proposed N. 20th Street connection was to provide an additional access route for emergency vehicles, given that Tamarack Avenue was not part of an existing neighborhood transportation grid. However, emergency access will now be provided by the Fourmile Canyon Creek Improvements Project. The bridge across Fourmile Creek Canyon is designed to accommodate emergency response vehicles, providing a direct connection from 19th Street to Tamarack Avenue.

(2) All agencies and departments having a conceivable interest in the easement or right-of-way must indicate that no need exists, either at present or conceivable in the future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose unless the vacation ordinance retains the needed utility or right-of-way easement;

Staff members from the Planning and Public Works Departments have evaluated the proposed vacation and have collectively concluded that the public entities would have

no future interest in the public right-of-way because the necessary utility easements will be reserved. CenturyLink, Comcast, and Xcel have also approved the request.

(3) The applicant must demonstrate, consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations, either:

(A) That failure to vacate an existing right-of-way or easement on the property would cause a substantial hardship to the use of the property consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations; or

Not Applicable.

(B) That vacation of the easement or right-of-way would actually provide a greater public benefit than retaining the property in its present status.

Vacating the right-of-way would provide a greater public benefit than retaining it in its present status by freeing the city from the maintenance and repair responsibilities associated with N. 20th Street. Because the right-of-way is not needed to provide access, maintaining the requirement for right-of-way on the subject properties would create an unnecessary financial burden for the city.

Amendment to Annexation Agreement

Staff finds the proposed annexation agreement amendments consistent with the Boulder Valley Comprehensive Plan (BVCP) policies of annexation and the intent of the original annexation terms. The removal of N. 20th Street would not affect the overall bicycle and pedestrian connectivity of the area. A more direct and safer route is being provided to pedestrians and bicyclists between Tamarack Avenue and areas west of 19th Street with the Fourmile Canyon Creek Improvements Project. The project will provide a new multi-use path connection across Fourmile Canyon Creek, connecting Tamarack Avenue to 19th Street, along with providing an underpass under 19th Street. City staff received feedback from neighbors as part of the Fourmile Canyon Creek CEAP process expressing strong support of the proposed removal of the N. 20th Street connection. The removal of the requirement to construct N. 20th Street and vacation of the subject right-of-way will also help to defray the property owners' costs of annexation by removing the obligation to pay for the construction of the right-of-way. The elimination of the connection will preserve the existing rural street character in this lower density residential area.

Based on this information, staff concluded that the proposed request, on balance, was consistent with the intent of the annexation agreements and recommends approval of the proposed amendments found in **Attachments E and F**. The annexations would also remain consistent with the BVCP policies related to annexation, as connectivity of the properties is not affected by the proposed amendments and the other benefits and conditions of these annexations remain in place.

ATTACHMENTS

A: Ordinance 8156
B: Deeds of Vacation
C: 2010 Upland Avenue Annexation Agreement and Amendment (signature blocks intentionally omitted)
D: 4270 19th Street Annexation Agreement
E: 2010 Upland Avenue Requested Amendment to Annexation Agreement
F: 4270 19th Street Requested Amendment to Annexation Agreement
G: Applicant's Written Statement for 2010 Upland Avenue (attachments intentionally omitted)
H: Nov. 03, 2016 Planning Board minutes

ORDINANCE 8156

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TWO DEEDS OF VACATION TO VACATE TWO 15-FOOT WIDE PUBLIC RIGHTS-OF-WAY FOR NORTH 20TH STREET LOCATED ADJACENT TO THE WEST OF 2010 UPLAND AVENUE AND TO THE EAST OF 4270 19TH STREET AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. Ellen A. Stark and Anne Hockmeyer, the owners of the property generally known as 2010 Upland Avenue, Boulder, CO, and more particularly described on **Exhibit A** attached hereto and incorporated herein ("2010 Upland Property"), have requested that the city vacate the 15-foot wide right-of-way for North 20th Street located immediately west of the 2010 Upland Property.

B. Robert J. Schuman and Elaine D. Schuman, the owners of property generally known as 4270 19th Street, Boulder, CO, and more particularly described on **Exhibit B** attached hereto and incorporated herein ("4270 19th Property"), also dedicated right-of-way for North 20th Street located immediately east of the 4270 19th Property.

C. The City Council is of the opinion that the vacation of rights-of-way for North 20th Street described in this ordinance is in the public interest and that said rights-of-way are not necessary for the public use, with the exception the utility easements to be reserved as described herein.

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

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 2010 Upland Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03045662 on the 3rd day of December 2009 and as more particularly described in **Exhibit C**, reserving a utility easement interest for any and all utility purposes on the 10-foot wide parcel described in **Exhibit D**.

Section 2. The City Council vacates and authorizes the city manager to execute a deed of vacation for a 15-foot wide right-of-way adjacent to 4270 19th Property as dedicated to the City of Boulder on the deed recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398238 on the 19th day of August 2014 and as more particularly described in **Exhibit E**, reserving a utility easement interest for any and all utility purposes over the entire width and length of the 15-foot wide parcel shown on **Exhibit E**.

Section 3. 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 4. 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 15th day of November, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of December, 2016.

_____
Mayor

Attest:

_____
City Clerk

Exhibit A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit B

Legal Description

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit C

LEGAL DESCRIPTION:

A 15' WIDE ROADWAY VACATION LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID ROADWAY EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID RIGHT OF WAY VACATION CONTAINING 3,874 SQ. FT, OR 0.09 ACRES MORE OR LESS.

38127
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit C

PAGE 2 OF 2

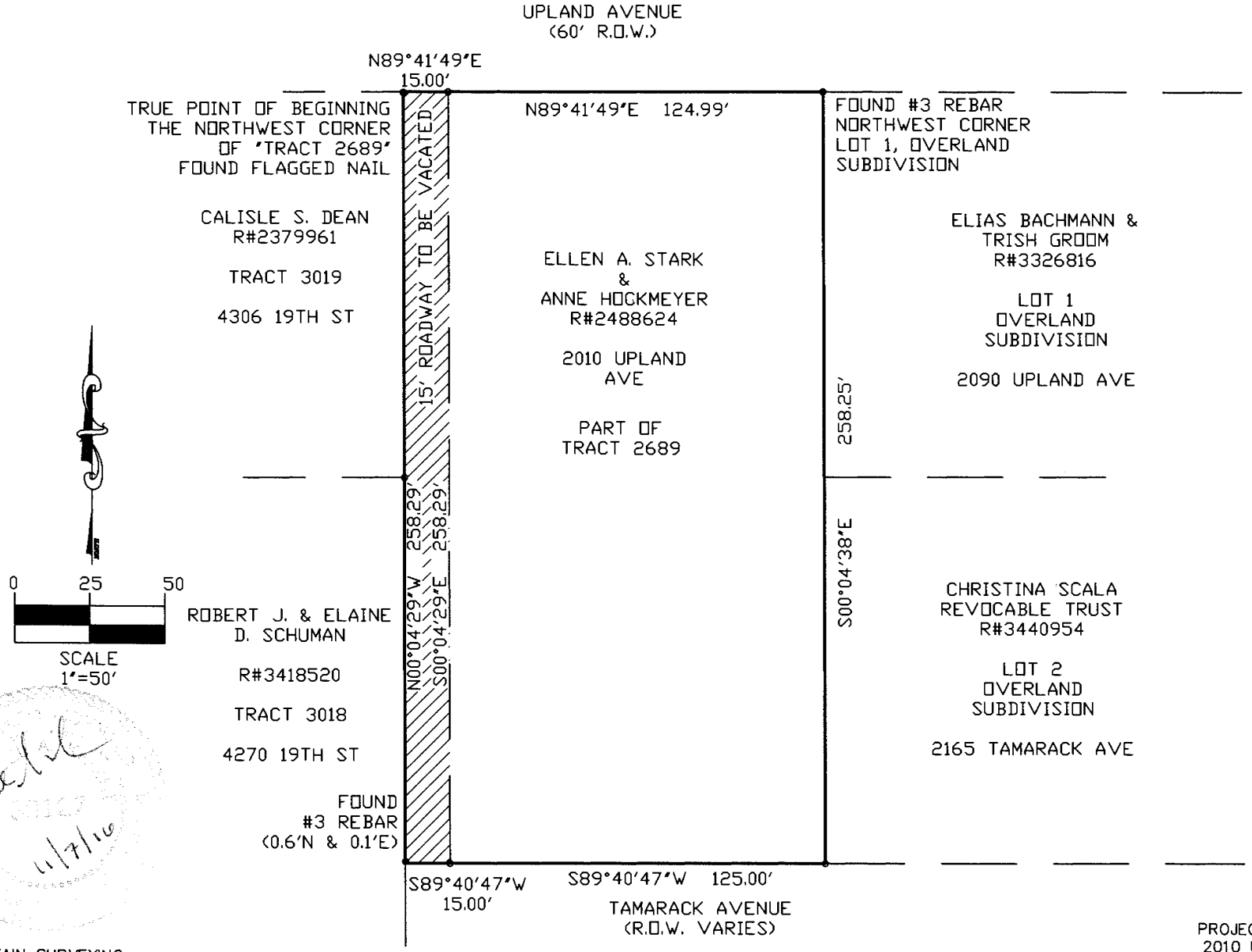


Exhibit D

LEGAL DESCRIPTION:

A 10' UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID EASEMENT EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINING 2,583 SQ. FT. 0.06 ACRES MORE OR LESS.

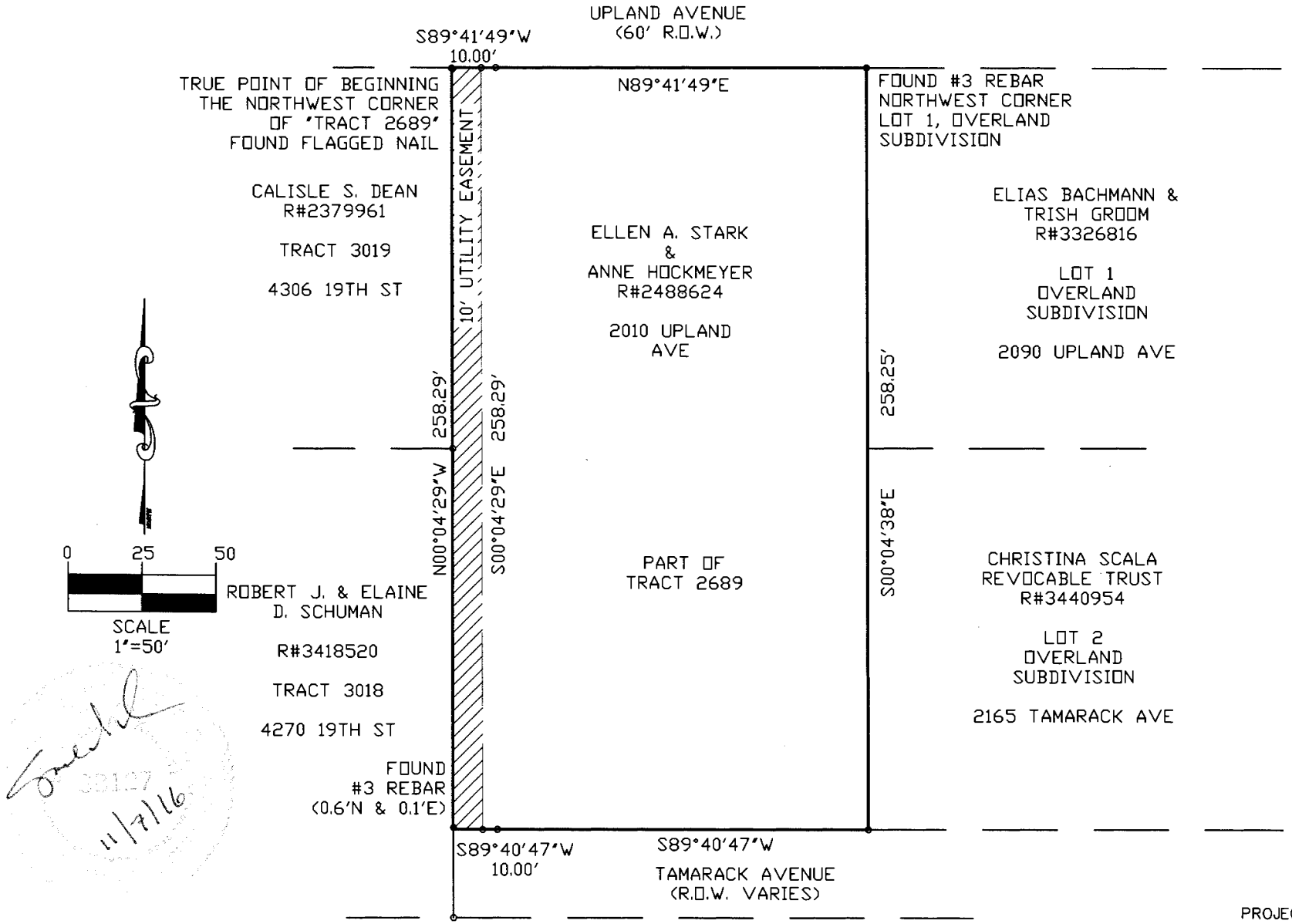
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit D

PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

Exhibit E

LEGAL DESCRIPTION

SHEET 1 OF 2

A TRACT OF LAND OVER AND ACROSS A PORTION OF A PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, ON APRIL 18, 1984, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742 TO BEAR SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE, THE POINT OF BEGINNING.
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 2, GRIT GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3153015 ON JUNE 8, 2011, SOUTH 89°53'00" WEST, A DISTANCE OF 15.00 FEET;
THENCE DEPARTING SAID NORTH LINE, AND 15.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE AND THE WESTERLY LINE OF A 15 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3045662, ON DECEMBER 3, 2009, NORTH 00°05'30" EAST, A DISTANCE OF 159.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742; THENCE ALONG SAID NORTH LINE, NORTH 89°53'00" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON SAID 15 FOOT WIDE RIGHT-OF-WAY LINE;
THENCE DEPARTING SAID NORTH LINE AND ALONG SAID 15 FOOT RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SAID TAMARACK AVENUE, SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 2,385 SQ.FT. OR 0.05 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406 FSI JOB NO. 14-63,623
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014
REV: JULY 17, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

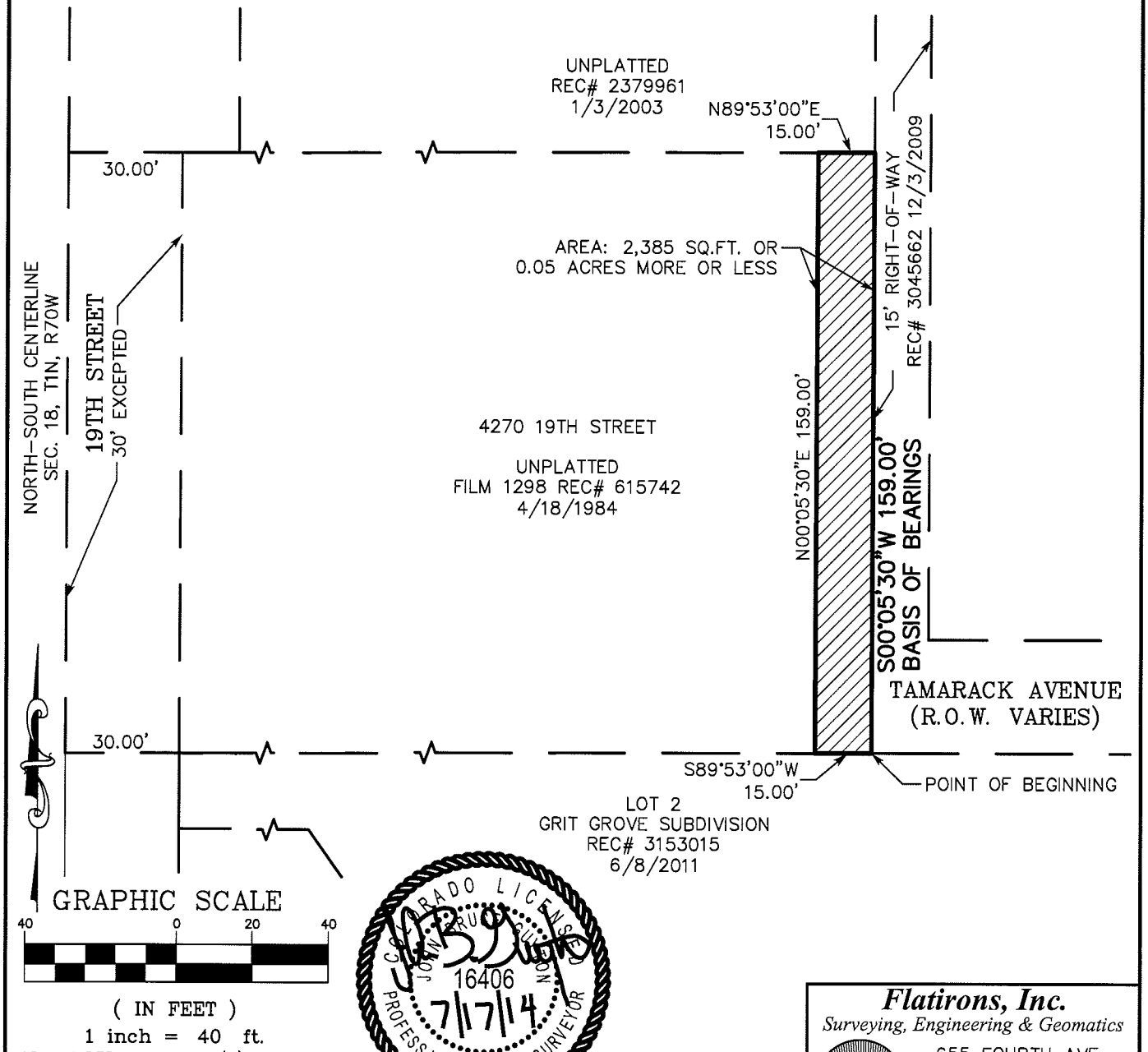
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:37 PM

Exhibit E

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



JOHN BRUCE SUTHERLAND
COLORADO LICENSED
16406
7/17/14
PROFESSIONAL LAND SURVEYOR

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:33 PM

For Administrative Purposes Only
Grantor: City of Boulder and
Ellen A. Stark & Anne Hockmeyer
Grantee: Ellen A. Stark & Anne Hockmeyer and
City of Boulder
Case No. LRU2016-00073

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owners of the abutting land, in the manner prescribed by Section 43-2-302, C.R.S., right-of-way previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03045662 on the 3rd day of December 2009 located at 2010 Upland Avenue and as more particularly described on Exhibit A attached hereto and incorporated herein by reference, and reserving unto the City an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the real property described on Exhibit B attached hereto and incorporated herein by reference.

The above right-of-way vacation and release of said right-of-way at 2010 Upland Avenue shall extend only to the portion and the type of interest specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the right-of-way nor as vacating the within reserved utility easement.

Executed this _____ day of _____, 2016, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. 8156, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam,
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

"EXHIBIT A"
PAGE 1 OF 2

LEGAL DESCRIPTION:

A 15' WIDE ROADWAY VACATION LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID ROADWAY EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

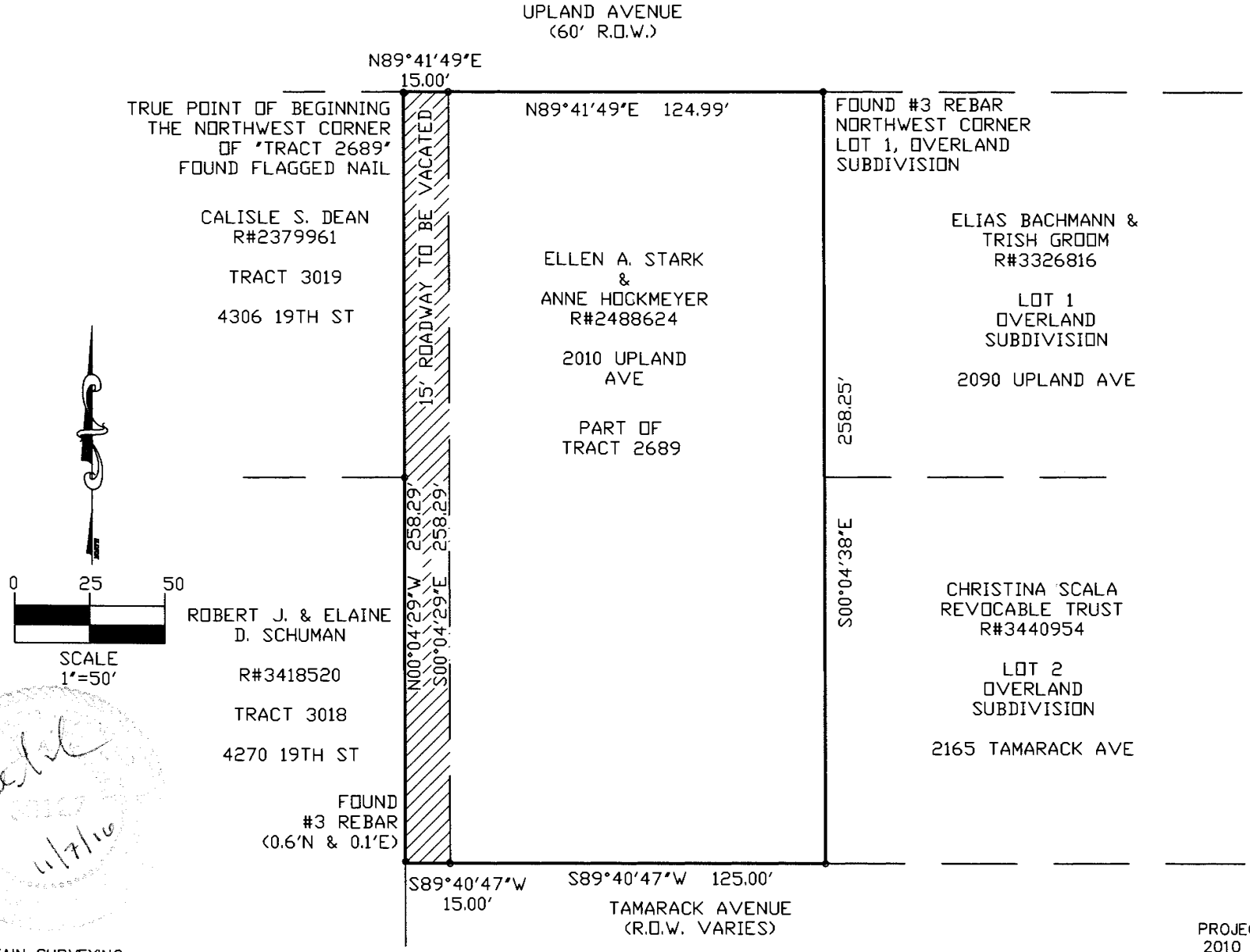
CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID RIGHT OF WAY VACATION CONTAINING 3,874 SQ. FT, OR 0.09 ACRES MORE OR LESS.

38127
11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT A"
PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT B"
PAGE 1 OF 2

LEGAL DESCRIPTION:

A 10' UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST, OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, SAID EASEMENT EXISTING ALONG THE WESTERLY SIDE OF THAT PARCEL DESCRIBED IN BOULDER COUNTY DEED RECEPTION NUMBER 3045662, ALSO BEING KNOWN AS "TRACT 2689", MORE COMMONLY KNOWN AS 2010 UPLAND AVE., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

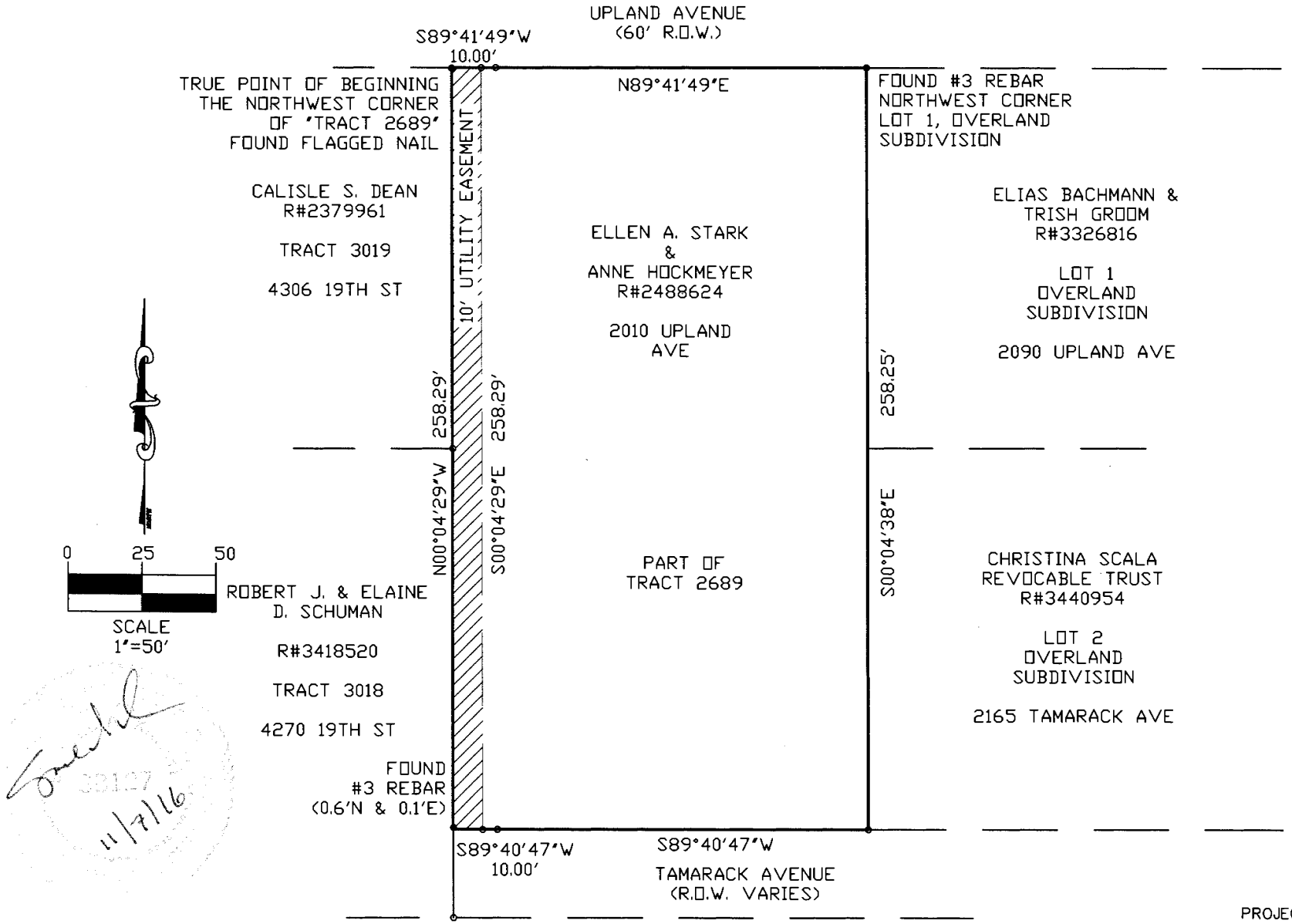
CONSIDERING THE NORTH LINE OF "TRACT 2689" TO BEAR NORTH 89°41'49" EAST BETWEEN THE MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID TRACT, BEING A FOUND NAIL WITH FLAGGING, AS SHOWN AND DESCRIBED HEREON, AND THE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SAID TRACT, BEING A FOUND #3 REBAR, AS SHOWN AND DESCRIBED HEREON, WITH ALL OTHER BEARINGS AND DISTANCES SHOWN HEREON RELATED THERETO; BEGINNING AT SAID NORTHWEST CORNER OF SAID "TRACT 2689"; THENCE NORTH 89°41'49" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 00°04'29" EAST, A DISTANCE OF 258.29 FEET; THENCE SOUTH 89°40'47" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 00°04'29" WEST, A DISTANCE OF 258.29 FEET MORE OR LESS TO THE POINT OF BEGINNING. SAID UTILITY EASEMENT CONTAINING 2,583 SQ. FT. 0.06 ACRES MORE OR LESS.

11/7/16

GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

"EXHIBIT B"
PAGE 2 OF 2



GREEN MOUNTAIN SURVEYING
SAMUEL A. KNIGHT
CO PLS# 38,127

PROJECT LOCATION:
2010 UPLAND AVE.
COUNTY OF BOULDER,
STATE OF COLORADO.

For Administrative Purposes Only
Grantor: City of Boulder and
Robert J. and Elaine D. Schuman
Grantee: Robert J. and Elaine D. Schuman and
City of Boulder
Case No. LUR2016-00073

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owners of the abutting land, in the manner prescribed by Section 43-2-302, C.R.S., right-of-way previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398238 on the 8th day of August 2014 located at 4270 19th Street and as more particularly described on Exhibit A attached hereto and incorporated herein by reference, and reserving unto the City an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the real property described on Exhibit A attached hereto and incorporated herein by reference.

The above right-of-way vacation and release of said right-of-way at 4270 19th Street shall extend only to the portion and the type of interest specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the right-of-way nor as vacating the within reserved utility easement.

Executed this _____ day of _____, 2016, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. 8156, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By:_____
Jane S. Brautigam,
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

EXHIBIT "A"

LEGAL DESCRIPTION

SHEET 1 OF 2

A TRACT OF LAND OVER AND ACROSS A PORTION OF A PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, ON APRIL 18, 1984, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742 TO BEAR SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742, AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE, THE POINT OF BEGINNING.
THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 2, GRIT GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3153015 ON JUNE 8, 2011, SOUTH 89°53'00" WEST, A DISTANCE OF 15.00 FEET;
THENCE DEPARTING SAID NORTH LINE, AND 15.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMARACK AVENUE AND THE WESTERLY LINE OF A 15 FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3045662, ON DECEMBER 3, 2009, NORTH 00°05'30" EAST, A DISTANCE OF 159.00 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT FILM 1298, RECEPTION NO. 615742; THENCE ALONG SAID NORTH LINE, NORTH 89°53'00" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON SAID 15 FOOT WIDE RIGHT-OF-WAY LINE;
THENCE DEPARTING SAID NORTH LINE AND ALONG SAID 15 FOOT RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF SAID TAMARACK AVENUE, SOUTH 00°05'30" WEST, A DISTANCE OF 159.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINING 2,385 SQ.FT. OR 0.05 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND [illegible] NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406 [illegible]FSI JOB NO. 14-63,623
CHAIRMAN/CEO, FLATIRONS, [illegible]

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014
REV: JULY 17, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

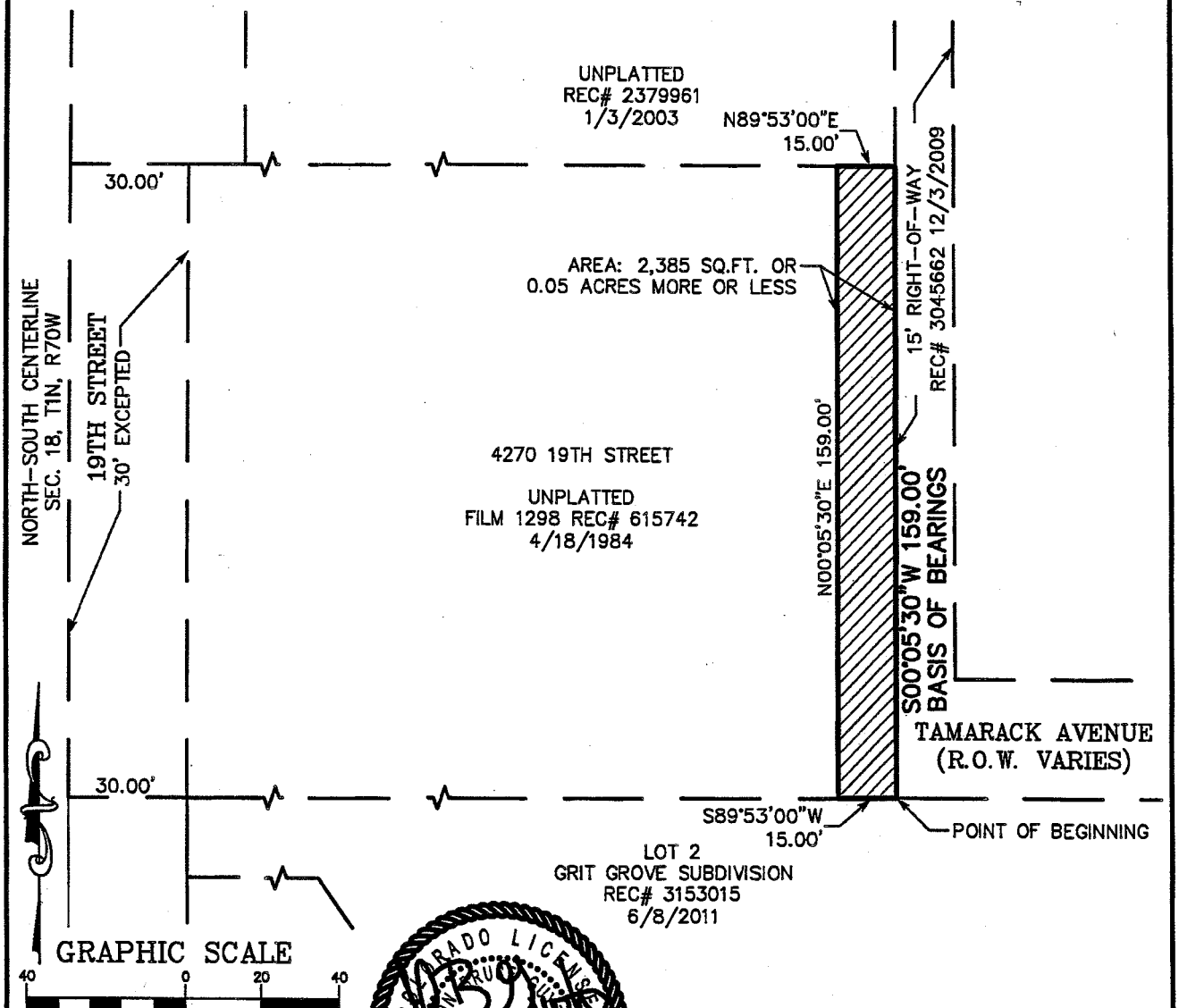
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:37 PM

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



GRAPHIC SCALE

40 0 20 40

(IN FEET)

1 inch = 40 ft.

COLORADO LICENSED
JOHN C. BRUNER
16406
7/17/14
PROFESSIONAL LAND SURVEYOR

JOB NUMBER: 14-63,623(C)
DRAWN BY: E. PRESCOTT
DATE: JULY 16, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:63623-DESC-19TH ST-C-13.DWG DATE:7/17/2014 3:33 PM

03049079
Page: 1 of 39
12/22/2009 10:04 AM RF: $196.00 DF: $0.00
Boulder County Clerk, CO

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this 6TH day of NOV., 2009, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and the property owners of 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. (individually referred to as "**Property Owner**" and collectively referred to as "**Applicant**"). The City and the Applicant are referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the Property described in this Annexation Agreement under **Exhibit A**.

A. The Applicant is the owner of the real property described in the attached Exhibit A ("**Crestview East Addition No. 1A Annexation Property**"). A Property Owner owns an individual property ("**Property**") within the Crestview East Addition No. 1A Annexation Property, including 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave., 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave. and 2114 Violet Ave. Each address represents a separate Property and Property owner.

B. The Applicant is interested in obtaining approval from the City for annexation of each Property in order to provide adequate urban services to said area, particularly City water, drainage and sewer utilities with initial zoning designations as follows:

- RM-2 for the northern 140 feet and RL-1 for the southern 140 feet of 1938 Violet Ave., 1960 Violet Ave., 2066 Violet Ave., and 2114 Violet Ave.;
- RL-1 for the northern 140 feet and RE for southern 140 feet of 1937 Upland Ave., 2005 Upland Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2155 Upland Ave.; and
- RE for 2010 Upland Ave., 2090 Upland Ave., 2130 Upland Ave. and 2160 Upland Ave.;

C. Consistent with Policy 1.27 (b) of the Boulder Valley Comprehensive Plan, the City finds it desirable to actively pursue annexation of county enclaves in order to provide adequate urban services to the Crestview East Addition No. 1A Annexation Property; and

D. The City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the

OFFICIAL CENTRAL RECORDS COPY 1
20091201-5323

placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

COVENANTS

1. Definitions.

"Floor area" means the total square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space. Basements below grade shall be exempt from floor area calculations and garages up to 500 square feet shall be exempt from floor area calculations.

"**Newly Constructed Unit"** means either a new dwelling unit constructed on a vacant parcel or a redeveloped dwelling unit that is greater than 3,000 square feet of total floor area (for inclusionary zoning), as defined by Section 9-16, "Definitions," B.R.C. 1981.

"**Redevelopment**" means the subdivision of a Property to create a new lot or the addition of a dwelling unit to an existing lot.

"**Redevelopment Improvements**" means the improvements which are fully described and shown on **Exhibits B, C and D.**

2. Requirements Prior to First Reading of the Annexation Ordinance.

a. Thirty days prior to scheduling the first reading of the annexation ordinance, each Property Owner shall:

i. Provide title work current to within 30 days of signing the Annexation Agreement;

ii. File an application, and pay the applicable fees for inclusion of each Property in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District;

iii. Pay the fees and convey the Property specified on **Exhibit E**. Fees can be paid at the time of first reading or at the time of redevelopment. If a Property Owner desires to defer payment of fees until the time of redevelopment, the property owner shall submit such request with this Agreement prior to first reading of the annexation ordinance. Rates will be based on the fees current at the time of redevelopment.

iv. Provide a written description of any non-conforming use or structure existing on each Property, if any;

v. Submit individual warranty deeds for each individual property owner dedicating new right of way as required by **Exhibit E**

vi. Submit legal descriptions in a form acceptable to the Director of Public Works for any right of way to be vacated pursuant to this Agreement.

b. Regarding interests in the Silver Lake Reservoir and Ditch Company, the Applicant shall:

i. Prior to first reading of the annexation ordinance, sell to the City, at its fair market value, any and all water and ditch rights, except for rights associated with wells, available for use on each Property, including all shares in the Silver Lake Reservoir and Ditch Company. Applicant shall abandon and transfer to the City all shares of the Silver Lake Reservoir and Ditch Company associated with the Property at the price of $25.00 per share; or

ii. Execute an agreement to abide by the outcome of the pending negotiations and mediation between the City and the Silver Lake Reservoir and Ditch Company. The Applicant shall then execute all documents required to be a party to such an outcome within 30 days after a request by the City. In the event that the City declares an impasse in the negotiations and mediation, if the Applicant fails to join in the outcome of the negotiation and mediation, or at the Applicant's discretion, the Applicant shall sell said shares to the City as provided above within 30 days of a request by the City.

4. <u>City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue.</u> The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:

a. The Applicant agrees to:

i. Pay, when billed, its proportionate share of the cost of such improvements; or

ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property.

iii. Accept and acknowledge that the existing Upland Avenue drainage facilities and street sections are not and will not meet the rural residential street standards in City of Boulder Design and Construction Standards once the utility installation, detached sidewalk construction, and street restoration are completed.

b. In the alternative to paragraph 4(a) above, if the City determines that it is appropriate to create a local improvement district for the purpose of assessing the costs of the above-referenced public improvements, the Applicant, agrees to join in a petition to establish a local improvement district to construct such improvements and not to dissent therefrom or oppose or remonstrate against the establishment of such a district.

5. Water and Sewer Connection Requirements. Within 90 days of the installation of water and sewer stubs by the City to each property, the Applicant agrees to perform the following as is applicable to each Property:

a. Connect all existing structures to the City's water and sewer system as required by the Boulder Revised Code.

b. Submit an application that meets the requirements of Chapters 11-1, "Water Utility," and 11-2, "Wastewater Utility," B.R.C. 1981 and obtain City approval to connect to the City's water and sewer mains.

c. The Applicant is responsible for all costs and installation associated with the connection of a service line from the utility mains to the building.

d. The property owners shall pay applicable fees and charges associated with a service line connection to a water and sewer main, including right of way, water, and waste water fees, for permits, inspection fees, installation fees, tap fees, and all plant investment fees associated with the Property prior to connection to the City's water or sewer system. The property owners shall be subject to the Water and Wastewater Plant Investment Fees effective January 5, 2009 for dwelling units in existence at time of annexation if connection is made prior to December 31, 2010.

e. Notwithstanding the provisions of this section, 2135 Upland Ave. may defer connection the city sanitary sewer utility until such time as the septic system fails or when the property redevelops. The Property owner of 2135 Upland agrees to pay such connection, plant investment fees, and other fees at the rates in place at the time of connection to the City's waste water utility.

6. Septic System Abandonment. Upon connection to the City's sewer system, each Property Owner shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.

7. Floor Area Ratios. The parties agree that nothing in this Agreement shall be construed as any type of waiver of any regulations adopted or associated with the City's pending study regarding Compatible Development in Single Family Neighborhoods.

8. Calculating Density.

a. Areas dedicated as right-of-way by a Property Owner to serve as area for new streets, shared drainage ponds, emergency, or pedestrian connections may be included in the overall lot size for the purposes of calculating density by such Property Owner.
b. At the time of redevelopment, the Property shall be developed and planned to accommodate the maximum practical density that is consistent with the zoning. Subdivision of the Property may not reduce the density below that allowed by the Property's square footage.

9. Design Guidelines. The Applicant agrees that the following design guidelines will be applied to each Property.

a. Front doors and front yards shall face the street.
b. Garages shall be alley loaded where an alley exists or is proposed. Where alleys do not exist, structures should be designed so that garage doors do not dominate the front façade of the building. Garage doors shall be located no less than 20 feet behind the principal plane of the building.
c. Properties located at 2105, 2125, 2155 Upland Ave. may reduce the front yard setback of the rear lots that front Vine St. from 25 feet to 15 feet to accommodate an offset in the Vine Street design. If a straight road alignment is proposed for Vine St. subsequent to annexation but before building permits for structures are obtained, the required front yard setback shall meet the requirements of the zone district.

10. Requirements Prior to Subdivision At the time of applying for the first subdivision of each Property, the individual property owner shall be eligible to pay the "minor subdivision" application fee. Any group subdivision application involving more than one property thereafter shall pay the fee prescribed in the Boulder Revised Code for the application type.

11. Requirements Prior to Redevelopment for 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. Each Property generally described as 1937, 2005, 2075, 2125, 2135, and 2155 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B**.

12. Requirements Prior to Redevelopment for RL portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit B.**

    Upon subdivision, a Property Owner may develop two units accessed directly from Vine Street without constructing the alley or North 20th Street as required by the redevelopment requirements shown in **Exhibit C**. In the event a Local Improvement District is formed and the alley is installed prior to construction, access is to be taken from the alley.

13 Requirements Prior to Redevelopment for RM portion of 1938, 1960, 2066, and 2114 Violet Ave. Subdivision Requirements. Each Property generally described as 1938, 1960, 2066, and 2114 Violet Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibits B and C.**

14. Requirements Prior to Redevelopment for 2010, 2090, 2130 and 2160 Upland Ave. Each Property generally described as 2010, 2090, 2130 and 2160 Upland Ave. has specific requirements that will need to be satisfied prior to redevelopment as shown on **Exhibit D.**

15. Existing Non-conforming Uses. Existing, legal non-conforming uses will be allowed to continue to be operated in the City of Boulder as legal non-conforming uses and to be modified and expanded under the provisions of Chapter 9-10, "Non-Conformance Standards," B.R.C. 1981, as that section may be amended from time to time. The only non-conforming uses that will be recognized by the City will be those reported to the City pursuant to Paragraph 2 of this Annexation Agreement.

16. Rental Property Requirements. Any Property that is used as rental property at the time of annexation shall be brought into compliance with Chapter 10-3, "Rental Licenses," B.R.C. 1981, within 90 days of the effective date of the annexation ordinance.

17. Existing Wells. The City agrees that it will not prohibit Property Owners from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City's municipal water supply system.

18. Lease of Ditch Shares. The Property Owner(s) selling, abandoning or transferring ditch rights pursuant to Paragraph 2(b)(i) may lease these ditch rights from the City on an annual basis subject to the following terms:

    a. Property Owner shall notify the City by April 1st of each year of its desire to lease the water for the upcoming year.

    b. The determination regarding availability of the water for lease shall be solely in the City's discretion and may be communicated to the Property Owner by April 15th of any year in which the City has been properly notified of a desire to lease water.

    c. The cost of the lease shall be equal to the ditch company annual assessment, plus 10%, plus any special assessments or fees of any kind of the ditch company assessed by the ditch company during the term of the water lease.

    d. No future leasing of the water to the Property Owner will occur following any year in which the lease option is not exercised or following the closure of the lateral.

    e. No leasing of the water to the Property Owner will occur following subdivision or redevelopment of the property subject to the lease.

19. Ditch Lateral. Property Owners shall not relocate, modify, or alter the ditch or lateral without obtaining any necessary approvals from ditch companies or lateral users or through judicial approval.

20. Permanently Affordable Housing. The Applicant agrees that the following requirements shall apply to the Property and that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met:

    a. Required Documents and Payments. Prior to the application of a building permit for any newly constructed dwelling unit on the Property, the applicant shall provide the following to the city manager:

        i. Covenants or deed restrictions, in a form acceptable to the city manager, to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permit.
        ii. Any applicable cash-in-lieu of permanently affordable housing payments. The city manager may delay such payments to a time prior to the issuance of such building permit.

b. Properties with RM Zoning. RM portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall provide 50% of the total newly constructed dwelling units as permanently affordable. No permanently affordable units shall be accepted until the location, size, type, fixtures, finish and other features are approved by the city manager. The distribution of unit types for the permanently affordable units shall reflect the distribution of the market rate unit types. The city manager is permitted, at the manager's sole discretion, to accept alternate distributions and locations of permanently affordable units if such alternatives result in additional permanently affordable housing benefits to the City. The following conditions shall apply:

i. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable consistent with Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of such permanently affordable units shall be rounded up to the nearest whole number.

ii. At least twenty-five percent (25%) of any newly constructed dwelling units on the Property shall be permanently affordable to middle income households consistent with the following:

A. Detached single family units shall be permanently affordable to households earning between the Department of Housing and Urban Development's (HUD) Low Income Limit for the City of Boulder and 40% more than the HUD Low Income Limit for and shall be distributed such that the average price of the single family detached units is based upon a household income that is 30% more than the HUD Low Income Limit.

B. Duplex or townhome style units shall be permanently affordable to households earning between the HUD Low Income Limit and 30% more than the HUD Low Income Limit for and distributed such that the average price of the duplex or townhome style units is based upon a household income that is 25% more than the HUD Low Income Limit.

C. A permanently affordable middle income dwelling unit shall be either a detached dwelling unit, duplex unit or townhouse unit.

D. If a fraction results from multiplying twenty-five percent (25%) times the total number of permitted new dwelling units on the Property, the total number of required middle income permanently affordable dwelling units shall be rounded down to the nearest whole number.

c. Properties with RL and RE Zoning. Each property generally described as 1937 Upland Ave., 2005 Upland Ave., 2010 Upland Ave., 2075 Upland Ave., 2090 Upland Ave., 2125 Upland Ave., 2130 Upland Ave., 2135 Upland Ave., 2155 Upland Ave., 2160 Upland Ave. and RL portions of each property generally described as 1938, 1960, 2066, and 2114 Violet Ave. shall pay a cash-in-lieu of permanently affordable housing for each newly constructed dwelling unit on the Property. The payment will be a percentage of the cash-in-lieu payment required by the City's inclusionary zoning program or an equivalent amount determined by the city manager at the time of building permit application. The payment amount will be based upon the total floor area of the dwelling unit as follows:

i. 2,499 square feet or less of floor area, the cash-in-lieu payment shall be equal to that required by Chapter 9-13, B.R.C. 1981;
ii. 2,500 square feet to 3,499 square feet of floor area, the cash-in-lieu payment shall be 50% more required by Chapter 9-13, B.R.C. 1981;
iii. 3,500 square feet to 3,999 square feet of floor area, the cash-in-lieu payment shall be 100% more than that required by Chapter 9-13, B.R.C. 1981;
iv. 4,000 square feet to 4,499 square feet of floor area, the cash-in-lieu payment shall be 150% more than that required by Chapter 9-13, B.R.C. 1981;
v. 4,500 square feet to 4,999 square feet of floor area, the cash-in-lieu payment shall be 200% more than that required by Chapter 9-13, B.R.C. 1981;
vi. 5,000 square feet to 5,499 square feet of floor area, the cash-in-lieu payment shall be 250% more than that required by Chapter 9-13, B.R.C. 1981; and
vii. 5,500 square feet of floor area or greater, the cash-in-lieu payment shall be 300% more than that required by Chapter 9-13, B.R.C. 1981.

d. Exceptions, Bonuses and Alternatives.

i. Energy Efficient Homes. Newly constructed dwelling units that have a Home Energy Rating System (HERS) rating of 0 (zero) and which incur a cash-in-lieu of permanently affordable housing payment may have that cash-in-lieu payment reduced by fifty percent (50%).

ii. Current Owner Occupants. The following conditions apply to the following existing Property Owners that are owner-occupying an existing dwelling unit on the following Properties: 1938 Violet Ave., 2075 Upland Ave., 2125 Upland Ave., 2135 Upland Ave., 2010 Upland Ave., 2130 Upland Ave., and 2160 Upland Ave. Each such property owner may use one of the provisions below one time only:

A. An existing property owner occupant whose household income does not exceed forty (40) percentage points more than the U.S. Department of Housing and Urban Development's (HUD) Low Income Limit for the City

of Boulder may construct and occupy a deed restricted, permanently affordable dwelling unit constructed under this Agreement.

B. An existing property owner occupant who converts an existing dwelling unit to a newly constructed dwelling unit and owner-occupies the converted dwelling unit for at least one year following the final inspection for that unit shall be exempt from the requirements for a "newly constructed dwelling unit" in this Agreement.

C. An existing property owner occupant who owns, constructs and owner-occupies a newly constructed dwelling unit that is subject to a cash-in-lieu of permanently affordable housing payment may defer that payment for a period of time not to exceed ten years or until the title to the property is transferred, whichever is less. This deferred payment shall be secured by a deed of trust and promissory note with an interest rate equal to the average of the past increases in the cash-in-lieu amounts as determined per Chapter 9-13, "Inclusionary Zoning," B.R.C. 1981.

iii. Density Bonus for Permanently Affordable Dwelling Units. A duplex dwelling unit shall be permitted on an RL zoned parcel where only one dwelling unit would be allowed as long as one of the duplex dwelling units is permanently affordable to low income households as defined above and the second duplex dwelling unit is permanently affordable to middle income households as defined above. If such permanently affordable units are to be rented, the Applicant agrees to execute any agreements necessary to have rent controlled units that meet state law requirements prior to the rental of such units or an application for a rental license.

iv. Conversion of Middle Income Permanently Affordable Units. On an RM zoned parcel on the Property where two (2) middle income permanently affordable dwelling units would be required, a property owner may substitute, one time only, a single permanently affordable low income single family detached dwelling unit for two permanently affordable middle income dwelling units.

v. Concurrent Construction. On an RM zoned parcel on the Property, the first newly constructed dwelling unit may be a market rate dwelling unit. Thereafter, the second newly constructed dwelling unit shall be a permanently affordable dwelling unit and all subsequent permanently affordable dwelling units shall be constructed concurrently with the market rate dwelling units.

e. Standard Conditions.

i. Any permanently affordable units produced under this Agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Property.

ii. Permanently affordable dwelling units shall be constructed at least concurrently with the market rate dwelling units except as described in paragraph 18(d)(v) above.

iii. Any newly constructed dwelling unit produced under this Agreement and subject to a cash-in-lieu of permanently affordable housing payment that is constructed with less than 5,500 square feet of floor area and subsequently increases the original floor area shall be subject to a cash-in-lieu of permanently affordable housing payment that is equal to the difference between the previous cash-in-lieu payment and the applicable cash-in-lieu payment for the new total floor area of the dwelling unit.

21. Deeds, other Documents and Public Improvements. All deeds and other documents that are required by this Annexation Agreement are subject to the prior review and approval of the city manager to ensure consistency with this Annexation Agreement and City standards. All public improvements shall be constructed to City standards applicable at the time of construction, and shall be subject to the review, approval, and acceptance of the Director of Public Works.

22. New Construction - Rules and Fees. All new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Annexation Agreement. All conditions contained in this Agreement are in addition to any and all requirements of the City of Boulder. Except as expressly provided herein, all City ordinances, regulations, codes, policies and procedures shall be applicable to the use and development of the Property. Nothing contained in this Annexation Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or abrogation of the City's legislative, governmental, or police powers to promote and protect the health, safety and general welfare of the City or its inhabitants.

23. Conveyance of Drainage. Each Property Owner shall convey drainage from each Property in an historic manner that does not materially and adversely affect abutting Property Owners.

24. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Annexation Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's

police powers or the power to zone and regulate land uses for the benefit of the general public.

25. Binding Agreement. If an individual Applicant or a Property Owner breaches this Annexation Agreement in any respect, the City may withhold approval of any building permits and other development applications requested for the respective property within the Crestview East Addition No. 1A Annexation until the breaches have been cured. This remedy is in addition to all other remedies available to the City at law and equity.

26. Breach of Agreement. In the event that the Property Owner breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Annexation Agreement, the Property Owner acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Property Owner fails to pay any monies due under this Annexation Agreement or fails to perform any affirmative obligation hereunder, the Property Owner agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Property Owner, and collect its costs in the manner herein provided. The Property Owner agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

27. Future Interests. The agreements and covenants as set forth herein shall run with the land and shall be binding upon the Applicant, its heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Crestview East Addition No. 1 Annexation Property, or any part thereof. If it shall be determined that this Annexation Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.

28. Annual Appropriations. The City's financial obligations under this Agreement in future fiscal years are subject to annual appropriation by the Boulder City Council in accordance with Colorado law.

29. Right to Withdraw. A Property Owner retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Property Owner's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If one or more Property Owner withdraws from this Annexation, the city manager may in the discretion of the Boulder City Council, terminate annexation proceedings on this Annexation. In the event that a Property Owner withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Property Owner. The City agrees, within thirty (30) days of

a request by a Property Owner after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Property Owner submitted pursuant to this Agreement to the Property Owner.

30. The Parties agree to fully execute any and all documents necessary to accomplish the annexation of the Properties set forth in this Agreement including, but not limited to, deeds of vacation, deeds of dedication of rights of way and, grants of easements. All such documents shall be executed within thirty (30) days of the effective date of the annexation ordinance.

EXECUTED on the day and year first above written.

[SIGNATURE PAGES FOLLOW]

CITY OF BOULDER, COLORADO

BY: Jane S. Brautigam
City Manager

Attest:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney
Dated: 12-10-09

Exhibits

Exhibit A	Legal Descriptions
Exhibit B	Redevelopment Improvements for Properties on North Side of Upland Ave. and the RL Zoned Portions Properties on the South Side of Violet Ave.
Exhibit C	Redevelopment Improvements for RM Properties on South Side of Violet Ave.
Exhibit D	Redevelopment Improvements for Properties on South Side of Upland Ave.
Exhibit E	Additional Dedication, Improvements, and Requirements for Individual Lots Prior to Annexation

EXHIBIT A

LEGAL DESCRIPTION

Refer to the Legal Description on the Next two Pages.

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH RANGE 70 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE CENTER 1/4 CORNER OF SAID SECTION 18; THENCE ALONG SAID NORTH-SOUTH CENTERLINE NORTH 00°05'30" EAST, A DISTANCE OF 1302.24 FEET; THENCE DEPARTING SAID LINE NORTH 89°53'00" EAST, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 IN THE RECORDS OF BOULDER COUNTY SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'00" EAST, A DISTANCE OF 580.70 FEET TO THE NORTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 10.40 FEET TO THE NORTHWEST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 059876 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY NORTH 89°53'00" EAST, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'40" WEST, A DISTANCE OF 261.95 FEET TO A POINT ON THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 668732 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID SOUTH LINE NORTH 89°51'44" EAST, A DISTANCE OF 139.93 FEET TO A POINT ON THE WEST LINE OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2830344 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID WEST LINE SOUTH 00°04'30" WEST, A DISTANCE OF 30.33 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY NORTH 89°51'19" EAST, A DISTANCE OF 279.11 FEET TO THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2791386; THENCE ALONG THE EAST LINE OF SAID PROPERTY SOUTH 00°03'41" WEST, A DISTANCE OF 330.99 FEET TO A POINT ON THE CENTERLINE OF UPLAND AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 610371 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 318.00 FEET TO THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO A POINT ON THE WEST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 2130866; THENCE ALONG SAID WEST LINE EXTENDED AND SAID WEST LINE NORTH 00°03'40" EAST, A DISTANCE OF 258.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF UPLAND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89°50'00" WEST, A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE EXTENDED OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 0817 AT REC. NO. 065713 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG SAID EAST LINE EXTENDED AND SAID EAST LINE SOUTH 00°03'40" WEST, A DISTANCE OF 258.00 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF TAMARACK AVENUE; THENCE ALONG SAID CENTERLINE SOUTH 89°50'00" WEST, A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED ON FILM NO. 1318 AT REC. NO. 643030 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE WEST LINE AND WEST LINE EXTENDED OF SAID PROPERTY NORTH 00°03'40" EAST, A DISTANCE OF 348.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF UPLAND AVENUE,

REVISED 09/14/09

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVENUE, #100
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
655 FOURTH AVENUE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

EXHIBIT A

LEGAL DESCRIPTION

OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

PARCEL DESCRIPTION (CONT.)

SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301652 IN THE RECORDS OF BOULDER COUNTY; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°50'00" WEST, A DISTANCE OF 139.35 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID PROPERTY; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°16'47" WEST, A DISTANCE OF 203.11 FEET TO A POINT ON A NORTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°17'20" EAST, A DISTANCE OF 30.19 FEET TO A POINT ON A WESTERLY LINE OF SAID PROPERTY; THENCE ALONG SAID WESTERLY LINE NORTH 00°18'26" WEST, A DISTANCE OF 100.34 FEET TO A NORTHWESTERLY CORNER OF SAID PROPERTY, SAID POINT ALSO BEING A SOUTHWESTERLY CORNER OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1830871 IN THE RECORDS OF BOULDER COUNTY, SAID POINT HEREIN DESCRIBED AS POINT A; THENCE ALONG A WESTERLY LINE OF SAID PROPERTY NORTH 00°19'37" WEST, A DISTANCE OF 100.02 FEET TO A POINT ON A SOUTHERLY LINE OF SAID PROPERTY; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1005904 SOUTH 89°57'00" WEST, A DISTANCE OF 188.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH 19TH STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 00°05'30" EAST, A DISTANCE OF 200.33 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIOLET AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND; COMMENCING AT POINT A, THENCE N89°51'44"E, A DISTANCE OF 391.01 FEET; THENCE S00°03'40"W, A DISTANCE OF 29.52 FEET, TO A POINT BEING THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DOCUMENT RECORDED AT RECEPTION NO. 1301950, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PROPERTY S00°03'40"W A DISTANCE OF 272.53 FEET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF UPLAND STREET, N89°50'00"E A DISTANCE OF 140.00 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT RECORDED AT REC. NO. 1301950; THENCE N00°03'40"E ALONG SAID EAST LINE A DISTANCE OF 272.46 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE NORTH LINE OF SAID PROPERTY S89°51'44"W A DISTANCE OF 140.00 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY, THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A NET AREA OF 631,759 SQ FT OR 14.50 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

REVISED 09/14/09

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVENUE, #100
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
655 FOURTH AVENUE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

EXHIBIT B

Redevelopment Improvements for Properties on North Side of Upland Ave. and South Side of Violet Ave.

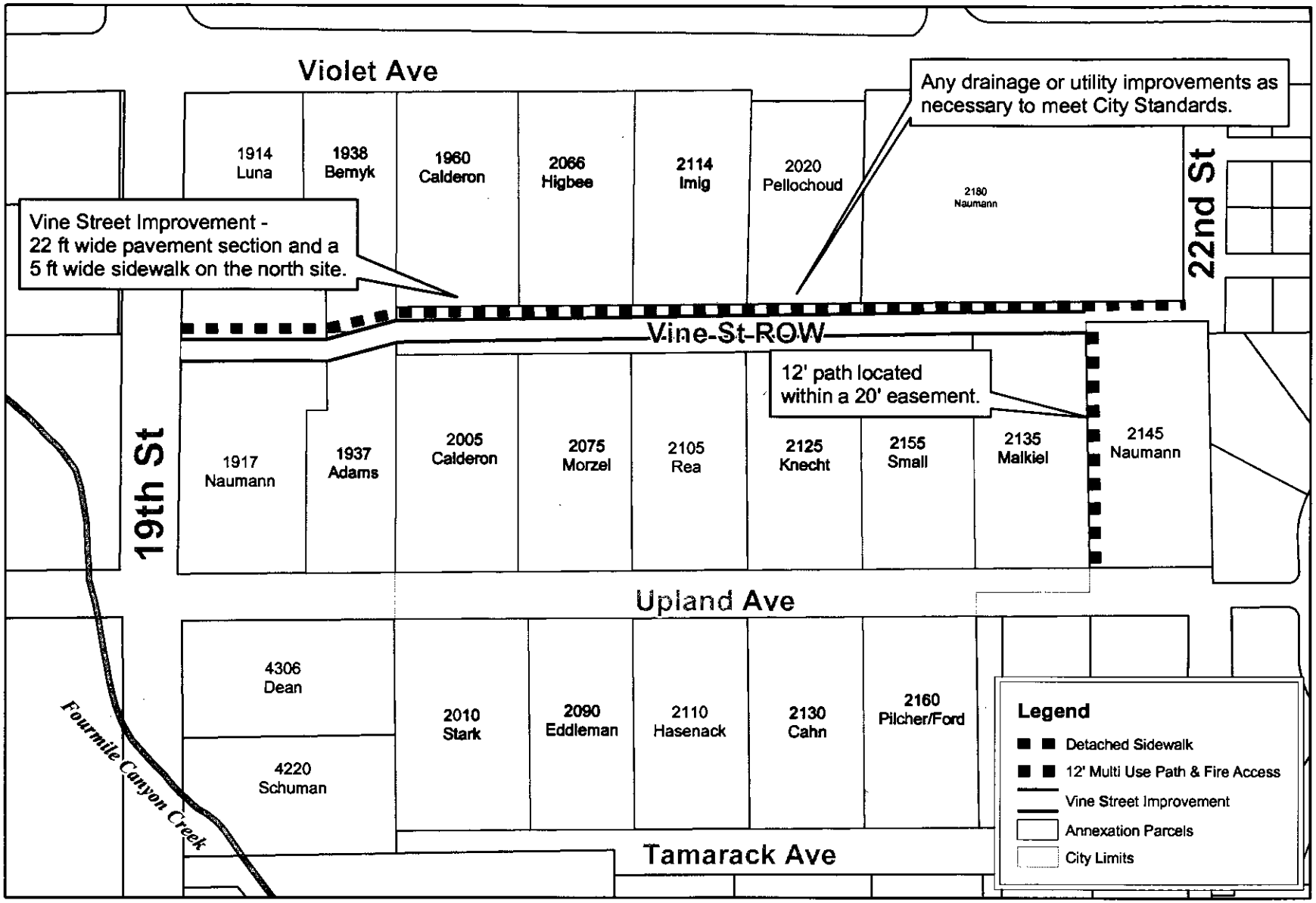
1. Vine St. to be constructed as a 22 foot wide pavement section and a 5 foot wide sidewalk on the north side.

2. Any drainage and utility improvements as necessary to meet City standards.

3. Install a 12 foot wide concrete multi-use path and fire access lane in the existing 20 foot wide right-of-way located on the west side of 2145 Upland Ave.

(Refer to Exhibit B Map on Next Page)

Exhibit B: Redevelopment Improvements for Properties on the North Side of Upland Ave and RL Zoned Portions of Properties on the South Side of Vine St



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 183 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

EXHIBIT C

Redevelopment Improvements for RM zoned portions of Properties on South Side of Violet Ave.

1) A 5 foot bike lane beyond the existing 11 foot eastbound travel lane, 2 foot curb and gutter, 8 foot landscape buffer, and 6 foot wide sidewalk on the south side of Violet Ave. for the entire frontage.

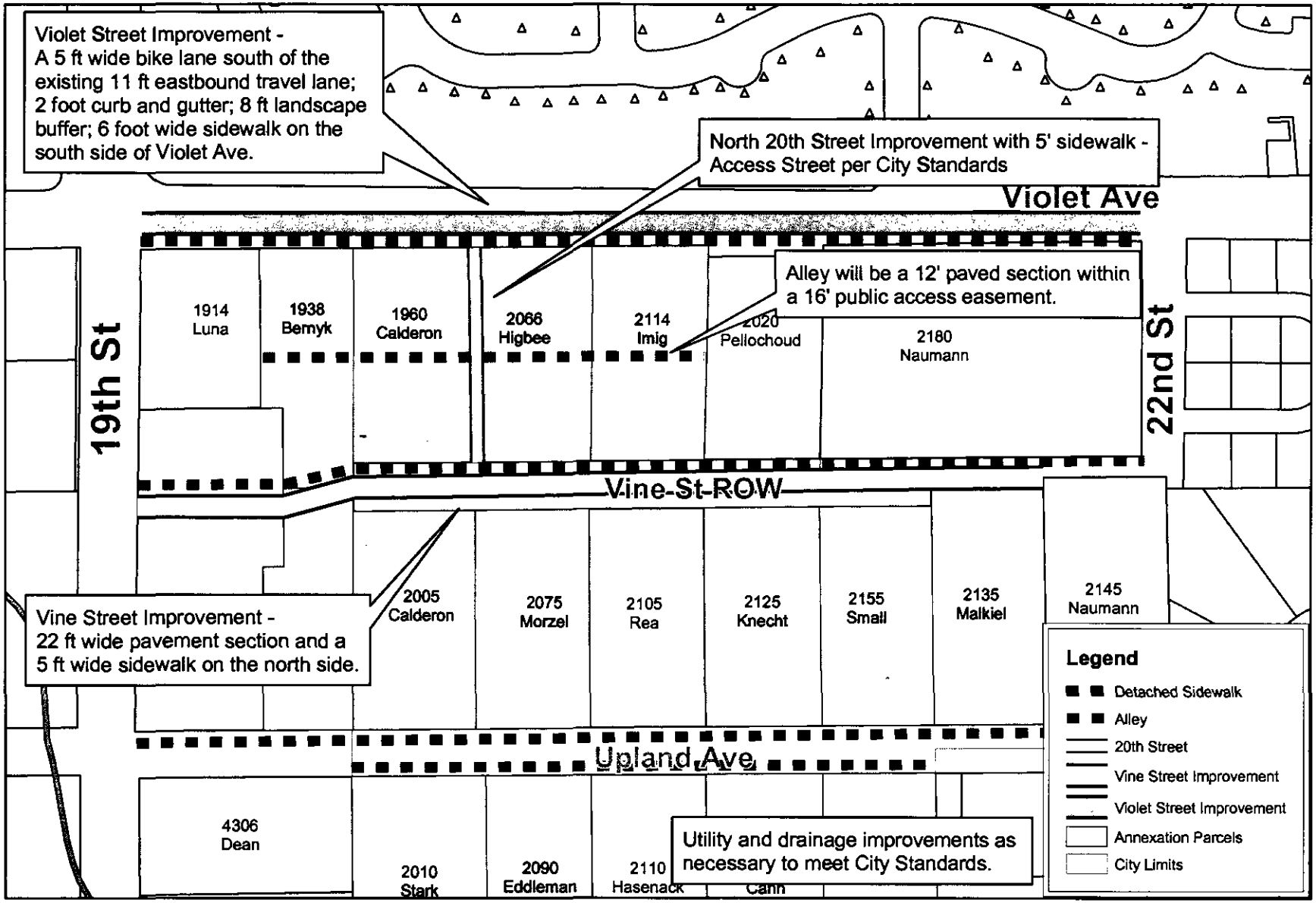
2) 12 foot wide alley between Violet and Upland Avenue..

3) North 20th St. to be constructed as an access street per City standards, Table 2-12 Design & Construction Standards with 5 foot wide sidewalks.

4) Any drainage and utility improvements as necessary to meet City standards.

(Refer to Exhibit C Map on Next Page)

Exhibit C: Redevelopment Improvements for RM Zoned Properties on the South Side of Violet Ave



Location: ***Crestview Area Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-0080***

NORTH

1 inch = 183 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

EXHIBIT D

Redevelopment Improvements for Properties on South Side of Upland Ave.

1. Tamarack Avenue to be constructed as a 30-foot wide and 60 foot wide right-of-way as generally shown on the 1997 North Boulder Subcommunity Plan amendment, to include a turnaround, as generally shown on the attached exhibit map. The 30 foot wide section must meet the access lane standard in §2.09(D)(5) of the City of Boulder *Design and Construction Standards*, including a turnaround and drainage improvements within the Tamarack Avenue right of way;

2. A sewer main extension within Tamarack Avenue right of way from the existing sewer main near 22nd Street to the required turnaround on the western end of Tamarack Avenue;

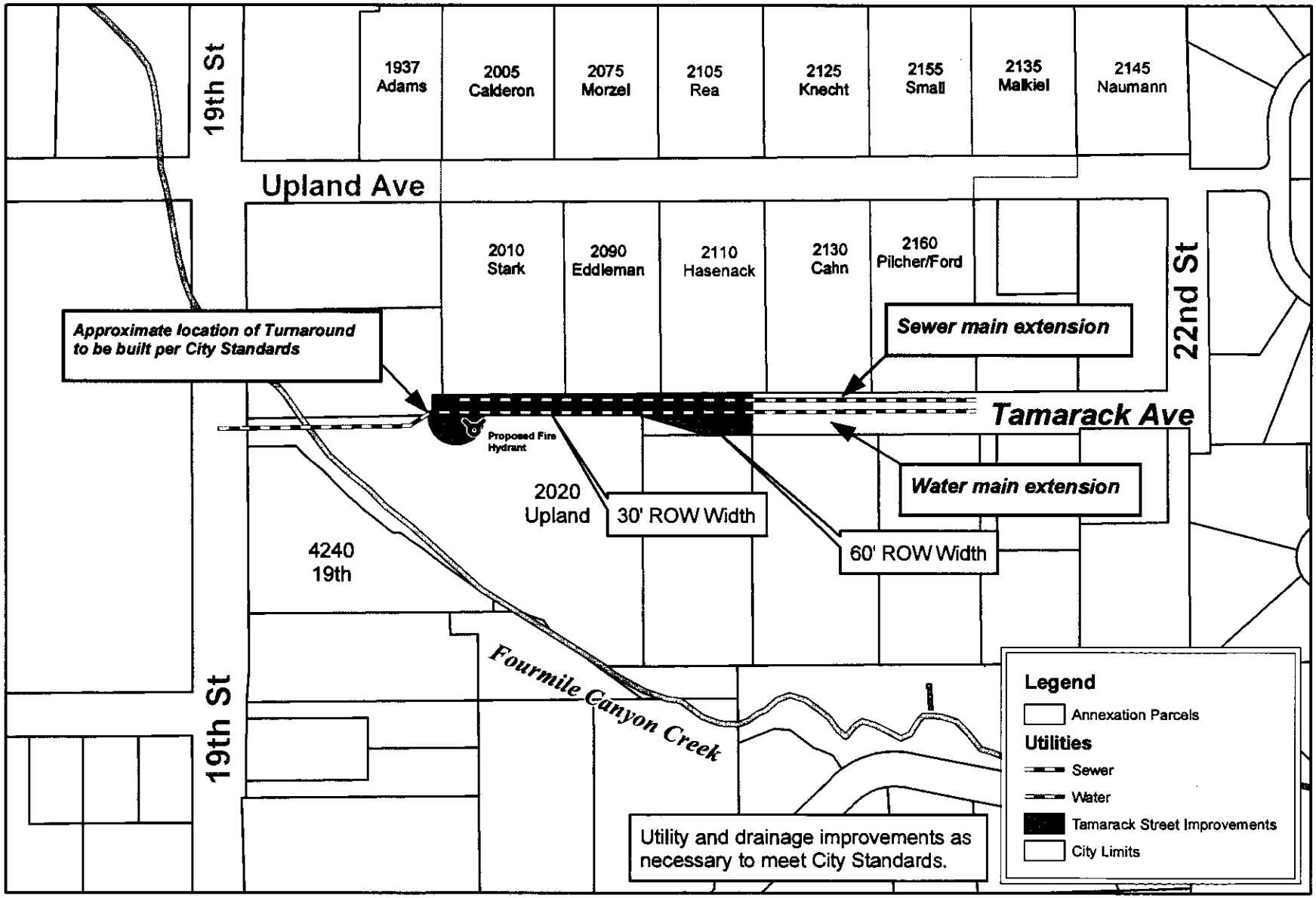
3. A fire hydrant and an extension of the existing water main near 22nd Street in the Tamarack right of way to 19th Street

4. Any drainage and utility improvements as necessary to meet City standards.

5. Construct north 20th Street upon annexation of 4270 19th St. and dedication of the appropriate right-of-way prior to subdivision.

(Refer to Exhibit D Map on Next Page)

Exhibit D: Redevelopment Improvements for Properties on the South Side of Upland Ave



Location: ***Crestview East Neighborhood***
Project Name: ***Crestview East Addition 2***
Review Type: ***Annexation/ Initial Zoning***
Review Number: ***LUR2008-00080***

NORTH

1 inch = 200 feet

City of Boulder

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon.

EXHIBIT E

ADDITIONAL DEDICATIONS, IMPROVEMENTS, AND REQUIREMENTS PERTAINING TO INDIVIDUAL LOTS PRIOR TO ANNEXATION

Dedication of the un-annexed portion of Upland Ave. to create a complete 60 foot wide right-of-way between 19th St. and 22nd St.

In instances where path easements split property lines, the first property redeveloping is required to escrow one half of the construction costs of the multi-use path. The development of the second property shall be the trigger for path construction and that development shall use the escrowed monies and their own to construct the path.

1937 Upland Ave.

1. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,470 square feet.

2005 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine Avenue right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,900 square feet.

2010 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Dedicate the western 15 feet of the Property as public right-of-way for the future North 20th Street.
3. At the time of annexation when15 feet of right of way is obtained from property located 4270 19th Street a 30 foot access lane known as North 20th Street, can be constructed between Tamarack and Upland. Whichever property owner along the 30 foot wide North 20th Street access lane or Tamarack Ave. first makes an application for subdivision, that property owner will be responsible for constructing the 30 foot access lane when feasible and required by city staff and/or regulations.
4. 2010 Upland Ave. will be allowed to subdivide without North 20th Street if accessed from Tamarack. In the event North 20th St. is installed prior to subdivision of 2010 Upland Ave., access will be taken from North 20th St.

2075 Upland Ave.

1. The City will vacate the southern 9.52 feet of unneeded Vine right-of-way to Property.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 4,850 square feet.

Exhibit E

2090 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,660 square feet.

2125 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,450 square feet.
3. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine Avenue to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2130 Upland Ave.

1. Dedicate the western 5 feet of the Property as a public access easement for a 5 foot wide concrete path to meander as necessary to preserve existing mature landscaping.
2. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.

2135 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,154 square feet.
2. Dedicate the northern 20 feet of the Property as public right-of-way for Vine Avenue.
3. Connect to the City wastewater system at the property owner'as expense prior to the issuance of an building permit not associated with wastewater connection or when the existing septic system fails, whichever comes first

2155 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,398 square feet.
2. If the property at 2020 Violet Ave. annexes, dedicates right-of-way and realigns Vine St. to a straight alignment, the southern 9.52 feet of Vine right-of-way can be vacated and returned to the property through the administrative utility easement vacation process.

2160 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,610 square feet.

1938 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. Dedicate a 16 foot wide access easement running east-west and north-south through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley. A dead end alley extending to the western property line with a

Exhibit E

turnaround meeting City standards, its associated easement and no connection to Vine is acceptable as well.

3. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,196 square feet.

1960 Violet Ave.

1. Vacate northern 9.52 feet of unneeded Vine St. right-of-way to property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the eastern 20 feet of the Property as right-of-way for North 20th Street.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 1,950 square feet.

2066 Violet Ave.

1. The City will vacate the northern 9.52 feet of unneeded Vine right-of-way to Property.
2. Dedicate a 16 foot wide access easement running east-west through the Property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
3. Dedicate the western 20 feet of the Property as right-of-way for North 20th St.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 2,200 square feet.
5. Pay a Development Excise Tax (DET) based on the existing development on the Property of $643.80

2114 Violet Ave.

1. Dedicate the southern 20 feet of the Property as public right-of-way for Vine Avenue.
2. The City will vacate the southern 10 feet of unneeded Violet Avenue. right-of-way to Property owner.
3. Dedicate a 16 foot wide access easement running east-west through the property as shown on the 1997 North Boulder Subcommunity Plan amendment for a future alley.
4. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 828 square feet.

03049080
Page: 1 of 5
12/22/2009 10:18 AM RF: $26.00 DF: $0.00
Boulder County Clerk, CO

ANNEXATION AGREEMENT AMENDMENT

THIS ANNEXATION AGREEMENT AMENDMENT, (the "Amendment") is made this 5th day of October, 2009, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and Ellen A. Stark and Anne Hockmeyer, the property owners of 2010 Upland Ave., (the "**Property Owner.**"), collectively (the "Parties")

RECITALS

The Parties recite the following facts related to the annexation of the Property:

A. The Property Owner is the owner of real property described in the attached **Exhibit A** commonly known as 2010 Upland Ave. ("the Property").

B. The Property Owner has signed the Group Annexation Agreement for the Crestview East Neighborhood, dated October 6, 2009 that is under consideration of the Boulder City Council pursuant to City of Boulder Ordinance No. 7689 (the "Group Annexation Agreement).

C. The Property Owner wishes to amend the Group Annexation Agreement as it relates to 2010 Upland Ave in order to make it more feasible to connect the City's sewer system.

D. The Property Owner has qualified as a low income household through the City's department of Housing and Human Services.

E. The City finds it beneficial to the health, safety, and welfare of the City for the Property Owner to disconnect from the existing failing septic system and connect to the City's sewer. The City is offering a financial package to the Property Owner that would allow the Property Owner to connect to the City's sewer system.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree to amend the Group Annexation Agreement as it applies to 2010 Upland Ave.

I. The Parties agree that section 4.a. of the Group Annexation Agreement is amended as follows to read:

4. **City Responsible for Construction of Water and Sewer Utilities on Upland and Violet and Detached Sidewalk on the North Side of Upland Avenue.** The Applicant agrees that water and sewer main improvements and the detached sidewalk on the north side of

OFFICIAL CENTRAL RECORDS COPY
20091201-5324

COBLEN

Upland Avenue will provide a special benefit to the Property. The City will initially fund installation of the water and sewer mains. Each Applicant is required to comply with the following:

a. The Applicant agrees to:

i. Pay, when billed, its proportionate share of the cost of such improvements; or

ii. Enter into a repayment agreement with the City and pay its proportionate share of the City utility improvements. The repayment amount will be based on each property frontage on the improvements and the actual construction costs incurred by the City. The repayment plan will require ten (10) equal, annual payments over a ten (10) year period at an annual interest rate of Five and a half (5.5%) percent. Payments will begin one (1) year after the date of connection to City water and/or sewer. Full repayment of an individual landowner's share of the costs shall occur within thirty (30) days prior to the recording a final plat for subdivision or sale of the Property; or

iii. The Property Owner of 2010 Upland Ave. agrees to:

1. Pay the sewer service line connection and the costs associated with abandoning the existing septic system as well as and all fees associated with the service line connection to the sewer main at the time of connection to the City's sewer system.

2. Pay the wastewater plant investment fees at the time of connection to the City's sewer system.

3. Pay a minimum of $4,500 toward the principle cost of the installation of utilities in Upland Ave. at the time of connection to the City's sewer system at the time of connection to the City's sewer system.

4. The remaining principle owed to the City will be charged an annual interest rate of Five and a half (5.5%) percent. The remaining principle plus interest accrued pursuant to this section will be due upon the subdivision of the Property, transfer or title, or sale of the Property. Interest shall begin to accrue one (1) year after the date of connection to City sewer.

II. This Amendment to the Group Annexation Agreement and the covenants set forth herein shall run with the land and be binding upon Ellen A. Stark and Anne Hockmeyer their,

heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Amendment constitutes an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

EXECUTED on the day and year first above written.

CITY OF BOULDER, COLORADO

By: Jane S. Brautigam
City Manager

Attest:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney
Dated: 12-10-09

PROPERTY OWNER:

Ellen A. Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

STATE OF COLORADO)
: ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Ellen A. Stark and Anne Hockmeyer, this 5th day of October, 2009.

Witness my hand and official seal.

Rachael Maag
Notary Public

My commission expires: My Commission Expires 10/26/2011

(SEAL)

RACHAEL MAAG NOTARY STATE OF COLORADO

Exhibits

Exhibit A Legal Description of 2010 Upland Ave.

OWNER (2010 Upland Ave.)

BY: Ellen A. Stark
Ellen A. Stark

Anne Hockmeyer
Anne Hockmeyer

State of Colorado)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 5th day of October, 2009, by Ellen A. Stark and Anne Hockmeyer.

Witness my Hand and Seal
My Commission Expires: My Commission Expires 10/26/2011

[Seal]

RACHAEL MAAG NOTARY PUBLIC STATE OF COLORADO

Rachael Maag
Notary Public

Exhibit A

Legal Description of 2010 Upland Ave.

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

03398236 08/19/2014 03:55 PM
RF: $56.00 DF: $0.00 Page: 1 of 10
Electronically recorded in Boulder County Colorado. Recorded as received.

For Administrative Purposes Only
Applicants: Robert & Elaine Schuman
Address: 4270 19th Street
Case No. LUR2014-00046

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 25th day of July, 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Robert J. Schuman and Elaine D. Schuman (the "Applicants"). The City and the Applicants are hereafter referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of property generally known as 4270 19th Street, Boulder, Colorado, and more particularly described on the attached **Exhibit A** attached hereto and incorporated herein (the "Property").

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation, with an initial zoning designation of Residential - Estate is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicants in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

"Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following:

   A. Annexation Agreement. The Applicants will sign this Agreement.

   B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.

   C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.

   D. Right-of-Way Dedication (19th St). The Applicants shall dedicate to the City, in fee and at no cost, 10.5 feet of right-of-way along the length of the west line of the Property for 19th Street.

   E. Right-of-Way Dedication (20th St). The Applicants shall dedicate to the City, in fee and at no cost, 15 feet of right-of-way along the length of the east line of the Property.

3. Connection Requirements. Prior to connection to the City's water and/or sanitary sewer mains, the Applicants shall:

   A. Submit an application to connect to the City's water and/or sanitary sewer mains that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.

   B. Pay all applicable fees and charges associated with a service line connection to water and/or sanitary sewer mains, including water and wastewater plant investment fees, stormwater and flood management plant investment fees, right-of way, water, and wastewater permit fees, installation fees, and tap fees.

   C. Construct the individual service line that will connect the Applicants' existing residence to the City's water and/or wastewater mains.

   D. Pay any assessments, including but not limited to the following:

Water Main	$ 636.00
Sewer Main	$ 954.00
Stormwater and Flood PIF	$19,967.58

E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B.i below.

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option #B** set forth below.

A. Option #A: Payment in Full. The Applicants shall connect to City water and sanitary sewer mains within 180 days after the effective date of annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicants shall connect to City water and sanitary sewer mains within 180 days after the effective date of the annexation ordinance, shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the City's water and/or sewer mains, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicants shall connect to the City's water and sanitary sewer mains at a time later than what is specified in Option #A and #B above, but no later than the time when 1) the Applicants' on-site wastewater system fails or is declared unsafe or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicants' Property is sold; or 3) at the time of Redevelopment of Applicants' Property, whichever occurs first. At the respective time and prior to the Applicants' connection to the City's water and sanitary sewer mains, the Applicants will pay the following costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. Requirements Prior to Subdivision or Addition of a Unit. Prior to subdivision of the Property to create a new lot or the addition of a dwelling unit to the existing lot, the Applicants shall construct the 20th Street right-of-way connection between Tamarack Avenue and Upland Avenue as shown on the North Boulder Subcommunity Plan, as it may be amended, at the time of construction. If said 20th Street right-of-way connection has previously been constructed by someone other than the Applicants, then, prior to subdivision of the Property to create a new lot or issuance of a building permit for the addition of a dwelling unit to the existing lot, the Applicants shall pay the City for the Applicants' equitable pro-rata share of the costs of such public improvements, as they abut the Property, which may include, but is not limited to paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections, water and sewer mains, and drainage improvements. In the event that the public improvements are funded through the creation of a local improvement district, the Applicant agrees to participate in and not to remonstrate against the establishment of a Local Improvement District (LID).

6. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.

7. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.

8. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that they will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater system must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.

9. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

10. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

11. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. The Applicants shall identify existing nonstandard buildings and/or nonconforming uses at the time of annexation to be considered a legal use under this Agreement. The Applicants and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

12. New Construction. The Applicant shall ensure that all new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement. Any new garages shall be designed so that garage doors do not dominate the front façade of the structure. Garage doors shall be located no less than 20 feet behind the principle plane of the primary structure.

13. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

14. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

16. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

17. Breach of Agreement. In the event the Applicants breach or fail to perform any required action or fail to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicants and collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.

19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

20. Right to Withdraw. Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. If the Applicants withdraw from this Annexation, the city manager may, at the discretion of the City Council, terminate annexation proceedings on this Annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Applicants. The City agrees, within 30 days of a request by Applicants after a withdrawal, to return all previously submitted stormwater/flood management Plant Investment Fees, Northern Colorado Water Conservancy District fees and application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the Applicants.

21. Providing Permanently Affordable Housing. For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, the Applicant

shall pay twice the applicable cash-in-lieu amount as required per each market unit in that chapter to the City. This amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. The parties acknowledge that the Property has the equivalent of one habitable dwelling unit on such Property at the time of annexation.

EXECUTED on the day and year first above written.

APPLICANTS:

By: Robert J. Schuman
Robert J. Schuman

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 25th day of July, 2014, by Robert J. Schuman.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

By: Elaine D. Schuman
Elaine D. Schuman

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 25th day of July, 2014, by Elaine D. Schuman.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

CITY OF BOULDER:

By: _____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved As To Form:

_____
City Attorney's Office

Date: 7-24-14

EXHIBIT:
A: Legal Description

EXHIBIT A
Legal Description

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

ANNEXATION AGREEMENT AMENDMENT

THIS ANNEXATION AGREEMENT AMENDMENT, (the "Amendment") is made this _____ day of _____, 2016, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and Ellen A. Stark and Anne Hockmeyer, the property owners of 2010 Upland Ave., (the "**Property Owners**"), collectively (the "Parties")

RECITALS

The Parties recite the following facts related to the annexation of the Property:

A. The Property Owners are the owners of real property generally known as 2010 Upland Ave. and more particularly described on **Exhibit A** attached hereto and incorporated herein ("the Property").

B. The Property Owners signed the Group Annexation Agreement for the Crestview East Neighborhood dated November 6, 2009 and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03049079 on December 22, 2009 (the "Group Annexation Agreement").

C. The Property Owners and the City signed an Annexation Agreement Amendment dated October 5, 2009 and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03049080 on December 22, 2009 ("Amendment").

D. The Parties wish to amend the Group Annexation Agreement, as amended, as it relates to 2010 Upland Ave. as the North Boulder Subcommunity Plan has been amended to delete the North 20th Street connection between Upland Avenue and Tamarack Avenue and is no longer a connection desired to be established.

E. The desired amendments include the following:

1. Deletion of the requirement to construct North 20th Street required under Section 14 of the Group Annexation Agreement and Section 5 of Exhibit D and Section 3 under "2010 Upland" of Exhibit E thereto;

2. Amendment of the dedication requirements associated with North 20th Street for 2010 Upland Avenue under Exhibit E to the Group Annexation Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree to amend the Group Annexation Agreement, as amended, as it applies to 2010 Upland Ave.

I. The Parties agree that Section 5 of Exhibit D to the Group Annexation Agreement, listing construction of North 20th Street as a redevelopment improvement requirement for 2010 Upland Avenue, is hereby deleted.

II. The Parties agree that Exhibit E of the Group Annexation Agreement addressing the additional dedications, improvements, and requirements pertaining to 2010 Upland Avenue is amended to read as follows:

2010 Upland Ave.

1. Pay a Storm Water and Flood Management Utility Plant Investment Fee for 3,400 square feet.
2. Provide a public utility easement to the City of Boulder over the western 10 feet of the Property, in a form acceptable to and approved by the city manager.
3. If subdivided, the southern lot on the Property shall take access from Tamarack Avenue.

[The previous items 2-4 have been deleted.]

III. The Parties agree that the existing 20.5 foot x 15.5 foot shed located within the utility easement provided under Section II.2, above, and to the east and south of Upland Avenue may remain as an encroachment to the easement until ordered removed by the city manager. The city manager may order removal at any time and without cause. Except in emergency situations, as determined by the city manager, the Parties agree that the city manager shall provide ten days' notice before the city manager may remove or cause the removal of the shed and that such removal shall be subject to the provisions of Subsections 8-6-4 (b), (c), and (e), "Removal of Public Nuisances," B.R.C. 1981. The City shall not be liable for any damages, liabilities, or costs that may occur to or arise in connection with the shed and shall not be responsible for any repair of the shed. The shed shall not be reconstructed within the public easement, and the Property Owners agree to hold the City harmless from any costs, damages, or liabilities incurred in connection with the shed.

IV. This Amendment to the Group Annexation Agreement and the covenants set forth herein shall run with the land and be binding upon Ellen A. Stark and Anne Hockmeyer, their, heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Amendment constitutes an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

EXECUTED on the day and year first above written.

CITY OF BOULDER, COLORADO

By: _____
City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Dated: _____

PROPERTY OWNERS:

_____
Ellen A. Stark

_____
Anne Hockmeyer

STATE OF COLORADO)
ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Ellen A. Stark and Anne Hockmeyer, this 24th day of October, 2016.

Witness my hand and official seal.

_____
Notary Public

My commission expires: 11 Aug. 2020

(SEAL)

LAUREL OLSEN-HOREN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20084026519
MY COMMISSION EXPIRES 08-11-2020

Exhibit A Legal Description of 2010 Upland Ave.

Exhibit A

LEGAL DESCRIPTION

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., THENCE NORTH 0 DEGREES 5'30" EAST ALONG THE CENTERLINE OF SAID SECTION 18 A DISTANCE OF 3,328.4 FEET; THENCE NORTH 89 DEGREES 50' EAST 331.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 50' EAST 140 FEET; THENCE SOUTH 0 DEGREES 3'40" WEST, 318 FEET, THENCE SOUTH 89 DEGREES 50' WEST, 140 FEET; THENCE NORTH 0 DEGREES 3'40" EAST, 318 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

ANNEXATION AGREEMENT AMENDMENT

THIS ANNEXATION AGREEMENT AMENDMENT (the "**Amendment**") is made this 28th day of November, 2016, by and between the City of Boulder, a Colorado home rule city, ("**City**"), and Robert J. Schuman and Elaine D. Schuman, the property owners of 4270 19th Street, Boulder, Colorado (the "**Property Owners**"), collectively (the "**Parties**").

RECITALS

The Parties recite the following facts related to the annexation of the Property defined below:

A. The Property Owners are the owners of real property generally known as 4270 19th Street and more particularly described on **Exhibit A** attached hereto and incorporated herein ("the **Property**").

B. The Property Owners signed an Annexation Agreement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03398236 on August 19, 2014 (the "**Annexation Agreement**").

C. The Parties wish to amend the Annexation Agreement as the North Boulder Subcommunity Plan has been amended to delete the North 20th Street connection between Upland Avenue and Tamarack Avenue and is no longer a connection desired to be established.

D. The desired amendments include the following:

1. Amendment of the dedication requirements associated with North 20th Street under Section 2.E of the Annexation Agreement; and

2. Deletion of the requirement to construct North 20th Street under Section 5 of the Annexation Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree to amend the Annexation Agreement.

I. The Parties agree that Section 2.E of the Annexation Agreement, listing the dedication requirement for North 20th Street as a requirement prior to first reading of the annexation ordinance is hereby amended to read as follows:

E. Dedication (Utility Easement). The Applicants shall provide to the City, in fee and at no cost, a 15-foot wide utility easement along the length of the east line of the Property.

II. The Parties agree that Section 5 of the Annexation Agreement addressing the Requirements Prior to Subdivision or Addition of a Unit is hereby deleted.

III. This Amendment to the Annexation Agreement and the covenants set forth herein shall run with the land and be binding upon Robert J. Schuman and Elaine D. Schuman, their heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Amendment constitutes an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty (20) years and 364 days.

EXECUTED on the day and year first above written.

CITY OF BOULDER
a Colorado home rule City

By: _____
Jane S. Brautigam, City Manager

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Dated:

PROPERTY OWNERS:

_____
Robert J. Schuman

_____
Elaine D. Schuman

STATE OF COLORADO)
ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Robert J. Schuman this 28th day of Nov, 2016.

Witness my hand and official seal.

Julia B. Chase
Notary Public

My commission expires: 4-27-2020

(SEAL)

JULIA B CHASE
Notary Public
State of Colorado
Notary ID 19964003812
My Commission Expires Apr 27, 2020

STATE OF COLORADO)
ss.
COUNTY OF BOULDER)

The forgoing instrument was acknowledged before me, by Elaine D. Schuman, this 28th day of Nov., 2016.

Witness my hand and official seal.

Julia B. Chase
Notary Public

My commission expires: 4-27-2020

(SEAL)

JULIA B CHASE
Notary Public
State of Colorado
Notary ID 19964003812
My Commission Expires Apr 27, 2020

EXHIBIT

Exhibit A Legal Description for 4270 19th Street

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

Parcel Description

(PROVIDED BY CLIENT)

THE SOUTH 1/2 OF THE FOLLOWING DESCRIBED TRACT, SITUATE IN THE SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18, THENCE NORTH 0°05'30" WEST ALONG THE WEST LINE OF SAID SECTION 18, 3978.54 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF NORTHWEST 1/4 OF SAID SECTION 18; THENCE NORTH 89°33' EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 SAID SECTION 18, 2626.56 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 665.68 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°53' EAST 330 FEET; THENCE SOUTH 0°05'30" WEST PARALLEL TO THE SAID NORTH-SOUTH CENTERLINE, 318 FEET; THENCE SOUTH 89°53' WEST 330 FEET TO A POINT ON THE SAID NORTH-SOUTH CENTERLINE; THENCE NORTH 0°05'30" EAST ALONG SAID NORTH-SOUTH CENTERLINE 318 FEET TO THE TRUE POINT OF BEGINNING. LESS 30 FEET ON THE WEST SIDE OF SAID PROPERTY.
COUNTY OF BOULDER, STATE OF COLORADO.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

COLORADO LICENSED
JOHN BRUCE GUYTON
16406
6/30/14
PROFESSIONAL LAND SURVEYOR

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-63,623

JOB NUMBER: 14-63,623
DRAWN BY: E. PRESCOTT
DATE: JUNE 30, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY: EPRESCOTT FILE:63623-ANNEX-C1D.DWG DATE:6/30/2014 4:03 PM

Ellen Stark & Anne Hockmeyer

2010 Upland Ave

Boulder, CO 80304

March 18, 2016

RE: Minor Subdivision Proposal

Site: 2010 Upland Ave

To Whom it May Concern,

The purpose of this application is to subdivide an existing 32,281 sq.ft. parcel to create one additional residential lot. Following the proposed subdivision, Lot 1 (which would contain our existing house) would be 16,140 sq.ft. and Lot 2 would be 16,141 sq.ft. The property is zoned RE-Residential Estate.

Note that the surveyor has indicated the locations of the water and sewer taps on the Preliminary Plat map. A separate Utility Plan has not been submitted.

Request to City to Vacate a Strip of Land 15' in Width

We are requesting that the City vacate a strip of land 15' in width running the length of and adjacent to the westerly boundary of 2010 Upland. We were required to dedicate this portion of our land during the annexation of our property in September 2009 (see Deed of Dedication from 9/2/2009 in Attachment). Since then, the City has decided that this land is no longer required for a previously planned north-south connection. Instead, a multi-use path and emergency access will be constructed from 19th Street to the west end of Tamarack. See City Manager memorandum to City Council from March 28, 2012 in Attachment.

It was a grave hardship for us to have to give up this land in order to be able to annex. We hope that the City can vacate this land without requiring us to file an additional and expensive application.

No Obligation to Reimburse 2020 Upland, LLC, for Public Improvement Extension Agreement (PIEA) Costs

We are noting that the owner of 2020 Upland, LLC (Mr. Drew Dolan) has agreed to pay for our share of the previously constructed public improvements in Tamarack

Avenue, including water and sewer connections as well as the roadway paving. This agreement was executed prior to the annexation of 2020 Upland (now known as 2020 Tamarack), and was recorded with Boulder County. When the owner of 2020 Upland, LLC annexed his property he was able to gain a strip of land 30' in width running the length of and adjacent to the northerly boundary of 2020 Tamarack. This land constitutes an area of ca. 255' by 30', which amounts to 7,650 sq.ft. or 0.18 acres.

The agreement between us and the owner of 2020 Upland was made with full knowledge of City officials involved with the annexation negotiations for 2020 Upland. Subsequently, the City agreed to the request of 2020 Upland to shift the western extension of Tamarack 30' north, in order to allow the owner of 2020 Upland take full possession of the additional 30' x 255' piece of land .

We have retained the legal services of Ed Byrne, PC who has examined the relevant records and summarized the obligations of 2020 Upland, LLC. This memo is attached as "6_a_Written Statement_No Obligation for PIEA", including Exhibits A-K.

We trust that the City will honor this agreement, and hold 2020 Upland, LLC responsible for its obligations, as the City has enforced our half of the agreement to give up our land for the benefit of 2020 Upland, LLC.

Sincerely,

Ellen Stark

Ellen Stark

Anne Hockmeyer

Anne Hockmeyer

Attachments:

- Memorandum from City Manager to City Council, Recommendations for Fourmile Canyon Creek Greenways Project from 19th to 22nd Streets, dated 3/29/2012

- Deed of Dedication, for a 15'-wide strip of land along western property line of 2010 Upland, provided at time of annexation, dated 2/9/2009

- Memorandum from Ed Byrne, PC to Department of Planning, Housing and Sustainability, Re: No Obligation to Reimburse 2020 Upland, LLC, for Public Improvement Extension Agreement (PIEA) Costs, date 3/20/2016; and all Exhibits A-K

Included on Flash Drive:

0_LUR Application (1 hard copy)

1_Sign posting (1 copy)

2_Names and addresses (1)

4_Legal Description (1)

5_Vicinity Map (5)

6_a_Written Statement _No Obligation for PIEA (by Ed Byrne, PC) (1)

13_Preliminary Plat, incl. proposed Utility Connections (5)

15_Solar Analysis (1)

20_Project Fact Sheet (2)

21_Title Insurance (2)

24_Mineral Estate (1)

29_Obligation to Pay Form (1)

And all Exhibits for "6_a_Written Statement_No Obligation for PIEA" by Ed Byrne:

Exhibit A Hockmeyer Stark 2020 Upland LLC Contract 2009-04-08

Exhibit B email Young Dolan offer 2010_2020 Upland 2009-01-20

Exhibit C email confirming 2010_2020 Upland agmt 2009-01-20

Exhibit D Four Mile Creek Annual Report 2010-02-23

Exhibit E 2020 Upland Per Rpt and Arts of Org 2010-06-10

Exhibit F Assignment of DofT to 2020 Upland 2010-06-23

Exhibit G Notice of E and D by 2020 Upland 2010-09-07

Exhibit H Lender Consent and subord 2020 Upland 2010-12-10

Exhibit I Public Tree Confirmation Deed 2020 Upland 2011-01-19

Exhibit J email string City plus 2010_2020 Upland 2010-09-24_2011_01_06

Exhibit K 2020 Upland Annexation Agreement Exhibit B_2009_01_20

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
November 3, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Elaine McLaughlin, Senior Planner
Shannon Moeller, Planner II
Sloane Walbert, Planner II
David Thompson, Civil Engineer II
Katie Knapp, Engineering Project Manager

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

1. **Trevor Lowenthal** expressed concerns regarding multi-purpose path safety in the city, especially at Baseline Road and Moorehead and Baseline Road and 30th Street.
2. **Jaclyn Brass** proposed adding language to the Boulder Valley Comprehensive Plan (BVCP) showing a willingness to pursue geothermal energy.
3. **David McGuire** spoke regarding the proposed BVCP amendment regarding the CU South annexation and the proposed flood mitigation on behalf of the Frasier Meadows Steering Committee.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call Up Items: Highland School Bridge Replacement; Floodplain Development Permit (LUR2016-00067); Wetland Permit (LUR2016-00068). This decision may be called up before Planning Board on or before November 4, 2016.

B. Call-Up Item: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513-square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before November 4, 2016.

- **B. Bowen** recused himself during this discussion.
- **C. Gray** questioned staff regarding the presence of inclusionary housing in the project.
- **Jason Markel**, the Applicant, answered questions from the board.

C. Call Up Item: Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities at 3289 Airport Road, VeloPark Apartments, LUR2016-00020. This approval is subject to potential call-up on or before November 4, 2016.

J. Gerstle called up Item 4C, 3289 Airport Road, VeloPark Apartments, LUR2016-00020. The remaining two items were not called up by the Planning Board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

Staff Presentation:
C. Ferro introduced the item.
S. Moeller presented the item to the board.

Board Questions:
S. Moeller, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Joe Lear, the applicant's representative, presented the item to the board.

Board Questions:
Joe Lear, with Davis Partnership Architects, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- **L. May** agreed with the staff analysis. Currently there is no underlying flaw in the current zoning or land use. If a reconsideration of zoning were to be done, it should be done within an entire corridor redevelopment and not just this project. In regards to the height issue, the moratorium is in place to guide modifications. It would be premature to start creating special ordinances to circumvent the moratorium until the board has the policy discussions around community benefit.
- **C. Gray** stated that the proposal is consistent with BVCP Policy *2.03 Compact Development Pattern*, but it does not meet many other BVCP policies. She agreed with **L. May's** comments regarding height and with keeping the same zoning as stated in the staff analysis.
- **L. Payton** agreed with the previous comments from board members and staff. She stated that this project may be working again the BVCP and specifically Policy *2.21 Commitment to a Walkable & Accessible City*, by replacing small local businesses with a hotel. She appreciated the efforts by the architect to combine elements of the nearby existing buildings, but stated the proposal is not successful. In regards to the height modification, she did not see a reason to proceed. The topography exception which was cited would be used for building on slopes. This lot is not extreme enough. She agreed with the previous rezoning comments.
- **H. Zuckerman** stated that the proposed massing appears to be maxing out the site with no articulation to the building. He suggested stepping the building down with the topography which could provide for rooftop outdoor patio space. With some of these, he may be inclined to grant a smaller height modification. This is an area that could use more pedestrian amenities. Perhaps by pulling the building back from the setback and having retail on the first floor, it would create some interest within the neighborhood. He stated that he is not sure how the current zoning is appropriate today. The Business-Transitional 2 (BT-2) zoning does not fit. Perhaps more density of uses would help create a pedestrian amenity and create a walkable experience.
- **B. Bowen** mentioned that the current strip of Broadway is disjointed. It is a cross axis to downtown. He agreed that rezoning lot by lot is not a good idea. It would make sense to rethink the Business-Transitional 2 (BT-2) zoning in that area. In addition, a 0.5 FAR in that area does not make sense, since that is driven more towards an area of surface parking lots, which is not something that should be in this location. Therefore, rezoning does make sense, but it should be done along with other parcels. He would accept some level of height exception. He stated that if the urban realm were well developed, it could add to that corridor. In terms of building design, it should be more sculpted and have a logical massing.
- **J. Gerstle** agreed with **H. Zuckerman** that the existing zoning may not be appropriate, but it should not be changed for individual lots. The entire area should be considered. The

athletic fields and bike path on the east side of the lot are a tremendous amenity. He suggested taking advantage of these in the building itself. He said that perhaps the east side and the Broadway street side of the building could be made more interesting.

- **C. Gray** stated that it would be nice if the board looked at the BT-2 zone in relation to other goals, such as housing.
- **L. Payton** commented that as this corridor and University Hill are being redeveloped, local student eating areas will be leaving. There will be a gap in providing this and questioned if there is a plan to bring them back.
- **L. May** added that it is not only the loss of business, but as that area is redeveloped, there will not be any street level activity and a dead zone is created when you remove the commercial space.
- **H. Zuckerman** stated that it is important to energize the streetscape for locals and visitors.
- **B. Bowen** suggested to staff that if the applicant returns, they should look at what zone would make sense along that corridor. The key factors will be height, FAR and open space requirements. He suggested that this project go to the Design Advisory Board (DAB) to look at the concept design.
- **L. May** stated that this project would be a gateway to downtown, there the it is important that the building be of high quality. Currently, the proposed building appears generic. He would like to see this proposal come back as a concept plan again to Planning Board and see more interesting architecture reflective of the gateway characteristic.

Motion:
Since this is a Concept Review, no action is required on behalf of the Planning Board. **J. Gerstle** summarized that the board would like to see this proposal as a concept plan again before it was to move forward.

B. AGENDA TITLE: Consideration of the following items relating to the properties located at 2010 Upland Avenue and 4270 19th Street

1) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the Crestview East Neighborhood, in particular for the property located at 2010 Upland Avenue, to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
2) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the property located at 4270 19th Street to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
3) Motion to amend the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland Avenue and Tamarack Avenue; and
4) Official notice of vacation of public right-of-way for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street as required by Section 79 of the City of Boulder Charter (LUR2016-00073).

Applicants: Anne Hockmeyer, Ellen Stark and City of Boulder Public Works
Owner: Anne Hockmeyer and Ellen Stark

Staff Presentation:
C. Ferro introduced the item.
S. Walbert presented the item to the board.

Board Questions:
S. Walbert, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Anne Hockmeyer, the applicant and owner, presented the item to the board.

Board Questions:
Anne Hockmeyer, the applicant and owner, answered questions from the board.

Public Hearing:

1. **Jan Morzel** spoke in support to the project.

Board Comments:

- **J. Gerstle** stated that he was opposed to the proposals because he felt that the removal of the connection conflicted with the North Boulder Subcommunity Plan (NBSP). He indicated that there was no compelling argument to make a change. He stated that CEAP has excellent recommendations and the connection between Tamarack Avenue and 19th Street is good. However, the new connection should not be viewed as a substitute for N. 20th Street.
- **H. Zuckerman** stated that he would be in favor of a motion to approve because the NBSP is meant to properly mirror our local priorities. It meets the needs of the community. The Planning Board will bring the NBSP back into consistency by approving the proposals.
- **L. Payton** stated that she will support a motion to approve because the Planning Board modifies connection plans regularly. Also, it will be easier to subdivide the lot in question and build two homes, rather than one large home. The results of the CEAP will provide a new connection which was not originally planned. This property has been burdened by dedications on the north and south sides, therefore it makes sense to eliminate the connection.
- **C. Gray** agreed.

Motion:
On a motion by **C. Gray**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) to recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

On a motion by **C. Gray**, seconded by **H. Zuckerman**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the plan and approve this amendment to the North Boulder Right-of-Way Plan.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Progress on the Public Notification Issue

- **L. Payton** questioned staff as to the progress of notifying tenants as well as property owners.
- **C. Ferro** informed the board that while the city knows they can perform this function, they are still working through the resource function of the process, as the city uses a third party for resources.

B. Annual Letter to City Council

- The board ask **C. Spence** to group the last 3-4 years of Planning Board Letters to Council for their review.
- Board members will send ideas to **C. Spence** and she will compile them.
- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

C. Debrief of Community Benefit Subcommittee Meeting

- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:23 p.m.

APPROVED BY

Board Chair

17 Nov 2016

DATE

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Introduction, first reading and consideration of a motion to order published by title only Ordinance 8158 designating the property at 1345 Spruce St. to be known as the **Physicians Building-Dorje Dzong,** as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: Front Range Shambhala

PRESENTERS
Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning
Debra Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY
The purpose of this item is for City Council to determine whether the proposed individual landmark designation of the building and portion of the property at 1345 Spruce St. meets the purposes and standards of the Historic Preservation Ordinance *(Sections 9-11-1 and 9-11-2, B.R.C. 1981)*. The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would result in the designation of the building and property as an individual landmark. The findings are included in the ordinance. This landmark designation application was submitted by the property owner on Aug. 8, 2016, and was heard by the Landmarks Board on Nov. 2, 2016. The board voted 5-0 to recommend the designation to City Council. A second reading for this designation will be a quasi-judicial public hearing.

STAFF RECOMMENDATION

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

Motion to introduce and order published by title only Ordinance 8158 designating the building and property at 1345 Spruce St., to be known as the **Physicians Building-Dorje Dzong**, as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic -** Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Planning, Housing & Sustainability department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

- **Environmental -** The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

- **Social -** The Historic Preservation Ordinance was adopted to "…enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage." Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community's character and history.

OTHER IMPACTS

- **Fiscal -** The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

- **Staff Time -** This designation application is within the staff work plan.

LANDMARKS BOARD ACTION

On Nov. 2, 2016 the Landmarks Board voted 5-0 to recommend to City Council that the building and a lot at 1345 Spruce St. be designated as a local historic landmark, finding that

it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

PUBLIC FEEDBACK

At the Nov. 2, 2016 Landmarks Board meeting, Historic Boulder, Inc. spoke in support of the designation.

BACKGROUND

Property Description

The 6,561 sq. ft. property is prominently located on the corner of Spruce and 13th Streets in the Downtown Historic District, which was listed in the National Register of Historic Places in 1980 and was designated as a local historic district in 1999. The building is considered a contributing resource to both district. First surveyed in 1986, the building was found to be potentially eligible for designation as an individual landmark. The identified, potential Whittier Historic District (local and national) is located across the street, east of 14th Street and north of Spruce Street.

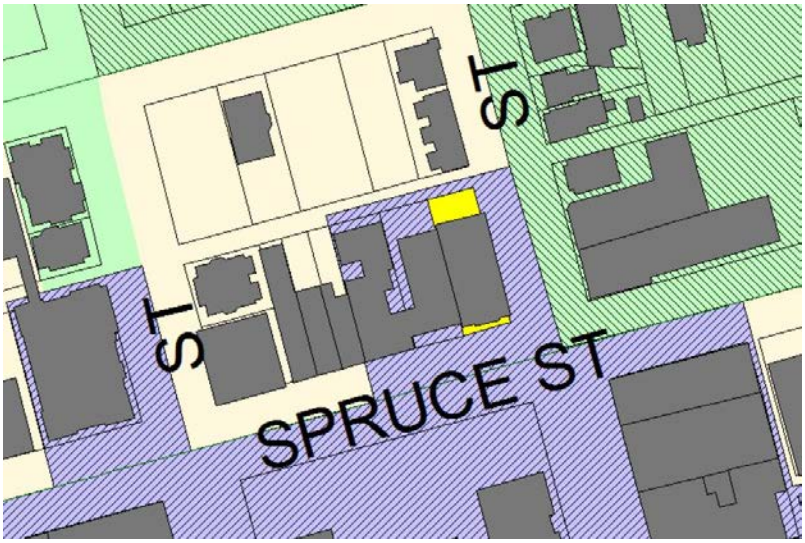


Figure 1. Location Map, 2935 19th St.

Figure 2. 1345 Spruce St., South Elevation (façade), 2016

Designed in an eclectic variant of the Renaissance Revival manner by local architects, Wright and Saunders, the building was constructed in 1905. The blond brick building features limestone surrounds at the window and door openings and limestone stringcourses. Symmetrically organized the well-articulated façade and main entrance to the building is adorned by a two-story pedimented entrance flanked by large double-hung windows. The door and windows in the center and on the top floor feature Romanesque arches, a hipped tile roof while the building rests on a stone foundation with sandstone steps leading to the front entrance.

Figure 3. 1345 Spruce St., East Elevation, 2016

The east elevation features regularly spaced window openings with limestone stringcourses while the window on the first and second floor feature limestone lintels and sills. The windows on the third floor feature Romanesque arches. Paired corbels continue beneath the eaves, under the exposed rafter tails. Two masonry chimneys are visible at the east elevation. A secondary entrance is located near the north end of the east elevation, denoted by a heavy Romanesque arch supported by classical columns. Two gold decorative finials are located at the ridge of the tiled roof, and are a later alteration and signal the building's current use as the Front Range Shambhala Center.

Figure 4. 1345 Spruce St., North (Rear) Elevation, 2016

The rear elevation lacks the architectural detailing of the primary faces, and is clad in brick that has been painted. The windows have arched surrounds and rest on stone lintels. A door is located at the west end of the north elevation.

The west elevation mirrors the design of the east elevation, with regularly spaced windows and sandstone detailing. The west elevation is minimally visible due to the construction of the building adjacent to it.

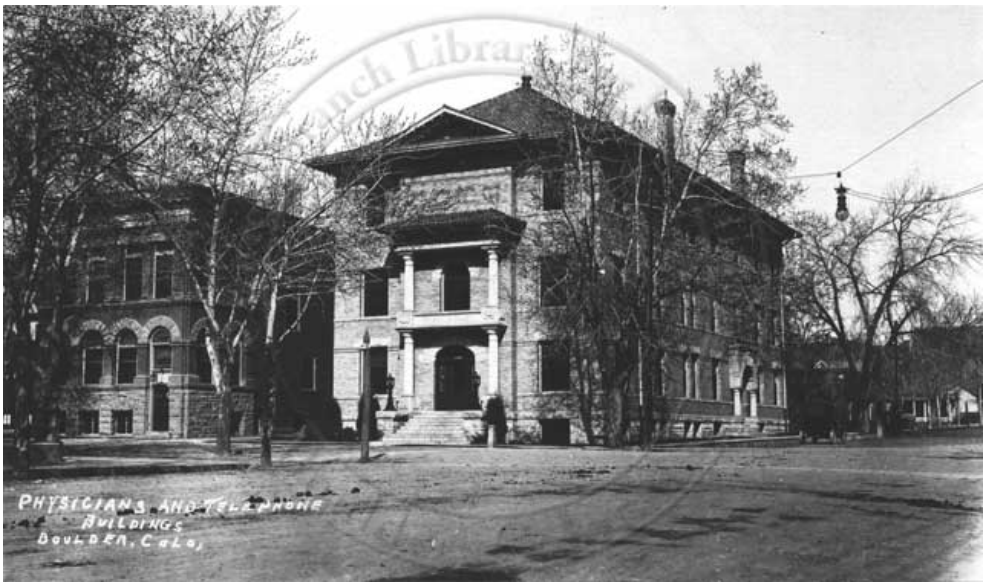


Figure 5. Physicians (right) and Telephone (left) Building, c.1920s

Alterations

The building remains largely intact to its original construction. The original windows remain. The doors on the south, east and north elevations have been replaced. The decorative finials at the ridge of the roof were added in the last twenty years.

History

The building at 1345 Spruce St. was constructed in 1905 for prominent local physician Oscar M. Gilbert, to address a need for better spaces for medical offices in Boulder:[1] In 1904, the *Daily Camera* reported that the construction of the building would begin in the fall of that year:

"Wright & Saunders, the architects, have made plans and specification for the fine new Physicians' building, which Dr. O.T. Gilbert will erect at the corner of 14th and Spruce. It is understood that the structure will be underway this fall. It will be arranged especially for the accommodation of physicians, many of whom will have their offices there."[2]

The building was designed by Boulder architects Wright and Saunders using a Renaissance Revival vocabulary. In addition to the Physicians Building, the duo is credited with the design of the Grill Mansion (2305 Broadway Street, designated as a local landmark in 1976), the Kirkbride Block (1635 Pearl St., destroyed by fire in 1968), the Y.M.C.A. Building (1231

[1] Daily Camera, "Dr. O. M. Gilbert Dies in Sleep Early Today." 18 October, 1944. Boulder Carnegie Library.
[2] Daily Camera, "The Physicians Building." 30 September

Walnut Street, demolished in 1960), and the Derham-Lindgren House (905 13th St., designated as individual landmark).

Arthur Sanders
Arthur Saunders (1860-1930) studied architecture in Santa Cruz, California and came to Boulder to begin his architectural practice in 1903. Saunders found considerable success in Boulder, first in partnership with Wright from c. 1905-1907 before establishing his own firm in 1908.[3]

Saunders is responsible for the design of a number of prominent commercial and residential buildings in Boulder, including:

- The Mercantile Bank, 1201 Pearl St., Downtown Historic District;
- The Willard Building, 2045 Broadway Street, Downtown Historic District;
- 604 Mapleton Ave., 1913, Tudor-Revival, Mapleton Hill Historic District;
- 731 Spruce St., 1910, Craftsman, Mapleton Hill Historic District;
- 1815 17th St., 1901, Spanish-Revival, Chamberlain Historic District.

Saunders continued to practice in Boulder until his death in 1930. The 1910 Census indicates Saunders lived at 1136 Spruce St. with his wife Caroline ("Carrie") and son Arthur. Caroline died in 1914, and Arthur married Alda A. Hodge in 1917. At the time of his death 1930, he was survived by his wife, son, and step-daughter Katy May Hodge.

Charles Wright
Charles H. Wright was born in Iowa in 1859.[4] In 1880, he lived in El Paso, Colorado with his parents and brothers. By 1900, he had moved with his wife, Emma Reed, to Pasadena, California, where he worked as a teacher. From 1903 until c.1920, he lived and worked in Boulder as an architect. By 1920, he had moved back to California where he resumed working as a teacher.

Figure 6. Doctor Oscar M. Gilbert, N.D. Photo courtesy of Boulder Carnegie Library.

[3] http://www.historicdenver.org/uploaded-files/Architects_Colorado_Database_1875-1950.pdf
[4] Research Notes. Carnegie Library for Local History. Undated.

Dr. O. M. Gilbert
Oscar Monroe Gilbert was born on February 12, 1873, in Fulton, Missouri.[5] He was the son of William Gilbert, a farmer, and Mildred D. Gilbert. He graduated from Barnes Medical College, St. Louis, Missouri in 1898, and thereafter served as a member of the faculty there for two years. His two brothers, Charles T. and Carson Gilbert, were the first members of his family to arrive in Boulder, where they established a pharmacy. William and Mildred followed in 1898, followed by Oscar in 1900, who soon established a successful medical practice. He married Agnes Kirkbride —born February, 1873, the daughter of English immigrants George and Jane Kirkbride— on 26 March, 1902. He travelled to Europe to undertake post graduate studies, and, in 1926 travelled to London with a convention of physicians assembled by the famed Dr. Charles H. Mayo, one of the founders of the Mayo Clinic.

After commissioning the Physicians Building in 1905, he practiced from an office in the building throughout his lengthy career. He was a leader in the field of tuberculosis treatment, founder of the Mesa Vista Sanitarium, an influential member of the committee which established Boulder Community Hospital, and president of the Colorado Medical Society. He was sole owner of the Physicians Building from its construction until 1940, when he added Agnes as a co-owner. When Oscar Gilbert died on October 18, 1944, Agnes maintained ownership until 1948. She then sold it to Ernest and Dorothy Lucke.[6]

The Physicians Building
The Physicians Building, also known as the PIC Building, was designed specifically for the use of medical offices. At the time of the purchase of the building by the Luckes in 1948, the Daily Camera reported that the first two floors of the building were occupied primarily by doctors, while the third floor hall was used by the Woman's Club and other organizations for meetings and dances. Businesses and living quarters were located in the basement.[7]

The following year, the *Daily Camera* reported that the third floor was to be remodeled for office use by the U.S. Census, which was relocating from Longmont to Boulder. The third floor's kitchen and dining room was remodeled into an office for the supervisors and a training and work room for the field representatives."[8] The article reported that 25 groups, including the Boulder Woman's Club and the Arapahoe Chapter of the Daughters of the American Revolution, were making other arrangement for regular meeting space.

In 1975, Vajradhatu, a non-profit association of Buddhist centers, purchased the building for its administrative headquarters, graphics studio, print shop, archives, library, child care facility, instruction rooms, and a large meditation hall.[9] Remodeling was undertaken by the local architecture firm of Wallace D. Palmer. At the time, a portion of the building was utilized as the county election office, which subsequently relocated to the county courthouse.

Vajradhatu was founded by Chogyam Trungpa Pinpche, a Tibetan Buddhist scholar and mediation master. The organization, still locally active today through Vajradhatu's affiliate

---

[5] Daily Camera, "Dr. O. M. Gilbert Dies in Sleep Early Today." 18 October, 1944. Boulder Carnegie Library.
[6] Ibid.
[7] *Daily Camera*. "Physicians Building is Sold by Mrs. Gilbert to Ernest Lucke and Wife." 8 June 1948.
[8] *Daily Camera*. "Physicians Third Floor Is To Be Made Into Offices." 12 February 1949.
[9] *Daily Camera*. "PIC Building Purchased by Buddhist Association." 7 December 1975.

and current building owner Boulder Shambhala, "combines the teachings of the Kagyü and Nyingma traditions of Tibetan Buddhism with the Shambhala principles of living an uplifted life, fully engaged with the world."[10]

ANALYSIS

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider "whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, "*City Council May Designate or Amend Landmarks and Historic Districts*," B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan" and provides that the City Council "shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation."

A. Does the proposed application protect, enhance, and perpetuate buildings in the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past and does the portion of the property proposed for designation have historical, architectural or aesthetic interest or value?

Staff and the Landmarks Board find that the designation of the building at 1345 Spruce St. will protect, enhance, and perpetuate a building reminiscent of a past era, past events, and persons important in local history and preserve an important example of Boulder's historic architecture. Staff and the Landmarks Board consider the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE

Summary: The building located at 1345 Spruce St. has historic significance under criteria 1, 2, 3, and 4.

1. **Date of Construction:** 1905
   Elaboration: The *Daily Camera* reported the building was to begin construction in later 1904. The 1986 Survey Form notes that the building was constructed in 1905.

2. **Association with Persons or Events**: Dr. Oscar M. Gilbert
   Elaboration: The building was constructed for Dr. Oscar M. Gilbert, a leader in the field of tuberculosis treatment, founder of the Mesa Vista Sanitarium, an influential member of the committee which established Boulder Community Hospital, and president of the Colorado Medical Society. He was sole owner of the Physicians Building from its construction until 1940,

3. **Development of the Community:** Health
   Elaboration: The building was designed specifically for the use of doctor's offices. At the turn of the twentieth century, Boulder became a destination for patients who sought treatment and the dry, mountain air. The construction of the prominently located and

[10] Boulder Shambhala. http://boulder.shambhala.org/about-us/. Webpage. Accessed Oct. 20, 2016.

grandly designed Physicians Building represents the need for doctor's offices during this time.

4. **Recognition by Authorities:** 1977 Survey, 1986 Survey, Contributing to Local and National Register Historic District
   Elaboration: The building was surveyed in 1977 and 1986, which found the building to be eligible for designation on the local, state and national levels. The property is located within the boundaries of the Downtown Historic District, which was listed in the National Register of Historic Places in 1980 and designated as a local historic district in 1999. The building is considered to be a contributing resource to both districts.

ARCHITECTURAL SIGNIFICANCE
Summary: The house at 1345 Spruce St. has architectural significance under criteria 1, 2, 3, and 5.

1. **Recognized Period or Style:** Renaissance Revival
   Elaboration: The building is an excellent example of the Renaissance Revival, evidenced through its Romanesque arched windows, hipped tile roof, pediments, columned entrance and use of stone detailing.

2. **Architect or Builder of Prominence:** Wright and Saunders
   Elaboration: The building was designed by the local architecture firm of Wright and Saunders. The partnership existed from 1905-1907 and the firm is credited with a number of prominent buildings, including the Grill Mansion (2305 Broadway Street, designated as a local landmark in 1976), the Kirkbride Block (1635 Pearl St., destroyed by fire in 1968), the Y.M.C.A. Building (1231 Walnut Street, demolished in 1960), and the Derham-Lindgren House (905 13th St., designated as individual landmark). Saunders continued to practice in Boulder until his death in 1930, designing the Willard Block and Mercantile Building and a number of prominent houses in popular revival styles.

3. **Artistic Merit:** Skillful Integration of Design
   Elaboration: The building exhibits a skillful integration of design and material, evidenced through its Romanesque arched windows, hipped tile roof, pediments, columned entrance and use of stone detailing.

4. **Example of the Uncommon:** None Observed.

5. **Indigenous Qualities:** Native stone
   Elaboration: The building features limestone detailing.

B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?

Staff and the Landmarks Board find that the proposed application would maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values,

stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage. Staff and the Landmarks Board believe that the application meets the environmental significance criteria for individual landmarks as outlined below:

ENVIRONMENTAL SIGNIFICANCE
Summary: The building at 1345 Spruce St. has environmental significance under criteria 1, 2, 3, 4 and 5.

1. **Site Characteristics:** Downtown Historic District
   Elaboration: The building is prominently located on the corner of 14th and Spruce streets in the Downtown Historic District. The building enhances the variety, interest and sense of identity within downtown Boulder.

2. **Compatibility with Site:** Downtown Corner
   Elaboration: The building is specifically designed to sit prominently on the corner of 14th and Spruce streets.

3. **Geographic Importance:** Familiar visual feature in downtown Boulder
   Elaboration: The building, located north of the County Courthouse and a block from the Pearl Street Mall, is a familiar visual feature in downtown Boulder.

4. **Environmental Appropriateness:** Downtown Historic District
   Elaboration: The surroundings are complementary and specifically addresses the street.

5. **Area Integrity:** Downtown Historic District
   Elaboration: The property is located in the Downtown Historic District, which is designated on the local and national levels.

Landmark Name
Staff and the Landmarks Board consider this landmark should be known as the **Physicians Building-Dorje Dzong,** honoring the building's original use and the current organization's forty-year stewardship of the building. This is consistent with the Landmark Board's *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*. *See* <u>*Attachment H: Guidelines for Names of Landmarked Structures and Sites.*</u>

Boundary Analysis
The proposed landmark boundary follows the property lines, and is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.

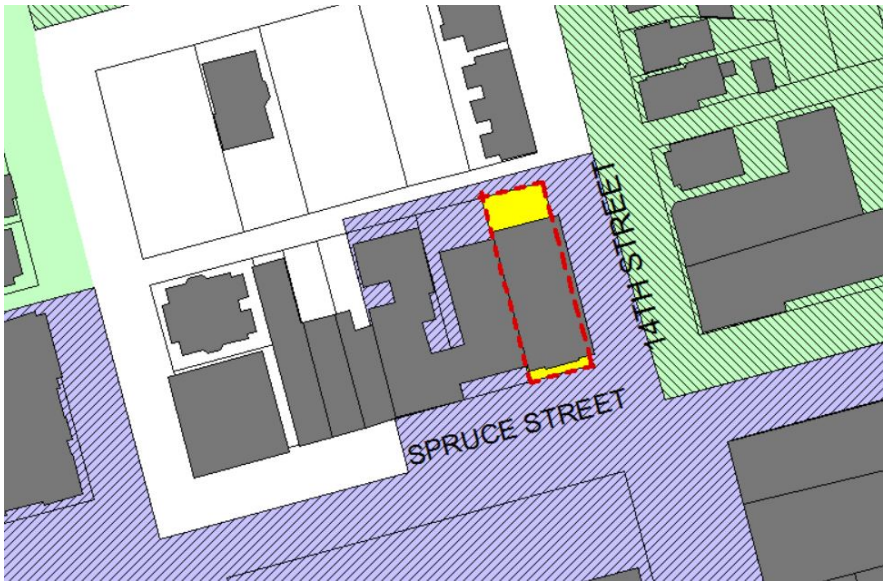


Figure 7. Proposed Landmark Boundary (dashed line).

OPTIONS

The City Council may approve, modify or not approve the first reading ordinance.

Approved By:

_____
Jane S. Brautigam,
City Manager

ATTACHMENTS
A: Ordinance 8158
B: Sections 9-11-1 and 9-11-2, "*Purposes and Intent*," B.R.C., 1981
C: Significance Criteria for individual landmarks

ORDINANCE 8158

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 1345 SPRUCE ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE NELSON TERRACE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section l. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on or about Aug. 8, 2016, property owner Front Range Shambhala, applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on Nov. 2, 2016; and 3) on Nov. 2, 2016, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on Jan. 3, 2017, and upon the basis of the presentations at that hearing finds that the building and the property at 1345 Spruce St. possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1905, for its association with Dr. Oscar M. Gilbert, for its association with health, and for its location within the Downtown Historic

District, listed on the local and national levels; and 2) its architectural significance as an example of the Renaissance Revival, its association with local architects Wright and Saunders; for its artistic merit and use of native stone; and 3) its environmental significance for its prominent corner location; its integration into its urban site, and as a familiar visual feature in Boulder; and as a contributing resource to the Downtown Historic District, listed on the local and national levels.

Section 5. The City Council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 6. There is hereby created as a landmark the building and property located at 1345 Spruce St., also known as the Physician's Building-Dorje Dzong, whose legal landmark boundary encompasses the legal lots upon which it sits:

LOT 12 BLOCK 121 OT

as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

Section 7. The City Council directs that the department of Planning, Housing and Sustainability give prompt notice of this designation to the property owner and cause a copy of this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

Section 8. 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 6TH DAY OF DECEM BER 2016.

Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY THIS 3RD DAY OF JANUARY, 2017.

_____
Mayor

Attest:

_____
City Clerk

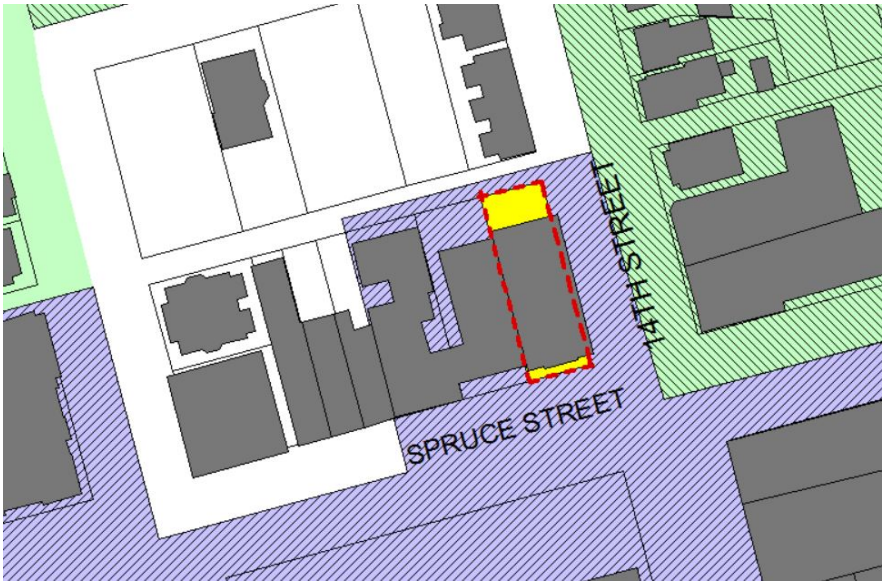


Exhibit A – Landmark Boundary Map for 1345 Spruce St.

LOT 12 BLOCK 121 OT

9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981

9-11-1: *Purpose and Legislative Intent* states:

(a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.

(b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.

(c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

(a) Pursuant to the procedures in this chapter the City Council may by ordinance:

(1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;

(2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;

(3) Designate as a discontiguous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and

(4) Amend designations to add features or property to or from the site or district.

(b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA
Individual Landmark
September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later

development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: DECEMBER 6, 2016

AGENDA TITLE
Introduction, first reading and consideration of a motion to order published by title only Ordinance 8159 designating the building and a portion of the property at 4750 Broadway to be known as the **Armory Mess Hall,** as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: Armory Community, LLC

PRESENTERS
Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning
Debra Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY
The purpose of this item is for City Council to determine whether the proposed individual landmark designation of the building and portion of the property at 4750 Broadway meets the purposes and standards of the Historic Preservation Ordinance *(Sections 9-11-1 and 9-11-2, B.R.C. 1981)*. The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would result in the designation of the building and property as an individual landmark. The findings are included in the ordinance. This landmark designation application was submitted by the property owner on March 4, 2016, and was heard by the Landmarks Board on Nov. 2, 2016. The board voted 5-0 to recommend the designation to City Council. A second reading for this designation will be a quasi-judicial public hearing.

STAFF RECOMMENDATION

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

Motion to introduce and order published by title only Ordinance 8159 designating the building and property at 4750 Broadway, to be known as the **Armory Mess Hall**, as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic -** Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitations and repairs, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Planning, Housing & Sustainability department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

- **Environmental -** The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

- **Social -** The Historic Preservation Ordinance was adopted to "…enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage." Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community's character and history.

OTHER IMPACTS

- **Fiscal -** The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

- **Staff Time -** This designation application is within the staff work plan.

LANDMARKS BOARD ACTION

On Nov. 2, 2016 the Landmarks Board voted 5-0 to recommend to City Council that the building and a portion of the lot at 4750 Broadway be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections

9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

PUBLIC FEEDBACK
At the Nov. 2, 2016 Landmarks Board meeting, Historic Boulder, Inc. spoke in support of the designation.

BACKGROUND
On March 4, 2016, the City of Boulder received an application from the property owner, Armory Community, LLC, for individual landmark designation of the Armory Mess Hall Building at 4750 Broadway. On Aug. 4, 2016, the Planning Board approved a Site Review Application (LUR2015-00012) for redevelopment of the property with up to 200 dwelling units and 8,400 sq. ft. of retail, and two new street connections. The Site proposal includes a 23 percent parking reduction and a condition of the approval was for the applicant to submit a landmark designation application for the Armory Mess Hall.

Property Description
The Mess Hall Building is located on an 8.55 acre property that is bounded by Broadway on the west, 14th Street on the east, and Lee Hill Drive on the north adjacent to the Holiday neighborhood. The front gabled building proposed for Landmark designation is oriented north-south building and located approximately 50 feet south of Lee Hill Drive and approximately 200 feet from Broadway, with the primary entrance on the north end. The property is not located in a potential or designated historic district and has not been previously surveyed.

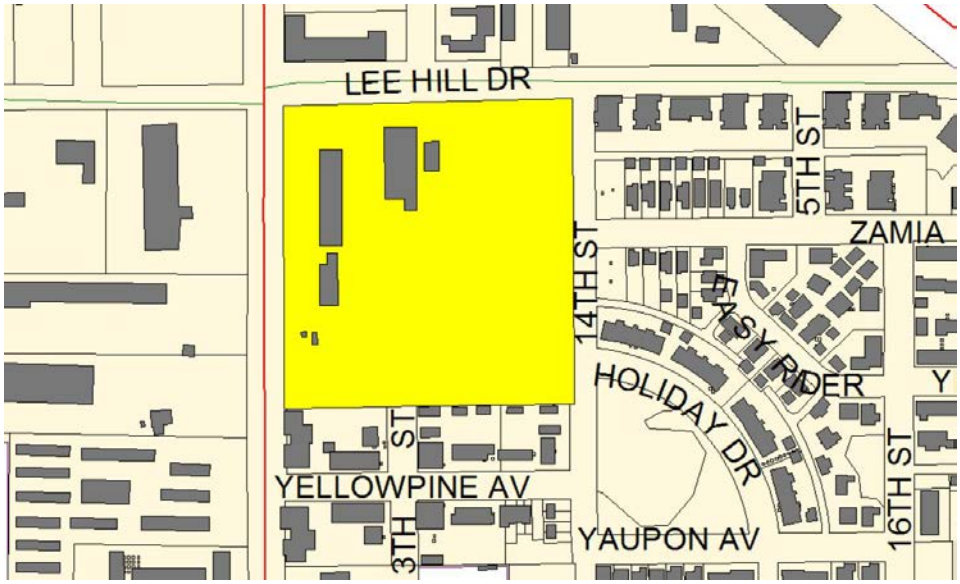


Figure 1. Location Map, 4750 Broadway. All existing buildings on site shown.

Figure 2. 4750 Broadway, North Elevation, 2016.

Utilitarian in form and design, the building is constructed of painted concrete block with a corrugated metal and louvered vents on the gabled ends. Six window openings with 18-light steel casement windows are located on the western portion of the north elevation.

Figure 3. West elevation, 2016.

The east and west elevations feature a series of paired openings with multi-light casement windows. Five pedestrian doors and two vehicular doors are located on the west elevation. Pairs of square windows are located on the south end of the west elevation; two windows are aligned above the middle pedestrian doors at a clerestory level, while the three southern most window openings are located approximately 5’ from the floorplate. A concrete ramp is located along the western elevation.

Figure 4. East elevation, 2016.

The east elevation features two vehicular doors with paired windows above, and a single pedestrian door. In total, twelve window openings are located on the east elevation. A non-historic shed, approved for demolition, is located east of the building.

Figure 5. South Elevation, 2016.

The south elevation mirrors the north elevation, with five off-center window openings located on the lower half of the elevation. A louvered vent is located at the gable end. A tiered brick chimney is located at the southeast corner of the building. The south elevation features five square window openings that are location on the west portion of the elevation. A one-story, gable-roof addition is located at the southeast corner of the building. It appears in the 1958 aerial photograph of the property (see Figure 11). The addition has been approved for demolition as part of the redevelopment of the property with the chimney to be maintained.

Alterations
The building appears to be largely intact to its original construction, with the exception of replacement of doors.

Figure 6. Buildings approved for demolition, 1972.

Two other buildings are located on the property and have been approved for demolition. The CMU block buildings are located on the west side of the property, oriented parallel to Broadway. Constructed in 1954, the buildings have flat roofs and square window openings with multi-light windows. While associated with the Colorado Army National Guard, staff recommended through the Site Review process that only the Armory Mess Hall be designated as an individual landmark. The largest building on the site, the Mess Hall is representative of the property's history and allows for redevelopment of the rest of the site.

Landmark Alteration Certificate
On June 16, 2016, the Landmarks Design Review Committee (Ldrc) reviewed and approved a Landmark Alteration Certificate (LAC) for the rehabilitation of the building. The proposal includes replacement of the windows within the existing openings, construction of two dormers on the east elevation and a single dormer on the west elevation, and the addition of projecting canopies above two pedestrian doors on the east and one door on the west. A new storefront opening on the north elevation was approved. A screen wall measuring six feet in height has been approved on the north elevation. The south elevation will remain the same, with the addition of a CMU trash enclosure at the base of the building.

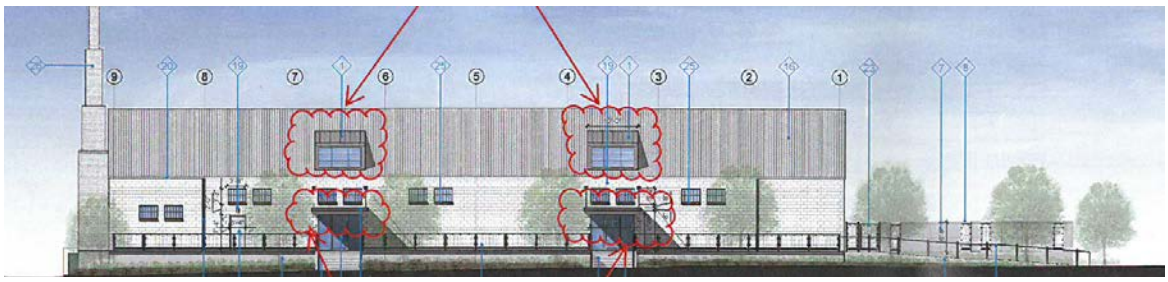


Figure 7. Approved LAC drawings, East Elevation, 2016. Note indicates corrugated galvanized roofing on the new dormers and construction of canopies at the entrances.

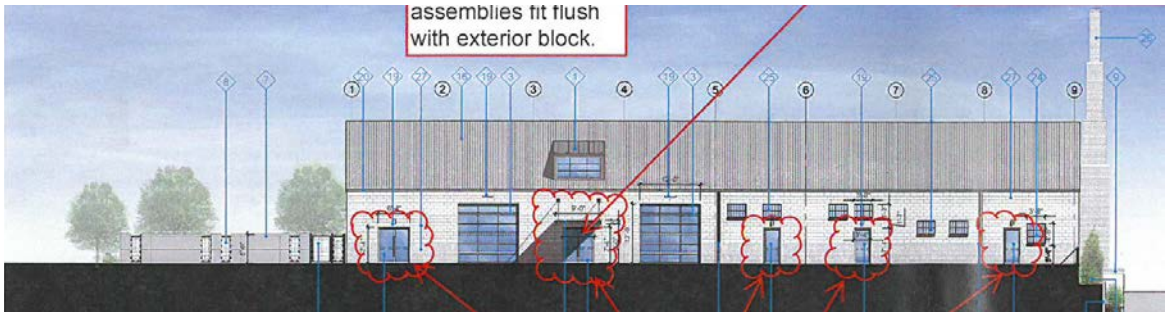


Figure 8. Approved LAC drawings, West Elevation, 2016. Note indicates existing doors to be changed to glass and construction of canopies at the entrances.

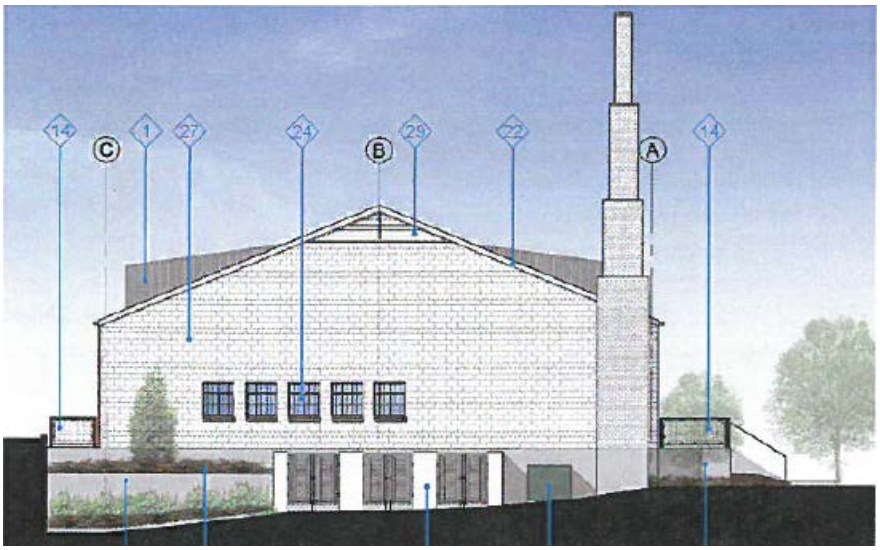


Figure 9. Approved LAC drawings, South Elevation, 2016.

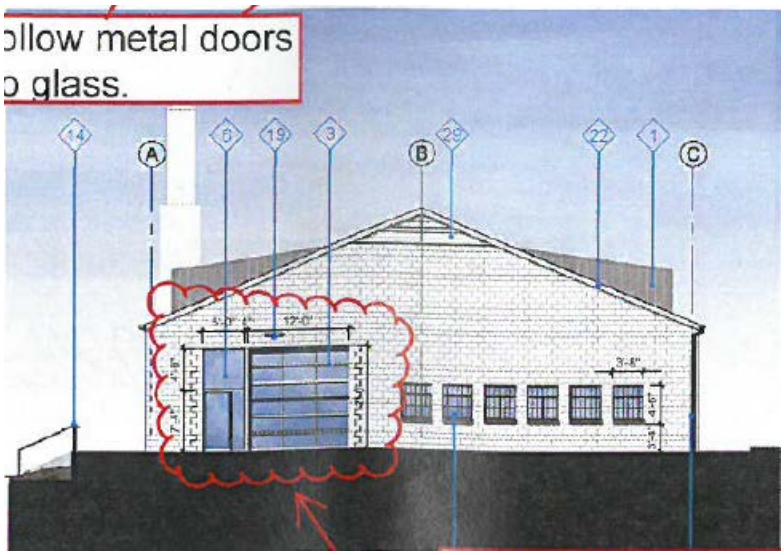


Figure 10. Approved LAC drawings, North Elevation, 2016. Notes indicates new storefront opening to be aligned flush with exterior block.

History

In 1950, the *Daily Camera* reported that the National Guard was constructing a $4 million base that would house the third largest National Guard unit of its type in the United States and the largest Guard unit, including both ground and air squadrons, in Colorado.[1] The facility was originally built to serve as the headquarters for the 139th Aircraft Control and Warning Squadron of the Colorado Air National Guard. The unit was formed in Boulder in 1947 and maintained 4750 Broadway as their headquarters until 1956, when the unit relocated to Buckley Air Force Field near Denver. In 1956, the property served as the headquarters for Battery A of the 137th Artillery of the Colorado Army National Guard.

Figure 11. Aerial view of the Armory, 1958.

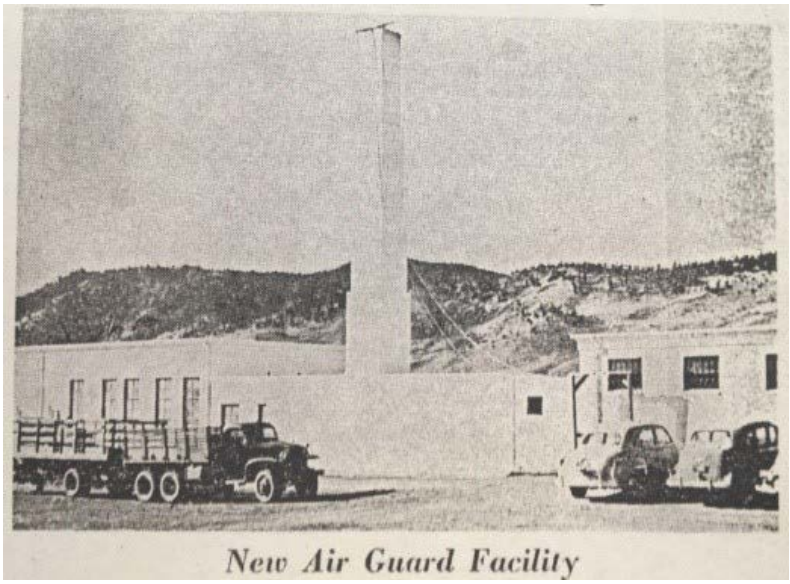


Figure 12. Early view of 4750 Broadway while occupied by the Air National Guard, c. 1954.

[1] "Air Guard Training Station Opened In 1950." *Daily Camera*. 9 January, 1966.

The Colorado National Guard was established in 1883, however, the Colorado Volunteer Militia, a predecessor of the National Guard, was established in 1861. The Armory Building at 934 Pearl St. was established in 1883 and operated until 1915, when the second armory was completed at 1511 University Ave. Both previous armories still stand today; 934 Pearl St. was designated as an individual landmark in 1976 and has been adaptively reused as a retail store, and the University of Colorado utilizes the armory at 1511 University Ave. as classrooms.

The buildings at 4750 Broadway were nearly finished in late 1949 and an open house was held Jan. 15, 1950. The project cost an estimated $4 million, and included sophisticated radar equipment.

In 1951, during the early years of the Cold War, the Federal government devised a plan to spread out their Federal facilities from the Washington, D.C. area. Boulder was chosen as the home for a Central Radio Propagation Laboratory (CRPL), which researched how radio energy travels in space. Since this research required an environment clear of radio interference, Boulder was deemed suitable for its quiet environment and proximity to a university.

Figure 13. Lt. Col. John R. Mack, head of the 138th Aircraft Control and Warning Squadron, adjusts the controls on the radar equipment, 1954.

During the construction of the Radio Building at 325 Broadway in south Boulder (now incorporated in NIST), CRPL staff occupied facilities at what was then the Air National Guard headquarters in north Boulder. In 1954, CRPL moved to its modern home at 325 Broadway, and the Air National Guard moved back in. In 1965, CRPL was reorganized into the NOAA and NIST agencies and is still located at 325 Broadway today. The CRPL was able to use the north Boulder facilities during this time, as the 138th squadron of the Air National Guard was on active duty serving in the Korean War.

In 1955, the Air National Guard relocated its facilities to Buckley Field near Denver. Commanding Officer Lt. Col. John Mack noted that while the site was appropriate for

training, the area "would not be good for actual use in event of mobilization" due to the range of mountains directly to the west.[2]

In February of 1956, the property became the headquarters for the Colorado Army National Guard, and Battery A of the 137th Field Artillery relocated to the site from the Armory at 1511 University Avenue. During the 1960s and 70s, the unit was typically made up of around 60 soldiers, 10 officers and housed approximately 42 trucks, 39 different radios, four 155 mm howitzers, and later in 1966, an 8 inch, self-propelled howitzer. Each summer, the unit would travel to Fort Carson for annual training.

The National Guard units that occupied the 4750 Broadway have since been dispersed to other armories in Colorado. However, some equipment remained at the Armory as well as personnel to maintain stewardship until the National Guard vacated the property in 2014.

ANALYSIS

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider "whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, "*City Council May Designate or Amend Landmarks and Historic Districts*," B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan" and provides that the City Council "shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation."

A. Does the proposed application protect, enhance, and perpetuate buildings in the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past and does the portion of the property proposed for designation have historical, architectural or aesthetic interest or value?

Staff and the Landmarks Board find that the designation of the Armory Mess Hall at 4750 Broadway will protect, enhance, and perpetuate a building reminiscent of a past era, past events, and persons important in local history and preserve an important example of Boulder's historic architecture. Staff and the Landmarks Board consider the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE

Summary: The building located at 4750 Broadway has historic significance under criteria 1, 2, and 3.

1. **Date of Construction:** 1949
   Elaboration: A *Daily Camera* article reported that the facility was completed in late 1949.

2. **Association with Persons or Events**: Military Operations; Science and Technology

[2] "Air National Guard To Abandon Boulder Station." *Daily Camera*. 6 February 1956.

Elaboration: The site was developed for use by the Air National Guard, and used by the Central Radio Propagation Laboratory (CRPL) from 1951-1954. From 1956 until 2014, the property was used as the headquarters for the Colorado Army National Guard.

3. **Development of the Community:** Military, Science and Technology
   Elaboration: The site was utilized for military operations for over sixty years, and represents Boulder's development during the post-war years due to national emphasis on military and scientific progress.

4. **Recognition by Authorities:** None observed.

ARCHITECTURAL SIGNIFICANCE
Summary: The building at 4750 Broadway has architectural significance under criteria 1, 2 and 4.

1. **Recognized Period or Style:** Post-WWII
   Elaboration: The simple building lacks architectural detailing, and is representative of utilitarian buildings constructed in the post-WWII period.

2. **Architect or Builder of Prominence:** Air National Guard
   Elaboration: The Air National Guard constructed the Amory Mess Hall for use as their headquarters.

3. **Artistic Merit:** None Observed.

4. **Example of the Uncommon:** Military Building
   Elaboration: The building is representative of a building constructed by the Air National Guard. Two other armories, located at 934 Pearl St. and 1511 University Ave., are historically significant. The building at 934 Pearl St. was designated as an individual landmark in 1976.

5. **Indigenous Qualities:** None Observed.

B. Does the proposed application develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?

Staff and the Landmarks Board consider the proposed application would maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage. The proposed boundary encompasses a five-foot perimeter around the building. Staff and the Landmarks Board believe that the application meets the environmental significance criteria for individual landmarks as outlined below:

ENVIRONMENTAL SIGNIFICANCE
Summary: The building at 4750 Broadway has environmental significance under criterion 3.

1. **Site Characteristics:** None Observed

2. **Compatibility with Site:** None Observed

3. **Geographic Importance:** Familiar visual feature in north Boulder.
   Elaboration: Prominently located near the intersection of Broadway and Lee Hill Road, the armory is a familiar visual feature in north Boulder.

4. **Environmental Appropriateness:** None Observed

5. **Area Integrity:** None Observed
   Elaboration: The property is not located in a designated or identified potential historic district.

Landmark Name
Staff considers this landmark should be known as the **Armory Mess Hall**, for its association with the Colorado National Guard and its historic use as a mess hall. This is consistent with the Landmark Board's *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*. *See* *Attachment E: Guidelines for Names of Landmarked Structures and Sites.*

Boundary Analysis
The proposed boundary includes a five-foot boundary around the foundation of the building. Staff and the Landmarks Board considers this boundary appropriate in the context of this building's incorporation into the redevelopment of the site. This is consistent with current and past practices and the National Register of Historic Places Guidelines for establishing landmark boundaries.

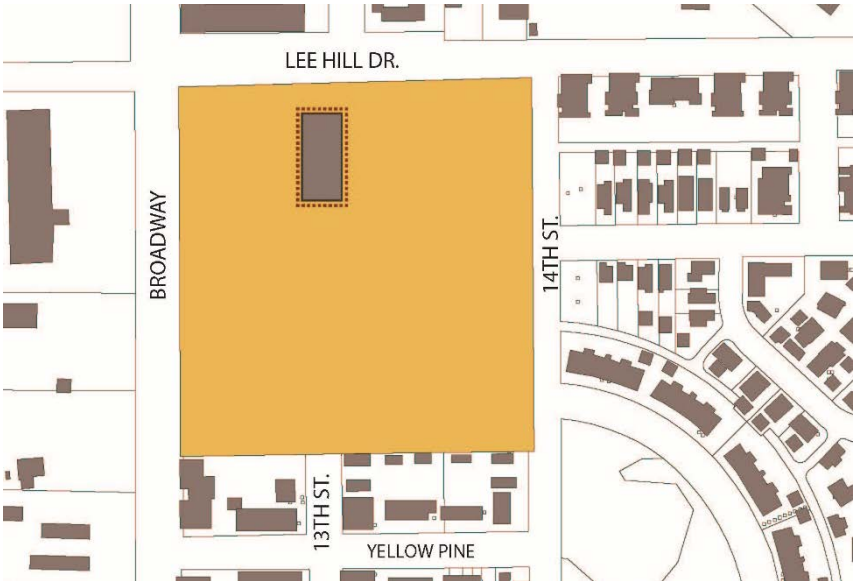


Figure 14. Proposed Landmark Boundary (dashed line).

OPTIONS

The City Council may approve, modify or not approve the first reading ordinance.

Approved By:

_____
Jane S. Brautigam,
City Manager

ATTACHMENTS
A: Ordinance 8159
B: Sections 9-11-1 and 9-11-2, "*Purposes and Intent*," B.R.C., 1981
C: Significance Criteria for individual landmarks

ORDINANCE 8159

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 4750 Broadway, CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE Armory Mess Hall A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section l. The City Council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The City Council finds that: 1) on or about March 4, 2016, property owner Armory Community, LLC, applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on Nov. 2, 2016; and 3) on Nov. 2, 2016, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on Jan. 3, 2017 and upon the basis of the presentations at that hearing finds that the building and the property at 4750 Broadway possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1949, for its association with Boulder's military operations and advancement of technology; and 2) its architectural significance

as an example of a post-World War II utilitarian building, and its association with the Air National Guard; as an example of the uncommon; and 3) its environmental significance as a familiar visual feature in Boulder.

Section 5. The City Council further finds that the foregoing landmark designation is necessary to promote the public health, safety, and welfare of the residents of the city.

Section 6. Section 6. There is hereby created as a landmark the building and a portion of the property, legally described as NW 1/4 SW 1/4 SW 1/4 7-1N-70 10 ACS M/L ARMORY BLDG, also known as 4750 Broadway and as the Armory Mess Hall. The legal landmark boundary shall be:

A LINE RUNNING EAST-WEST LOCATED 50 FT SOUTH OF THE NORTH PROPERTY LINE, A LINE RUNNING NORTH-SOUTH 315 FT WEST OF THE EAST PROPERTY LINE, A LINE RUNNING EAST-WEST 420 FT NORTH OF THE SOUTH PROPERTY LINE, AND A LINE RUNNING NORTH-SOUTH 200 FT EAST OF THE WEST PROPERTY LINE

as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

Section 7. The City Council directs that the department of Planning, Housing and Sustainability give prompt notice of this designation to the property owner and cause a copy of this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

Section 8. 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 6TH DAY OF DECEMBER, 2016.

_____

Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY THIS 3RD DAY OF JANUARY, 2017.

_____
Mayor

Attest:

_____
City Clerk

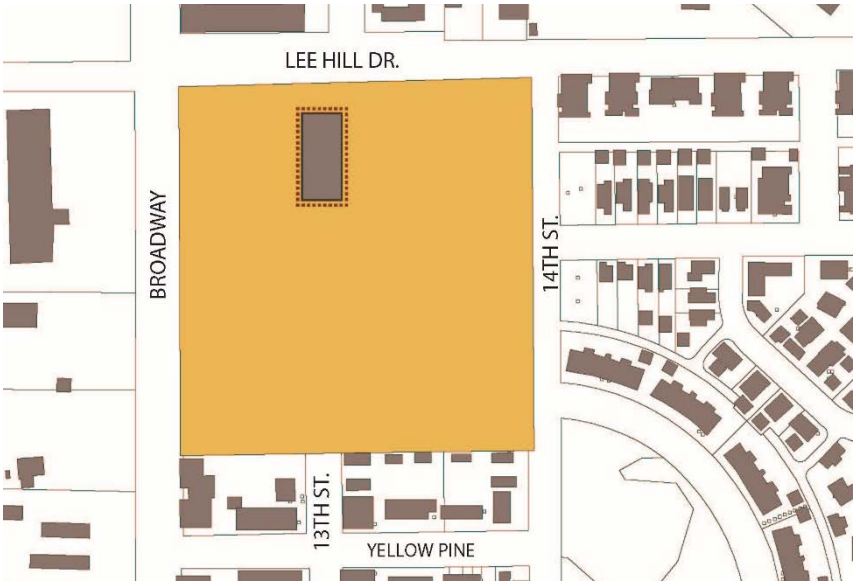


Exhibit A – Landmark Boundary Map for 4750 Broadway

A LINE RUNNING EAST-WEST LOCATED 50 FT SOUTH OF THE NORTH PROPERTY LINE, A LINE RUNNING NORTH-SOUTH 315 FT WEST OF THE EAST PROPERTY LINE, A LINE RUNNING EAST-WEST 420 FT NORTH OF THE SOUTH PROPERTY LINE, AND A LINE RUNNING NORTH-SOUTH 200 FT EAST OF THE WEST PROPERTY LINE

9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981

9-11-1: *Purpose and Legislative Intent* states:

(a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.

(b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.

(c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

(a) Pursuant to the procedures in this chapter the City Council may by ordinance:

(1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;

(2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;

(3) Designate as a discontiguous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and

(4) Amend designations to add features or property to or from the site or district.

(b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA
Individual Landmark
September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later

development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Second reading and consideration of a motion to adopt emergency Ordinance 8157 implementing the recommendations of the Marijuana Advisory Panel by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapter 6-14 regarding medical marijuana and Chapter 6-16 regarding recreation marijuana, B.R.C. 1981, and setting forth related details.

PRESENTERS
City Staff:
Jane S. Brautigam, City Manager
Thomas Carr, City Attorney
Kathleen E. Haddock, Senior Assistant City Attorney
Sandra M. Llanes, Senior Assistant City Attorney
Mishawn Cook, Licensing and Collections Manager
Beverly Bookout, Boulder Police Officer, Marijuana Enforcement Division

EXECUTIVE SUMMARY

On August 23, 2016, council heard the recommendations of the Marijuana Advisory Panel ("MAP" or "Panel") and directed staff to draft an ordinance to implement recommendations and to address any recommendations that have an impact on land use separately.

At a subsequent meeting on September 29, 2016, the Panel agreed that city staff should separate the recommendations that require changes to Title 9 (implicate land use, zoning, density, and size regulations) from those that are more immediately actionable and which are being brought forward in the proposed ordinance **Attachment A**. This agenda item provides a draft ordinance that amends portions of the recreational and medical marijuana code as directed by city council. The draft ordinance found in **Attachment A**, mirrors the Panel's recommendations presented at the study sessions but does not include any proposed changes that have an impact on land use issues. This issue is described in greater detail later in this memo.

At the direction of Boulder's City Council, a 12-member MAP was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation,

and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter that provided the MAP with direction to analyze both state regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the code – all while preserving and promoting Boulder's unique community values.

STAFF RECOMMENDATION

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

Second reading and consideration of a motion to adopt emergency Ordinance 8157 implementing the recommendations of the Marijuana Advisory Panel by amendments to Sections 4-20-64 and 4-20-67, B.R.C. 1981, regarding medical and recreational marijuana fees, and Chapter 6-14 regarding medical marijuana and 6-16 regarding recreation marijuana, B.R.C. 1981, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Support for the burgeoning marijuana industry by creating clarity in the regulations, more economic opportunities, and a more level playing field with marijuana businesses outside of the city of Boulder.
- Environmental – None anticipated.
- Social – The proposed changes to the regulation support preserving and promoting Boulder's unique community values.

OTHER IMPACTS

- Fiscal - Budgetary impacts to the city organization would not be affected.
- Staff time – In general, staff will be able to implement the recommendations in existing work plans.

BOARD AND COMMISSION FEEDBACK

None required.

BACKGROUND

Boulder first adopted regulations on marijuana businesses in 2010 for the medical marijuana businesses that had been established by the medical marijuana amendment to the Colorado Constitution in 2000. When Colorado voters approved recreational marijuana in 2012, the city adopted code provisions for recreational marijuana that mirror those of the medical marijuana code.

Since the first licensed recreational businesses opened in early 2014, voters approved an additional sales tax and an excise tax on recreational marijuana on the November 5, 2013, ballot. Since then, the additional recreational marijuana tax and the city's sales and use tax, on both recreation and medical marijuana businesses in Boulder, have generated nearly

$8.1 million in tax revenue. A percentage of these monies have been directed towards marijuana educational programs through the City's Department of Human Services. The remainder of the monies have gone to the City's general fund, as well as help pay for parks and recreation, open space, education, youth prevention, and transportation. However, this work has carried an opportunity cost as well: Boulder's City Council and City staff have worked on a number of labor-intensive revisions to Boulder's medical and recreational marijuana business codes in collaboration with industry. In addition businesses have regularly requested amendments to the marijuana codes resulting in council addressing this issue numerous times.

At the direction of Boulder's City Council, a 12-member MAP was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation, and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter (*see* **Attachment B**) that provided MAP with direction to analyze both state regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the code—all while preserving and promoting Boulder's unique community values. The make-up of the Panel included three marijuana businesses and representatives from county health, education, the Chamber, and other members of the city with different perspectives on the marijuana issues. A member of the Marijuana Enforcement Division of the Colorado Department of Revenue ("MED") also served as an ex-officio member. (*See* **Attachment C** for the composition of MAP.)

The MAP undertook the task to better assess the impact of Boulder's code on public health, safety, and the competitiveness of the Boulder-based marijuana industry. In the course of its work, the Panel also reviewed differences between city and state regulations, and the interconnectedness between business operations, enforcement, and youth education.

MAP actively included the perspectives of a cross-section of community representatives and leaders, such as the Boulder Chamber, Boulder County Public Health, Boulder Valley School District, the State of Colorado's Marijuana Enforcement Division, the University of Colorado, as well as patient advocates, legal experts, independent small business owners and community members.

MAP Meeting Process

At each of MAP's 11 public meetings, public participation helped inform and improve the panelists' understanding of the complexities surrounding the city of Boulder's local ordinance and congruence with state regulations, impacts upon the community and local businesses within the marijuana industry. All meetings were publicly noticed, all meeting agendas, materials, and minutes were posted to the city's website, were open to the public, and included a time for public comment. Additionally, MAP developed several subcommittees representing the diverse interests on the Panel; these subcommittees worked between meetings to increase their shared understanding of issues and bring proposals to the rest of the Panel for consideration.

Consensus Through Rigorous Discussion

MAP held substantive discussions on dozens of topics, which were addressed through a balance of perspectives that considered the community's goals to protect community health and the safety of Boulder's youth, to support economic vitality, and to seek clarity and regulatory consistency between local ordinances and state regulations. Each discussion on current regulations began with a presentation from Staff—and generally included participation from the Boulder Police and Fire Departments, MED, and others—on the intent and scope of existing language in the ordinance. These discussions led to consensus-based decisions and recommendations, and incorporated the professional expertise and personal views from stakeholders and public commenters.

Through the discussions, the Panel understood the interrelationship between the state and city marijuana codes, recognized the co-existence was intended as the state and the city regulate different parts of the industry, and eliminated areas of potential conflict between the state and city laws resulting from new MED rules that went into effect on October 1, 2016.

One of the most difficult issues was related to advertising and merchandising. This is the area that was one of the most important, if not the most important, to education and community health to minimize advertisement and branding that impact minors. On the other hand, marijuana is a business, and the owners want to take advantage of branding and marketing their products. For the businesses, because there are few if any tax deductions for business expenses related to marijuana, the more non-marijuana merchandise that centers can sell, the higher the percentage of expenses that can benefit from business tax deductions.

Study Session on August 23, 2016

MAP provided council with their recommendations at the August 23rd study session. At the conclusion of the study session, council directed the MAP and staff to do the following:

- Organize a follow up meeting with the Panel to review and discuss draft code language based on the Panel's recommendations;
- Schedule a time for an ordinance to be considered by council;
- Discuss and evaluate next steps related to recommendations that implicate changes to Title 9 Land Use/Zoning and Density Restrictions; and
- Schedule next and last MAP meeting.

MAP Follow up meeting on September 29, 2016

Staff provided MAP with the draft amendments to the marijuana codes that would be necessary to implement MAP's recommendations. MAP and staff met on September 29th to follow up on the study session items as directed by council, and review all of the potential code changes. The MAP and staff collaborated on the draft code language to ensure that it mirrors the Panel's recommendations. The attached ordinance only includes the sections of the codes proposed to be changed. The full medical and recreational marijuana codes, with the changes recommended in redline, is included in this packet as **Attachment D**, and the highlighted portions show amendments requested by the businesses in the enclaves

recently annexed, to which MAP did not object. A full summary of the MAP September 29th meeting can be found here:
https://documents.bouldercolorado.gov/WebLink8/0/doc/137721/Electronic.aspx

Some of the Panel's recommendations involve land use issues that must go through a Title 9 process before being implemented, such as anything associated with zoning, density, and size regulations. Susan Richstone, Deputy Director of the Planning Department, explained that any actions related to planning and land use must be placed into the Planning Department's work plan by City Council, at their annual retreat. City Council sets the priorities for this department in January, and anything that is to be added must have their approval. Approximately 80 percent of the Planning Department's workload is simply responding to applications, and that only leaves 20 percent capacity to complete Council-prioritized projects, such as the Boulder Valley Comprehensive Plan Update, housing assessments, and Boulder Community Hospital redevelopment. None of the recommendations coming from the Panel are small or insignificant, so their implementation will require staff analysis, extensive stakeholder engagement, and significant policy decision. The Planning Board would then have to review the recommended changes and decide whether to recommend them to City Council for implementation.

The Panel agreed that City staff should separate the recommendations that require changes to Title 9 (implicate land use, zoning, density, and size regulations) from those that are more immediately actionable and are included in **Attachment A**. The recommendations that are included in the draft ordinance are found in the chart identified as **Attachment E**. The recommendations that have to be considered for the Planning Department work plan are in **Attachment F**.

Key Recommendations

By consensus, MAP prepared more than three dozen recommendations for Council's consideration according to the following areas: Advertising, Business Operations, ID Scanner Requirements, Licenses, Merchandise, Sales, and Zoning. These are summarized below. A full list of the Panel's recommendations not related to land use are found in **Attachment E.**

1. Advertising: MAP recommends specific updates and clarifications to the code in the areas of discounts and coupons, informational/educational materials, sponsorships and events, and terminology.
2. Business Operations: MAP recommends expansion to the hours of operation and changes to background checks and waiting periods, as well as terminology.
3. Licensing: MAP recommends updates and amendments to the City Code on license transfers, penalty schedules, and transfer of products and plants between licensed facilities.
4. Merchandise: MAP recommends aligning with the state on regulations related to branded and unbranded merchandise.

5. Zoning: MAP recommends upholding density restrictions for dispensaries. The Panel also recommends making adjustments to caps on licenses for marijuana businesses, permanent modifications, square footage limits, and virtual separation.

ANALYSIS

The Marijuana Enforcement Staff is supportive of the MAP recommendations. There are a few, however, that present particular issues for your consideration. Generally, those issues are identified in the "Staff Considerations" column of the Recommendations Chart attached as **Attachment E**.

Staff recommends adoption of the proposed Ordinance 8157. It is important to note that many Panel members made some concessions in order to reach consensus. With that in mind, adoption of the MAP recommendations as a total package is the preferred approach.

Merchandising

As mentioned above, merchandising was one of the most difficult issues for the Panel, because the interests are so different between the industry and those concerned about the effect of marijuana on youth. For the businesses, being able to sell additional merchandise allows them to deduct expenses that are not deductible when related to marijuana. Marketing and branding are also recognized ways to expand a business.

For those concerned about the effect of marijuana on youth, there is a desire to not repeat the mistakes related to smoking, as in the example of nicotine smoking and Joe Camel. Having a sticker or a t-shirt or other item for a certain brand, can become important to youth, which according to Boulder County Public Health, statistically increases use among youth. This issue comes up in at least two recommendations of MAP:

1. Amount of Non-Marijuana Merchandise that Can Be Sold: Currently marijuana centers can only sell marijuana, marijuana products or their own branded merchandise. The state prohibits the sale of any consumable non-marijuana product. MAP has recommended that there be no limit on the non-marijuana, non-consumable merchandise that can be sold in a center. As was discussed at the study session, that scenario could result in a store that sells marijuana in a small percentage of the space and non-marijuana, non-consumable products in the majority of the store. Because of the marijuana, the store could only be open to those over the age of 21. The balance struck in the liquor code is that no more than 20 percent of the revenue of the business can come from the sale of merchandise that is not alcohol. While the argument that marijuana should be regulated like alcohol is used as a sword or a shield, depending on the speaker's viewpoint, it does provide some guidance to keep recreational marijuana centers primarily marijuana. If council chose to make this condition applicable, it would add a new subsection (2) to 6-16-7(g) as follows:

> …or (2) the business receives no more than 20% of its revenue from sale of items other than marijuana and marijuana-infused products and marijuana accessories.

2. Particular Items That May Be Sold: The other merchandising issue has to do with selling items that may have a minimal monetary cost, but have a big impact on youth, like stickers. The MAP agreed marijuana businesses could not give away free promotional items or anything for free, but didn't want to have a specific dollar amount requirement other than they couldn't sell anything below cost. For stickers and promotional items that is a distinction without a difference. If Council chooses to address this issue, it could give staff direction for amendments to be made to the definition of "promotional items."

Modifications Since First Reading

City staff have been working closely with the Panel in drafting the code changes and ensuring that they align with the Panel's recommendations by memorializing meeting notes and communicating in person and by email. Since first reading, there were three issues that arose. All have since been resolved.

The first issue dealt with dealt with the definition of "appealing to minors" and was resolved to remain the same as in the first reading ordinance. The second issue was a staff error regarding grandfathering provisions, and the third was related to company materials distributed at an adult event.

Both the second and third issue are described in more detail below:

A. The intent was to allow licenses were to be transferable, even if in a grandfathered location and, if the grandfathering was because the business was too close to a school or more than 3 marijuana businesses within 500 feet of each other. Previously any marijuana business location that was grandfathered for those reasons, or because they were in a residential area could not be transferred or sold. In order to accomplish this intent, and only prohibit transfer of licenses for marijuana business located in residential areas, Section 3 of the ordinance eliminates "or (f)" from 6-14-3(e)(3) and Section 14 of the ordinance eliminates "or (e)" from 6-16-3(e)(3).

B. Members of MAP believe that the Panel's intent was to allow company materials as well as education materials at adult events, therefore, "company or" was added in Section 7 of the ordinance amending 6-14-8(p)(2)(F) and Section 19 of the ordinance amending 6-16-8(p)(1)(F).

CITY MANAGER RULES

The Panel also asked for guidance on how code items would be interpreted. Staff suggested that creating City Manager Rules is the way to deal with such issues. If council approves the ordinance, staff can prepare rules consistent with council's decision and previously approved MAP recommendations. MAP will have an opportunity to provide comments on draft rules prior to initiating the rule adoption procedure. The rules are intended to provide

examples and clarification of code provisions that give guidance to businesses without undermining the ability to enforce the code. These issues are particularly related to giving examples of the different types of modification of premises, and by example describing what type of advertising is allowed by the code and what advertising is not allowed. Specific areas that MAP has asked staff to cover in the rules include:

1) Penalty Schedule Guidelines;

2) Modification table as to examples of Minor and Major Modifications; and

3) Definitions/examples of:

- promotional/educational/company-related material
- tourists;
- educational purposes for being in restricted areas;
- what can/not be incidental to sponsorship;
- pre-orders for immature plants; and
- minimal costs.

TWO DIFFERENT TYPES OF LICENSE TRANSFERS - CLARITY REGARDING TRANSFER OF LICENSES

Related to the first reading of the ordinance, there has been some confusion related to transfers of marijuana business licenses. Alleviating the confusion requires recognition that <u>there are two different types of transfers of license</u>:

(1) transfer ownership at the same location, and

(2) transfer ownership of a business to a different location.

Staff supports the first type of code change and is included in this ordinance in Section 3 amending Section 6-14-3(e) and Section 14 amending Section 6-16-3(e). This change ALLOWS <u>the name of the business on the license to change, as well as change in the individuals owning and managing that business</u>. The existing land use approval remains the same and is grandfathered to the next business owner, so long as there is compliance with the land use rules related to grandfathering. Under existing code provisions, the only exception is the one business that is located in a residential area.

The second type of transfer – <u>transfer of a license to a different location - IS NOT being brought forward in this ordinance</u>, because a new location raises many land use review issues such as, zoning restrictions, size/density/distance restrictions, and neighborhood effects. This type of change will be brought forward with all of the other MAP recommended changes that implicate land use code changes at a future date.

Staff's position on the second type of transfer has been that a new license is usually required for a new location rather than transferring an existing license with no land use review. This logic parallels how liquor license transfers are handled in the liquor code. If the transfer is

for a new owner as well as a new location, it would also have all the qualification and background check issues that are usually required of a new license application. Further the plans that control the license are for specific locations in a specific building footprint. A new license accommodates the land use review necessary for the change of location, as well as the building specific issues.

PASS ORDINANCE BY EMERGENCY

Provisions have been added to the ordinance in **Attachment A** so that the ordinance will be effective immediately. The Panel and marijuana businesses have worked on recommendations since the beginning of this year, they have been waiting a long time for these changes and there is no reason to delay them further. Furthermore, Council has had an enormous amount of work in the last quarter of the year and, as a result, was not able to address this ordinance any earlier in the year. Lastly, for staff, it will be more efficient to complete the necessary form changes and adopt the rules for implementation during the "down" time at the end of the year rather than adding it to the efforts that are planned for the next year. Staff recommends adoption of proposed Ordinance 8157 by emergency in the form of **Attachment A**.

ATTACHMENTS

Attachment A: Proposed Emergency Ordinance 8157
Attachment B: Charter for Marijuana Advisory Panel
Attachment C: List of MAP members and areas of interest
Attachment D: Full marijuana codes with changes redlined
Attachment E: Chart of MAP Recommendations
Attachment F: Chart of MAP Recommendations with Land Use Changes

ORDINANCE 8157

AN EMERGENCY ORDINANCE IMPLEMENTING THE RECOMMENDATIONS OF THE MARIJUANA ADVISORY PANEL BY AMENDING SECTIONS 4-20-64 AND 4-20-67, B.R.C. 1981, REGARDING MEDICAL AND RECREATIONAL MARIJUANA FEES, AND CHAPTER 6-14 "MEDICAL MARIJUANA CODE," B.R.C. 1981 AND, CHAPTER 6-16 "RECREATIONAL MARIJUANA CODE," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Chapters 6-14 "Medical Marijuana" and 6-16 "Recreational Marijuana" are amended by changing the words "business manager" to "keyholder" in every place referenced in those chapters.

Section 2. Section 6-14-2, B.R.C. 1981, is amended by adding new definitions, deleting the definitions struck, and revising existing definitions, as follows:

6-14-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility -cannot be controlled may be considered an Adult Event.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~*Business manager* means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner~~

~~from the business premises. *Business manager* shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21 or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Cultivation facility or *optional premises* means a licensed medical marijuana business that ~~is owned by the same owner as a medical marijuana center and~~ produces and harvests medical marijuana plants for a medical use for distribution by ~~such~~ a licensed medical marijuana business~~center~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or *flyer* means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. *Handbill, leaflet* or *flyer* does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considered an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs, or similar items. Incidental to sponsorship of charitable events does not include the

placement of a booths or distribution of materials that does not list or is for the use of all sponsors of the event.

Job fair or *educational seminar* means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Medical marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. *Medical marijuana plant* shall include immature plants except where specifically excepted in this code. For purposes of this chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

Minor means a person under twenty-one years of age.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common area of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials.

Section 3. Section 6-14-3, B.R.C. 1981, is amended to read:

6-14-3. - License Required.

….

(d) Separate License Required for Each Location. A separate license shall be required for each premises from which a medical marijuana business is operated. Except as specifically provided in this chapter, ~~N~~no two or more different medical marijuana businesses may be

treated as one premise~~s~~. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marijuana business and any adjacent business.

(e) License Nontransferable; Exceptions. A medical marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee. A medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed medical marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background check~~previously been approved~~ by the city; ~~as part of another licensed medical marijuana business;~~

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; ~~applies for and receives a new medical marijuana business license for the new location;~~ and

(3) The license transfer location is permitted without the exceptions of Subsection 6-14-7(c) ~~or (f)~~ of this chapter.

Section 4. Subsections (6)(C) and (15) of Section 6-14-5, B.R.C. 1981, are amended to read:

6-14-5. - Application; Modification of Premises.

….

(6) An operating plan for the proposed medical marijuana business, including the following information:

….

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

….

(15) Modifications to Approved Medical Marijuana Business License. Prior to making a~~n~~ modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a completed application for modification of premises in the form provided by the city. ~~No applications for new medical marijuana businesses shall be accepted between November 1, 2013, and May 31, 2014~~.

….

….

Section 5. Subsection 6-14-6(a)(14), B.R.C. 1981, is amended to read:

6-14-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no license provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

….

(14) Any person applying for a license to operate a medical marijuana center who has been licensed to operate three other marijuana centers ~~businesses~~ in the city pursuant to either this chapter or Chapter 6-16~~another medical marijuana center in the city pursuant to this chapter.~~ . For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

….

….

Section 6. Section 6-14-7(f), B.R.C. 1981, is amended to delete subsection (2) requiring cultivation facilities to be more than five hundred feet away from schools, day cares, and addiction recovery centers to read:

Section 7. Sections 6-14-8(b), (e), (f), (m)(5) and (6), (p)(2), (4) and (5), B.R.C. 1981 are amended, and new subsections (v) and (w) are added, to read:

6-14-8. - Requirements Related to Operation of Medical Marijuana Businesses.

….

(b) Restriction on Access to Restricted Area.

(1) No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area. No patient shall be allowed entry into the restricted area without showing a valid picture ID and evidence that the person is a patient.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational business purposes. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

….

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No medical marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupational Key Badge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application ~~up~~ until final city determination is made on such application.

(f) Hours of Operation. A medical marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

….

(m) Delivery Between Medical Marijuana Businesses. It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

….

(4) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only between medical marijuana businesses~~:~~

~~(A) From a medical marijuana cultivation facility to a medical marijuana center; and~~

~~(B) Which medical marijuana business is owned by the same person as owns the cultivation facility; or~~

~~(C) Between one medical marijuana center to another medical marijuana center, or from a medical marijuana cultivation facility to another medical marijuana cultivation facility, with proper bill of sale completed before transport.~~

….

(5) The medical marijuana must be accompanied by the manifest ~~and confirmation email from the state~~ in accordance with state requirements for transport of marijuana.

….

(p) Advertisement. A medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors.

Advertisement that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

….

(2) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a medical marijuana center which exists solely for the purpose of identifying the location of the medical marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of a marijuana business~~the licensed medical marijuana center~~, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana~~ center or a medical marijuana-infused products manufacturer~~ business.

(E) A booth at a job fair or educational seminar where the only items distributed are company or educational materials, and no other items are distributed, shown or sold.

(F) A booth at an adult event where the only items distributed are company or educational materials, and no other items are distributed, shown or sold.

….

(4) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsections (2)(E) and (F) of this section (p).

(5) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections (2)(E) and (F) of this section (p).

(6) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

….

(v) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that -person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department.

(w) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, and (b) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

….

Section 8. Section 6-14-9(b), B.R.C. 1981, regarding separate bank accounts is deleted.

Section 9. Section 6-14-10(a), B.R.C. 1981, is amended to change "thirty" to "forty" for the amount of time to maintain recordings from security cameras to be consistent with state requirements.

Section 10. Section 6-14-11, B.R.C. 1981, is amended to read:

6-14-11. - Requirements for Public Health and Labeling.

(a) Medical Marijuana-Infused Products. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, *et seq*., C.R.S., the Food Protection Act. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All medical marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law..~~be in print large enough to be readable and shall include:~~

~~(1) Potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.~~

~~(2) All additives used to extract THC, including, without limitation, pesticides, herbicides, and fertilizers that were used in the cultivation of the medical marijuana used in the product.~~

~~(3) The following warning:~~

~~THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.~~

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Section 11. Section 6-14-13(26) is amended, and new subsections (36), (37), (38), (39, and (40) are added to read:

6-14-13. - Prohibited Acts.

….

(26) Distribute a medical marijuana plant to any person, except as permitted in this chapter for immature plants.

….

(36) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(37) Fail~~ure~~ to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(38) Fail to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(39) Fail to post the premises during a suspension.

(40) Distribute any consumable product, not including bottled water that is not a marijuana-infused product.

….

….

Section 12. Section 6-14-14, B.R.C. 1981, is amended to add a new subsection (e) to read:

6-14-14. - Suspension or Revocation of License; Imposition of Fines.

….

(e) In the event of the suspension of a marijuana business license, during the period of suspension, the business:

(1) Shall post two notices provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

….

Section 13. Section 6-16-2, B.R.C. 1981, is amended by adding new definitions, deleting the definitions struck, and revising existing definitions, as follows:

6-16-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an *Adult Event*, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility cannot be controlled may be considered an Adult Event.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21, or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. *Coupon* does not include showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without

providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Co-located marijuana business means a medical marijuana wellness center or cultivation facility that held a license from the city on October 22, 2013, that is permitted by the owner of the building and all applicable laws, to divide the licensed ~~medical~~ marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

Cultivation facility means a licensed recreational marijuana business that produces and harvests marijuana plants for distribution by a licensed ~~recreational~~ marijuana business~~center or a licensed recreational marijuana-infused product manufacturer~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or *flyer* means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be ~~considred~~considered an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs or similar items. Incidental to sponsorship of a charitable event~~,~~ does not include the placement of a booth~~s~~ or distribution of materials at the event by the marijuana business.

Job fair or *educational seminar* means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. *Keyholder* shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

....

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public~~.~~, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

….

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or "swag" includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials.

Recreational marijuana center means a licensed recreational marijuana business that distributes marijuana to any person or other licensed ~~to~~ recreational marijuana business. ~~infused product manufacturers or to another recreational marijuana center~~.

….

Recreational marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves, so long as the flowers, roots, stalks, and leaves are all connected and in a growing medium. Recreational marijuana plant shall include immature plants except where specifically excepted in this code. For purposes of this chapter, any part of the plant removed is considered harvested and no longer part of a recreational marijuana plant, but marijuana.

Virtually separated marijuana business means a co-located marijuana business that is not separated into two different premises.

….

Section 14. Section 6-16-3(d), (e), and (i) are amended to read:

6-16-3. - License Required.

….

(d) Separate License Required for Each Location. A separate license shall be required for each premise from which a recreational marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different businesses, including recreational marijuana businesses, may be treated as one premise. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a recreational marijuana business and any adjacent business.

….

(e) License Nontransferable. A recreational marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business (including another marijuana business), or to a different owner or licensee. A recreational marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed recreational marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background by the city;

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; and

(3) The license transfer location is permitted without the exception of Subsection 6-16-7(c) of this chapter.

….

(i) Virtual Separation of Co-located Marijuana Business. A co-located business may be virtually rather than physically separated if the businesses provide evidence that they have maintained their respective books and records in compliance with section 9 of this chapter for the twelve months preceding the application for virtual co-location. For businesses that have been open for less than twelve months and those who have not complied with Section 9 in the past, the business shall provide evidence satisfactory to the city manager of the manner in which it will comply with Section 9. ~~One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:~~

~~(1) All of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers; and~~

~~(2) The marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and~~

~~(3) Neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.~~

~~(j) Until such time as the State of Colorado provides the city with access to criminal history information for the purpose of issuing marijuana business licenses, no conversion under Subsection (f) or co-location under Subsection (g) of this section shall be approved if there is any change in the identity of the individuals required to be listed on the application as reported to the city by October 22, 2013, pursuant to this chapter.~~

….

Section 15. Section 6-16-4(h), B.R.C. 1981, is amended to read:

6-16-4. - General Provisions.

….

(h) Requirements for ~~Time Periods for Accepting~~ Applications for Conversion to a Recreational Marijuana Business or Co-Location of Marijuana Businesses.

(1) ~~No applications for conversion of a medical marijuana business to a recreational marijuana business pursuant to Subsection 6-13-3(f) of this chapter shall be accepted before January 2, 2014.~~ As a condition of the city accepting an application for conversion of a medical marijuana business to a recreational marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(2) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(g) of this chapter of a medical marijuana business shall be accepted before January 21, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(3) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(h) of this chapter of a medical marijuana business within a footprint that is larger than the existing medical marijuana business shall be accepted before February 3, 2014. As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

~~(4) No applications for a new recreational marijuana business (that is not a conversion from a medical marijuana business pursuant to Subsection 6-16-3(f) of this chapter or a co-~~

~~located marijuana business pursuant to Subsection 6-16-3(g) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(h) of this chapter shall be accepted before June 1, 2014.~~

….

Section 16. Section 6-16-5(6)(C) and (D) and (16), B.R.C. 1981, are amended to read:

6-16-5. - Application; Modification of Premises.

….

(6) An operating plan for the proposed recreational marijuana business, including the following information:

….

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities and marijuana-infused product manufacturers and marijuana testing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

….

(16) ~~For applications for a marijuana-infused product manufacturer, the location of the cultivation facilities which will supply the marijuana for processing in the city owned by the licensee.~~ Modifications to Approved Recreational Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a complete application for modification of premises in the form provided by the city.

….

….

Section 17. Section 6-16-6(a)(15), B.R.C. 1981, is added to read:

6-16-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a recreational marijuana business, and no license provided by this chapter shall be issued to or held by, and no recreational marijuana business shall be managed by:

….

(15) Any person applying for a license to operate a marijuana center who has been licensed to operate three other marijuana centers in the city pursuant to either this chapter or chapter 6-14. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

….

….

Section 18. Section 6-16-7(e), (g), and (h), B.R.C. 1981, are amended to read:

6-16-7. - Locations of Recreational Marijuana Businesses.

….

(e) Separation From Schools and Other Facilities.

(1) No recreational marijuana center ~~business~~ license shall be issued for a recreational marijuana center at a location within one thousand feet of any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or named facility.

~~(2) No license for a recreational marijuana cultivation facility, a marijuana-infused product manufacturer, or a marijuana testing facility shall be issued for a location within five hundred feet of the real property comprising an elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state licensed day care, or an addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license by the city on October 22, 2013.~~

….

(g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

(1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;

~~(2) The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by Section 6-16-8(p)(1)(~~ and

(2)~~(3)~~ There is a separate reception area for verification of age.

(h) Limitations on Recreational Marijuana-Infused Product Manufacturers and Marijuana Testing Facilities. The area of the premises may not be more than fifteen thousand square feet.

….

….

Section 19. Section 6-16-8(b), (e), (f), (j), (l), (m), (p), (v), and (w), B.R.C. 1981, are amended, and new subsections (x), (y) and (z) are added, to read:

6-16-8. - Requirements Related to Operation of Recreational Marijuana Businesses.

….

(b) Restriction on Access to Business.

(1) No person under twenty-one years of age shall be in the business premises. No person shall be allowed entry into the business premises area without showing a valid picture identification. Recreational marijuana centers ~~The business~~ shall have an electronic scanner able to verify the legitimacy of the identification and maintain records for enforcement, as approved by the city manager. If a person does not have a valid picture identification ~~that the electronic scanner recognizes as legitimate as verification~~ that the person is at least twenty-one years of age, the owner or ~~business manager~~keyholder on the premises shall require that the person leave the business and any surrounding area possessed or controlled by the business. In the event the person has a valid government-issued proof of age that cannot be scanned, such as a passport or military ID, the business shall be allowed access so long as the ID reasonably appears to be accurate and valid.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes-. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

….

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No recreational marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupation Key B~~b~~adge issued by the state Marijuana

Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application up until final city determination is made on such application.

(f) Hours of Operation. A recreational marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

….

(j) Limitations on Inventory. The recreational marijuana business shall not maintain any more marijuana within the premises than the amount stated on the business' license application to the State of Colorado and city. No plants shall be located in a recreational marijuana center or a marijuana-infused product manufacturer or a marijuana testing facility. In addition, the establishment shall not maintain any more marijuana within the restricted area than:

(1) Cultivation facility: one thousand plants, provided, however, a cultivation facility may have more than one thousand plants, not including immature plants, if the licensee provides an additional enforcement fee in an amount of $1 per plant over one thousand plants. Such fee shall be payable annually at the time of licensing and renewal; or

(2) MIP: six hundred pounds of marijuana that has not been incorporated into a product and one hundred fifty pounds of marijuana-infused product~~s~~; or

(3) Testing facility: one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused product.

….

(l) No Sales Except Directly to User; No Deliveries. Except for sales to another licensed marijuana business, a~~A~~ll sales of recreational marijuana shall be made in person in the restricted area of a recreational marijuana center. All marijuana sales shall be in person, directly to the purchaser. No marijuana sales shall be made via telephone, internet, or other means of remote purchase. Deliveries of marijuana shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana center.

(m) Delivery Between Recreational Marijuana Businesses. It shall be unlawful for any person to transport recreational marijuana, except as specifically allowed by applicable law, unless the recreational marijuana being transported meets the following requirements:

(1) All marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section;

(2) All recreational marijuana in a usable form is packaged and stored in closed containers that are labeled as provided in this section;

(3) Each container used to transport recreational marijuana is labeled with the amount of recreational marijuana or marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the recreational marijuana business that the recreational marijuana is being transported from, and the name and address of the recreational marijuana business that the recreational marijuana

is being transported to. The label shall be shown to any law enforcement officer who requests to see the label;

(4) Unless otherwise specifically allowed by applicable law, recreational marijuana may be transported with proper bill of sale completed before transport only to another recreational marijuana business~~:~~

~~(A) From a cultivation facility to a recreational marijuana center or marijuana-infused product manufacturer, and which recreational marijuana business is owned by the same person who owns the cultivation facility;~~

~~(B) From a cultivation facility to another recreational marijuana cultivation facility;~~

~~(C) Between one recreational marijuana center to another center; or~~

~~(D) Between a marijuana-infused product manufacturer and a medical or recreational marijuana center~~.

(5) The recreational marijuana must be accompanied by the manifest ~~and confirmation email from the State of Colorado~~ in accordance with state requirements for transportation of recreational marijuana;

(6) The recreational marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route for delivery, licensees should select the most direct route that provides efficiency and safety; and

(8) Transport may occur only during the hours allowed for operation of the center.

….

(p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. The following conditions shall apply:

(1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of ~~the licensed recreational marijuana center~~marijuana business, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a recreational marijuana ~~center or a recreational marijuana-infused products manufacturer or a marijuana testing facility.~~ business.

(E) A booth at a job fair or educational seminar ~~that is an adult event~~ where the only items distributed are company-~~related~~ or educational materials~~-~~, and no other items are distributed shown or sold.

(F) A booth at an adult event where the only items distributed are company or educational ~~or~~ materials ~~information regarding marijuana consumption that do not contain any advertising, or any name or logo of the particular business, and~~ no other items are distributed, shown or sold.

(2) It is an affirmative defense if a recreational marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number;

(3) No marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsection (1)(E) and (F) of this section (p);

(4) No marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product either free or at a discount except as permitted in subsection (1)(B) of this section (p); and

(5) No recreational marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

….

(v) Scanner for Proof of Age. The recreational marijuana center~~business~~ shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes that contains all of the components approved by the city manager. For legitimate identifications that cannot be scanned, including passports, military IDs and other lawful government issued identification, use of the electronic ID scanner is not required, but the business shall be responsible for verifying that the identification provided is reliable verification of the age of the person.

….

(x) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that –person is under twenty-one~~0ine~~ years of age and is

exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department

(y) Virtually-separated centers or cultivation facilities. A virtually-separated marijuana business shall maintain separate marijuana business licenses, with separate books, records and inventories of all transactions. For purposes of sales, use and excise tax, all transactions shall be considered recreational marijuana unless the business can prove that the transaction was for medical marijuana. A virtually-separated marijuana business may not allow entrance to anyone under 21 years of age on the premises of the business. The floor plan for a virtually separated center shall depict the separate sales counters, display and storage areas for recreational and medical marijuana. A violation of any of the requirements of this code for a virtually separated business is a public safety violation.

(z) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, and, (b) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

….

Section 20. Section 6-16-9, B.R.C. 1981, is amended to deleted subsection (b) regarding separate bank accounts.

Section 21. Section 6-16-10 and Subsection (b), B.R.C. 1981, are amended to read:

6-16-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. Except for a co-located marijuana business that is virtually separated, a~~A~~ separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

….

(b) Use of Safe for Storage. The recreational marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products or marijuana being tested in a testing facility that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe, so long as the container is affixed to the building structure.

….

….

Section 22. Section 6-16-11(b), B.R.C. 1981, is amended to read:

6-16-11. - Requirements for Public Health and Labeling.

. . .

(b) Labeling and Packaging Requirements. All recreational marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that ~~advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully possessing recreational marijuana. The label shall be~~ is in compliance with all applicable requirements of the State of Colorado and any other applicable law.

….

….

Section 23. Section 6-16-13(24), (37), and (38) are amended and subsections (39), (40), (41), (42), and (43) are added to read:

6-16-13. - Prohibited Acts.

….

(24) Distribute a marijuana plant to any person, except as provided in this chapter for immature plants.

….

(37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service, unless such transporter has a license from the state to transport marijuana.

(38) Possess extraction vessels, and butane, propane, compressed CO_2, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer or a marijuana testing facility.

(39) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(40) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(41) Failure to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(42) Failure to post the premises during a suspension.

(43) Distribute any consumable product, other than bottled water, that is not a marijuana-infused product.

….

….

Section 24. Section 6-16-14, B.R.C. 1981, is amended add a new subsection (e) to read:

6-16-14. - Suspension or Revocation of License; Imposition of Fines.

….

(e) In the event of the suspension of a marijuana business license, the marijuana business, during the suspension period:

(1) Shall post two notices as provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

….

Section 25. Section 4-20-64, B.R.C. 1981, is amended to read:

4-20-64. - Medical Marijuana Businesses.

….

(h) Modification of Premises – as classified in Table 1:…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500

If a proposed modification does not fit precisely into one of the categories on the table, of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

….

….

Section 26. Section 4-20-67, B.R.C. 1981, is amended to read:

4-20-67. - Recreational Marijuana Businesses.

Application and license fees for recreational marijuana businesses shall be up to the following amounts:

….

(9) Modification of Premises…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500

If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

Section 27. The city council finds this ordinance is necessary for the immediate preservation of public peace, health, safety, and property justifying the adoption of this ordinance as an emergency measure.

Section 28. An emergency exists in that marijuana businesses and the Marijuana Advisory Panel have been working and planning on these changes for a long period of time, the Panel's process and the city's adoption process have been unavoidably delayed and putting these provisions in effect as soon as possible will allow the businesses to finalize planning and budgeting for 2017 and the city to implement changes to forms and procedures without further delay into 2017.

Section 29. 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 15th day of November, 2016.

_____
Suzanne Jones, Mayor

Attest:

_____
Lynnette Beck, City Clerk

READ ON SECOND READING, PASSED ON EMERGENCY MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of December, 2016.

_____
Suzanne Jones, Mayor

Attest:

_____
Lynnette Beck, City Clerk

CREATION OF A CHARTER FOR A MARIJUANA ADVISORY PANEL FOR ANALYSIS OF, SOLICITATION OF PUBLIC INPUT ON AND DISCUSSION OF POSSIBLE CHANGES TO CITY OF BOULDER MARIJUANA CODE PROVISIONS

This is a Charter for a committee for analysis of, solicitation of public input on and discussion of possible changes to the City of Boulder code provisions.

1. The committee shall be appointed by the City manager with the advice and consent of the city council to provide a balanced representation of the variety of interests related to medical and recreational marijuana.

2. The committee shall include, but not be limited to, the following members:

a. Representatives of marijuana consumers, including both recreational and medical users.

b. A representative of the Boulder Valley School District.

c. A representative of the University of Colorado.

d. Representatives to provide physical and mental health perspectives, including youth development theory and best practices in harm reduction/health promotion.

e. A representative of the Chamber of Commerce.

f. Representatives of marijuana businesses, sufficient to represent the interests of businesses engaged in businesses associated with medical marijuana, recreational marijuana, cultivation, retail sales and infused products manufacturing.

g. An attorney experienced in representing marijuana businesses.

h. A person familiar with state regulations, preferably a person from the state marijuana enforcement division, who, if unable to attend all meetings, may be an ex-officio member and not counted toward the limit on the number of members.

3. One person may represent multiple interests described above. The committee shall have no more than 11 members.

4. All meetings of the committee shall be held only after public notice of the date, time and place.

5. All meetings shall be open to the public. The committee shall allow time for public comment at each meeting.

6. The city manager and the city attorney are directed to provide staff support to facilitate the committee's work.

7. The city shall provide a professional facilitator to assist with the committee's work at the outset. The committee shall decide whether a facilitator is necessary at future meetings.

8. The committee shall provide regular updates to the city council about the committee's work. The committee is encouraged to prioritize time-sensitive issues and provide council with any appropriate recommendations on such matters during the first quarter of 2016.

9. The committee shall review both state regulations and city code to determine what specific city code provisions would be appropriate.

10. Council intends that the committee will complete its work by the end of June 2016.

APPROVED this 5 day of January, 2016.

Suzanne Jones
Mayor

ATTEST:

City Clerk

MARIJUANA ADVISORY PANEL MEMBERS LIST

Facilitator: Heather Bergman

Name
Jan Cole, President Kate Thomson Skinny Pineapple Inc.
Leisha Conners-Bauer, Director Community Health Wardenburg Health Services University of Colorado at Boulder
Heath Harmon, Director of Health Divisions Boulder County Public Health Administration
Robert T. Hoban, Managing Partner Hoban & Feola, LLC
Travis Howard Health Services, LLC d/b/a Green Dream Cannabis
Lewis Koski, Deputy Senior Director, Enforcement Colorado Department of Revenue
Alana Malone, Founder and President Green Dot Labs
Andrea Meneghel, Public Affairs Director Boulder Chamber of Commerce
William Rigler, Director of University Relations Naropa University
Teri Robnett, Founder/Executive Director Cannabis Patients Alliance
Jane Theodore, Private Citizen
Andrew Tucker, Director of Student Support Boulder Valley School District

Chapter 6-14 - MEDICAL MARIJUANA CODE

6-14-1. - Legislative Intent and Purpose.

(a) Legislative Intent. The city council intends to regulate the use, acquisition, cultivation, production, and distribution of medical marijuana in a manner that is consistent with Article XVIII, Section 14 of the Colorado Constitution (the "Medical Marijuana Amendment").

(1) The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient's primary caregiver. The regulations are intended to apply to all medical marijuana operations in the city whether by a patient or caregiver under the Medical Marijuana Amendment, or any medical marijuana business permitted under the state law. Medical marijuana cultivation and production can have an impact on health, safety, and community resources, and the Code is intended to permit medical marijuana cultivation where it will have a minimal impact.

(2) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by federal law.

(3) The regulations for medical marijuana uses are not adequate at the state level to address the impacts on the city of medical marijuana, making it appropriate for local regulation of the impacts of medical marijuana uses.

(4) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(5) This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have medical marijuana in the city.

(6) Medical marijuana is a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.

(b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of the city by prescribing the manner in which medical marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:

(1) Provide for a means of cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the Medical Marijuana Amendment.

(2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

(3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas.

(4) Impose fees to cover the cost to the city of licensing medical marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program.

(5) Adopt a mechanism for monitoring compliance with the provisions of this chapter.

(6) Create regulations that address the particular needs of the patients and residents of the city and coordinate with laws that may be enacted by the state regarding the issue.

(7) Facilitate the implementation of the Medical Marijuana Amendment without going beyond the authority granted by it.

(8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow medical marijuana.

(9) Issue medical marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials.

(10) Protect public safety and residential areas by limiting the areas of the city where more than six medical marijuana plants may be grown.

(11) Exclude from the definition of a medical marijuana business the private possession, production, and medical use of marijuana by an individual patient or the private possession, production, distribution, and medical use of marijuana by an individual caregiver for one patient, in the residence of the patient or caregiver, to the extent permitted by Article XVIII, Section 14 of the Colorado Constitution.

(c) Relationship to State Law. The provisions in this chapter that are different from the state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by § 12-43.3-305, C.R.S., and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply on all matters authorized in § 12-43.3-101, et seq., C.R.S., and all matters of local concern.

(d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under § 12-43.3-106, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); 8081 (2015)

6-14-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, B.R.C. 1981.

Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility -cannot be controlled may be considered an Adult Event.

Advertise means the act of drawing the public's attention, whether on print or on the internet, to a medical marijuana business in order to promote the sale of medical marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activities not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager~~Keyholder ~~means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager~~Keyholder ~~shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21 or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event,or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling, or relabeling of a usable form of marijuana.

Cultivation facility or optional premises means a licensed medical marijuana business that ~~is owned by the same owner as a medical marijuana center and~~ produces and harvests medical marijuana plants for a medical use for distribution by ~~such~~ a licensed medical marijuana business~~center~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing to another, with or without remuneration.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considred an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs, or similar items. Incidential to sponsorship of charitable events does not include the placement of a booths or distribution of materials that does not list or is for the use of all sponsors of the event.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business

premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to unlock or lock the business, or set or disarm the alarm.

Licensee means the medical marijuana business named on the medical marijuana business license, and all individuals named in the medical marijuana business license application or later reported to the city, including without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a medical marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by ;hn0; Ordinance No. 4022, adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana, for this Chapter 6-14, means:

(1) The same as the term "usable form of marijuana" as set forth in the Medical Marijuana Amendment; or

(2) May be more fully defined in any applicable state law or regulation.

Marijuana business means a recreational marijuana business or a medical marijuana business.

Marijuana establishment shall have the same meaning as marijuana establishment in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Marijuana warehouse means a marijuana establishment that is not a licensed medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Medical marijuana means any marijuana intended for medical use which meets all requirements for medical marijuana contained in this chapter, the Medical Marijuana Amendment, and any other applicable law.

Medical marijuana business means (i) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or two ounces of a usable form of marijuana for medical use, or (ii) any person that produces any amount of medical marijuana. The term medical marijuana business shall not include the private possession, or medical use of no more than six plants, or two ounce of a useable form of marijuana by a patient or caregiver in the residence of the patient or caregiver.

Medical marijuana center means a licensed medical marijuana business that distributes medical marijuana to patients or primary caregivers or to other licensed medical marijuana businesses ~~infused product manufacturers or to another medical marijuana center~~.

Medical marijuana-infused product means a marijuana-infused product as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana-infused product manufacturer means a licensed marijuana-infused product manufacturer as defined in Chapter 6-16, "Recreational Marijuana," B.R.C. 1981.

Medical marijuana local licensing authority means the city manager. The city manager shall be the local licensing authority for the purpose of any state law that requires the city to designate a local licensing authority.

Medical marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves. Medical marijuana plant shall include immature plants except where specifically excepted in this code. For purposes of this chapter, the portion of a medical marijuana plant harvested from the plant or converted to a usable form of medical marijuana for medical use is not considered part of the plant upon harvesting.

Medical use shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Minor means a person under twenty-one years of age.

Mixed-use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Patient shall have the same meaning as is set forth in Article XVIII, Section 14(1)(d) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common area of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a medical marijuana business shall be considered in possession of the medical marijuana business at all times. The ~~business manager~~keyholder of a medical marijuana business shall be considered in possession of the medical marijuana business at all times that the ~~business manager~~keyholder is on the premises of the business or has been designated by the owner as the ~~business manager~~keyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

Primary caregiver shall have the same meaning as is set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging, or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of a usable form of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or “swag” includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educ~~a~~ational .

Restricted area means the portion of a medical marijuana business location within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce medical marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the medical marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common

tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013); 7970 (2014); 8081 (2015)

6-14-3. - License Required.

(a) License Required. It shall be unlawful for any person to operate a medical marijuana business without obtaining a license to operate pursuant to the requirements of this chapter.

(b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.

(c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

(d) Separate License Required for Each Location. A separate license shall be required for each premises from which a medical marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different medical marijuana businesses may be treated as one premise~~s~~. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marijuana business and any adjacent business.

(e) License Nontransferable; Exceptions. A medical marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business, or to a different owner or licensee. A medical marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed medical marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background check~~previously been approved~~ by the city; ~~as part of another licensed medical marijuana business;~~

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; ~~applies for and receives a new medical marijuana business license for the new location;~~ and

(3) The license transfer location is permitted without the exceptions of Subsection 6-14-7(c) or (f) of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-4. - General Provisions.

(a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to medical marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, the provisions of this chapter shall control for medical marijuana business licenses.

(b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court, for a violation of this chapter as specifically provided herein.

(c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.

(d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove medical marijuana of any medical marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

(e) Reserved.

(f) Forfeiture of License. In the event that a medical marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited and the business may not commence operations.

(g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a medical marijuana business unless the tenant has a valid medical marijuana business license or has applied for and not been denied a medical marijuana business license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a medical marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected medical marijuana business is located to determine whether any marijuana is on the premises.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 8081 (2015)

6-14-5. - Application<u>; Modification of Premises</u>.

(a) Application Requirements. An application for a medical marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:

(1) Name and address of the owner or owners of the medical marijuana business in whose name the license is proposed to be issued.

(A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.

(B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.

(C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity, and contact information for that person.

(2) Name and address of:

(A) Any ~~business manager~~keyholders of the medical marijuana business, if the ~~business manager~~keyholder is proposed to be someone other than the owner;

(B) All financiers of the medical marijuana business; and

(C) All agents of the medical marijuana business who either (i) act with managerial authority, (ii) provide advice to the medical marijuana business for compensation, or (iii) receive periodic compensation totaling $1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of medical marijuana.

(3) A statement of whether or not any of the named owners, members, ~~business manager~~keyholders, financiers, primary caregivers, or persons named on the application have been:

(A) Denied an application for a medical marijuana business license pursuant to this chapter, for a recreational marijuana license pursuant to Chapter 6-16, "Recreational Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.

(B) Denied an application for a liquor license pursuant to title 12, article 47 or article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.

(C) In violation of any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.

(D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.

(4) Proof of ownership or legal possession of the restricted area for a medical marijuana business for the term of the proposed license. If the medical marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.

(5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.

(6) An operating plan for the proposed medical marijuana business, including the following information:

(A) A description of the products and services to be provided by the medical marijuana business.

(B) A dimensioned floor plan, clearly labeled, showing:

(i) The layout of the structure and the floor plan in which the medical marijuana business is to be located;

(ii) The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where nonpatients will be permitted, private consulting areas, storage areas, retail areas, and restricted areas where medical marijuana will be located;

(iii) Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises; and

(iv) The separation of the areas that are open to persons who are not patients from those areas open to patients.

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

(7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four hours' notice to the applicant prior to such disclosure.

(8) A lighting plan showing the lighting outside of the medical marijuana business for security purposes and compliance with applicable city requirements.

(9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the medical marijuana business is located, the proximity of the property to any school or state licensed child care center, to any other medical marijuana business, or to any residential zone district.

(10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, ~~business manager~~keyholders, financiers, and caregivers employed by or under contract to provide services to the medical marijuana business, including all individuals who have an interest as described herein of any portion of the medical marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company.

(11) A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(12) A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuana businesses that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

(13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored.

(14) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.

(15) Modifications to Approved Medical Marijuana Business License. Prior to making a~~n~~ modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a completed application for modification of premises in the form provided by the city. ~~No applications for new medical marijuana businesses shall be accepted between November 1, 2013, and May 31, 2014~~.

(b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, ~~business manager~~keyholder, financier, primary caregiver, or other person named on the application contains information regarding violations of any law or previous denial or revocation of a license, that person

may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items pertaining to the period of time between the applicant's last violation of any law and the date of the application.

(c) Fee Required. Any application for a medical marijuana business permit shall be accompanied by the application fee, criminal background check fee, the annual license fee as required by Section 4-20-64, "Medical Marijuana Businesses," B.R.C. 1981, and any other applicable fees.

(d) Inspection. An inspection of the proposed medical marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

(e) Investigation. For purposes of § 12-43.3-303(2), C.R.S., the investigation of the application by the city is not complete until the city manager has (i) determined the application is complete, (ii) determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws, (iii) conducted an inspection of the business, (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions, and (v) prepared the documentation necessary to support the decision made by the manager on the application.

(f) Approval Requirements. The city manager may issue a medical marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, and is prepared to operate the business with other owners and managers as set forth in the application, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information. The conditions of an approval of a medical marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no license provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

(1) Any person until the annual fee for the license has been paid;

(2) Any person not of good moral character;

(3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;

(4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, are not of good moral character;

(5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;

(6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;

(7) Any natural person who is under twenty-one years of age;

(8) Any person who operates or manages a medical marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;

(9) A licensed physician making patient recommendations;

(10) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

(11) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;

(12) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S., has been revoked by the state health agency;

(13) A person who is a licensee for a location that is currently licensed as a retail food establishment or a wholesale food registrant; or

(14) Any person applying for a license to operate a medical marijuana center who has been licensed to operate three other marijuana centers~~businesses~~ in the city pursuant to either this chapter or chapter 6-16~~another medical marijuana center in the city pursuant to this chapter.~~. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana center.

(b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:

(1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;

(2) Verification of or lack of ability to verify items disclosed by the individual;

(3) When an individual has a history of violation of any law or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a medical marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;

(4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a medical marijuana business;

(5) Rules adopted by the manager to implement this chapter;

(6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and

(7) Any additional information the manager may request of the individual if the individual has a violation of any laws, an administrative or judicial finding of violation of laws regarding use of alcohol or controlled substances or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7929 (2013)

6-14-7. - Locations of Medical Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a medical marijuana business or to grow medical marijuana outside of an enclosed building. All medical marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows medical marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

(b) Location - Permitted Use in Zoning District. A medical marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located as follows:

(1) As "personal services" for a medical marijuana center;

(2) As "greenhouse/nursery" for a cultivation facility; or

(3) As "manufacturing ≤ 15,000 square feet" for a cultivation facility, for a medical marijuana-infused product manufacturer, or for a marijuana testing facility.

(c) No Medical Marijuana Business in Building with Residences or Residential Zone Districts. It shall be unlawful to operate a medical marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use development that includes a residence. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.

(d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or medical marijuana-infused product manufacturer.

(e) Distribution by Primary Caregiver. It shall be unlawful for any person to distribute medical marijuana to a patient except (1) directly to a patient upon the restricted area, or (2) via personal delivery of the medical marijuana by the primary caregiver to the patient at the patient's residence as provided in this chapter.

(f) Separation from Schools, Day Care Centers, Addiction Recovery Facilities, or Other Medical Marijuana Uses:

(1) No medical marijuana wellness center license shall be issued for a location within one thousand feet of any elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state-licensed day care center, or an addiction recovery facility. This restriction shall not apply to a medical marijuana wellness center that had submitted an application or held a license from the city on October 22, 2013.

(2) ~~No license for a medical marijuana cultivation facility shall be issued for a location within five hundred feet of the real property comprising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or state-licensed day care, or addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license from the city on October 22, 2013.~~

(3) No medical marijuana business license shall be issued for a location within five hundred feet of three other marijuana businesses. This limitation shall not apply to a medical marijuana cultivation facility in industrial zones that had submitted an application or been licensed by the city on October 22, 2013.

(A) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other medical marijuana business.

(B) To determine the proximity to other medical marijuana businesses and the priority of applications, businesses shall have priority in the following order:

(i) Businesses that are open and operating;

(ii) Businesses whose applications have been approved;

(iii) Applications for medical marijuana business licenses that have been submitted by the applicant and declared complete by the city; and

(iv) No other applications shall be considered "businesses" for this determination.

(4) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.

(g) Limitations on Dual Licenses. A medical marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a medical marijuana business license under this chapter.

(h) Limitations on Medical Marijuana Centers. The following shall be the minimum requirements for a medical marijuana center:

(1) The area of the business is three thousand square feet or less;

(2) The business does not distribute medical marijuana only, but provides other caregiver services consistent with a wellness center, including, but not limited to, health treatments or therapy generally not performed by a medical doctor or physician, such as physical therapy, massage, acupuncture, aromatherapy, yoga, audiology, or homeopathy, or knowledgeable consultation on the effects of amount and forms of ingestion of different types of marijuana for medical use;

(3) The business includes a secured and locked medical marijuana dispensary room, one or more private rooms for consultation on the medical use of marijuana or other services, and a separate reception area for screening of patients and waiting for nonpatients.

(4) All caregiver services provided to meet the requirements of this section must comply with all applicable requirements of any federal, state, or local entity with jurisdiction applicable to the service provided.

(i) Limitations at Street Level. No marijuana business license shall be issued for a medical marijuana center at a location on the street level of the mall or the University Hill commercial area.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-8. - Requirements Related to Operation of Medical Marijuana Businesses.

(a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the medical marijuana business.

(b) Restriction on Access to Restricted Area.

(1) No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area. No patient shall be allowed entry into the restricted area without showing a valid picture ID and evidence that the person is a patient.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational business purposes. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

(c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~keyholder of the medical marijuana business, the medical marijuana business license, and the sales tax business license shall be conspicuously posted in the business.

(d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a medical marijuana business and shall not be visible from the exterior of the business.

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No medical marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupational Key Badge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application ~~up~~ until final city determination is made on such application.

(f) Hours of Operation. A medical marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

(g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a medical marijuana business. A medical marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.

(h) Ventilation Required. A medical marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

(i) Renewable Energy Usage Required. A medical marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For medical marijuana businesses licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the medical marijuana business license following October 22, 2013.

(j) Limitations on Inventory. The medical marijuana business shall not maintain any more marijuana within the premises than is permitted under applicable law for the patients which have designated the business as primary caregiver. The medical marijuana business shall not maintain any more marijuana than the amount stated on the business' license application to the state. No plants shall be located in a medical marijuana center or a medical marijuana-infused product manufacturer. The medical marijuana business shall maintain current records evidencing the status as patients of those who have designated the business as the patient's primary caregiver.

(k) Reporting Requirements. A medical marijuana business shall report to the medical marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.

(1) Transfer or change of financial interest, ~~business manager~~keyholder, financier, and primary caregiver in the license to the city at least thirty days before the transfer or change.

(2) Sales and taxable transactions and file sales and use tax reports to the city monthly.

(3) A violation of any law by any licensee or applicant of a medical marijuana business.

(4) A notice of potential violation of any law to any licensee.

(5) Any report that the medical marijuana business is required to provide to the state.

(6) Reports of all criminal activities or attempts of violation of any law at the medical marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.

(l) Delivery to Patients. In the event a primary caregiver personally delivers medical marijuana to one or more patients, at all times any medical marijuana is outside of the restricted area:

(1) The medical marijuana shall be packaged, sealed, and labeled as provided in this chapter. The label shall include the name of the patient to whom it is being delivered.

(2) The primary caregiver delivering the medical marijuana shall have in the primary caregiver's possession documents evidencing: (i) the patient identified on each package of medical marijuana has designated the person as the patient's primary caregiver; (ii) the patient requested delivery of medical marijuana by the primary caregiver; (iii) the amount of the requested delivery; (iv) the date of the requested delivery; and (v) if more than two ounces is being delivered to a patient, a copy of the doctor's recommendation for that patient specifying the additional amount of medical marijuana medicinally necessary for that patient on the form provided by the city.

(3) The delivery is made directly to a patient who has a valid registration card and a valid picture identification card that matches the name on the registration card.

(4) In no event shall the primary caregiver be in possession of more than eight ounces of a usable form of medical marijuana for delivery outside of the restricted area.

(m) Delivery Between Medical Marijuana Businesses. It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

(1) All medical marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section.

(2) All medical marijuana in a usable form for medicinal use is packaged and stored in closed containers that are labeled as provided in this section.

(3) Each container used to transport medical marijuana is labeled with the amount of medical marijuana or medical marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the medical marijuana business that the medical marijuana is being transported from and the name and address of the medical marijuana business that the medical marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label.

(4) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only between medical marijuana businesses~~:~~

~~(A) From a medical marijuana cultivation facility to a medical marijuana center; and~~

~~(B) Which medical marijuana business is owned by the same person as owns the cultivation facility; or~~

~~(C) Between one medical marijuana center to another medical marijuana center, or from a medical marijuana cultivation facility to another medical marijuana cultivation facility, with proper bill of sale completed before transport.~~

(5) The medical marijuana must be accompanied by the manifest ~~and confirmation email from the state~~ in accordance with state requirements for transportation of medical marijuana.

(6) The medical marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route to take, licensees should select the most direct route that provides efficiency and safety.

(n) Disposal of Medical Marijuana and Marijuana Byproducts. All medical marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.

(o) Possession of Mature Flowering Plants. No more than one-half of the medical marijuana plants within a medical marijuana business or possessed by a patient may be mature, flowering plants producing a usable form of marijuana.

(p) Advertisement. A medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

(1) Any person licensed as a medical marijuana center shall include in any advertisement for medical marijuana or any medical marijuana-infused product the following language: "For registered Colorado medical marijuana patients only." Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana center, as permitted by Subparagraph (2)(A) of this section.

(2) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a medical marijuana center which exists solely for the purpose of identifying the location of the medical marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of a marijuana business~~the licensed medical marijuana center~~, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana~~ center or a medical marijuana-infused products manufacturer~~business.

(E) A booth at a job fair or educational seminar where the only items distributed are company-related or educational materials, and no other items are distributed, shown or sold.

(F) A booth at an adult event where the only items distributed are educational materials, and no other items are distributed, shown or sold.

(3) It is an affirmative defense if a medical marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number.

(4) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsections (2)(E) and (F) of this section (p).

(5) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections (2)(E) and (F) of this section (p).

(6) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

(q) The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their medical marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

(r) Separation of Cultivation Facility and Medical Marijuana-Infused Product Manufacturer. A cultivation facility and manufacturer are separate medical marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

(1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area.

(2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a medical marijuana business and any adjacent business.

(3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.

(s) Additional Requirements for Production of Medical Marijuana.

(1) No medical marijuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

(2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

(t) Packaging at Medical Marijuana Center. Provided that medical marijuana has been delivered to a medical marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a medical marijuana center may package and label any marijuana that results from the sale of medical marijuana in amounts less than as packaged for delivery to the center.

(u) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

(v) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that -person is under twenty-one years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to -the Boulder Police Department.

(w) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, and (b) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-14-9. - Right of Entry - Records to Be Maintained.

(a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track medical marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any medical marijuana from other paraphernalia or services offered by the medical marijuana business. The licensee shall also maintain inventory records evidencing that no more medical marijuana was within the medical marijuana business than allowed by applicable law for the number of patients who designated the medical marijuana business owners as their primary caregiver and the maximum amount represented to the state for its license from the state. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, dates, and patient or caregiver for all medical marijuana sold.

(b) ~~Separate Bank Accounts. The revenues and expenses of the medical marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~

~~(c)~~ Disclosure of Records. By applying for a medical marijuana business license, the licensee is providing consent to disclose the information required by this chapter, including information about patients and caregivers. Any records provided by the licensee that includes patient or caregiver confidential information may be submitted in a manner that maintains the confidentiality of the documents under the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., or other applicable law. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection, it will provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(d) Audits. The city may require an audit to be made of the books of account and records of a medical marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the medical marijuana business. The expense of any audit determined necessary by the city shall be paid by the medical marijuana business.

(e) Consent to Inspection. Application for a medical marijuana business license or operation of a medical marijuana business, or leasing property to a medical marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the city manager to conduct routine inspections of the medical marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~keyholder on duty shall retrieve and provide the records of the business pertaining to the inspection. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of medical marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the medical marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a medical marijuana business license constitutes consent to inspection of the business as a public premises without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a medical marijuana license without a search warrant.

(f) Reporting of Source, Quantity, and Sales. The records to be maintained by each medical marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and transactions to patients or caregivers, the following:

(1) Name and address of seller or purchaser;

(2) Date, weight, type of marijuana, and dollar amount or other consideration of transaction; and

(3) For wholesale transactions, the state and city, if any, sales and use tax license number of the seller.

(g) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained by each medical marijuana business and submitted to the city on a quarterly basis, shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a medical marijuana business license from the city, the medical marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For medical marijuana businesses that cultivate medical marijuana, the report shall include the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewal energy acquisition program approved by the manager.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 8081 (2015)

6-14-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. A separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

(a) Cameras. The medical marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms and consulting rooms while a patient is undressed), and where persons may gain or attempt to gain access to marijuana or cash maintained by the medical marijuana business. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty~~thirty~~ days in a secure offsite location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.

(b) Use of Safe for Storage. The medical marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For medical marijuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe so long as the container is affixed to the building structure.

(c) Alarm System. The medical marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-11. - Requirements for Public Health and Labeling.

(a) Medical Marijuana-Infused Products. The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All medical marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Colorado and any other applicable law..~~be in print large enough to be readable and shall include:~~

~~(1) Potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and soybeans.~~

~~(2) All additives used to extract THC, including, without limitation, pesticides, herbicides, and fertilizers that were used in the cultivation of the medical marijuana used in the product.~~

~~(3) The following warning:~~

~~THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY, OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT.~~

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-12. - Compliance With Other Applicable Law.

(a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the city. Provided however, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.

(b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses, or if a medical marijuana business is denied a medical marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(c) Revocable Privilege. A medical marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

6-14-13. - Prohibited Acts.

(a) Prohibited Acts. It shall be unlawful for any person to:

(1) Cultivate, distribute, possess, or produce marijuana in plain view of or in a place open to the general public.

(2) Smoke, use, or ingest on the premises of the medical marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges.

(3) Operate or be in physical control of any medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.

(4) Possess or use medical marijuana:

(A) on the grounds of a school or university or in a school bus; or

(B) in a vehicle, aircraft, or motorboat.

(5) Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.

(6) Possess more than six marijuana plants without a medical marijuana business license for a cultivation facility. It shall be an affirmative defense to this charge if (a) a legitimate recommendation from a qualified physician of the patient for whom the marijuana is being grown includes a recommendation for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient's debilitating medical condition, and (b) the plants are located within a licensed medical marijuana business.

(7) Possess more than two ounces of a usable form of marijuana without a medical marijuana business license for a center or a medical marijuana-infused product manufacturer. It shall be an affirmative defense to this charge if a legitimate recommendation from a qualified physician of the patient possessing the medical marijuana includes a recommendation for a specific amount of marijuana in excess of two ounces as being medically necessary to address the patient's debilitating medical condition.

(8) Obtain marijuana from a person who is not licensed as a medical marijuana business.

(9) Possess or operate a medical marijuana business in violation of this chapter.

(10) Produce, distribute, or possess more medical marijuana than allowed in this chapter than disclosed in the application to the state for a medical marijuana business license or other applicable law.

(11) Distribute medical marijuana without a medical marijuana business license or outside of the restricted area of the medical marijuana business.

(12) Possess medical marijuana, own or manage a medical marijuana business, or own or manage a building with a medical marijuana business, where there is possession of medical marijuana by a person who is not a patient, a primary caregiver, or a licensee of a medical marijuana business.

(13) Possess or operate a medical marijuana business in a location or in a manner for which a medical marijuana business license is prohibited by the terms of this chapter.

(14) Operate a medical marijuana business without a medical marijuana business license from the city.

(15) Operate a medical marijuana business in a manner that is not consistent with the items disclosed in the application for the medical marijuana business, or is in violation of any plan made part of the license application.

(16) Operate a medical marijuana business without disclosing, in the application for a medical marijuana business license or an amendment thereto, an agent who either (i) acts with managerial authority, (ii) provides advice to the medical marijuana business for compensation, or (iii) receives periodic compensation totaling $1,000 or more in a single year for services related to the medical marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person.

(17) Distribute, or own or manage a medical marijuana business where distribution occurs, from a medical marijuana business, a medical marijuana-infused product that was produced in a manner that is not in compliance with this chapter.

(18) Cultivate, manufacture, distribute, or possess any medical marijuana at a location without a medical marijuana business license prior to passing the inspection required by this chapter; provided however, this subparagraph shall not apply to medical marijuana businesses qualifying for the exception of Subsection 5-14-3(a), "License Required," B.R.C. 1981.

(19) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city.

(20) Attempt to use or display a medical marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license.

(21) Cultivate, produce, distribute, or possess medical marijuana, or own or manage a medical marijuana business in which another cultivates, produces, distributes, or possesses medical marijuana, in violation of this chapter or any other applicable law.

(22) Allow an owner or ~~business manager~~keyholder that has not been disclosed to the city as required by this chapter to operate the business.

(23) Own, manage, or possess a medical marijuana business where medical marijuana is outside of the restricted area portion of such business. It shall be an affirmative defense to a violation of this section if the medical marijuana outside of the restricted area was: (i) in the custody and control of a patient; (ii) purchased by that patient from the business and the patient has not left the business since purchase; and (iii) the amount of medical marijuana in the custody and control of the patient does not exceed the amount the patient may possess lawfully.

(24) Possess a number of flowering plants that is more than one-half of the medical marijuana plants that are lawfully possessed by a person.

(25) Dispose of medical marijuana or any by-product of medical marijuana containing marijuana in a manner contrary to this chapter.

(26) Distribute a medical marijuana plant to any person, except as permitted in this chapter for immature plants.

(27) Deliver or transport medical marijuana to a patient or between medical marijuana businesses except in strict compliance with this chapter.

(28) Refuse to allow inspection of a medical marijuana business upon request of a city employee. Any licensee, owner, ~~business manager~~keyholder, or operator of a medical marijuana business, or the owner of the property where a medical marijuana business is located, may be charged with this violation.

(29) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

(30) Violate any provision of this code or any condition of an approval granted pursuant to this code or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(31) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(32) Lease any property to a medical marijuana business that has marijuana on the property without a medical marijuana business license from the city.

(33) Label or distribute a marijuana-infused product that is not labeled as required by this code or other applicable law.

(34) Distribute or deliver marijuana from a medical marijuana cultivation facility to any location other than a medical marijuana wellness center.

(35) Fail to respond by phone or email as required by Subsection 6-14-8(q) of this chapter.

(36) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(37) Fail~~ure~~ to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(38) Fail to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(39) Fail to post the premises during a suspension.

(40) Distribute any consumable product, not including bottled water, that is not a marijuana-infused product.

(b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012); 7929 (2013); 7970 (2014)

6-14-14. - Suspension or Revocation of License; Imposition of Fines.

(a) A medical marijuana business license may be suspended or revoked for any of the following violations:

(1) Conviction of the business, a licensee, or any owner, ~~business manager~~keyholder, financier, or primary caregiver of any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

(2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the medical marijuana business.

(3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application.

(4) Distribution of medical marijuana, including, without limitation, delivery to a patient or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation.

(5) Operation of a medical marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

(6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter.

(7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, ~~business manager~~keyholders, financier, or agent.

(8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or State Public Health Department or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law.

(9) Revocation or suspension of another medical marijuana business license or any other license issued by the city, the state, or any other jurisdiction held by any licensee of the medical marijuana business.

(10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.

(b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.

(c) Fines for violations of this chapter may be imposed by the city against the person or any licensee up to $5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.

(d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.

(e) In the event of the suspension of a marijuana business license, during the period of suspension, the business::

(1) Shall post two notices provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premses for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012); 7970 (2014); 8081 (2015)

6-14-15. - Term of License - Renewals - Expiration of License.

(a) Term of License. A medical marijuana business license shall be valid for one year. The license shall expire on the last day of the month in which the license is issued of the year following issuance or renewal of the license. For the first license issued for a medical marijuana business, the city manager may designate an expiration date in excess of one year, but no more than twenty-four months, to facilitate the administration by the city of renewals of such licenses.

(b) Renewal of License. The licensee shall apply for renewal of the medical marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of $5,000 at the time of submittal of the renewal application.

(1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.

(2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

(3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any ~~business manager~~keyholder, financier, agent as defined herein, or employee has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

(4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

(5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

(6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased, the amount of marijuana sold, the forms in which marijuana was sold, the number of patients and the number of primary caregivers who received marijuana,

the police report numbers or case numbers of all police calls to the medical marijuana business and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

(7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.

(8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-14-4(e).

(c) Nonpayment of Tax. In the event a medical marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the medical marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.

(d) Expiration of License. Expiration of a medical marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) above, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance Nos. 7716 (2010); 7780 (2011); 7814 (2011); 7877 (2012)

6-14-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance Nos. 7716 (2010); 7780 (2011); 7877 (2012)

Chapter 6-16 - Recreational Marijuana Code

6-16-1. - Legislative Intent, Findings, and Purpose.

(a) Legislative Intent and Findings. The city council intends to regulate the use, possession, cultivation, production, and distribution of marijuana in a manner that is consistent with Article XVIII, Section 16 of the Colorado Constitution (the "Recreational Marijuana Amendment" also known as Amendment 64) and finds that the provisions of this chapter are directly and demonstrably related to the operation of marijuana establishments in a manner to minimize negative impacts on the community.

(1) The city adopts this law to apply to all recreational marijuana operations in the city under the Recreational Marijuana Amendment, or any recreational marijuana business permitted under the state law.

(2) Marijuana use, distribution, cultivation, and production can have an impact on health, safety, and community resources, and the code is intended to permit marijuana cultivation, distribution, production, and testing where it will have a minimal impact, and potential negative impacts are minimized.

(3) Use, distribution, cultivation, production, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "Level 1 Controlled Substance" by federal law.

(4) The General Assembly has adopted enabling legislation that provides for local licensing, however, the state law is not intended to, and does not, address the local impacts of marijuana operations, making it appropriate for local regulation of marijuana operations.

(5) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(6) This chapter is to be construed to protect the public over marijuana business interests. Operation of a recreational marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have marijuana in the city.

(7) Marijuana businesses are a heavily regulated industry in the city, all licensees are assumed to be fully aware of the law, the city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.

(8) This chapter is not intended to replace the medical marijuana law in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, and any person may apply for and operate a medical marijuana business pursuant to Chapter 6-14, "Medical Marijuana," B.R.C. 1981, without complying with this chapter.

(9) This chapter is intended to specify the time, place, and manner restrictions for operating a recreational marijuana business in the city as specified in the Recreational Marijuana Amendment.

(10) The operation of a marijuana business without a license from the city as provided in this chapter is prohibited within the city.

(11) The experience of the city in processing and enforcing medical marijuana business licensing evidences that the provisions herein are capable and worthy of being carried out in practice by a reasonably prudent businessperson.

(12) The Colorado Administrative Procedures Act, Article 4 of Title 24 of the Colorado Revised Statutes (the "APA"), does not apply to local governments and the state has not been able to resource the process thereof in a timely manner. The procedures herein for issuance and enforcement of a recreational marijuana business license are consistent with the requirements of the APA and have been determined by the Boulder District Court to provide the level of due process required by the United States and Colorado Constitutions.

(13) A licensee is not acting in his or her capacity as an owner, employee, or agent of a licensed marijuana establishment if the licensee is operating in violation of this chapter or any other applicable law.

(14) The city council has determined to allow marijuana establishments in the city on the condition that the establishments are operated in compliance with this chapter rather than banning marijuana establishments in the city as permitted by the Recreational Marijuana Amendment.

(b) Purpose. The purpose of this chapter is to protect the public health, safety, and welfare of the residents, businesses, and property in the city by prescribing the manner in which recreational marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:

(1) Provide for a means of cultivation, production, and distribution of marijuana to persons permitted to obtain, possess, and use marijuana for recreational purposes under the Recreational Marijuana Amendment;

(2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air, and water quality, food safety, neighborhood and public safety, security for the business and its personnel, and other health and safety concerns;

(3) Promote lively street life and high quality neighborhoods by limiting the concentration of any one type of business in specific areas;

(4) Impose fees for licensing recreational marijuana businesses in an amount sufficient for the city to recover its costs of the licensing program;

(5) Adopt a mechanism for monitoring compliance with the provisions of this chapter;

(6) Create regulations that address the particular needs of the residents and businesses of the city and coordinate with laws that may be enacted by the State of Colorado regarding recreational marijuana;

(7) Facilitate the implementation of the Recreational Marijuana Amendment without going beyond the authority granted by it;

(8) Support Boulder's Sustainability and Climate Action Plan goals by requiring renewable sources for energy use to grow recreational marijuana;

(9) Issue recreational marijuana business licenses only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials;

(10) Protect public safety and residential areas by limiting the areas of the city where more than six marijuana plants may be grown;

(11) Exclude from the definition of a recreational marijuana business the private possession, production, and recreational use of marijuana by an individual or the private possession, production, distribution, and recreational use of marijuana by an individual, in the person's residence, to the extent permitted by Article XVIII, Section 16 of the Colorado Constitution; and

(12) Designate the city manager as the recreational marijuana licensing authority responsible for licensing recreational marijuana for the city.

(c) Relationship to State Law. The provisions in this chapter that are different from the applicable state law are consistent with the city's responsibility to protect the public health, safety, and welfare as authorized by applicable law, and by the home rule authority granted to the city by Article XX of the Colorado Constitution and the Charter of the city. The city intends that both state law and this chapter apply within the city. Where this chapter conflicts with the state law, this chapter shall apply.

(d) Adoption of this chapter is not intended to waive or otherwise impair any portion of the local option available under the Recreational Marijuana Amendment.

Ordinance No. 7930 (2013); 8081 (2015)

6-16-2. - Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

Addiction recovery facility shall have the same meaning as set forth in Section 9-16-1, "General Definitions," B.R.C. 1981.

<u>Adult Event means any event at which no more than 30 percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21. To be considered an Adult Event, (a) in an enclosed building not visible from a place open to the public and admission to the event must be controlled and limited to those over 21 years of age, or (b) prior to the commencement of the event or advertising for the event, the marijuana business shall present to the city reliable evidence to demonstrate that the event will have no more than 30 percent of the audience, and those viewing advertising for the event, under the age of 21. No event on city property or dedicated trails for which access and visibility cannot be controlled may be considered an Adult Event.</u>

Advertise means the act of drawing the public's attention, whether on print, signs, or electronic means, to a recreational marijuana business in order to promote the sale of marijuana by the business.

Appealing to Minors means any display on the internet, by radio, in print on a sign, or similar presentation visible to individuals under 21 years of age that contains visual or audio or print depictions of cartoon characters, caricatures, consumable products, individuals that seem under 21 years of age or engaging in activies not typical of adults. Animals that do not violate the other restrictions in this chapter may be allowed.

~~Business manager~~~~Keyholder~~ ~~means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Business manager~~~~Keyholder~~ ~~shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.~~

Company material means any information printed or transmitted electronically that includes the name and logo of a particular marijuana business(es), and promotes the business or describes marijuana or marijuana-infused product distributed by the business(es). Company material may include promotion of the business to potential employees over the age of 21, or investors, or instructions for use of any marijuana or marijuana-infused products distributed by the business(es).

Coupon means a printed voucher or token entitling the holder to a discount for a particular product or service. Coupon does not include showing a government-issued verification of age or military status, or registration for a charitable event,or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.

Co-located marijuana business means a medical marijuana wellness center or cultivation facility that held a license from the city on October 22, 2013, that is permitted by the owner of the building and all applicable laws, to divide the licensed ~~medical~~ marijuana business to allow for both a medical and a recreational marijuana wellness center or cultivation facility as separate business premises with separate licenses from the city within the same footprint and owned by the same person as the medical marijuana wellness center or cultivation facility. The licensees with an ownership or financial interest of either part of a co-located marijuana business may not be changed to be different from the other.

Cultivation or cultivate means: (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging, or repackaging, labeling, or relabeling of marijuana prior to consumption, or incorporation into a recreational marijuana-infused product.

Cultivation facility means a licensed recreational marijuana business that produces and harvests marijuana plants for distribution by a licensed ~~recreational~~ marijuana business~~center or a licensed recreational marijuana-infused product manufacturer~~. Except as included in this definition, a cultivation facility may not operate any production on its premises.

Distribute or distribution means the actual, constructive, or attempted transfer, delivery, sale, or dispensing of marijuana to another, with or without remuneration.

Educational material means materials prepared by a governmental or non-profit entity that are designed to provide information, facts, instructions, and warnings related to the legal use and consumption of marijuana and marijuana products. Educational materials do not include arguments for or against the legalization of marijuana or encourage the use of marijuana or advertisements, including the name and logo for any marijuana business.

Fermented malt beverage has the same meaning as its meaning under the Colorado Beer Code, § 12-46-103, C.R.S.

Financier means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. Financier shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal

government, or any person in the business of leasing equipment to marijuana business for which the rental amount does not include any percentage of the business or its profits.

Handbill, leaflet or flyer means a flat or folded sheet of printed matter that is a notice, advertisement, or announcement, usually for distribution by hand, for free, either directly to an individual or by placement on vehicles or other locations. Handbill, leaflet or flyer does not include educational materials without the name or logo of a marijuana business, or information made available within the licensed premises of a marijuana business.

Immature plant means a nonflowering marijuana plant that is not required by the Colorado Marijuana Enforcement Division to have a RFID tag. In no event shall a plant be considred an immature plant if it is taller than eight inches and wider than eight inches.

Incidental to Sponsorship of Charitable Events means the printing of the names of all sponsors of a particular charitable event by the event organizer on advertisements, banners, clothing, programs or similar items. Incidental to sponsorship of a charitable event~~,~~ does not include the placement of a booth~~s~~ or distribution of materials at the event by the marijuana business.

Job fair or educational seminar means an adult event held for the purpose of (a) connecting persons seeking jobs in a particular industry with employers in that industry or (b) educating others on matters related to the legal marijuana industry.

Keyholder means the individual designated by the owner of the recreational marijuana business as the person responsible for all operations of the business in the absence of the owner from the business premises. Keyholder shall include any person with managerial authority in the business, and any person that has access to lock or unlock the safe, to lock or unlock the business, or set or disarm the alarm.

Licensee means the recreational marijuana business named on the recreational marijuana business license, and all individuals named in the recreational marijuana business license application or later reported to the city, including, without limitation, owners, ~~business manager~~keyholders, financiers, and individuals owning any part of an entity that holds a financial or ownership interest in a recreational marijuana business.

Mall means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by Ordinance No. 4022 adopted February 18, 1975.

Malt, vinous, and spirituous liquor has the same meaning as its meaning under the Colorado Liquor Code, § 12-47-108, C.R.S.

Marijuana for this Chapter 6-16 means:

(1) The same as set forth in the Recreational Marijuana Amendment; or

(2) As may be more fully defined in any applicable state law or regulation.

Marijuana accessories shall have the same meaning as in the Recreational Marijuana Amendment.

Marijuana business means any medical marijuana business as defined in Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or recreational marijuana business as defined in this chapter.

Marijuana establishment means a recreational marijuana business that has a license from the State of Colorado and the city to operate.

Marijuana-infused product manufacturer means a licensed marijuana business that produces marijuana-infused products.

Marijuana testing facility means a recreational marijuana business that has been licensed as a marijuana testing facility by the state that is in good standing, and has a license in good standing with the city.

Marijuana warehouse means a marijuana establishment that is not licensed by the city as a medical marijuana business or a licensed recreational marijuana business. No marijuana warehouses are allowed in the city.

Minor means a person under twenty-one years of age.

Mixed use development means a building or a project or a development that contains dwelling units in any zone district.

Modification of Premises means a change to a marijuana business that requires a building or other permit from the city or changes any part of the plans required as part of the application for the marijuana business license. Modification of premises does not include routine maintenance, including replacement of light bulbs or filters, painting, cleaning or replacement of non-mechanical items such as windows and flooring so long as the maintenance does not result in a change to the plans required as part of the application,

Place open to the general public means any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. Place open to the general public shall not include (a) any fenced area of a private residence regardless of whether it can be seen from a place open to the public~~.~~, or (b) any enclosed portion of a building not visible from a place open to the public which qualifies as an adult event.

Possess or possession means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. Possession may be held by more than one person at a time. Use of the object is not required for possession. The owner of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times. The ~~business manager~~keyholder of a recreational marijuana business shall be considered in possession of the recreational marijuana business at all times that the ~~business manager~~keyholder is on the premises of the business or has been designated by the owner as the ~~business manager~~keyholder in the absence of the owner in accordance with this chapter.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other defined contiguous area.

Private club means any location, other than a residence of a person at the residence, or a marijuana establishment.

Produce or production means: (i) combining marijuana with any other substance for distribution, including storage and packaging for resale; or (ii) preparing, compounding, processing, encapsulating, packaging or repackaging, labeling, or relabeling of marijuana or its derivatives, whether alone or mixed with any amount of any other substance. Production shall not include packaging or repackaging, labeling, or relabeling of marijuana if no production has occurred and such packaging and labeling qualify as cultivation.

Promotional items means any item, including printed materials, that contain the name and or logo of a marijuana business and are distributed for free or a minimal cost. Promotional items, or “swag” includes stickers, clothing, tangible goods, and similar items that are intended to expose others to the name or logo of a particular business. Promotional items does not include educational materials.

Recreational marijuana means any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this chapter, the Recreational Marijuana Amendment, and any other applicable law.

Recreational Marijuana Amendment means Article XVIII, Section 16 of the Colorado Constitution.

Recreational marijuana business means (a) any person that cultivates, produces, distributes, possesses, transports, or makes available more than six marijuana plants or one ounce of marijuana, or

(b) any person that sells any amount of marijuana, or (c) any person who possesses marijuana openly or publicly. The term recreational marijuana business shall not include the private cultivation, possession, or use within a person's residence of no more than (a) six plants in an enclosed, locked space, or (b) one ounce of marijuana, or (c) the marijuana derived from no more than six plants on the premises where the plants were grown if the plants were grown in an enclosed, locked space.

Recreational marijuana center means a licensed recreational marijuana business that distributes marijuana to any person or other licensed ~~to~~ recreational marijuana business. ~~infused product manufacturers or to another recreational marijuana center~~.

Recreational marijuana-infused product means a product infused with marijuana that is processed for use or consumption, including, without limitation, edible products, concentrates, ointments, tinctures, and any item defined as a "marijuana product" in the Recreational Marijuana Amendment.

Recreational marijuana local licensing authority means the city manager. The manager shall be the local licensing authority responsible for processing applications under this chapter for the purpose of the Recreational Marijuana Amendment and any state law that requires the city to designate a local licensing authority.

Recreational marijuana plant means a marijuana seed that is germinated and all parts of the growth therefrom, including, without limitation, roots, stalks, and leaves, so long as the flowers, roots, stalks, and leaves are all connected and in a growing medium. Recreational marijuana plant shall include immature plants except where specifically excepted in this code. For purposes of this chapter, any part of the plant removed is considered harvested and no longer part of a recreational marijuana plant, but marijuana.

Restricted area means the portion of a recreational marijuana business premises within which the licensee defines on its application it intends to cultivate, distribute, possess, or produce recreational marijuana and which area is clearly identified as the restricted area on the floor plan submitted with the recreational marijuana business license application for the business.

Safe means a metal box, attached to the building structure, capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including but not limited to hammers, bolt cutters, crow bars or pry bars. The city manager may approve security devices such as vaults and strong rooms that are functionally equivalent to safes.

University Hill commercial area means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

Violation of any law or violated any law means a plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement, or determination by an arbitrator, hearing officer, court, or jury.

Virtually separated marijuana business means a co-located marijuana business that is not separated into two different premises.

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-16-3. - License Required.

(a) License Required. It shall be unlawful for any person to operate a recreational marijuana business without obtaining a license to operate pursuant to the requirements of this chapter and holding a license in good standing from the state.

(b) Additional Licenses and Permits May Be Required. The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.

(c) License Does Not Provide Any Exception, Defense, or Immunity From Other Laws. The issuance of any license pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

(d) Separate License Required for Each Location. A separate license shall be required for each premise from which a recreational marijuana business is operated. Except as specifically provided in this chapter, n~~N~~o two or more different businesses, including recreational marijuana businesses, may be treated as one premise. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a recreational marijuana business and any adjacent business.

(e) License Nontransferable. A recreational marijuana business license is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business (including another marijuana business), or to a different owner or licensee. A recreational marijuana business license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a recreational marijuana business license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter. A transfer of a licensed recreational marijuana business shall be permitted in the following circumstance:

(1) The new owner and all licensees of the business have submitted completed applications and passed a background by the city;

(2) The new owner is not making changes to any of the plans or conditions that are part of the license; and

(3) The license transfer location is permitted without the exceptions of Subsection 6-16-7(c) or (e) of this chapter.

(f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana establishment may not be converted to a license for a medical marijuana business. A license for a medical marijuana business that was licensed, open, and operating on October 22, 2013, or that had submitted a complete application for a medical marijuana business on October 22, 2013, may be converted to the same type of marijuana establishment by complying with the requirements of this chapter for a renewal of a marijuana license and paying the application fee specified in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the recreational marijuana business license will be issued. The term of the license shall be the same as the existing medical marijuana business license.

(g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license by submitting an application for a co-located marijuana business on forms approved by the city. At a minimum, the application form shall include a modification of the existing medical marijuana business to conform to the new footprint of the medical marijuana portion of the co-located marijuana business and all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and paying the modification of premises fee and operating fee specified in Section 4-20-67, "Recreational Marijuana Businesses, " B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

(h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility may apply for a co-located marijuana business license within a footprint that is an expansion of its existing medical marijuana business by submitting an application for modification of the existing medical marijuana business, and an application for co-location of a medical and recreational business within the modified premises on forms approved by the city by March 1, 2014. At a minimum, the application shall include (i) the same owners and financiers of the existing medical marijuana businesses, (ii) the proposed modification of the existing and expanded area of the existing medical marijuana business to depict the two new businesses separated as required by this code, (iii) all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the recreational marijuana portion of the co-located marijuana business, and (iv) the modification of premises fee, conversion fee, and operating fee specified in Section 6-16-5, "Application, " B.R.C. 1981. The license for the medical marijuana business must be surrendered to the city before the co-located marijuana business license will be issued. The term of the co-located marijuana business license shall be the same as the existing medical marijuana business license. For purposes of separation from other marijuana businesses in Paragraph 6-16-7(e)(3) of this chapter, the co-located medical and recreational marijuana business shall be considered one marijuana business. No co-located medical and recreational marijuana business may be sold separately from the other and must maintain identical ownership at all times.

(i) Virtual Separation of Co-located Marijuana Business. A co-located business may be virtually rather than physically separated if the businesses provide evidence that they have maintained their respective books and records in compliance with section 9 of this chapter for the twelve months preceding the application for virtual co-location. For businesses that have been open for less than twelve months and those who have not complied with Section 9 in the past, the business shall provide evidence satisfactory to the city manager of the manner in which it will comply with Section 9. ~~One-Time Transfer of Vertically Integrated Cultivation Facility and Marijuana-Infused Product Manufacturer Operating Within the City. Any business entity with a license from the city for both a marijuana-infused product manufacturer and a cultivation facility on November 1, 2015, may transfer one of the licenses to a different business entity under the following conditions:~~

~~(1) All of the owners and financiers of the transferee business entity are the same as those of the transferor business entity and there are not any additional owners or financiers; and~~

~~(2) The marijuana licenses for both the marijuana manufacturer and the marijuana cultivation facility are in good standing; and~~

~~(3) Neither the marijuana manufacturer nor the marijuana cultivation facility have previously transferred a city marijuana license under this subsection.~~

~~(j) Until such time as the State of Colorado provides the city with access to criminal history information for the purpose of issuing marijuana business licenses, no conversion under Subsection (f) or co-location under Subsection (g) of this section shall be approved if there is any change in the identity of the individuals required to be listed on the application as reported to the city by October 22, 2013, pursuant to this chapter.~~

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8031 (2015); 8081 (2015)

6-16-4. - General Provisions.

(a) General Licensing Provisions. The general procedures and requirements of licenses, as more fully set forth in Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, shall apply to recreational marijuana business licenses. To the extent there is any conflict between the provisions of this chapter and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the provisions of this chapter shall control for recreational marijuana business licenses.

(b) Defense to Criminal Prosecutions. Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Boulder Municipal Court for a violation of this chapter as specifically provided herein.

(c) Insurance Required. The insurance specified in Section 4-1-8, "Insurance Required," B.R.C. 1981, is required for a license under this chapter.

(d) Costs of Inspection and Clean-Up. In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove marijuana of any recreational marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

(e) Reserved.

(f) Forfeiture of License. In the event that a recreational marijuana business does not commence operations within thirty days of issuance of a license from the city, the license shall be deemed forfeited, and the business may not commence operations.

(g) Landlord Duty. It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a recreational marijuana business unless the tenant has a valid recreational marijuana business license or has applied for and not been denied a recreational marijuana business license or no marijuana is located on the premises until a license has been issued by the city. In the event that the city has an articulable reason to believe that a recreational marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected recreational marijuana business is located to determine whether any marijuana is on the premises.

(h) Requirements for ~~Time Periods for Accepting~~ Applications for Conversion to a Recreational Marijuana Business or Co-Location of Marijuana Businesses.

(1) ~~No applications for conversion of a medical marijuana business to a recreational marijuana business pursuant to Subsection 6-13-3(f) of this chapter shall be accepted before January 2, 2014.~~ As a condition of the city accepting an application for conversion of a medical marijuana business to a recreational marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(2) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(g) of this chapter of a medical marijuana business shall be accepted before January 21, 2014.~~ As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. ~~If a license is issued, and the business makes any changes in licensees prior to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

(3) ~~No applications for conversion to a co-located medical and recreational marijuana business pursuant to Subsection 6-13-3(h) of this chapter of a medical marijuana business within a footprint that is larger than the existing medical marijuana business shall be accepted before February 3, 2014. As a condition of the city accepting an application for conversion to a co-located marijuana business, the applicant and all licensees shall be the same as those identified for the medical marijuana license and affirm that there will be no changes in licensees for the recreational marijuana business. If a license is issued, and the business makes any changes in licensees prior~~

~~to such time as the State of Colorado makes criminal history information available for the purpose of processing recreational marijuana business licenses, the license may be revoked.~~

~~(4) No applications for a new recreational marijuana business (that is not a conversion from a medical marijuana business pursuant to Subsection 6-16-3(f) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(g) of this chapter or a co-located marijuana business pursuant to Subsection 6-16-3(h) of this chapter shall be accepted before June 1, 2014.~~

Ordinance Nos. 7930 (2013); 8081 (2015)

6-16-5. ~~—~~ Application; Modification of Premises.

(a) Application Requirements. An application for a recreational marijuana business license shall be made to the city on forms provided by the city manager for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. In addition to the information required by Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, the application shall include the following information:

(1) Name and address of the owner or owners of the recreational marijuana business in whose name the license is proposed to be issued.

(A) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.

(B) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.

(C) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity and contact information for that person.

(2) Name and address of:

(A) Any ~~business manager~~keyholders of the recreational marijuana business, if the ~~business manager~~keyholder is proposed to be someone other than the owner;

(B) All financiers of the recreational marijuana business; and

(C) All agents of the recreational marijuana business who either (I) act with managerial authority, (II) provide advice to the recreational marijuana business for compensation, or (III) receive periodic compensation totaling $1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, mail delivery person, or other contractor performing services for the business that are unrelated to the cultivation, production, or distribution of recreational marijuana.

(3) A statement of whether or not any of the named owners, members, ~~business manager~~keyholders, financiers, or persons named on the application have been:

(A) Denied an application for a marijuana business license pursuant to this chapter, Chapter 6-14, "Medical Marijuana," B.R.C. 1981, or any similar state or local licensing law, rule, or regulation, or had such a license suspended or revoked.

(B) Denied an application for a liquor license pursuant to Title 12, Article 47 or Article 46, C.R.S., or any similar state or local licensing law, or had such a license suspended or revoked.

(C) Violated any law, other than a traffic offense, or completed any portion of a sentence due to a violation of any law.

(D) Convicted of driving or operating other machinery under the influence of alcohol, drugs, or medication, driving while impaired, or driving with excessive alcohol content in violation of § 42-4-1301, C.R.S., or any comparable law, or a misdemeanor related to abuse of alcohol or a controlled substance.

(4) Proof of ownership or legal possession of the restricted area for a recreational marijuana business for the term of the proposed license. If the recreational marijuana business is not the owner of the premises of the business, the applicant shall provide written authorization to the city from the owner to enter the property for inspection of the premises on a form approved by the city.

(5) Proof of insurance as provided in Section 4-1-8, "Insurance Required," B.R.C. 1981.

(6) An operating plan for the proposed recreational marijuana business, including the following information:

(A) A description of the products and services to be provided by the recreational marijuana business.

(B) A dimensioned floor plan, clearly labeled, showing:

(i) The layout of the structure and the floor plan in which the recreational marijuana business is to be located;

(ii) The principal uses of the floor area depicted on the floor plan, including but not limited to the areas where underage persons will be permitted, storage areas, retail areas, and restricted areas where recreational marijuana will be located;

(iii) Areas where any services other than the distribution of recreational marijuana are proposed to occur in the premises; and

(iv) The separation of the areas that are open to persons who are underage from those areas open to persons qualified to use marijuana.

(C) A neighborhood responsibility plan that demonstrates how the business will fulfill its responsibilities to the neighborhood for effective mitigation of community impacts, including neighborhood outreach, methods for future communication, and dispute resolution.

(D) For cultivation facilities and marijuana-infused product manufacturers and marijuana testing facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system of the city as set forth in Chapter 11-3, "Industrial and Prohibited Discharges," B.R.C. 1981.

(E) For a marijuana-infused product manufacturer or a marijuana testing facility, a plan that specifies all means to be used for extraction, heating, washing, or otherwise changing the form of the marijuana plant, or testing any marijuana, and verification of compliance with all applicable laws for ventilation and safety measures for each process. The city shall require the manufacturer or testing facility to obtain a report from an industrial hygienist to verify that the plan submitted, and the improvements to be constructed, adequately protect the business and adjacent properties and persons, and comply with all applicable laws.

(F) The maximum amount of marijuana or marijuana-infused products that may be on the business premises.

(7) A security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule, or regulation. The security plan includes specialized details of security arrangements and will be protected from disclosure as provided under the Colorado Open Records Act, § 24-72-203(2)(a)(VIII), C.R.S. If the city finds that such documents are subject to inspection, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(8) A lighting plan showing the lighting outside of the marijuana business for security purposes and compliance with applicable city requirements.

(9) A zoning confirmation form from the city, to ascertain within a radius of one-quarter mile from the boundaries of the property upon which the recreational marijuana business is located, the proximity of the property to any school or other facility identified in this chapter, or state licensed child care center, to any other marijuana business or to any residential zone district or a mixed-use development containing one or more residences.

(10) Fingerprints and personal histories as may be specified on forms provided by the city manager. This requirement shall apply to all owners, ~~business manager~~keyholders, and financiers employed by or under contract to provide services to the recreational marijuana business, including all individuals who have an interest as described herein of any portion of the recreational marijuana business, directly or as an agent, or a member, partner, or officer of a corporation, partnership, association, or company, and the reports from the Colorado and Federal Bureau of Investigation for each person.

(11) A plan for disposal of any recreational marijuana or marijuana-infused product that is not sold in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(12) A plan for ventilation of the marijuana business that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. For cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marijuana-infused product manufacturers and marijuana testing facilities, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

(13) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used, kept, or created at the marijuana business, the location of such materials and how such materials will be stored.

(14) A description of the processes used to extract or distill marijuana from its source and the process used to incorporate marijuana into all products produced, including verifying compliance of all processes regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business.

(15) A statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from the landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed prior to final inspection of the premises.

(16) ~~For applications for a marijuana-infused product manufacturer, the location of the cultivation facilities which will supply the marijuana for processing in the city owned by the licensee.~~ Modifications to Approved Recreational Marijuana Business License. Prior to making a modification of a marijuana business that would require a building permit or change items required by subsections (6), (7) or (12) of this subsection (a), the licensees shall submit to the city and have approved a complete application for modification of premises in the form provided by the city.

(b) Evidence of Rehabilitation May Be Submitted. In the event the history of an owner, member, ~~business manager~~keyholder, financier, or other person named on the application contains information regarding violations of any law, or previous denial or revocation of a license, that person may include with the license application any information regarding such violation, denial, or revocation. Such information may include, but is not limited to, evidence of rehabilitation, character references, and educational achievements, and other regulatory licenses held without compliance violations, especially those items

pertaining to the period of time between the applicant's last violation of any law and the date of the application.

(c) Fee Required. Any application for a license for a marijuana business under this chapter shall be accompanied by the operating fee, criminal background fee, annual license fee, and any other applicable fees, as required by Section 4-20-67, "Recreational Marijuana Businesses," B.R.C. 1981. Unless the State of Colorado has forwarded the application fee pursuant to Colorado Constitution Art. XVIII, § 16(5)(g)(II) to the city, the applicant shall submit the application fee set forth in Section 4-20-67, "Recreational Marijuana Businesses," B.R.C., 1981 to the city with the application.

(d) Inspection. An inspection of the proposed recreational marijuana business by the city shall be required prior to issuance of a license. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any recreational marijuana, and prior to the opening of the business to the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this code and any other applicable law, rule, or regulation.

(e) Complete Application. For purposes of this chapter, an application shall not be considered complete until the city manager has (i) determined that all requirements of the application have been provided to the city, (ii) received the reports from the fingerprint cards of each person required to submit such cards from the Colorado and Federal Bureau of Investigation, (iii) received the local share of $2,500 for the application fee from the State of Colorado, and (iv) obtained all other information the manager determines necessary to make a decision whether to approve or deny the license application, or approve it with conditions.

(f) Approval Requirements. The city manager may issue a recreational marijuana business license if the inspection, background checks, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application, is prepared to operate the business with other owners and managers as set forth in the application, and has submitted the annual operating fee, all in compliance with this code and any other applicable law, rule, or regulation. The manager will deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information. The conditions of an approval of a recreational marijuana business license shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Ordinance No. 7930 (2013)

6-16-6. - Persons Prohibited as Licensees and ~~Business Manager~~Keyholders.

(a) It shall be unlawful for any of the following persons to have an ownership or a financial interest in a recreational marijuana business, and no license provided by this chapter shall be issued to or held by, and no recreational marijuana business shall be managed by:

(1) Any person until the annual fee for the license has been paid;

(2) Any person not of good moral character;

(3) Any corporation, any of whose officers, directors, or stockholders are not of good moral character;

(4) Any partnership, association, or company, any of whose officers or members holding an interest therein, or a managing member, is not of good moral character;

(5) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good moral character;

(6) Any person, unless such person's character, record, and reputation are satisfactory to the city manager;

(7) Any natural person who is under twenty-one years of age;

(8) Any person who operates or manages a recreational marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation, or conditions imposed on land use or license approvals, or contrary to the terms of the plans submitted with the license application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;

(9) Any person applying for a license to operate a recreational marijuana center who has been licensed to operate another recreational marijuana center in the city pursuant to this chapter;

(10) Any person applying for a license to operate a marijuana-infused product manufacturer facility who has been licensed to operate another marijuana-infused product manufacturer facility in the city pursuant to this chapter;

(11) A person licensed pursuant to this chapter who, during a period of licensure, or who, at the time of application, has failed to remedy an outstanding delinquency for taxes owed, or an outstanding delinquency for judgments owed to a government;

(12) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;

(13) A person whose authority to be a primary caregiver as defined in § 25-1.5-106(2), C.R.S. has been revoked by the state health agency; or

(14) A person that is a licensee for the application location that is currently licensed as a retail food establishment or a wholesale food registrant.

(15) Any person applying for a license to operate a marijuana center who has been licensed to operate three other marijuana centers in the city pursuant to either this chapter or chapter 6-14. For purposes of this subparagraph only, one co-located medical and recreational marijuana center is considered one marijuana-center.

(b) In making the evaluation of the good moral character of an individual identified on an application or amendment thereof, the city manager shall consider the following:

(1) An applicant's violation of a law shall not, by itself, be grounds for denying an application;

(2) Verification of, or lack of ability to verify, items disclosed by the individual;

(3) When an individual has a history of violation of any law, or a history including denial, revocation, or suspension of a license, the types and dates of violations; the evidence of rehabilitation, if any, submitted by the individual; whether the violations of any laws are related to moral turpitude, substance abuse, or other violations of any laws that may directly affect the individual's ability to operate a recreational marijuana business; or whether the violations of any law are unrelated to the individual's ability to operate such a business;

(4) The evidence or lack of evidence regarding the ability of the individual to refrain from being under the influence of intoxicating or controlled substances while performing regular tasks and operating a recreational marijuana business;

(5) Rules adopted by the manager to implement this chapter;

(6) Law, rules, and regulations applicable to evaluation of other types of licenses issued by governments that consider the good moral character of the applicants; and

(7) Any additional information the manager may request of the individual if the individual has a violation of any laws, evidence of substance abuse issue, or items disclosed by the individual which require additional information in order for the manager to make a determination regarding issuance of the license.

Ordinance No. 7930 (2013)

6-16-7. - Locations of Recreational Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a recreational marijuana business or to grow recreational marijuana outside of a locked enclosed space within a building. All recreational marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows recreational marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

(b) Location - Permitted Use in Zoning District. A recreational marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:

(1) as "personal service" for a recreational marijuana center;

(2) as "greenhouse/nursery" for a recreational marijuana cultivation facility; or

(3) as "manufacturing ≤ 15,000 square feet" for a recreational marijuana cultivation facility, for a marijuana-infused product manufacturer, or for a marijuana testing facility.

(c) No Recreational Marijuana Business in Building With Residences or Residential Zone Districts. It shall be unlawful to operate a recreational marijuana business in a building which contains a residence, or within a dwelling unit within any zone district, or within a residential zone district, or within a mixed-use development that includes a residence.

(d) No Retail Sales in Cultivation Facilities or Manufacturing. It shall be unlawful for any person to permit retail sales within a recreational marijuana business that is not a licensed recreational marijuana center.

(e) Separation From Schools and Other Facilities.

(1) No recreational marijuana center ~~business~~ license shall be issued for a recreational marijuana center at a location within one thousand feet of any public or private elementary, vocational, or secondary school, or a college, university, or a state licensed day care center, or an addiction recovery facility. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or named facility.

(2) ~~No license for a recreational marijuana cultivation facility, a marijuana-infused product manufacturer, or a marijuana testing facility shall be issued for a location within five hundred feet of the real property comprising an elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a state licensed day care, or an addiction recovery facility. This restriction shall not apply to a medical marijuana cultivation facility that had submitted an application or held a license by the city on October 22, 2013.~~

(3) No recreational marijuana business license shall be issued for a recreational marijuana business at a location within five hundred feet of three other marijuana businesses.

(4) No recreational marijuana business license shall be issued for a recreational marijuana center at a location on the street level of the mall or the University Hill commercial area.

(5) Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of any other recreational marijuana business.

(6) To determine the proximity to other recreational marijuana businesses and the priority of applications, businesses shall have priority in the following order:

(A) Licensed medical marijuana businesses;

(B) Marijuana establishment;

(C) Businesses for either medical or recreational business whose applications have been approved but licenses not yet issued;

(D) Applications for medical or recreational marijuana business licenses that have been submitted by the applicant and declared complete by the city; and

(E) No other applications shall be considered "businesses" for this determination.

(7) Businesses that convert all or part of a medical marijuana business pursuant to Subsection 6-16-3(f) of this code are not subject to Paragraphs (1), (2), and (3) of this subsection. This exception is not transferrable.

(8) For purposes of this paragraph, school, college, or university shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a school, college, or university that are not used to provide teaching facilities, living facilities, or services to students.

(f) Limitations on Dual Licenses. A recreational marijuana business license may not be issued for any location which also is a part of the restricted area of a business holding a beverages license pursuant to Section 4-2-3, "Authority to Issue City Licenses," B.R.C. 1981, or a marijuana business license under this chapter or Chapter 6-14, "Medical Marijuana," B.R.C. 1981.

(g) Limitations on Recreational Marijuana Centers and Co-Located Marijuana Center. The following shall be the minimum requirements for a recreational marijuana center and a co-located marijuana center:

(1) The area of the business is less than or equal to three thousand square feet, and the restricted area components of the required security and all paper and electronic records are one thousand square feet or less;

(2) ~~The business does not sell or distribute anything other than marijuana and marijuana products or marijuana accessories except as permitted by Section 6-16-8(p)(1)(~~ and

(3) There is a separate reception area for verification of age.

(h) Limitations on Recreational Marijuana-Infused Product Manufacturers and Marijuana Testing Facilities. The area of the premises may not be more than fifteen thousand square feet.

(i) Limitation on Cultivation Facility Licenses. No licensee shall hold licenses for more than five marijuana cultivation facilities. This limitation limits the total number of cultivation facility licenses, including both licenses for medical and recreational marijuana cultivation facilities. The area of the premises of a cultivation facility may not be more than fifteen thousand square feet.

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-8. - Requirements Related to Operation of Recreational Marijuana Businesses.

(a) Onsite Use Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the recreational marijuana business.

(b) Restriction on Access to Business.

(1) No person under twenty-one years of age shall be in the business premises. No person shall be allowed entry into the business premises area without showing a valid picture identification. Recreational marijuana centers ~~The business~~ shall have an electronic scanner able to verify the legitimacy of the identification and maintain records for enforcement, as approved by the city manager. If a person does not have a valid picture identification ~~that the electronic scanner recognizes as legitimate as verification~~ that the person is at least twenty-one years of age, the owner or ~~business manager~~keyholder on the premises shall require that the person leave the business and any surrounding area possessed or controlled by the business. In the event the person has a valid

government-issued proof of age that cannot be scanned, such as a passport or military ID, the business shall be allowed access so long as the ID reasonably appears to be accurate and valid.

(2) No person, other than an employee or contractor of the business or a visitor shall be permitted in the restricted area of the business. For purposes of this subsection, a visitor means a person that is accessing the restricted area for educational purposes~~.~~. No access to the restricted area may be permitted by tourists or for compensation. The business must require that all visitors comply with all requirements for access to limited access areas as required by the Colorado Marijuana Enforcement Division. The log required shall be maintained on the business premises and available for inspection upon request by the city.

(c) Display of Licenses Required. The name and contact information for the owner or owners and any ~~business manager~~keyholder of the recreational marijuana business, the recreational marijuana business license, and the sales tax business license shall be conspicuously posted in the business.

(d) Business Conducted Within Building. Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a recreational marijuana business and shall not be visible from the exterior of the business.

(e) Owner or ~~Business Manager~~Keyholder Required on Premises. No recreational marijuana business shall be managed by any person other than the licensee or the ~~business manager~~keyholder listed on the application for the license or a renewal thereof. Such licensee or ~~business manager~~keyholder shall be on the premises and responsible for all activities within the licensed business during all times when the business is open or in the possession of another person. In the event the licensee intends to employ a ~~business manager~~keyholder that was not identified on the license or renewal application, the licensee shall report the name of such ~~business manager~~keyholder to the city, and such ~~business manager~~keyholder shall submit to the city, at least thirty days prior to commencing serving as the ~~business manager~~keyholder, an application containing all of the information required by this chapter and on the license application. Such licensee shall report to the city any change in ~~business manager~~keyholders at least thirty days prior to employing an additional ~~business manager~~keyholder, and no more than five days after a ~~business manager~~keyholder is released from such position. In the event the licensee submits a completed application for the new keyholder with a copy of a valid Occupation Key B~~b~~adge issued by the state Marijuana Enforcement Division, the applicant may work as a keyholder for the licensee upon submission of the application up until final city determination is made on such application.

(f) Hours of Operation. A recreational marijuana center shall be closed to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 10~~7~~ p.m. and 8 a.m. Provided however, in the event that a planned delivery of marijuana cannot be completed on the day scheduled, the marijuana may be returned to the center.

(g) Use of Pesticides. No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a recreational marijuana business. A recreational marijuana business shall comply with all applicable law regarding use of pesticides, including, without limitation, Chapter 6-10, "Pesticide Use," B.R.C. 1981.

(h) Ventilation Required. A recreational marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the recreational marijuana business or at any adjoining use or property.

(i) Renewable Energy Usage Required. A marijuana business shall directly offset one hundred percent of its electricity consumption through the purchase of renewable energy or carbon offsets, a verified subscription in a Community Solar Garden, or renewable energy generated onsite, or an equivalent that is subject to approval by the city. For a recreational marijuana center that has converted pursuant to Subsection 6-16-3(f) or co-located pursuant to Subsection 6-16-3(g), or a marijuana-infused product manufacturer licensed by the city on October 22, 2013, this requirement shall apply at the time of renewal of the marijuana business license following October 22, 2013.

(j) Limitations on Inventory. The recreational marijuana business shall not maintain any more marijuana within the premises than the amount stated on the business' license application to the State of Colorado and city. No plants shall be located in a recreational marijuana center or a marijuana-infused product manufacturer or a marijuana testing facility. In addition, the establishment shall not maintain any more marijuana within the restricted area than:

(1) Cultivation facility: one thousand plants, provided, however, a cultivation facility may have more than one thousand plants, not including immature plants, if the licensee provides an additional enforcement fee in an amount of $1 per plant over one thousand plants. Such fee shall be payable annually at the time of licensing and renewal; or

(2) MIP: six hundred pounds of marijuana that has not been incorporated into a product and one hundred fifty pounds of marijuana-infused product~~s~~; or

(3) Testing facility: one hundred pounds of raw marijuana and one hundred pounds of marijuana-infused product.

(k) Reporting Requirements. A recreational marijuana business shall report to the recreational marijuana licensing authority each of the following within the time specified. If no time is specified, the report shall be provided within seventy-two hours of the event.

(1) Transfer or change of financial interest, ~~business manager~~keyholder, or financier in the license to the city at least thirty days before the transfer or change;

(2) Sales and taxable transactions and file sales and use tax reports to the city monthly;

(3) A violation of any law by any licensee or applicant of a recreational marijuana business;

(4) A notice of potential violation of any law related to the licensee;

(5) Any report that the recreational marijuana business is required to provide to the State of Colorado; or

(6) Reports of all criminal activities or attempts of violation of any law at the recreational marijuana business or related thereto shall be reported to the Boulder Police Department within twelve hours of occurrence.

(l) No Sales Except Directly to User; No Deliveries. Except for sales to another licensed marijuana business, a~~A~~ll sales of recreational marijuana shall be made in person in the restricted area of a recreational marijuana center. All marijuana sales shall be in person, directly to the purchaser. No marijuana sales shall be made via telephone, internet, or other means of remote purchase. Deliveries of marijuana shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana center.

(m) Delivery Between Recreational Marijuana Businesses. It shall be unlawful for any person to transport recreational marijuana, except as specifically allowed by applicable law, unless the recreational marijuana being transported meets the following requirements:

(1) All marijuana-infused products are hand-packaged, sealed, and labeled as provided in this chapter and the products stored in closed containers that are labeled as provided in this section;

(2) All recreational marijuana in a usable form is packaged and stored in closed containers that are labeled as provided in this section;

(3) Each container used to transport recreational marijuana is labeled with the amount of recreational marijuana or marijuana-infused products, or the number and size of the plants, in the container. The label shall include the name and address of the recreational marijuana business that the recreational marijuana is being transported from, and the name and address of the recreational marijuana business that the recreational marijuana is being transported to. The label shall be shown to any law enforcement officer who requests to see the label;

(4) Unless otherwise specifically allowed by applicable law, recreational marijuana may be transported with proper bill of sale completed before transport only to another recreational marijuana business~~:~~

~~(A) From a cultivation facility to a recreational marijuana center or marijuana-infused product manufacturer, and which recreational marijuana business is owned by the same person who owns the cultivation facility;~~

~~(B) From a cultivation facility to another recreational marijuana cultivation facility;~~

~~(C) Between one recreational marijuana center to another center; or~~

~~(D) Between a marijuana-infused product manufacturer and a medical or recreational marijuana center~~.

(5) The recreational marijuana must be accompanied by the manifest ~~and confirmation email from the State of Colorado~~ in accordance with state requirements for transportation of recreational marijuana;

(6) The recreational marijuana must be accompanied by the email receipt confirmation from the Boulder Police Department in accordance with the rules therefor established by the police department;

(7) When determining and reporting the route for delivery, licensees should select the most direct route that provides efficiency and safety; and

(8) Transport may occur only during the hours allowed for operation of the center.

(n) Disposal of Recreational Marijuana and Marijuana Byproducts. All recreational marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the Boulder Police Department and the Boulder Fire Department.

(o) Possession of Mature Flowering Plants. No more than one-half of the recreational marijuana plants within a recreational marijuana business may be mature, flowering plants.

(p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. The following conditions shall apply:

(1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this chapter or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

(B) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(C) Any products marked with the name or logo of ~~the licensed recreational marijuana center~~marijuana business, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold; or

(D) Advertising which is purely incidental to sponsorship of a charitable event by a recreational marijuana ~~center or a recreational marijuana-infused products manufacturer or a marijuana testing facility.~~ Business.

(E) A booth at a job fair or educational seminar where the only items distributed are company-related or educational materials~~-~~, and no other items are distributed shown or sold.

(F) A booth at an adult event where the only items distributed are educational materials no other items are distributed, shown or sold.

(2) It is an affirmative defense if a recreational marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number;

(3) No marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any place open to the public for the purpose of promotion or advertising except as permitted in subsection (1)(E) and (F) of this section (p);

(4) No marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product either free or at a discount except as permitted in subsection (1)(B) of this section (p)~~; and~~

(5) No recreational marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

(q) The owner or a ~~business manager~~keyholder of a recreational marijuana business is required to respond by phone or email within twenty-four hours of contact by a city official concerning its recreational marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

(r) Separation of Marijuana Businesses. A cultivation facility and manufacturer are separate marijuana businesses requiring separate licenses and separate premises. A medical marijuana center or cultivation facility and a recreational marijuana center or cultivation facility are separate marijuana businesses requiring separate licenses and separate premises. In addition to all other application requirements for separate premises, each business shall:

(1) Have separate operations, ventilation, security, and fire suppression systems, and separate access from a public area;

(2) Be divided within a building from floor to roof. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation between a recreational marijuana business and any adjacent business; and

(3) Obtain delivery documents and manifests for movement of any marijuana between the cultivation facility and the manufacturer.

(s) Additional Requirements for Testing or Production of Recreational Marijuana.

(1) No recreational marijuana business may use metals, butane, propane, or other solvent or flammable product, or produce flammable vapors, to process or test marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist; and

(2) The city shall require the business to obtain verification from a qualified industrial hygienist that the manner in which the business producing or testing marijuana complies with all applicable laws

and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

(t) Packaging at a Recreational Marijuana Center. Provided that recreational marijuana has been delivered to a recreational marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a recreational marijuana center may package and label any marijuana that results from the sale of recreational marijuana in amounts less than as packaged for delivery to the center.

(u) Packaging of Marijuana-Infused Product. Unless the actual amount of marijuana in a marijuana-infused product is contained on the label of the packaged product, any product over one ounce shall be presumed to have more than one ounce of marijuana in the product.

(v) Scanner for Proof of Age. The recreational marijuana center~~business~~ shall verify the proof of age of every person entering the business with an electronic ID scanner. An "electronic ID scanner" is a device that is capable of quickly and reliably confirming the validity of an identification using computer processes that contains all of the components approved by the city manager. For legitimate identifications that cannot be scanned, including passports, military IDs and other lawful government issued identification, use of the electronic ID scanner is not required, but the business shall be responsible for verifying that the identification provided is reliable verification of the age of the person.

(w) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or the aisle and a wall, and clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

(x) Confiscation of Fraudulent IDs. If a licensee or an employee of a marijuana business has reasonable cause to believe that ~~-~~person is under twenty-one~~0ine~~ years of age and is exhibiting fraudulent proof of age in an attempt to enter a marijuana business or to obtain any marijuana or marijuana product, the licensee or employee shall be authorized to confiscate such fraudulent proof of age. Within 72 hours, any fraudulent proof of age confiscated shall be turned over to ~~-~~the Boulder Police Department

(y) Virtually-separated centers or cultivation facilities. A virtually-separated marijuana business shall maintain separate marijuana business licenses, with separate books, records and inventories of all transactions. For purposes of sales, use and excise tax, all transactions shall be considered recreational marijuana unless the business can prove that the transaction was for medical marijuana. A virtually-separated marijuana business may not allow entrance to anyone under 21 years of age on the premises of the business. The floor plan for a virtually separated center shall depict the separate sales counters, display and storage areas for recreational and medical marijuana, A violation of any of the requirements of this code for a virtually separated business is a public safety violation.

(z) Sale of Immature Plants. A medical marijuana center may not sell immature plants, unless (a) no more than six (6) immature plants are sold to any one customer, (b) the patient pre-orders the immature plants, and. (c) the immature plants are not transferred from the medical marijuana cultivation facility to the center until the day the patient is to pick up the immature plants and no immature plants are maintained at the center overnight. The business may require a deposit with any pre-orders.

Ordinance Nos. 7930 (2013); 7970 (2014); 8020 (2014); 8081 (2015)

6-16-9. - Right of Entry - Records to Be Maintained.

(a) Records to Be Maintained. Each licensee shall keep a complete set of books of account, invoices, copies of orders and sales, shipping instructions, bills of lading, weigh bills, correspondence, bank statements, including cancelled checks and deposit slips, and all other records necessary to show fully the business transactions of such licensee. Receipts shall be maintained in a computer program or by pre-numbered receipts and used for each sale. The records of the business shall clearly track

recreational marijuana product inventory purchased and sales and disposal thereof to clearly track revenue from sales of any recreational marijuana from other paraphernalia or services offered by the recreational marijuana business. The licensee shall also maintain inventory records evidencing that no more recreational marijuana was within the recreational marijuana business than allowed by applicable law. All such records shall be open at all times during business hours for the inspection and examination of the city or its duly authorized representatives. The city may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter. The records shall clearly show the source, amount, price, and dates of all marijuana received or purchased, and the amount, price, and dates for all recreational marijuana sold.

(b) ~~Separate Bank Accounts. The revenues and expenses of the recreational marijuana business shall not be commingled in a checking account or any other bank account with any other business or individual person's deposits or disbursements.~~

~~(c)~~ Disclosure of Records. By applying for a recreational marijuana business license, the licensee is providing consent to disclose the information required by this chapter. Any document that the applicant considers eligible for protection under the Colorado Open Records Act shall be clearly marked as confidential, and the reasons for such confidentiality shall be stated on the document. In the event that the licensee does appropriately submit documents so as not to be disclosed under the Colorado Open Records Act, the city shall not disclose it to other parties who are not agents of the city, except law enforcement agencies. If the city finds that such documents are subject to inspection as public records of the city, it will attempt to provide at least twenty-four-hour notice to the applicant prior to such disclosure.

(c~~d~~) Audits. The city may require an audit to be made of the books of account and records of a recreational marijuana business on such occasions as it may consider necessary. Such audit may be made by an auditor to be selected by the city that shall likewise have access to all books and records of the recreational marijuana business. The expense of any audit determined necessary by the city shall be paid by the recreational marijuana business.

(d~~e~~) Consent to Inspection. Application for a recreational marijuana business license or operation of a recreational marijuana business, or leasing property to a recreational marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property, to permit the city manager to conduct routine inspections of the recreational marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or ~~business manager~~keyholder on duty shall retrieve and provide the records of the business pertaining to the inspection, including the security tapes from the cameras required by the security plan. For purposes of Rule 241 of the Colorado Rules of Municipal Procedure and Subsection 2-6-3(e) of this code, inspections of recreational marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of inspection and enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the recreational marijuana business, and the adjoining properties and neighborhood, as provided in Section 6-14-1, "Legislative Intent and Purpose," B.R.C. 1981. Application for a recreational marijuana business license constitutes consent to inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a recreational marijuana license without a search warrant.

(e~~f~~) Reporting of Source, Quantity, and Sales. The records to be maintained by each recreational marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and retail sales transactions, the following:

(1) Date, weight, type of marijuana, and dollar amount or other consideration of transaction;

(2) For wholesale transactions, the State of Colorado, and city, if any, sales and use tax license number of the seller; and

(3) The amount of marijuana within the restricted area.

(f~~g~~) Reporting of Energy Use and Carbon Offset Purchases. The records to be maintained and submitted to the city on a quarterly basis, by each recreational marijuana business shall include, without limitation, records showing on a monthly basis the use and source of energy and the number of certified Renewable Energy Credits (RECs) purchased, or the subscription level for another renewable energy acquisition program approved by the city manager. A statement of the projected daily average peak electric load anticipated to be used by the business and certification from the building owner or landlord and utility provider that the premises are equipped to provide the required electric load, or necessary upgrades will be performed. Such records shall include all statements, reports, or receipts to verify the items included in the report of the business. By application for a recreational marijuana business license from the city, the recreational marijuana business grants permission to providers of the energy or point of origin of the RECs or other renewable energy acquisition program to disclose the records of the business to the city. For recreational marijuana businesses that cultivate recreational marijuana the report shall include the number of certified RECs purchased, or the subscription level for another renewable energy acquisition program approved by the manager.

Ordinance No. 7930 (2013); 8081 (2015)

6-16-10. - Requirements Related to Monitoring and Security of Restricted Areas and Inventory.

All components of the security plan submitted with the application, as it may be amended, shall be in good working order, monitored, and secured twenty-four hours per day. Except for a co-located marijuana business that is virtually separated, a~~A~~ separate security system is required for each business. The security plan must include, at a minimum, the following security measures:

(a) Cameras. The recreational marijuana business shall install and use security cameras to monitor and record all areas of the premises (except in restrooms), and where persons may gain or attempt to gain access to marijuana or cash maintained by the recreational marijuana business. Cameras shall record operations of the business to the offsite location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty days in a secure offsite location in the city or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the city and provided to the Boulder Police Department upon request, and updated within seventy-two hours of any change of such location.

(b) Use of Safe for Storage. The recreational marijuana business shall install and use a safe for storage of any processed marijuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marijuana-infused products or marijuana being tested in a testing facility that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the city in place of use of a safe, so long as the container is affixed to the building structure.

(c) Alarm System. The recreational marijuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the city shall identify the company monitoring the alarm, including contact information, and be updated within seventy-two hours of any change of monitoring company.

Ordinance No. 7930 (2013)

6-16-11. - Requirements for Public Health and Labeling.

(a) Recreational Marijuana-Infused Products. The production of any marijuana-infused product shall be at a marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in § 25-4-1601, et seq., C.R.S., the Food Protection Act. The production of any product

containing marijuana shall comply with all health and safety standards thereof. The licensee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the recreational marijuana-infused products were food items.

(b) Labeling and Packaging Requirements. All recreational marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner that ~~advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, and that the marijuana is intended for use solely by a person lawfully possessing recreational marijuana. The label shall be~~ is in compliance with all applicable requirements of the State of Colorado and any other applicable law.

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Ordinance No. 7930 (2013)

6-16-12. - Compliance With Other Applicable Law.

(a) Application of State Law. Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for recreational use shall also apply to recreational marijuana businesses in the city. Provided, however, that, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any license issued under this chapter. No recreational marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.

(b) Revocation of License Upon Denial or Revocation of State License or Applicable Federal Prohibition. If the state prohibits the cultivation, production, possession, or other distribution of marijuana through recreational marijuana businesses, or if a recreational marijuana business is denied a recreational marijuana business license or has such license revoked pursuant to § 12-43.3-101, et seq., C.R.S., or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through recreational marijuana businesses supersedes state law, any license issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(c) Revocable Privilege. A recreational marijuana business license is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Ordinance No. 7930 (2013)

6-16-13. - Prohibited Acts.

(a) Prohibited Acts. It shall be unlawful for any person to:

(1) Cultivate, distribute, produce, smoke, use, or ingest marijuana openly or publicly in a place open to the general public;

(2) Smoke, use, or ingest on the premises of the recreational marijuana business (1) marijuana, (2) fermented malt beverage, (3) malt, vinous, and spirituous liquor, or (4) a controlled substance, except in compliance with the directions on a legal prescription for the person from a doctor with prescription writing privileges;

(3) Operate or be in physical control of any recreational marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol or marijuana or other intoxicant;

(4) Possess more than six marijuana plants without a recreational marijuana business license for a cultivation facility;

(5) Possess more than one ounce of a usable form of marijuana without a recreational marijuana business license for a center or a marijuana-infused product manufacturer;

(6) Obtain marijuana for remuneration from a person who is not licensed as a recreational marijuana business;

(7) Possess or operate a recreational marijuana business in violation of this chapter;

(8) Produce, distribute, or possess more marijuana than allowed in this chapter, or than disclosed in the application to the State of Colorado for a recreational marijuana business license, or other applicable law;

(9) Distribute marijuana for remuneration without a recreational marijuana business license or outside of the restricted area of the recreational marijuana business;

(10) Possess recreational marijuana, or own or manage a recreational marijuana business, or own or manage a building with a recreational marijuana business, where there is possession of recreational marijuana, by a person who is not lawfully permitted to possess recreational marijuana;

(11) Possess or operate a recreational marijuana business in a location or in a manner for which a recreational marijuana business license is prohibited by the terms of this chapter;

(12) Operate a recreational marijuana business without a recreational marijuana business license from the city;

(13) Operate a recreational marijuana business in a manner that is not consistent with the items disclosed in the application for the recreational marijuana business, or is in violation of any plan made part of the license application;

(14) Operate a recreational marijuana business without disclosing, in the application for a recreational marijuana business license or an amendment thereto, an agent who either (1) acts with managerial authority, (2) provides advice to the recreational marijuana business for compensation, or (3) receives periodic compensation totaling $1,000 or more in a single year for services related to the recreational marijuana business. It shall be an affirmative defense that the undisclosed person was an attorney, accountant, bookkeeper, or mail delivery person;

(15) Own or manage a recreational marijuana business where distribution occurs of a marijuana-infused product that was produced in a manner that is not in compliance with this chapter;

(16) Operate a recreational marijuana business without a recreational marijuana business license prior to passing the inspection required by this chapter;

(17) Make any changes, or for the licensee to allow any changes, to the items included in the plans submitted with the license application and approved by the city, or the individuals identified in the application, without prior approval of the city;

(18) Attempt to use or display a recreational marijuana business license at a different location or for a different business entity than the location and business entity disclosed on the application for the issued license;

(19) Own or manage a recreational marijuana business in which another person cultivates, produces, distributes, or possesses marijuana, in violation of this chapter or any other applicable law;

(20) Allow an owner or ~~business manager~~keyholder that has not been disclosed to the city as required by this chapter to operate the business;

(21) Own, manage, or possess a recreational marijuana business where marijuana is outside of the restricted area portion of such business;

(22) Possess a number of flowering plants that is more than one-half of the recreational marijuana plants that are lawfully possessed by a person;

(23) Dispose of marijuana or any byproduct of marijuana containing marijuana in a manner contrary to this chapter;

(24) Distribute a marijuana plant to any person,except as provided in this chapter for immature plants;

(25) Deliver or transport marijuana to a person or between recreational marijuana businesses in a manner contrary to this chapter or other law;

(26) Refuse to allow inspection of a recreational marijuana business upon request of a city employee or consultant of the city. Any licensee, owner, ~~business manager~~keyholder, or operator of a recreational marijuana business, or the owner of the property where a recreational marijuana business is located, may be charged with this violation;

(27) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

(28) Violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;

(29) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of recreational marijuana or the operation of a recreational marijuana business;

(30) Lease any property to a recreational marijuana business that has marijuana on the property without a recreational marijuana business license from the city;

(31) Operate a private club where marijuana is possessed or used by any person at the private club;

(32) Remove marijuana harvested from a plant from the enclosed, locked space where the plant was grown, except as provided in this chapter;

(33) Distribute marijuana within a recreational marijuana center to any person who shows visible signs of intoxication from alcohol, marijuana, or other drugs;

(34) Permit a minor on the premises of the business;

(35) Fail to respond by phone or email as required by Subsection 6-16-8(q) of this chapter;

(36) Produce any marijuana without a license from the city for a marijuana-infused product manufacturer;

(37) Distribute, or contract to distribute, marijuana using any freight or package service, community rideshare, or other commercial transportation network, not including the United States Postal Service, unless such transporter has a license from the state to transport marijuana; or

(38) Possess extraction vessels, and butane, propane, compressed CO_2, ethanol, isopropanol, acetone, heptane, hexane, or any other volatile materials used in the production of solvent-based marijuana concentrate, in the same premise as marijuana without a license from the city as a marijuana-infused product manufacturer or a marijuana testing facility.

(39) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(40) Failure to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

(41) Failure to confiscate fraudulent proof of age. It shall be an affirmative defense if the person reasonably believed that attempts to confiscate a fraudulent proof of age would cause a threat to any person or disruption to the business.

(42) Failure to post the premises during a suspension.

(43) Distribute any consumable product, other than bottled water, that is not a marijuana-infused product.

(b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-14. - Suspension or Revocation of License; Imposition of Fines.

(a) A recreational marijuana business license may be suspended or revoked for any of the following violations:

(1) Conviction of the business, a licensee, or any owner, ~~business manager~~keyholder, or financier of any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;

(2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the recreational marijuana business;

(3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the license application;

(4) Distribution of recreational marijuana, including, without limitation, delivering or transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation;

(5) Operation of a recreational marijuana business in violation of the specifications of the license application, any conditions of approval by the city, or any violation of this chapter or any other law, rule, or regulation applicable to the use of recreational marijuana or operation of a recreational marijuana business;

(6) Failure to maintain, or provide to the city upon request, any books, recordings, reports, or other records required by this chapter;

(7) Failure to timely notify the city and to complete necessary city forms for changes in financial interest, ~~business manager~~keyholders, financier, or agent;

(8) Temporary or permanent closure, or other sanction of the business, by the city, or by the county or Colorado Department of Public Health and Environment, or other governmental entity with jurisdiction, for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable law;

(9) Revocation or suspension of another recreational marijuana business license or any other license issued by the city, the State of Colorado, or any other jurisdiction held by any licensee of the recreational marijuana business; or

(10) Failure to timely correct any violation of any law, or comply with any order to correct a violation of any law within the time stated in the notice or order.

(b) In the event a business or licensee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the license, the city may suspend the license pending the resolution of the alleged violation.

(c) Civil penalties for violations of this chapter may be imposed by the city against the person or any licensee up to $5,000 per person and any licensee per occurrence. Any person or licensee subjected to civil penalties or revocation or suspension of its license shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such penalties. All such hearings shall be conducted by the Boulder Municipal Court as the hearing officer under a de novo standard of review.

(d) If the city revokes or suspends a license, the business may not move any marijuana from the premises except under the supervision of the Boulder Police Department.

(e) In the event of the suspension of a marijuana business license, the marijuana business, during the suspension period~~,~~:

(1) Shall post two notices as provided by the Marijuana Licensing Authority, in conspicuous places, one on the exterior and one on the interior of its premses for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the licensed premises. ~~the *business shall post; City licensing will prepare and supply the poster*~~

Ordinance Nos. 7930 (2013); 7970 (2014); 8081 (2015)

6-16-15. - Term of License - Renewals - Expiration of License.

(a) Term of License. A recreational marijuana business license shall be valid for one year. The license shall expire on the date stated on the license, but no more than twenty-four months, to facilitate the administration by the city of renewals and coordinate with the date for renewal of the state license of such licenses.

(b) Renewal of License. The licensee shall apply for renewal of the recreational marijuana business license at least forty-five days before the expiration of the license. The licensee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five days before the expiration of the license, but does apply for renewal prior to expiration of the license, the city may process the renewal application if the applicant submits a late filing fee of $5,000 at the time of submittal of the renewal application.

(1) The renewal license fee, and late fee if applicable, shall accompany the renewal application. Such fee is nonrefundable.

(2) In the event there has been a change to any of the plans identified in the license application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

(3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any ~~business manager~~keyholder, financier, agent as defined herein, or employee, has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

(4) In the event the business license has been suspended or revoked or a licensee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

(5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

(6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased; the amount of marijuana sold, the forms in which marijuana was sold; the police report numbers or case numbers of all police calls to the recreational marijuana business; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

(7) The city shall not accept renewal applications after the expiration of the license, but instead shall require the applicant to file a new license application.

(8) In the event there have been allegations of violations of this code by any of the licensees or the business submitting a renewal application, the city may hold a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, prior to approving the renewal application. The hearing shall be to determine whether the application and proposed licensees comply with this chapter and whether the operation of the business has been in compliance with this code. If the city does not hold a hearing and the application and the licensees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject to judicial review as provided in Subsection 6-16-4(e) of this chapter.

(c) Nonpayment of Tax. In the event a recreational marijuana business that has been open and operating and submitting monthly sales and use tax returns to the city ceases providing sales and use tax returns to the city for a period of three months or longer, the recreational marijuana business license shall be deemed to have expired and a new license shall be required prior to reopening at the location of the business.

(d) Expiration of License. Expiration of a recreational marijuana business license for any reason, including, without limitation, pursuant to Subsection (c) of this section, shall be considered an inactive local license as described in § 12-43.3.312, C.R.S.

Ordinance No. 7930 (2013)

6-16-16. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

Ordinance No. 7930 (2013)

Chapter 4-20 Fees

4-20-64

. . .

(__) Modification of Premises – as classified in Table 1:…… ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500
If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

4-20-67. - Recreational Marijuana Businesses.

Application and license fees for recreational marijuana businesses shall be up to the following amounts:

. . .

(__) Modification of Premises – as classified in Table 1:……. ~~3,000.00~~
Major $1,100
Minor……..$250
MIP Minor…….$500
MIP Major……$1,500
If a proposed modification does not fit precisely into one of the categories on the table of major and minor modifications adopted by city manager rule, the fee due shall be the same as the most similar category.

~~(9) Modification of premises~~

~~(A) Minor, including replacement of existing equipment that does not change requirements of ventilation or security plans, adding electrical power or outlets that does not require a service upgrade or a new panel or subpanel at a center or cultivation facility.....$500.00~~

~~(B) Major - all modifications that (i) are not minor, or (ii) require a building permit or (iii) change the designations of areas on the dimensioned floor plan, or (iv) constitute a material change as defined by the Colorado Marijuana Enforcement Division .....$3,000.00~~

~~. . .~~

The application fee, operating fee, costs, excess plant fee, and renewal fee paid are nonrefundable. The new license fee may be refunded if the new license application is denied. No fee will be refunded in the instance of suspension or revocation.

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
1	*General Advertising*	Limited ability for marijuana businesses to market their brand/logo for advertising purposes. Businesses want to be able to "brand" their name and logo through merchandise, signs, printed materials and other means. Research demonstrates the significant impact advertising (including some forms of coupons) and branded merchandise of substances plays on youth intent to use, initiation, and ongoing use. Therefore a balanced approached is necessary to avoid unintended consequences of increased use among youth.	May not advertise in a manner appealing to minors. 6-14-8(p) and 6-16-8(p): Prohibits advertising that is "misleading, deceptive, false, or designed to appeal to minors." Allows advertisement in newspaper, magazine, or other periodical of general circulation within the city or on the internet. No other advertising.	Changes to specific categories of advertising as noted below, but prohibited from advertising outside of the exceptions.		Need to define what is meant by "appealing to youth."
2	Discounts/coupons	Prohibits use of coupons and/or discounts (1) Includes coupons, free merchandise, swag (2) Businesses want to be able to have customer show affiliation (Bolder Boulder, veteran, birthday, etc.) in exchange for discount. Coupons that are distributed in a leaflet form or posted in public view serve as an advertisement that cannot meet the exisiting rules limiting advertisment where audiences are no more than 30% of viewers are minors.	Prohibits requiring a coupon (paper or e-copy) or exchange of anything to obtain the discount. Leafleting cars, handing out flyers, ads on vehicles, or handheld signs or sign spinners are not allowed. Stated in general, not just for coupons. Code cite same as above.			
3	Education	Businesses want to be able to distribute instructions for use of products and educational materials with the business logo and other information particular to the business. Distribution of educaitonal materials by businesses is encouraged. However, the materials should be developed by a public or non-profit organization and should not be branded with business logos, which would further serve as a form of advertising.	Does not limit the distribution or display of educational materials provided by marijuana business or other parties or instructions for use of product so long as it does not have a brand logo. Does prohibit anything that would be considered advertising, handbill or leaflet. Code cite same as above.	Allow businesses to distribute within the store or at approved events that occur outside store. ("approved event" = approved under city code) educational materials created and provided by public agencies or non-profit organizations without marijuana business branding.		
4	Sponsorships/ Events	Businesses want to participate as a sponsor by being able to have booths, signs and distribute written or tangible materials (swag) with their logo brand. Sponsorhsip is encouraged, but advertisement within sponsorship should be limited, especially in locations or at events where more than 30% of participants are minors or controlled access is not achieveable.	Not currently allowed to participate in or host an event as a marijuana business. 6-14-8(p)(1)(D) and 6-16-8(p)(1)(D) - Advertising which is purely incidental to sponsorship of a charitable event is allowed (can be listed as event sponsor in print, posters and t-shirts as is any other sponsor when all sponsors listed; may not have individual recognition as sponsor by separate banner, booth, print materials) but may not separately advertise at non-profit events. No booth or flyers or separate banner.	1) Clarify definition of "incidential." 2) Allow participation in booths (not events) to distribute informational material. 3) Adopt state rule that no more than 30% of participants can be minors.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
5	Job Fairs	Unintended consequence - Prohibition on advertising prevents distributing materials for employee recruitment at job fairs.	Restrictions in advertising/sponsorship do not permit booths or handouts. Code cite same as above.	Amend city code to allow for job fair exceptions: a) allow company-related materials and handouts at job fairs aimed at employees over 21 years of age; b) note that at least 70% of the audience at the job fair must be reasonably expected to be over 21 years of age. This applies to all job fairs; c) define "job fair and reasonably expected."		
6	Signs	Not allowed off-site	None off-site. A sign with the business name and business address only is allowed at the business location. 6-14-8(p)(1)(A) & 6-16-8(p)(1)(A) & 9-9-21 (sign code)	Panel did not seek change		
7	*General Merchandise*	Panel agreed to support sustainability of the marijuana industry by allowing sales of additional products while remaining protective of our advertising goals.	6-14-8(p)(1)(C) and 6-16-8(p)(1)(C): Allows any products with brand/logo of MJ center, including wearable and non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold. Doesn't allow products of other brands/logos other than marijuana business. No marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.	Allow sale of any non-consumable merchandise, including merchandise that is not marijuana or marijuana accessories, at medical or recreational marijuana retail facilities, whether or not the merchandise is branded.	Differs from laws limiting what liquor stores can sell.	
8	Merchandise	Businesses want to be able to sell merchandise other than marijuana and marijuana accessories. They also want to be able to sell non-branded and branded merchandise of other marijuana brands and not just their own brands.	6-16-8(p)(1)(C) - Permits sale of branded merchandise by license/store (i.e. but limited to only your store brand) Selling of wearable or non-consumable merchandise with the business name and logo on it, sale of MJ, and MJ accessories is allowed. No sale of products marked with its name or logo.	Align with state = can sell any merchandise except comsumables. No free swag.	Same as above.	
9	Branded marijuana merchandise	same as above	Allows businesses to sell its own branded merchandise of the business, but not other marijuana businesses.	same as above.		
10	Unbranded marijuana merchandise	same as above	Sales of unbranded marijuana merchandise not allowed.	same as above.		
11	Merchandise unrelated to MJ	same as above	Does not allow sale of products others than marijuana and marijuana accessories (constitutional language).	same as above.	same as above.	
12	*Sales*					

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
13	Labeling of product	The state has now adopted labeling requirements which are staged to go into effect in July and Oct. 2016, so Boulder's provisions requested by patients will be no longer be necessary.	6-14-11(b)(3) - statement label conflicts with Rule 1004.5(b)(1)(j)(ii); live Oct. 2016 (3) 6-14-11(b)(2) - city is more specific on label where state is vague Rule 1004.5(b)(1)(k); live Oct. 2016	Align with State = remove city labeling requirements to coordinate timing when state requirements become effective.		
14	Sale of Clones	Marijuana businesses would like to be able to sell marijuana seeds and plants to customers.	Any germinated seed is a plant, and plants may not be stored or sold at medical/rec sales locations. 6-14-2 definition of "Medical Marijuana Plant" and 6-14-13(26) "Prohibited Acts"; 6-16-2 definition of "Recreational Marijuana Plant" and 6-16-13(24) Prohibited Acts.	Sale of clones is allowed. Pre-orders and same day pickup is required. Prepayments or deposits are allowed. Customers are allowed to purchase a max of 6 clone plants.		
15	Seeds	Confusion on interpretation issue resolved. Seeds are treated like flower for excise tax purposes at both city and state levels. Sales are based on weight allotments.		no change		
16	*Business Operations*					
17	Term "business manager"	The use of the term "business manager" is creating an unintended consequence: the term is leading employees to demand higher pay because of the title of "business manager."	6-16-2 - individual designated by owner as the person responsible for all operations of the business in the absence of the owner.	Change all references in Boulder Code and applications from "business manager" to "keyholder."		
18	Background checks - (1) eliminating 30 day waiting period (2) background criteria.	(a) Employees must wait 30 days before he/she can serve as a keyholder (manager) while a background check is performed (b) Unintended consequence: for businesses, this either requires owners to be on-site when a keyholder leaves that business, or qualify more employees as keyholders in case any one of them leaves the business. Boulder's interest has been to make sure that unqualified employees were not in charge of the operation of a city licensee.	Requires 30 day waiting period, higher background check criteria requirements than the state, and an objective rather than subjective review.	For business managers: (1) Eliminate 30-day waiting period for business mgr background checks by submitting a copy of the State MED Key Badge with city's "keyholder" application; (2) Panel agreed to adopt staff's suggested changes to background criteria. Attached as **Exhibit 1**.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
19	Hours of operation	Current hours of operation cause two issues: (1) competitive disadvantage w/other Colorado dispensaries because they can stay open later; and (2) operationally, it only provides the ability for employees to do transport and METRC corrections during hours of operation, inhibits employees from doing all the supplemental work necessary to comply with METRC reporting and labor.	6-16-8(f) - medical marijuana sales allowed from 8am - 7pm. 6-16-8(f) - recreational marijuana sales allowed from 8am - 7pm. 6-16-8(m)(8) - transport only allowed during hours of operation. County: allows sales from 8am - 10pm. State: allows sales until midnight.	Extend hours of operation to 10:00 p.m. Include additional requirement related to effective mitigation planning on the existing required neighborhood responsibility plan. Staff amended the form and the panel approved the changes. It reads in part, "(c) Effective Mitigation Planning: Describe how the MJ business will effectively mitigate neighborhood impacts to surrounding residences and businesses, including but not limited to, noise, traffic, crowding, lights, public consumption related to their business." Also requires a change to code 6-14-5(6)(C)and 6-16-5(6)(C) to add "effective mitigation of community impacts."	Concern about the ability to enforce neighborhood responsibility plan and mitigate impacts to residential areas. Area of high number of complaints to city.	
20	Visitors	Ability to allow non-licensees to be in restricted area: the city code makes exceptions for contractors, but not for consultants or judges/juries to be in restricted area.	6-14-8 No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area.	Align with state code = no for-profit tours. No for-profit tours. Not allowed for tourism and include state code procedure (i.e., use of log books is required).		
21	Combined HVAC system and other systems where building code allows	Required to have separate ventilation in a co-located business; 2 HVACs where 1 stronger unit would be more efficient.	6-16-8(h) - ventilation required 6-16-8(r)(1) - separate ventilation required	Create a city code exception to allow for combined HVAC systems for co-located business.		
22	Maintaining back-up of surveillance tapes	Confusion by licensees clarified by staff. No need to change city code. State requires back-up for at least 40 days and city requires only 30 days.	6-16-10(a) - recordings maintained for a minimum 30 days.	Increase City requirement from 30 to 40 days.		
23	Permanent modifications	Businesses request a clarification in regards to what qualifies as a permanent modification, as well as a tier system approach to minor and major modifications and fees.	Requires an application and approval for permanent modification for any change to the business documented floor plan or any other plan submitted with the license and made part of the application, or operation of the businesses. 4-20-64(h) and 67(9).	*See* **Exhibit 2** - Permanent Modification Chart		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
24	Virtual and physical separation	Businesses do not want a physical separation between medical and recreational in retail locations and cultivation facilities; want virtual separation.	Co-located medical and recreational retail centers must be physically not just virtually separated. 6-16-3(d).	Allow co-located retail and cultivation facilities to be virtually separated and eliminate physical separation requirement. Business will have to verify that they are maintaining separate books as provided in 6-16-9 for each license issued by the city.	City's objection is effect on ability to audit. Just discovered that businesses are co-mingling books which eliminates ability to audit and virtual separation will compound this.	Pat Brown, Revenue and Licensing Officer, will meet with Marijuana business financial people to clarify expectations of bookkeeping and auditing. City will provide a seminar on this in 30 days.
25	*Licenses*					
26	Transfer license to new owner	Prohibition of transfer/sale of license.	6-16-3(e) - Can sell stock/memberships but not entity.	Allow sales and transfers of inventory (with authorization by state), assets, and infrastructure that are portable to other locations; allow licenses to retain grandfathered provision, the license remains in the same physical location. Can sell business entity and transfer license for that location to new entity.	Recommendation does not create an exemption to compliance with non-conforming use standard. Staff needs to be able to conduct background checks before transfer. No other licensees transferable, except liquor that is goverened by state law. Panel also wanted to propose change to allow transfer of business to new locations, but that would trigger land use issues and will need to be addressed separately with the other proposed changes to land use. 6-14-3(e)(3)	
27	Transporting MJ product among MJ licensed businesses	(1) City code defines which MJ businesses MJ may be transferred to; (2) Not at issue for city since the state eliminated vertical integration, the limits on which licensed MJ business MJ is being transferred to and from is not an issue; (3) Issue: Boulder's enforcement issue is that city police be able to determine quickly whether the MJ in a vehicle is legal or not; the e-mail bounce back of the manifest is sufficient monitoring when MJ is being transported among licensed businesses.	6-16-8(m)(5) - MJ "must be accompanied by the manifest and confirmation email from the State of Colorado" 6-16-8(m)(6) - MJ "must be accompanied by the email receipt confirmation from the Boulder Police Dept."	Remove restrictions related to transfer of product or plants by: (1) Eliminating subsections of 6-14-8(m)(4) A-D; (2) Eliminating subsections of 6-16-8(m)(4) A-D. No change to requirement for city e-mail bounceback.		Note new Law: Transporter License: Jan. 1 allowed, must be licensed by July 1. This panel won't be able to address this b/c still need to go through rulemaking, etc. and the state may not even give the city the ability to regulate transporters.
28	Applications for MIP licenses to include locations of the grow supplying at least 70% of the marijuana.	MIPs no longer have to prove that 70% of product comes from their cultivation facilities.	6-16-5(a)(16)	Remove 6-16-5(a)(16) - not necessary since 70/30 rule was removed Nov. 2015.		
29	Posting for suspension periods	City Licensing has not imposed suspensions, but the municipal court has done so. For liquor licenses suspended, posting on the property is required during the suspension period. Likewise, MJ licenses should be required.	Not currently addressed in city code.	Add to city code requirement of posting during periods of suspension (similar to liquor licensing).		
30	Schedule of Penalty Guidelines	It is important for staff to have penalty guidelines in order to be consistent in penalty assessment. It is also beneficial to marijuana businesses so that they are aware of the potential penalty depending on the type of violations. There is perception that there is a list of subjectivity in enforcement.	Penalty Guidelines are not part of the Code. (They have always existed; they just are not part of the code for marijuana or any other penalty schedule).	Guidelines for Penalties. Attached as **Exhibit 3**.		

*MIPS (Marijuana Infused Products)

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
31	Max # of dispensary/center licenses held by one MJ owner	Businesses want to be able to own more marijuana businesses in the city.	6-16-6(a)(9) - The same business owner cannot own more than one each of dispensary and center.	Allow for up to 3 addresses of dispensaries/centers per owner. This could be up to 6 separate licenses if each location was co-located medical and recreational.		
32	*IDs*					
33	Not all IDs can be read by scanners	Not all IDs can be scanned: Military IDs, passports and passport cards, tribal/Native American cards with all appropriate info, some US territory driver's licenses, and worn barcodes are not scannable and therefore impossible to comply with law.	6-16-8(b) requires all identification to be verified by using an electronic scanner.	(1) Add provisions to Boulder Code to recognize that some legitimate IDs cannot be scanned, but may be reasonably relied upon by the licensee. Language would read something to this extent - "If it can scan, you must scan. If not, visual confirmation is mandatory." (2) Make it mandatory for employee to take city ID check training or state responsible vendor training w/in 90 days of first day of work; applies to retail only, not MIPs or grows. Liquor licensees have 90 days to train new employees, and MJ license holders should have same amount of training time. (3) Create rule as to what classes are approved.		
34	ID scanners at grow/MIP	No need for scanners at MIPS or grows, but Code makes it mandatory to validate IDS with scanner.	6-16-8(v) - "marijuana business shall verify the proof of age" with a scanner.	Change 6-16-8(v) "marijuana business" to "recreational marijuana center" to clarify that scanners are not required at grows, MIPs, medical centers or testing facilities. If a recreational and medical center co-locate, a scanner is required.		
35	Confiscating fraudulent IDs	When a liquor licensee is shown a fraudulent ID, normal practice is to confiscate the ID and send to BPD. This avoids the minor from being able to use the same ID at another location and helps prevent minors from obtaining liquor or businesses from being charged for serving a minor. This same requirement should apply to MJ regs.	not currently addressed in city code	Add to the city codes the same requirements of liquor licensees to confiscate fraudulent IDs and turn them into BPD.		
36	*Other misc topics*					
37	Odor regulations	All marijuana businesses are subject to odor regulations and must have proper ventilation so that odor cannot be detected outside the premise. The most frequent community complaint about mj businesses is odor.	6-14-5(a)(12) and 6-14-8(h); 6-16-5(a)(12) and 6-16-8(h).	No change recommended.	Building department inspectors work with licensees to best handle their odor. Penalties are not often imposed because most businesses can be mentored into compliance. The odor regs have been successful because they have mitigated odor that impacts non-mj businesses and nearby residents.	

*MIPS (Marijuana Infused Products)

Chart of Current Background Check Considerations and Changes Proposed by Subcommittee

Criteria Issue	No approval	Considered for moral turpitude	Approved
Current: Moral Turpitude violations of law	X		
Proposed: Moral Turpitude violations of law are notable but are incorporated into the below convictions criteria		X	
Non-drug Felony offenses			
Current: Felony violations of laws in the last 5 years (non-drug offenses)	X		
Proposed: Felony violations of laws in the last 10 years (non-drug offenses)	X		
Drug Related Felony Offenses			
Current: Felony violations of law for any drugs at any time	X		
Proposed: Drug Felony violation of law in past 10 years (non-marijuana)	X		
Proposed: Drug Felony violation of law in past 10 years that are no longer illegal (marijuana)			X (unless part of compilation of matters considered for good moral character)
Pattern of Arrests			
Current: Pattern of 5 or more arrests in past 10 years	X		
Proposed: Pattern of 5 or more arrests in the past 5 years	X		
Pattern of Violations of Law			
Current: In review with evidence of rehabilitation, any 1 of the following conviction in last 5 years: i) MJ misdemeanor, ii) obstruction/interference/eluding, iii) 3 or more misdemeanor convictions	X		
Proposed: 5 or more misdemeanor violations of law in past 10 years	X		

Sub-committee proposal to replace 30 Day Wait – So long as a city application and fees has been submitted, and a copy of the state green badge is submitted with the city application, the applicant can work/manage during the first 30 day period and continue in Boulder until final city determination is made.

Travis Question to City Staff: What does Boulder City need to feel safe in its "subjective" review of documents? Answer: We recognize we cannot identify every individual violation that may affect good moral character. However, we want to have a checklist so we are as consistent as possible among persons who apply.

Permanent Modifications Chart for Marijuana Businesses- Stores and Grows

August 3, 2016

Non-Modification (inspection at renewal) No Fee	Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, and 1 Dept. Inspection Fee $250	Major Modification (must be fully approved before modification can be fully utilized) Application, Fee and 4 Dept. Inspections Fee $1,100
Installation of a Light fixture with existing source of power Upgrading existing equipment that does not require adding outlets, service upgrades or a new electric panel or subpanel camera cleaning and adjustments to maintain view of areas as required in security plan painting and cleaning Regular maintenance of systems (HVAC, irrigation), such as cleaning and replacing filters repair or replacement of equipment with same model not requiring building permit and not part of operational plan moving furniture not associated with MJ sale/service/storage carpet and tile replacement	Camera Addition, Removal or change of areas monitored and any change to the security system that does not require a change to the security plan Adding or removing a safe Adding, modifying or removing POS within room shown on floor plan Adding an outlet or other change to the electric system that does not require a service upgrade or a new panel or subpanel Grow Trays- adding additional square footage or moving location New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan and not within a MIP, Change of Room Designation with no structural changes Window replacement	Change to square footage, operating plan, floor plan or security plan Structural changes- walls, windows etc Changes to the electrical system that require service upgrades or new panel or subpanel Changes to the plumbing system that require changes to mold mitigation plan or wastewater plan Change to Room Designation with structural change Material change to sale, storage, or preparation of MJ

Permanent Modifications Chart for Marijuana Businesses- Marijuana Infused Product Locations

August 3, 2016

The fee for Grows and Retail apply to MIPs except for the following:

Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, Building IH confirm, and 1 Dept. Inspection Fee $500	Major Modification (must be fully approved before modification can be utilized) Application, Fee, Building IH full review, and 4 Dept. Inspections Fee $1,500
Equipment change as the only change to IH plan SOP change that does not require review by industrial hygienist New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan or industrial hygienist plan	New, replacement or change of equipment or any change to process certified by industrial hygienist Any change to process certified by industrial hygienist Changes to the electrical system that require service upgrades or new panel or subpanel New or change to equipment (HVAC, irrigation) with effect on operation plan, floor plan or security plan or industrial hygienist plan A change to any equipment or system with flammable refinement

City of Boulder Draft Marijuana License Penalty Schedule Guidelines - August 3, 2016

The following is the Penalty Schedule that is used for guidance by the Boulder Marijuana Licensing Authority when proposing penalties. This schedule includes the most frequently occurring violations, but it is not an all-inclusive list of all possible violations of the Boulder Marijuana Codes.

The city Marijuana Enforcement team members are always available to answer questions beforehand about compliance from Boulder Marijuana businesses to ensure that their business operations remain compliant with our local law. Additionally, the City of Boulder offers MJ sales and service training for stores, key-holder training about city inspection requirements and enforcement trends, and MJ city tax requirement trainings so that Boulder Marijuana businesses can acquaint themselves with local laws and operating requirements and notices for these city trainings will be posted on the City of Boulder licensing office website.

Actual penalties may vary depending on a variety of factors such as mitigating or aggravating circumstances, efforts of business to correct the violation, or time between violations. Boulder marijuana businesses have a right of appeal for fine, suspension, and revocation recommended penalties, and if an appeal is timely filed a quasi-judicial hearing before a city municipal court judge will be held.

Operational Infractions	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**	**Fifth Offense**
Unsealed MJ possession by employees at licensed premise or acceptance of samples by employees	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
MJ product or plants not properly packaged for removal/transport or MIP products not properly labeled	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Unapproved goods sold at licensed premise	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
ID scanner not utilized and/or failure to properly verify ID for determination of age	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Refusing to remove key-holder from management when background is unapproved by city	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Failure to obstruct view MJ of sales or storage of MJ from public view	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation

Impact on Community or Safety Violations	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**
Illegal Advertising	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
For Medical Marijuana wellness centers only, not having a private consultation room or not offering other holistic offerings at licensed location	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
No city approved key-holder or owner on-site	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Uncooperative with PD with inspections or investigations or misrepresentation to regulators	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Refusal to allow city inspections or premise access	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Sale of LLC shares or corporate stock in Boulder business or adding officers/managing members without proper and complete 30- day pre-file with the city	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Secure dispensing area not locked or restricted licensed location unlocked	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
MJ product transport details not emailed to BPD and email bounce back not printed for transportation by licensee	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Processing of MJ in violation of the Code (e.g. at store, at a grow or illegal processing at a MIP)	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to abide by neighborhood responsibility plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to remedy odor complaints	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
On-premise consumption by customers	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to operate business in compliance with the license or its operating plan or security plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation

Health, Safety, and Security Violations	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**
Use of unapproved locking storage that does not qualify as a safe	$2,500 fine	$3,500 fine	$5,000 fine	Revocation
Not making disposed of MJ unusable and unrecognizable and not locking disposal dumpsters	$3,000 fine	$4,000 fine	$5,000 fine	Revocation
Not locking product or receipts in a safe for overnight storage	$3,500 fine	$5,000 fine	Revocation	
MJ or MJ product outside of a licensed premise	$3,500 fine	$5,000 fine	Revocation	
Making a permanent modification of the licensed premises without prior city approval	$3,500 fine	$5,000 fine	Revocation	
On-premise consumption by employees, managers or owners	$3,500 fine	$5,000 fine	Revocation	
Video unavailable, cameras not working, or 40 days video off-site storage copy unavailable	$3,500 fine	$5,000 fine	Revocation	
A person under the age of 21 in the licensed premises of a recreational marijuana business	$3,500 fine	$5,000 fine	Revocation	
Sale of MJ or a MJ product to a person under 21 years of age	$4,000 fine	$5,000 fine	Revocation	

Except for blatant violations including but not limited to selling to minors, it is the practice of the city Marijuana Enforcement Team inspectors to work with a business to assist with compliance before referring a violation to the Marijuana Licensing Authority.

When the city proposes revocation, on a case by case basis and balanced with the seriousness of the violations, repeated violations or lack thereof, the city may offer the licensee a one-time opportunity to sell the business to an already approved Boulder licensee with a good enforcement history and prior approved background checks. This will not be offered to a licensed business more than one time.

Mitigating factors include:

- The violation is a first offense with a single count
- the MJ business contacts the city with a plan for future compliance so that the business will not have future violations.
- the MJ business provides proof of training in responsible sales, fraudulent IDs, or other topics so that the business and its employees will avoid future violations.

Aggravating factors include:

- multiple counts or a repeat offense
- the violation occurs after the legal requirement has been explained to the licensee
- the licensee does not contact the city to present a plan for future compliance to avoid repeat violations.

	Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations
1	Sq. ft. limits	Square foot limitations on all types of MJ businesses (sales, grows, & MIPs).	6-16-7(g) - 3,000 sf retail 6-16-7(h) - 15,000 sf grow/MIP	There should be no limits on the square footage of cultivation facilities and MIPs.	
2	Density	Businesses do not want a limit on the number of MJ businesses that can be in proximity to other MJ businesses, schools, day care and rehab facilities.	No more than 3 MJ businesses w/in 500 ft.of each other. 6-14-7(f)(3); 6-16-7(e)(3)	There should be no density restrictions on cultivation facilities and MIPS. This does not apply to stores.	Diversity of business type had been an important principle to city council. Sustainability negatively affected by lack of diversity of businesses.
3	Setbacks	Businesses were concerned that the setbacks from schools, day cares and rehab facilities for all marijuana businesses unnecessarily restricted the places marijuana businesses could locate.	Dispensaries not permitted within 1000 ft of a school, day care, or rehab facility. 6-14-7(f)(1); 6-16-7(e)(1) MIPS and grows may not be within 500 ft of such facilities 6-14-7(f)(2); 6-16-7(e)(2)	The setbacks from schools, day cares and rehab facilities should not apply to cultivation facilities or MIPs because those businesses do not have public access or outdoor signage or presence that provides exposure to minors.	
4	Limit on size of cultivation facilities.	Businesses want to be able to combine up to 5 grows of 15,000 sf each into any combination of ownerships so could have 1 grow with 75,000 sf or 2 grows of 37,500 sf each, etc.	6-16-7(b)(3)	The 5 grow licenses that 1 licensee is allowed to hold should be able to be combined into any combination of locatons to a total of 75,000 sf.	Contrary to council principle to prevent monopoly in Boulder. Requires amendment to title 9 to change zoning to allow over 15,000 sf .
5	Transfer license to new owner in new location	Businesses want the ability to transfer their license to a new owner in a new location.	6-16-3(e)(3)	Allow transfer of license to new location	additional issues than transferring a license in the same location. For instance, zoning restrictions, size/DENSITY/DISTANCE restrictions, and neighborhood effects. A new license is usually required for a new location rather than transferring an existing license with no land use review. This logic parallels the liquor code. If the transfer is for a new owner as well as

* MIPS (Marijuana Infused Products)

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Continued second reading and consideration of a motion to amend Ordinance 8119 intended to expand the availability of cooperative housing units by amending Title 4, "Licenses and Permits", by adding a new Section 4-20-69, "Cooperative Housing License Fee", amending Title 9, "Land Use Code", by amending Table 9-6-1 to make cooperative housing an allowed use in certain zone districts, by amending Section 9-6-3, eliminating the requirement of a special use permit for cooperative housing, by amending Section 9-8-5 to provide for specific occupancy limitation for cooperative housing units, by amending Section 9-16-1 to add new definitions, amending Title 10 "Structures", by adding a new Chapter 11 "Cooperative Housing," establishing requirements for licensing housing cooperatives and setting forth related details.

PRESENTERS
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
David Driskell, Executive Director, Planning, Housing and Sustainability
Susan Richstone, Deputy Director, Planning, Housing and Sustainability
Charles Ferro, Development Land Use Review Manager, Planning, Housing and Sustainability

EXECUTIVE SUMMARY

This is the continued second reading of Ordinance 8119. The city council held a public hearing on May 17, 2016. Public testimony concluded at approximately 11:00 p.m. Council members began a brief discussion, which concluded at 11:41 p.m. Council asked staff questions and directed staff to draft a series of amendments for consideration at a continued first reading on June 21, 2016. At the June 21, 2016 meeting, council members considered and adopted five amendments to the proposed ordinance. Council

passed the proposed ordinance, as amended, on first reading. On October 4, 2016, the city council held a second public hearing on the proposed ordinance. Again there was significant public interest. Council heard public testimony for almost three hours, concluding at 11:35 p.m. Council decided to continue its discussion of the ordinance on October 11, 2016. On October 11, 2016, council met for over four hours. Council agreed to several potential changes in the proposed ordinance. Council directed staff to revise the proposed ordinance and to return for a continued second reading. The continued second reading is scheduled for December 6, 2016.

Suggested Motion Language:

Continued second reading and consideration of a motion to amend Ordinance 8119 intended to expand the availability of cooperative housing units by amending Title 4 "Licenses and Permits", by adding a new section 4-20-69 "Cooperative Housing License Fee", amending Title 9 "Land Use Code", by amending Table 9-6-1 to make cooperative housing an allowed use in certain zone districts, by amending Section 9-6-3, eliminating the requirement of a special use permit for cooperative housing, amending Title 10 "Structures", by adding a new Chapter 11 "Cooperative Housing" establishing requirements for licensing housing cooperatives and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Cooperative housing may have a positive economic impact by providing access to affordable housing. There is also the possibility that by competing for access to single family homes the existence of legal cooperatives could affect the market for such homes.
- Environmental: Cooperative housing could have a positive environmental impact by limiting the number of in-commuters and by the philosophy of shared resources.
- Social: Communal living can have social benefits. Higher density could have negative impacts on neighborhoods.

OTHER IMPACTS

- Fiscal: The fiscal impact will depend upon the final version adopted. With a limited number of units permitted, any fiscal impact should be limited.
- Staff Time: Implementation will be accomplished with existing staff. The principal staff work necessary will be implementing a licensing system. The more complex the requirements included, the more staff time that will be required.

BOARD AND COMMISSION FEEDBACK

The Planning Board considered the proposed ordinance on April 21, 2016. The

Planning Board gave careful consideration to the proposed ordinance. The board heard over three hours of public testimony and deliberated for an additional three hours. The board had a wide ranging discussion. Planning Board recommendations and minutes were included in the agenda memorandum for the May 17, 2016 council meeting.

Additional Public Feedback

Staff posted a revised version of the proposed ordinance on the council hotline on November 17, 2016. Staff has scheduled a series of meetings with interested parties and a public meeting on November 30, 2016. This meeting will occur after this memorandum is due. Accordingly, staff will include a summary of that meeting during the staff presentation on December 6, 2016.

Proposed Amendments

1. Changes to the Neighborhood Parking Permit Program

Staff recommended changes to the Neighborhood Parking Permit Program. The existing program allows for two resident permit per resident. § 4-23-2(c), "Permit Issuance," B.R.C. 1981. To assist with regulation of parking at cooperatives, the proposed ordinance would amend Section 4-23-2(c) to limit cooperatives to three permits per dwelling unit. The existing program also allows each resident to obtain two two-week guest permits. § 4-23-3, "Guest Permits," B.R.C. 1981. The proposed ordinance would amend Section 4-23-3 to limit cooperatives to no more than six two-week guest permits per dwelling unit.

2. Eliminate Reference to Cooperatives in the Use Table

The current code treats cooperatives as a conditional use. Council directed that cooperatives be regulated more like rentals than a change in use. The proposed ordinance would eliminate the reference to cooperatives in the use table. The extensive screening required by the proposed ordinance will result in a procedure not much different than the current conditional use review process.

3. Occupancy Limits

The proposed ordinance would add a new Subsection 9-8-5(d). This new subsection would impose a minimum occupancy of four residents. It would impose a maximum occupancy of 12 occupants in rural residential and residential low density districts and 15 in all other zone districts. This occupancy would apply to all occupants, including children, spouses and other dependents. It counts the total number of occupants, not the total unrelated individuals.

4. Definition of Area Median Income

The proposed ordinance would define area median income as having the same meaning as in Title 9.

5. Definition of Expert Cooperative Housing Organization

The proposed ordinance has a broad definition of Expert Cooperative Housing Organization. This is the outside organization that would be responsible for certifying legitimate cooperatives.

6. New Cooperative Definitions

The proposed ordinance includes revised definitions of Group Equity Cooperative, Private Equity Cooperative and Rental Cooperative.

A Group Equity Cooperative is a cooperative in which a majority interest is held by a housing focused 501(c)(3) organization.

A Private Equity Cooperative is a cooperative in which at least two-thirds of the adult non-dependent residents own an interest in the property, at least two-thirds of the owners are residents and the owner residents own a majority interest in the property.

A Rental Cooperative is a cooperative in which more than a third of the residents do not have an ownership interest in the property.

7. Legislative Intent

The proposed ordinance includes additional legislative intent in Section 10-11-1 stating council's intent to monitor the implementation of the ordinance. There is also a new subsection stating council's intent that cooperatives be true cooperatives.

8. Number of Licenses

Section 10-11-3(c) includes new language limiting the number of licenses to ten per year and eliminating language that previously would have allowed for 20 licenses per year divided into four categories. The new language would allow ten total licenses for all three categories. Council expressed a concern that all ten licenses might be used for rental cooperatives. There is therefore an additional provision allowing for up to two additional licenses per year in each category, if ten licenses have been issued and there are less than two licenses issued in a category. The maximum total number of licenses in any one year is fourteen.

9. Separation

The proposed ordinance includes a new Subsection 10-11-3(d), which provides for separation of five hundred feet between the property boundaries of cooperative housing units. Staff recommends using the property boundary rather than the center point of the property, because this will be easier to track through the city's GIS system. At council's suggestion staff incorporated the following language allowing for the city manager to allow cooperatives closer than five hundred feet if there is a physical separation:

> The city manager may permit two cooperative housing units to be located closer than five hundred feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal

10. Permanent Affordability

The proposed ordinance includes a new Subsection 10-11-3(e), which requires that any group equity cooperative be permanently affordable. This provision presents some challenges. It is drafted to allow for both equity and rental cooperatives in this category. After consulting with Boulder Housing Partners and the city's housing division, as council directed, staff recommends that the level for affordability be set at for equity at the HUD low-income limit for the Boulder Primary Metropolitan Statistical Area and for rental at sixty percent of the annual median income. This provision will present significant enforcement challenges. Having a single standard will simplify the process. It will not prevent cooperatives from serving individuals or families with lower incomes.

11. Allowing a Group of Individuals to be Licensed

Council directed that an unincorporated group of individuals be permitted to form a cooperative. The provision is in Subsection 10-11-3(f). The subsection also provides that if an applicant is an organization, all owners must be natural persons.

12. House Size Limitation

Council directed that cooperatives be limited to dwelling units with at least 2000 square feet of habitable space. The provision is in Subsection 10-11-3(g).

13. Allowable Zone Districts

Council decided that cooperatives should be permitted in all zone districts except agricultural, industrial and public zone districts. The provision is in Subsection 10-11-3(h).

14. Age Limitation

Council discussed methods to prevent students from forming illegal cooperatives. One suggestion was that ownership be limited to individuals over 21 years of age. It was not clear if there was council consensus on this issue. The provision is in Subsection 10-11-3(i).

15. Remove the Requirement that Cooperatives get a Rental License

Staff recommends removing the requirement in Section 10-11-4 for all cooperatives to have rental licenses. This would be duplicative of the cooperative license that has more stringent inspection and reporting requirements than a rental license.

16. Allowing Existing Cooperatives to Apply

The second reading draft ordinance included a provision in Subsection 10-11-4(b)(1) requiring that an applicant apply at least thirty days prior to occupancy. Stakeholders pointed out that this would preclude existing cooperatives from complying. Accordingly, staff has proposed a provision in new Subsection 10-11-4(b) allowing any legitimate cooperative existing prior to December 6, 2016 to apply while already in existence.

17. Updates

The proposed ordinance includes requirements that licensees be re-inspected every two years, re-certified every two years and provide notice of any changes within thirty days of licensing information within thirty days. These requirements are in Subsections 10-11-4(b)(1)(A) (re-inspection), 10-11-4(b)(1)(E) (recertification) and 10-11-4(d) (changes).

18. Notification

The second reading ordinance included a provision in Subsection 10-11-4(b)(1)(F) requiring certification that prior to filing an application, the applicant has notified all residents on the block face notice. Council directed that notice be provided after licensing. This provision has been amended and moved to new Subsection 10-11-4(f). Stakeholders raised a question regarding very long block faces. The term "block face" is used in six other sections of the code:

- § 4-23-2 – Relating to Neighborhood Parking Permits
- § 4-27-4 – Relating to the location of news box banks
- § 4-27-5 – Relating to the installation of news box banks
- § 9-7-2 – Relating to setbacks
- § 9-8-2 – Relating to floor area requirements
- § 9-11-5 – Relating to notice of landmarks board hearings

None of the existing sections include a definition of block face. Staff has drafted a proposed new definition in Section 10-11-1. This definition would define block face for the purposes of this chapter as all dwelling units on either side of the same street boarded by on either side by streets perpendicular to the street on which the cooperative is located. The notification is limited to houses within 600 feet in the event that the block is extraordinarily long.

19. Conditcional Licenses

Council directed that groups have the ability to be partially licensed to allow the group to organize and then find a place to live. New Subsection 10-11-4(e) would authorize the city manager to issue a conditional license to a group that has provided a list of individuals with ownership interests and been certified as a legitimate cooperative.

20. Parking

Council directed that cooperatives provide a parking management plan limiting the number of cars to be parked in the public right-of-way to three. This requirement is in Section 10-11-11. Council also directed that the plan include a list of all cars associated with the cooperative, including the name of the owner, the make, model and license plate number. This requirement is included in the proposed ordinance in Section 10-11-11. Staff recommends that this requirement be deleted. It adds significant overhead if cooperatives are required to update the list every time a new car is added or one is deleted. In addition, the list does not add significantly to the ability to enforce the parking limitations. It would be very difficult to prove that a car not on a list is associated with a cooperative.

21. Property Rights

Stakeholders questioned the use of the word privilege in Section 10-11-13(a). Privileges are generally revocable. Use of that word could be viewed to undermine the intent of the section, which was to provide protection against changes in regulations for equity cooperatives. Staff has proposed new language to address this concern.

22. Certification of Legitimate Cooperatives

Staff has proposed a separate section addressing legitimate cooperatives. Staff would like to express appreciation to the University of Colorado Law School Sustainable Community Development Clinic, including Director Deborah J. Cantrell and students Samuel Seligman and Riley Cutner for their extensive assistance with the ordinance as a whole, but with section in particular. Drawing the balance between supporting true cooperatives and limiting government intrusion is challenging. Their insistence was invaluable in this effort. The new section establishing requirements for a legitimate cooperative is in Section 10-11-14.

23. Eliminate Two Tier structure of Fines

Council directed that staff eliminate the two-tier structure of fines and keep the lower of the two fine levels. The fines are in Section 10-11-16. There is an understanding that as an alternative remedy the city manager could revoke a license, including a license for an equity cooperative.

24. Reporting

Council directed that the city manager be required to prepare an annual report regarding the implementation and enforcement of this ordinance. This requirement is in Section 10-11-18.

25. Fees

Council directed staff to look at appropriate cost recovery through fees. Staff recommends that there be two different fees. One would be the same as the rental licensing fee of $105. This would cover the paperwork sections that are identical to the rental licensing program. This would also be the renewal fee. There would be a second fee modeled after the conditional use fee. This fee is to cover the additional work necessary for evaluation of the parking plan, the certification and diverse ownership structures. The city's current fee structure is set forth in Section 4-20-43. This section includes the following fees that might approximate the work required on a cooperative license application:

- Conditional Use Review if not specified: $1090 (§ 4-20-43(b)(10))
- Cooperative Housing Conditional Use Review: $590 (§ 4-20-43(b)(18))
- Accessory Dwelling Unit Permit: $420 (§ 4-20-43(b)(11))
- Owner's Accessory Unit: $420 (§ 4-20-43(b)(13))

ATTACHMENT

Attachment A - Proposed Ordinance

ORDINANCE 8119

AN ORDINANCE AMENDING TITLE 4 "LICENSES AND PERMITS" BY ADDING A NEW SECTION 4-20-69 "COOPERATIVE HOUSING LICENSE FEE"; AMENDING TITLE 9 "LAND USE CODE" BY AMENDING TABLE 6-1 TO MAKE COOPERATIVE HOUSING AN ALLOWED USE IN CERTAIN ZONE DISTRICTS; BY AMENDING SECTION 9-6-3, ELIMINATING THE REQUIREMENT OF A SPECIAL USE PERMIT FOR COOPERATIVE HOUSING; BY AMENDING SECTION 9-8-5 TO PROVIDE FOR SPECIFIC OCCUPANCY LIMITATION FOR COOPERATIVE HOUSING UNITS; BY AMENDING SECTION 9-16-1 TO ADD NEW DEFINITIONS; BY AMENDING TITLE 10 "STRUCTURES" BY ADDING A NEW CHAPTER 11 "COOPERATIVE HOUSING" ESTABLISHING REQUIREMENTS FOR LICENSING HOUSING COOPERATIVES AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new Section 4-20-69 is added as follows:

4-20-69~~18~~. - Cooperative Housing License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

(a) $105 per license or renewal.

(b) To cover the cost of investigative inspections, the city manager will assess to licensees a $250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of Chapter 10-11 "Cooperative Housing," B.R.C. 1981.

Section 2. Section 4-32-2 is amended as follows:

4-23-2. - Permit Issuance.

(a) Upon designation of a neighborhood permit parking zone pursuant to section 2-2-15, "Neighborhood Permit Parking Zones," B.R.C. 1981, the city manager shall issue parking

K:\CCAD\o-8119-3rd-2518.docx

permits for vehicles owned by or in the custody of and regularly used by residents of such zone, by persons employed by a business located within such zone, and, if provided in the zone, by individual nonresidents upon receipt of a completed application therefor and payment of the fees prescribed in Section 4-20-49, "Neighborhood Parking Permit Fee," B.R.C. 1981.

(b) A vehicle displaying a valid permit issued pursuant to this section may be parked in the zone specified in the permit without regard to the time limits prescribed for the zone.

(c) No more than two resident permits shall be in effect at any time for any person. No person shall be deemed a resident of more than one zone, and no more than one permit may be issued for any one vehicle even if persons residing in different zones share ownership or use. Provided, however, that no more than a total of three resident permits may be issued for any dwelling unit housing a group of persons or organization licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.

(d) Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred, and shall be displayed thereon only as the manager by regulation may prescribe. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased or no longer in the custody of the permittee.

(e) *Business*, for the purpose of this chapter, includes nonresidential institutions, but does not include home occupations. Three business employee permits may be in effect at any time for any business without regard to number of employees or off-street parking. In the alternative, upon application by the manager of the business, the city manager may issue employee permits to a business according to the following formula: half of the number of full-time equivalent employees minus the number of off-street parking spaces under the control of the business at that location equals the maximum number of employee permits for the business. Full-

time equivalent employees of the business are calculated based upon one such employee for every full forty hours worked at that location by employees of the business within the periods of time in a week during which the neighborhood permit parking restrictions are in effect. On its application, the employer shall designate the employee vehicles, not to exceed the number allowed, for which each permit is valid. A business permit is valid only for the vehicles listed thereon, and shall be displayed on the vehicle for which the permit is being used only as the manager by regulation may prescribe.

(f) The manager shall by regulation declare when the permit year shall begin for each neighborhood parking permit zone. Permits issued based on new applications submitted during the last month of a permit year shall also be valid for the succeeding permit year. Otherwise there shall be no proration of the fee.

(g) In considering applications for resident permits, the manager may require proof that the applicant has a legal right to possession of the premises claimed as a residence. If the manager has probable cause to believe that the occupancy limitations of Subsection 9-8-5(a), B.R.C. 1981, are being violated, no further permits shall be issued under this section for the residence in question until the occupancy thereof is brought into compliance.

(h) If the permit or the portion of the vehicle to which a resident permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement at a prorated cost. The manager may require display of the damaged permit before a new permit is issued.

(i) No person shall use or display any permit issued under this section in violation of any provision of this code.

K:\CCAD\o-8119-3rd-2518.docx

(j) The maximum number of nonresident permits issued on any given block face within a zone shall be four. In addition, if the manager determines that the average daily percentage of unoccupied neighborhood parking spaces, on block faces where commuter permits have been allocated, drops below twenty-five percent for four consecutive hours between the hours of 9:00 a.m. and 5:00 p.m. of any given weekday, then the manager shall reduce the number of commuter permits by a number estimated to maintain an average daily percentage of unoccupied neighborhood parking spaces of twenty-five percent. But for any part of Goss Street or Circle, Grove Street or Circle or the portions of 16th Street through 23rd Street between Arapahoe Avenue and Canyon Boulevard, included within any neighborhood parking permit zone, the average daily percentage of unoccupied neighborhood parking spaces which must be maintained without reduction in commuter permits shall be fifteen percent. The manager may also, for this Goss-Grove zone, allocate commuter permits initially to educational institutions and organizations representing postal workers in rough proportion to the needs of these groups. Such groups may renew such permits. Distribution of such permits by such groups to their clientele shall be at a price not to exceed the cost of the permit.

Section 3. Section 4-23-3 is amended as follows:

4-23-3. - Guest Permits.

Residents issued a permit pursuant to this chapter may obtain two two-week permits per year for use by houseguests of the permittee. The permit shall be indelibly marked in the space provided thereon with the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days. The manager may by regulation define the circumstances under which additional guest permits may be issued in cases of reasonable need consistent with residential use of the dwelling. Provided, however, that no more than a total of six two-week

guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.

Section 2. Table 9-6-1 is amended ~~as set forth in an attachment A.~~to strike the line reading "Cooperative Housing Units."

Section 3. Section 9-6-3(b) is repealed and subsequent sections are renumbered.

Section 4. Section 9-8-5 is amended as follows:

9-8-5. - Occupancy of Dwelling Units.

(a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall occupy a dwelling unit:

(1) Members of a family plus one or two roomers. The quarters that the roomers use shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate dwelling unit;

(2) Up to three persons in P, A, RR, RE, and RL zones;

(3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM, and IMS zones; or

(4) Two persons and any of their children by blood, marriage, guardianship, including foster children, or adoption.

(b) Accessory Dwelling Unit, Owner's Accessory Unit, or Limited Accessory Dwelling Unit: The occupancy of an accessory dwelling unit, owner's accessory unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-3(a), B.R.C. 1981.

K:\CCAD\o-8119-3rd-2518.docx

(c) Nonconformity: A dwelling unit that has a legally established occupancy higher than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy of the dwelling unit as a nonconforming use, subject to the following:

(1) The higher occupancy level was established because of a rezoning of the property, an ordinance change affecting the property, or other city approval;

(2) The rules for continuation, restoration, and change of a nonconforming use set forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use Review," B.R.C. 1981;

(3) Units with an occupancy greater than four unrelated persons shall not exceed a total occupancy of the dwelling unit of one person per bedroom;

(4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

(5) If a property owner intends to sell a dwelling unit with a non-conforming occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that indicates the allowable occupancy of the dwelling unit.

(d) A dwelling unit licensed as a Cooperative Housing Unit pursuant to Section 10-11-3 “Cooperative Housing Licenses,” B.R.C. 1981, shall not be subject to the occupancy limits set forth in this section. All such dwelling units shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

(1) In the Rural Residential and Residential Low Density zone districts to no more than 12 occupants;

(2) In all other zone districts to no more than 15 occupants;

(3) The city manager may authorize a greater number of occupants in any Cooperative Housing Unit that is deed restricted as permanently affordable if the planning board after a public hearing recommends a greater number. Before making any such recommendation, the planning board shall consider the potential impacts on the surrounding community, the number of residents proposed, the proposed habitable square feet per person, the available off-street parking, and the mission of the cooperative.

(e~~d~~) Prohibition: No person shall occupy a dwelling unit in violation of this section or intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation of this section.

Section 5. Section 9-16-1 is amended by amending the definition of "Cooperative Housing Unit" as follows:

Cooperative Housing Unit has the same meaning as set forth in Section 10-1-1, "Definitions," B.R.C. 1981 ~~means an individual building for cooperative living that meets the criteria for such units set forth in Subsection 9-6-3(b), B.R.C. 1981.~~

Section 6. The following new definitions are added to Section 10-1-1:

Area Median Income shall have the same meaning as set forth in Section 9-16-1, "General Definitions," B.R.C. 1981

Block Face includes all dwelling units with addresses on either side of a street bounded by perpendicular to the street on which the houses have addresses.

Cooperative means a housing arrangement in which residents share expenses, ownership or labor.

Cooperative Housing Unit means a dwelling unit in a Private Equity, Group~~Limited~~ Equity or Rental Cooperative.

K:\CCAD\o-8119-3rd-2518.docx

Expert Cooperative Housing Organization means an organization recognized by the city manager as having experience and expertise in the formation, operation and organization of cooperative housing units.

Group Equity Cooperative means a cooperative in which a majority ownership interest is held by a non-profit organization with a housing focused mission, which is tax exempt under Section 501(c)(3) of the Internal Revenue Code.

~~*Legitimate Cooperative Housing Organization* means an organization formed under Colorado law that, in addition to any other criteria adopted by the City Manager, has the following:~~

~~(1) a documented governance structure;~~

~~(2) a list of members; and~~

~~(3) bylaws that provide for the following:~~

~~(a) provisions prohibiting discrimination or harassment;~~

~~(b) a provision requiring regular meetings of all members;~~

~~(c) a democratic decision-making structure;~~

~~(d) provisions for discipline or discharge of members; and~~

~~(d) provisions for sharing of resources.~~

~~*Limited equity cooperative* means a cooperative operating on a property owned in part by its occupants. A not-for-profit corporation may own an interest in the property.~~

~~*Not-for-Profit Rental Cooperative* means a rental cooperative owned by a corporation registered with the United States government pursuant 26 U.S.C. § 501(c)(3).~~

Private Equity Cooperative means a cooperative in which at least two-thirds of the adult non-dependent residents own an interest in the property or of the organization that owns the

property, at least two-thirds of the individuals who own an interest in the property or the organization that owns the property are also residents of the property, and the owner-residents hold a controlling ownership interest in the property or the organization that owns the property. A organization recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code may own a minority interest in the property.~~operating on a property owned jointly by the residents of the cooperative.~~

Rental Cooperative means a cooperative in which ~~the~~ more than one-third of the ~~some or all of the~~ residents do not have a~~n~~ direct or indirect ownership interest in the property in which the cooperative operates.

Section 7. Title 10 is amended to add a new Chapter 11 as follows:

Chapter 11 Cooperative Housing

10-11-1. - Legislative Intent.

(a) The City Council intends to facilitate cooperative living arrangements. The Council finds that cooperative living arrangements can provide an affordable alternative for living in Boulder. In addition, cooperative arrangements can provide supportive and fulfilling community for their residents. The City Council seeks to balance the benefits of cooperative living against the impacts from the increased density that comes along with cooperative living. The City Council also is concerned about cooperatives competing in a tight housing market with families seeking single family homes. The City Council intends to monitor the implementation, affects and results of this ordinance.

(b) The City Council intends that all licensed cooperatives be legitimate cooperatives. A legitimate cooperative is a group living arrangement in which the residents have a high degree of social cohesion and teamwork. The residents typically govern through consensus and share

responsibilities and resources. New members are typically selected by the community's existing membership, rather than by real estate agents, property managers or non-resident landowners.

10-11-2. - Cooperative License Required Before Occupancy.

No person shall occupy, allow, or offer to allow through advertisement or otherwise, any person to occupy any cooperative housing unit unless the cooperative housing unit has been issued a valid cooperative housing license by the city manager.

10-11-3. - Cooperative Housing Licenses.

(a) License terms shall be as follows:

(1) Licenses shall expire four years from issuance or when ownership of the licensed property is transferred.

(A) In addition to any other applicable requirements, new licenses and renewals shall require that the licensee submit to the city manager a completed current baseline (for a new license) or renewal inspection report, on forms provided by the City. The report shall satisfy the following requirements:

(i) The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and certification.

(ii) The section of the report concerning smoke and carbon monoxide alarms must be executed by the operator certifying that the operator inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

K:\CCAD\o-8119-3rd-2518.docx

(iii) The section of the report concerning trash removal must be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-3(b), B.R.C. 1981.

(b) Whenever an existing license is renewed, the renewal license shall be effective from the date of expiration of the last license if the applicant submits a complete renewal application by or within ninety days from the expiration date. Licenses not renewed within ninety days will be considered expired, requiring a new baseline inspection report.

(c) The city manager shall issue no more than ~~fifteen~~ ten new cooperative housing licenses in any calendar year. Provided, however, if in any calendar year, after the city manager issued ten licenses, there are less than two licenses issued to group equity cooperatives, private equity cooperatives or rental cooperatives, the city manager may issue sufficient additional license so that there are at least two licensees issued in each category up to a total of no more than fourteen licenses for all categories in any calendar year. ~~Such licenses shall be allocated as follows:~~

~~(1) No more than five licenses for limited equity cooperatives;~~

~~(2) No more than five licenses for private equity cooperatives;~~

~~(3) No more than five licenses for not-for-profit rental cooperatives;~~

~~(4) No more than five licenses for rental cooperatives; and~~

~~(5)~~ If an application for a cooperative housing unit exceeds the limits set forth in this subparagraph (c), the city manager will place the applicant on a waiting list. Applicants on the waiting list shall be given priority for consideration of applications in the next calendar year.

K:\CCAD\o-8119-3rd-2518.docx

(d) No cooperative housing unit may located within five hundred feet of from the property boundary of another cooperative housing unit, but the city manager may permit two cooperative housing units to be located closer than five hundred feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department shall maintain a map showing the locations of all cooperative housing units in the city.~~Cooperative housing licenses shall be limited to the following concentrations:~~

~~(1) Neighborhood Area: In the RL-1, RL-2, RE, RR-1, RR-2, A or P zoning districts, no more than ten percent of the single-family lots or parcels in a neighborhood area contain a cooperative housing unit. For the purpose of this subparagraph:~~

~~(i) The "neighborhood area" in RL-1, RL-2 and P zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any cooperative housing unit will be located.~~

~~(ii) The "neighborhood area" in RE, RR-1, RR-2 and A zoning districts is the area circumscribed by a line six hundred feet from the perimeter of the lot line within which any cooperative housing unit will be located.~~

~~(iii) If an application for a cooperative housing unit exceeds the ten percent requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional cooperative housing unit within a neighborhood area, the city manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

K:\CCAD\o-8119-3rd-2518.docx

(e) Any Group Equity Cooperative shall be permanently affordable. Affordability shall be measured by individual households. That is, a household consisting either of an individual or a family. The price of any equity ownership interest shall be affordable to a households earning no more than United States Department of Housing and Urban Development low-income limit for the Boulder Primary Metropolitan Statistical Area. Rents charged must be affordable to households earning no more than sixty percent of the area median income.

(f) A cooperative license may be issued to any group of natural persons or organization formed under Colorado law. If the applicant is an organization, all owners must be natural persons.

(g) No rental cooperative shall be located in a dwelling unit with less than 2,000 square feet of habitable space.

(h) No cooperative shall be located in an agricultural, industrial or public zone. Cooperatives shall be permitted in all other zone districts.

(i) No person under 21 years of age may own an interest in a cooperative, in real property on which a cooperative is located or in an organization owning real property on which a cooperative is located.

10-11-4. - License Application Procedure for Cooperative Housing Licenses.

(a) Only a Legitimate Cooperative~~ Organization~~ may be an applicant for a cooperative housing license. A licensed~~ Legitimate~~ c~~C~~ooperative~~ Organization~~ may operate ~~a cooperative~~ only with the written consent of the property owner, unless the cooperative is the owner. ~~and only in a premises licensed pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~

(b) Every applicant for cooperative housing license shall submit the following:

K:\CCAD\o-8119-3rd-2518.docx

(1) A written application for a license to the city, on official city forms provided for that purpose~~, at least thirty days before occupancy of the property~~ including:

(A) A housing inspector's certification of baseline inspection dated within twelve months before the application. Each licensee shall submit evidence of compliance with this subsection every two years. The applicant shall make a copy of the inspection form available to city staff and ~~tenants~~ residents of inspected units within fourteen days of a request;

(B) A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the applicant;

(C) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C. 1981, made and verified by the applicant;

(D) A parking management plan meeting the requirements of Subsection 10-11-11, B.R.C. 1981, made and verified by the applicant;

(E) Evidence establishing compliance with Section 10-11-14 "Legitimate Cooperatives," B.R.C. 1981. The city manager shall not issue a cooperative housing license unless the applicant can be certified as meeting the criteria set forth in Section 10-11-14. Each licensee shall submit evidence of compliance with Section 10-11-14 every two years; ~~that the applicant is a Legitimate Cooperative Housing Organization.~~

~~(F) A certification that the applicant has provided to a resident of each dwelling on the street face contact information for the applicant and the organization responsible for certifying the applicant~~and~~.~~

(F) A list of any all persons who have any ownership interest in any entity to be licensed.

K:\CCAD\o-8119-3rd-2518.docx

(2) All applications shall be submitted at least thirty days prior to occupancy, provided, however, that any applicant that can demonstrate operation in the same dwelling unit as a legitimate cooperative on December 6, 2016 may submit an application while in occupation of that dwelling unit.

(c) Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, at the time of submitting the license application.

(d) Any licensee shall provide the city manager with a report of any changes in the information required by Subsection (1)(b) above within thirty days of such change. ~~Take all reasonable steps to notify any occupants of the property in advance of the date and time of the inspection. The applicant shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.~~

(e) The city manager may issue a conditional approval for any group that has met the requirements of Subsections (a), (b)(1)(E), (b)(1)(F).

(f) Within thirty days after initial occupancy, the licensee shall provide to the city manager a certification that the applicant has provided to a resident of each dwelling on the street face contact information for the applicant and the organization responsible for certifying the applicant. Provided, however, that no notice shall be required to any dwelling unit more than 600 feet from the licensed cooperative.

10-11-5. - License Renewal Procedure for Cooperative Housing Units

Every licensee of a cooperative housing unit shall follow the procedures in this section when renewing an unexpired license:

(a) Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, before the expiration of the existing license.

K:\CCAD\o-8119-3rd-2518.docx

(b) Submit to the city manager, on forms provided by the manager:

(1) A housing inspector's certification of renewal inspection within twelve months before application. The applicant shall make a copy of the inspection form available to city staff and residents of inspected units within fourteen days of a request;

(2) A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the operator; and

(3) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C. 1981, made and verified by the operator.

(4) A parking management plan meeting the requirements of Subsection 10-11-11, B.R.C. 1981, made and verified by the applicant.

(c) Take all reasonable steps to notify in advance all residents of the property of the date and time of the inspection. The operator shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

10-11-6. - Temporary License.

If the inspection shows that there are violations of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the housing is to be occupied (in the case of a new cooperative housing unit) or the existing license expires (in the case of a renewal), the applicant may apply, on forms specified by the city manager, for a temporary license. If the manager finds, based on the number and severity of violations, that such a temporary license would not create or continue an imminent health or safety hazard to the public or the occupants, the manager may issue a temporary license. The manager shall specify the duration of the temporary license, for a period reasonably necessary to

make the needed repairs and changes. Upon receipt of an additional certificate of inspection showing correction of the deficiencies, and an additional housing license fee, the manager shall issue the cooperative housing license.

10-11-7. - License Appeals.

Any applicant denied a temporary license, or aggrieved by the period of time allowed for correction, may appeal the denial or the time for correction, or both, as provided in Section 10-2-2, Section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required to correct a violation, the board shall either affirm the city manager's originally prescribed time or grant a longer time to correct the alleged violation.

10-11-8. - Time of License Expiration.

Every rental license expires upon the earliest of the following dates:

(a) The expiration date on the license unless temporary authority is allowed under Section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

(b) The effective date of any order or notice to vacate the property issued under any provision of law;

(c) The expiration of the temporary certificate of occupancy for the property if a permanent certificate of occupancy has not been issued; or

(d) The revocation of the certificate of occupancy for the property.

10-11-9. - License Fees.

Applicants for any cooperative housing license, and applicants renewing an existing cooperative housing license, shall pay the license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.

10-11-10. - Availability of License.

No person who holds a cooperative housing license shall fail to make the ~~rental~~ license available to anyone within seventy-two hours of receiving a request. Posting of a cooperative housing license at the property is not required.

10-11-11. - Parking Management Plan Required.

Each applicant for a cooperative housing license shall prepare a parking management plan. Approval of any such plan shall be a condition of issuance of any cooperative housing license. The plan shall limit the number of automobiles to be parked in the public right of way to three. ~~associated with the property to no more than four vehicles per license.~~The parking management plan shall include a list of all vehicles to be associated with the property. The list shall include the name of the owner, the make and model and the license plate number of all vehicles to be located at the cooperative housing unit. ~~An agreement by the licensee to require that all residents have a local bus pass with the Regional Transit District may be included in such a plan, but is not required.~~If the cooperative housing unit is located in a Neighborhood EcoPass district, the plan shall include a requirement that each resident who licensed to drive, acquire an EcoPass.

10-11-12. - Compatibility with Neighborhoods.

Each cooperative shall at all times maintain compatibility with the neighborhood in which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive parking on the public right of way and noise, trash and weeds on the property. A cooperative may be considered incompatible with the neighborhood if the city manager receives multiple complaints relating to parking on the public right of way, noise, trash or weeds in any twelve month period. Complaints from a single person shall not be sufficient to cause a property to be incompatible with the neighborhood. Prior to making any determination that a cooperative is not

compatible with the neighborhood, the city manager shall provide written notice to the licensee and encourage the licensee to address the complaints with the residents of the neighborhood.

10-11-13~~12a~~. - Property Rights for Equity Cooperatives.

Cooperatives that are licensed pursuant to this chapter will have the following status under Title 9, "Land Use Code," B.R.C. 1981:

(a) Equity Cooperatives. Any licensed group~~limited~~ equity cooperative or private equity cooperative is considered a use of land for the purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981. If the city changes its land use regulations, such cooperatives ~~shall have the privilege to~~may continue as non-conforming uses under the requirements in Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, provided that all of the requirement of the Boulder Revised code continue to be met.

(b) Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981 and not a use of land. Upon the abandonment, expiration, or revocation of such license, the property will continue to be considered a dwelling unit.

10-11-14. - Legitimate Cooperatives.

(a) All applicants for cooperative housing licenses shall demonstrate and as part of the licensing process that the community to be formed will be a legitimate cooperative. A legitimate cooperative is a group of individuals or an organization formed under Colorado law that, in addition to any other criteria adopted by the city manager, has the following:

(1) a documented governance structure;

(2) a list of the number of adults and dependents;

(3) a dedicated bank account; and

(4) bylaws that provide for the following:

(A) provisions prohibiting unlawful discrimination or harassment;

(B) a provision requiring regular meetings of all members;

(C) a decision-making structure;

(D) provisions for discipline or discharge of members;

(E) provisions for sharing of resources; and

(F) provisions for selection of new members;

(G) provisions for sharing information about the dedicated bank account.

(b) The city manager shall designate one or more Expert Cooperative Housing Organizations with 90 days after final adoption of this ordinance. An applicant shall seek training and certification by an Expert Cooperative Housing Organization. An applicant shall submit evidence of such training and certification as part of an application for a cooperative housing license.

10-11-154. - City Manager May Order Premises Vacated.

(a) Whenever the city manager determines that any cooperative housing unit is in violation of this chapter or of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has caused a summons and complaint requiring the licensee to appear in municipal court to answer the charge of violation to issue, and the summons cannot be served upon the licensee despite reasonable efforts to do so, or, having been served, the licensee has failed to appear in the municipal court to answer the charges or at any other stage in the proceedings, or, having been convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment of the court or any condition of a deferred judgment, then the city manager may, after thirty days' notice and an opportunity for a hearing to the residents and the licensee, require that the premises

be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code and the cooperative housing code have been satisfied and a cooperative housing license is in effect. No person shall occupy any cooperative housing unit after receiving actual or constructive notice that the premises have been vacated under this section.

(b) Any notice required by this section to be given to a licensee is sufficient if sent by first class or certified mail to the address of the last known owner of the property as shown on the records of the Boulder County Assessor as of the date of mailing. Any notice to a resident required by this section is sufficient if sent by first class or certified mail to or delivered to any occupant at the address of the premises and directed to "All Residents."

(c) The remedy provided in this section is cumulative and is in addition to any other action the city manager is authorized to take.

10-11-16~~5~~. - Administrative Remedy.

(a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

~~(A) For any violation in the following areas: the area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway; the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street:~~

K:\CCAD\o-8119-3rd-2518.docx

~~(i) For the first violation of the provision, $500.00;~~

~~(ii) For the second violation of the same provision, $750.00; and~~

~~(iii) For the third violation of the same provision, $1,000.00;~~

~~(B) For a violation in any other area:~~

(A~~i~~) For the first violation of the provision, $150.00

(B~~ii~~) For the second violation of the same provision, $300.00; and

(C~~iii~~) For the third violation of the same provision, $1,000.00;

(2) Revoke the cooperative housing license; and

(3) Issue any order reasonably calculated to ensure compliance with this chapter and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

(b) If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation, other than a violation of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, that the violation has been corrected, the manager will re-inspect the cooperative housing unit. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(c) If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, that the licensee has scheduled a community mediation with concerned neighbors, the manager may continue the hearing until the manager receives a report regarding the conclusion of the mediation. If after reviewing a community mediation report, if the city manager is satisfied that the cooperative housing unit meets the requirements of Section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, the city manager may dismiss any pending complaint.

K:\CCAD\o-8119-3rd-2518.docx

(d) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well, provided however, the city manager shall not seek criminal penalties for any violation of this chapter.

(e) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for Collection," B.R.C. 1981.

(f) To cover the costs of investigative inspections, the city manager will assess operators a $250.00 fee per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

10-11-16~~6~~7. - Authority to Issue Rules.

The city manager may adopt reasonable rules to implement this chapter.

10-11-18. - Reporting.

The city manager shall prepare an annual report to the city council regarding the implementation and enforcement of this chapter.

Section 8. 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 9. 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.

K:\CCAD\o-8119-3rd-2518.docx

READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this 21st day of June 2016.

_____

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

READ ON SECOND READING, AMENDED AND PASSED this 4th day of October 2016.

_____

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

K:\CCAD\o-8119-3rd-2518.docx

READ ON THIRD READING, ADOPTED AND PASSED this 6th day of December 2016.

_____
Suzanne Jones
Mayor

Attest:

_____
Lynnette Beck
City Clerk

K:\CCAD\o-8119-3rd-2518.docx

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Boulder's Climate Commitment: Adoption of Emission Reduction Goal and Progress Indicators

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development
Maureen Rait, Executive Director of Public Works
Mike Sweeney, Director of Transportation
Kathleen Brackee, Manager, GO Boulder
Joe Castro, Manager, Facilities and Fleet
Kendra Tupper, Energy Services Manager
Chris Hagelin, Senior Transportation Planner
Randall Rutsch, Senior Transportation Planner
Jonathan Koehn, Regional Sustainability Coordinator
Brett KenCairn, Senior Environmental Planner
Yael Gichon, Energy Sustainability Coordinator
Matt Lehrman, Energy Strategy Coordinator
Kimberlee Rankin, Sustainability Specialist
Sarah Huntley, Deputy Director of Communications
Alexis Bullen, Communication Specialist
Emily Sandoval, Communication Coordinator

EXECUTIVE SUMMARY

The Boulder community has consistently expressed concern about climate change and supported actions to decrease harmful greenhouse gas emissions. Nearly two years of community outreach related to establishing a new emissions reduction goal and supporting progress indicators has shown that this commitment remains strong. The proposed Climate Commitment goal of an 80 percent greenhouse gas emissions reduction below 2005 levels by 2050 updates the city's previous climate

action goal, which expired in 2012[1]. The proposed goal, related sub-goals and progress indicators establish an overall road map for Boulder's emission reduction efforts, both community-wide and for the city organization. The goals reflect what is deemed necessary based on the global scientific consensus regarding greenhouse gas emissions and increasing global temperatures, as well as what is possible based on what we know today and the specific circumstances related to emissions in Boulder.

Boulder's ability to meet these goals will be shaped by numerous factors, some of which are outside the city's immediate control or which will change over time in ways that are difficult to foresee. The Climate Commitment is, therefore, intended to be a tool to guide action and decision-making, and to support ongoing feedback and learning. It is not a static "plan," but rather a set of goals and targets that will be achieved by an evolving strategy. This strategy will need to respond to changing circumstances, new information and emerging opportunities. The proposed goals and progress indicators establish the key metrics by which the community can measure the effectiveness of shared efforts. These metrics are aspirational, but grounded in analysis and informed by input from experts, partners and community members. Results to date show that current and planned city programs and related community actions have started Boulder down the path toward achieving these critical reductions. Continued success depends, in large part, on successfully implementing the programs and initiatives already underway.

This memo outlines three focus areas: **energy** systems change; **ecosystems** restoration and enhancement; and sustainable **resource** use. Energy systems change is the primary area of focus for the near term due to its enormous impact on emissions as well as the potential economic, environmental and social benefits for the community. As the key area of focus for 2017 and beyond, measurable, shorter-term progress indicators related to energy systems change are proposed for adoption in addition to the emissions reduction goal.[2]

As discussed in the memo, the most significant contribution to achieving the proposed goals will be a shift to clean, renewable energy sources for the community's electricity supply. The memo outlines several scenarios to show the impact of alternative levels of fuel switching[3], and illustrates the emissions impact of shifting to renewable electricity on an accelerated timeframe. There is not currently a clear path or plan for achieving that accelerated shift. The role of establishing the goal is to catalyze work in that direction, with the related analysis demonstrating the environmental and economic benefit of doing so.

[1] The city adopted the Kyoto Protocol goal of 7 percent emissions reduction below 1990 levels by 2012 through Resolution 906 in 2002.
[2] Similar targets and success indicators will be developed through collaborative community processes for ecosystems and resources, anticipated in 2018 and 2019, respectively.
[3] "Fuel Switching" refers to replacing a fossil fuel with an energy source that can be provided through renewable sources such as solar or wind-generated electricity, biofuels, etc.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests council consideration of this matter and action in the form of the following motions:

Motion to adopt a community-wide greenhouse gas emissions reduction goal of 80 percent below 2005 levels by 2050.

Motion to adopt sub-goals and progress indicators related to energy system change, including a community-wide goal of achieving a100 percent renewable electricity supply by 2030, with local renewable electricity generation objectives of 50 megawatts (MW) by 2020, 100 MW by 2030 and 175 MW by 2050.

Motion to adopt a city organization greenhouse gas emissions reduction goal of 80 percent below 2008 levels by 2030.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

The different pathways of emissions reduction described later in this memo result in community benefits in a number of areas. These benefits can be divided into three broad categories: economic, environmental and social.

Economic

Electricity Expenditures – As a community, Boulder spends approximately $300 million annually on energy, with over $120 million spent on electricity. The transition to a renewable energy economy with a significant proportion coming from local sources has the potential to significantly increase the money staying in the community related to energy expenditures. This can be achieved in several ways:

- Energy Efficiency Savings – The existing residential and commercial energy efficiency programs are projected to generate five times the savings for households and businesses as are invested in public incentives over 10 years.[4]
- Local Solar Generation – Locally owned solar installations retain dollars that would otherwise leave the community to pay for grid electricity from the utility. The current installed rooftop capacity of 20 MW in Boulder already retains over three million dollars annually through money not spent on utility bills. This amount could grow significantly with continued support for solar adoption and the availability of lower cost electricity storage.
- Green Jobs – Investment in energy efficiency and local renewable energy development creates jobs. A Boulder County economic analysis projected that for every dollar spent on local energy programs, almost half remained in Boulder County[5]. Expansion of programs to install solar and improve building energy performance will generate hundreds of additional jobs in the Boulder area.[6]

[4] http://bouldercountysustainability.org/wp-content/uploads/Boulder-County-EnergySmart-Program-Economic-Impact-Analysis-9-3-13-2.pdf
[5] http://bouldercountysustainability.org/wp-content/uploads/Boulder-County-EnergySmart-Program-Economic-Impact-Analysis-9-3-13-2.pdf
[6] The 2013 Boulder County analysis found that energy efficiency programs alone supported close to 90 full-time equivalent jobs in a wide range of sectors including electrical and window contractors, insulation installers, HVAC contractors and wholesale and retail workers.

Environmental

Air and Water Quality – There are significant local air and water quality impacts associated with fossil fuel use. A recent study by University of Colorado Boulder (CU) researchers[7] found significantly elevated NOx levels associated with vehicles using heavy diesel engines, including diesel buses. While light duty and passenger vehicles produce fewer emissions per vehicle, the nearly two million vehicle miles travelled daily in the Boulder area generate significant local air pollution. The particulates of this use and the combustion of petroleum products also add significant pollutant loads to local streams and waterways.

Climate Change Impacts –Boulder is vulnerable to a number of impacts associated with emissions-driven climate change. These include increased risks of catastrophic wildfire, increased incidence of flooding and significant changes to biodiversity.

Natural Gas Impacts – The continued reliance on natural gas for building heat and industrial uses spurs continued natural gas extraction processes as well as natural gas combustion. Both of these contribute to greenhouse gas emissions and other environmental impacts, such as air quality impacts from fugitive methane release and potential for groundwater and surface water impacts associated with drilling activities. Substantially reducing and eventually eliminating natural gas use in buildings will have multiple environmental benefits while also reducing indoor air pollution and related health impacts.

Social

Social Equity and "Just Transition" – A significant theme in the extensive community engagement conducted on climate issues was the importance of ensuring that the costs and benefits of a transition to renewable energy and other climate-related actions are shared equitably.. A set of three goals for a "just transition" was developed in collaboration with community groups and is included as Attachment A to this memo. Inclusion of these social equity goals can substantially improve the well-being of the community, particularly those most affected by unpredictable and rising energy costs and climate change impacts.

Energy Resilience and Security – Local renewable energy investments and related system improvements such as undergrounding, microgrids, and equipment upgrades will not only help achieve energy system change and emission reduction goals but will also improve the system's reliability, resilience and safety. These actions are also essential steps in building a local energy system capable of ensuring energy services during disruptive events.

OTHER IMPACTS

- **Fiscal** – Implementation of the Climate Commitment goals will have substantial fiscal implications that will be evaluated on a project- and program-specific basis as new initiatives are undertaken and as decisions are made about whether to continue, modify or conclude existing initiatives. In general, efforts to reduce emissions within the city organization have an overall positive impact on fiscal health as they reduce ongoing and fluctuating expenditures on fossil fuels. However, capital investment in new equipment, building improvements and renewable generation facilities may require upfront investment and will need to be evaluated on a case-by-case basis. Where possible, these fiscal impacts have been minimized using an

[7] https://shellym80304.com/impact-of-diesel-buses-on-downtown-boulder/

energy services contract model in which savings pay for the improvements, thereby reducing upfront costs. Over time, it is expected that the cost of these investments will decline as markets expand. Staff has also been exploring the potential for creating a mechanism for valuing carbon emissions as part of capital budgeting and other financial decision making. Additionally, City Council approved a 2017 budget of $50,000 in support of the implementation of the Climate Commitment. These funds will be used to support a community action campaign to coordinate actions across sectors, engage in collaborative projects, develop a long-term Climate and Energy Strategic Plan and leverage additional resources from other funding sources.

- **Staff time** – The implementation of the Climate Commitment is an organization-wide priority. In 2016, staff representatives from nearly every department were involved in a citywide Climate Change Preparation capacity building initiative that included work on both city emissions reduction and city and community climate change adaptation and resilience planning. Implementation of the Climate Commitment based on adoption of the new goals will continue to be a high priority on the annual staff work plan subject to council direction at the annual retreat and other work plan check-ins.

BOARDS AND COMMISSIONS FEEDBACK

Outreach to and engagement with a broad cross section of city boards and commissions was conducted throughout the last three years of work on the Climate Commitment. This included presentations to:

- Parks and Recreation Advisory Board
- Planning Board
- Open Space and Mountain Parks Board of Trustees
- Landmarks Board
- Water Resource Advisory Board
- Transportation Advisory Board (TAB)
- Environmental Advisory Board (EAB)

More extensive consultation was conducted with the TAB and EAB in recent months around the need to develop meaningful shorter-term progress indicators. The result of the feedback from these two boards significantly shaped the proposed set of progress indicators detailed later in this memo. TAB voted to unanimously endorse the Climate Commitment framework and associated indicators on Oct. 10, 2016. EAB conducted its final review on Nov. 2, 2016 and also voted unanimously in support. EAB included a specific recommendation to council regarding ongoing monitoring and evaluation of progress related to the Climate Commitment. The EAB's full motion reads:

> *"In recognition that Climate Change is the most pressing issues of this and future generations, the Environmental Advisory Board strongly supports the adoption of the Climate Commitment goal of reducing the community's emissions by 80 percent or more by 2050 or sooner.*
>
> *"While we wholeheartedly support this goal, we recognize the challenge in achieving it. Therefore, to fulfill its role in supporting the council and the larger community, EAB proposes the convening of a biannual joint study session with council coincident to the publishing of the community greenhouse gas inventory. At that time, if the community is not on track to achieving its interim targets, EAB would like to work with council and staff to identify options to work with the community to achieve future targets."*

Staff supports the EAB's recommendation of a biannual joint study session and will work to include it

in the annual work plan, coordinated with the timing of each update to the community greenhouse gas inventory.

PUBLIC FEEDBACK

Between July 2015 and December 2016, staff and collaborating partners engaged more than 2,000 community members in discussions around climate change and climate action. This engagement included approximately 655 direct survey responses, 29 presentations, 13 community dialogues across diverse constituencies, and four professionally facilitated focus groups. This engagement confirmed broad support for climate action, with a clear focus on the importance of:

- transitioning to renewable energy,
- creating the public infrastructure to support this transition; and
- continued efforts to foster low-emissions mobility options.

Another theme that emerged is the importance of ensuring that the desired energy transition be equitable and just, so that both the benefits and any negative impacts are shared equitably by the entire community, regardless of socio-economic status. A more detailed summary of the key themes that emerged from this engagement is included in Attachment B, which also describes the city's two-year Community Engagement process on climate action.

BACKGROUND

Climate change is a symptom of unsustainable human systems that rely on resource extraction, environmental degradation and pollution-producing combustion. Stabilizing global average temperatures to levels that maintain viable human living conditions will require rapidly evolving energy systems, restorative ecosystem stewardship and more efficient and regenerative resource use. These changes will also need to be implemented in ways that are socially equitable and just if they are to be effective and sustainable.

Boulder is not alone in its commitment to climate action. In December 2015 at the Paris Climate Summit (COP 21), the largest gathering of nations in history resulted in 196 countries signing a consensus document pledging to hold emissions to levels that keep temperatures from rising above two degrees Celsius (2°C or 3.6°F). Further, over 230 cities representing almost 500 million people have made commitments to emissions reduction. Along the Front Range, sister cities like Fort Collins have committed to achieving an 80 percent emissions reduction by 2030. Denver has set an aspirational goal of reducing its fossil fuel use by 50 percent by 2020. Aspen has already achieved a 100 percent renewable electricity goal through its ability to develop power purchase agreements for renewable resources.

It is now increasingly recognized that cities are the primary locus of action around climate stabilization. Because of its long history of environmental stewardship, Boulder is widely recognized as a global leader in this area. The city is engaged in regional, national and international efforts to share learning and coordinate action, through groups such as the Urban Sustainability Director Network and the Carbon Neutral Cities Alliance. Boulder's Climate Commitment is not simply about reducing local emissions; it is also about stimulating and inspiring innovations that reduce emissions elsewhere—while creating significant economic opportunities locally.

Energy Systems – Energy generation and use account for over 90 percent of Boulder's emissions. Because of its disproportionate impact on the climate as well as local community health, economic vitality and social well-being, **energy system change is proposed as the primary focus of city efforts in the next stage of climate action initiatives.** The city has been actively developing energy-related programs to reduce emissions and create associated community benefits for many years. Initially these efforts were focused primarily on energy efficiency and conservation. A key realization from these early stage efforts was the recognition that efficiency and conservation would not be sufficient to achieve a deep emissions reduction, or the other local economic, environmental and social benefits that are possible. Achieving the emission reductions called for in the proposed Climate Commitment goal will require expanded and new efforts to transition to renewable electricity and transition off not just coal, but also natural gas and petroleum.

Other Climate Focus Areas – Simultaneous to focused work efforts to reduce energy-related emissions, the city is working on cross-discipline initiatives to address ecosystem and resource use impacts on climate change.

Ecosystem-related initiatives include coordination with the Open Space and Mountain Parks master planning process, the Urban Forest Management Strategy and an emerging urban ecosystem planning effort that can enhance biodiversity, accelerate climate change adaptation and increase carbon sequestration. Future work efforts will focus on the climate-ecosystems relationship, including community engagement to promote understanding of existing city initiatives and stimulate community-wide environmental action and innovation.

Resource use initiatives will identify opportunities to reduce emissions through integration of the city's extensive efforts in water resource management and zero waste, as well as in local food and agriculture. Discussions are also already underway with the University of Colorado Boulder (CU), the Boulder Valley School District (BVSD) and Boulder County about how revised procurement and purchasing policies could reduce climate impacts associated with material purchases and community consumption patterns.

FIVE-YEAR ACTION PLAN: REDUCING ENERGY-RELATED EMISSIONS

Adoption of the proposed Climate Commitment goal to reduce emissions 80 percent by 2050[8] provides the overall direction that will guide city programs and investments. The related sub-goal of achieving 100 percent renewable electricity by 2030 clarifies a key measure and timeframe necessary to achieve the overall goal. The local renewable electricity generation objectives—50MW by 2020 leading to 175 MW by 2050 -- provide guideposts to maximize the local benefits of this transition. The remaining progress indicators provided below enable both the Council and the community to track progress and take corrective action if it is insufficient. In addition to these community oriented goals and progress indicators, the city organization has proposed a more ambitious goal of reducing its emissions by 80 percent by 2030 (compared to a 2008 baseline).

Over more than 10 years, the city has developed programs and initiatives across three broad areas: electricity source change, buildings and transportation. It has also implemented aggressive emissions reduction actions within city operations. The following section outlines the city's five-year action plan across these four focus areas:

[8] Compared to a 2005 baselin

1. Electricity source change
2. Building energy use
3. Transportation
4. City organization

Electricity Source Change

Following extensive analysis of Boulder's climate action efforts in 2009 and evaluation of paths to further carbon reductions, it became clear that decarbonization of Boulder's electricity supply is central to achieving its emission reduction goals. Absent a significant shift to renewable generation, achieving the previous Kyoto climate target, let alone a goal of 80 percent reduction, was impossible.

In recognition of this reality, a work plan called Boulder's Energy Future was initiated in 2010 to explore paths to decarbonizing Boulder's electricity supply. Extensive community outreach and input have guided work in this area ever since. In short, the city's overall goal is to ensure Boulder residents and businesses have access to reliable power that is increasingly clean and competitively priced.

Based on the extensive and ongoing analysis conducted over the past several years, the city continues to explore two alternative paths to achieve a significant shift in the city's electricity source: either through a new agreement with Xcel Energy (in the form of a new franchise or a new form of partnership) or the creation of a municipal utility. Under either path, the cioty seeks to accelerate the updating of local energy infrastructure, increase local renewable generation, support energy efficiency and purchase additional renewable resources on the wholesale energy market. The outcome of current discussions with Xcel Energy, as well as pending decisions from the PUC, will substantially shape the options for timely emission reductions. There may also be hybrid options that emerge over the course of the planning process.

Emission reduction goals will continue to be central to the analysis of alternative paths, as will other goals related to affordability, reliability, resilience and economic vitality. Regardless of which path is taken, the city will need to remain engaged at the state and national levels in partnership with other cities and organizations to push for the necessary regulatory reforms and legislative initiatives necessary to reduce emissions at a larger scale. Fortunately, trends in recent years have demonstrated that renewable energy investments can be price competitive due to the rapid decrease in the cost of wind and solar generation, increasing efficiencies in renewable generation technologies and advances in battery storage. Based on these factors, and extensive modeling conducted as part of the exploration of forming a municipal utility, it has been demonstrated that the goal of achieving 100 percent renewable electricity is achievable. The biggest obstacles are likely to be political, not technical or economic.

Related programs and current initiatives include:

- Grant-funded projects to analyze district-scale approaches to deep carbon emissions reductions and 'renewable heating and cooling' through transitioning from natural gas to renewable electricity in the residential sector.
- Grant-funded pilot projects to demonstrate renewable energy and energy resilience-building opportunities in key public and nonprofit facilities.
- The soon-to-be-announced round two of the Boulder Energy Challenge to incentivize creative responses to the challenges of emissions reduction and energy system change with private sector and community-based partners.

- Continuation of efforts expand local solar generation, including: Boulder's SolarGrants program, a publicly accessible, online solar analysis tool, and another round of bulk solar/EV purchase program.

Building Energy Use

The city's portfolio of building-related energy programs already distinguishes it as a leader in fostering the transition to high performance buildings. These programs include Boulder's widely replicated energy efficiency programs (Energy Smart, PACE); its comprehensive and progressive energy codes (with a target for Net Zero Energy codes by 2031); and a coordinated set of efficiency ordinances for existing buildings (Smart Regs for rental housing and the Building Performance Ordinance for non-residential buildings). These programs have helped to cost-effectively reduce electricity use in buildings, with residential electricity per person down nearly nine percent from 2005 to 2015. Combined with changes in energy generation due to the state-mandated Renewable Portfolio Standard, residential emissions per person dropped 17.5 percent during this period.

In the next five years, the city plans to continue emission reductions consistent with the proposed goals, in the following ways:

Improving Existing Programs and Policies

- *Net Zero Energy Codes* – Propose, adopt and implement energy and building code updates in Q1 2017. Develop and adopt a major update to energy and building codes in 2019, including a pilot of outcome-based codes for commercial buildings. These updates in the next five years will begin to phase in net zero requirements for certain building types and sizes, and pilot and develop supporting programs to allow for full implementation of net zero energy codes by 2031.
- *SmartRegs* – Achieve 100 percent compliance for the existing SmartRegs program by the end of 2018. In 2019, begin to develop the next generation of SmartRegs to further reduce energy waste and lower monthly operating costs in rental housing.
- *Energy Smart and PACE* – Pilot and test delivery and financing models to increase the effectiveness of Energy Smart programs. Utilize the existing PACE and EnergySmart platforms and advising services to increase compliance with energy codes and ordinances.
- *Building Performance Ordinance* – In 2017, release a map showing compliance status (currently 99 percent) and release the first annual report with detailed data on the energy performance of the city's commercial and industrial buildings. In 2019, implement the first round of required energy assessments. By 2020, achieve full implementation of the rating and reporting requirement of the Building Performance Ordinance. In 2021, implement the first round of required retrocomissioning and lighting upgrades.

Piloting and Developing New Programs and Policies

- *Natural Gas Replacement* – Pilot and test approaches to encourage the replacement of natural gas equipment (e.g. furnaces and water heaters) with electric powered alternatives (e.g. heat pumps) that are renewable electricity-ready.
- *Financing Solutions* – Depending on whether the city forms its own electric utility, Boulder will either develop on-bill financing options for customers, or partner with other financing entities to offer alternative options.

- *Low Energy Affordable Housing* – Partnering with the city's Housing division, staff will develop new programs and policies to ensure that the affordable housing stock in Boulder has low to zero monthly energy costs.

Transportation
The city's transportation emission reduction strategies are an integrated component of the larger Transportation Master Plan (TMP). Emissions reduction is part of a constellation of community co-benefits the TMP has been designed to achieve. These strategies were updated in the 2014 TMP, during which extensive emissions reduction modeling was conducted to assess the impact of existing programs, as well as other major factors such as federal vehicle fuel efficiency standards and a new set of actions associated with fostering adoption of electric vehicles and other low/no emission forms of mobility.

Key elements of the five-year Clean Mobility Strategy include:

- *Transit* – Expand transit service and transit accessibility including exploration of a community-wide Eco-Pass and expansion of Bus Rapid Transit (BRT).
- *E-Free mobility* – Expand bike and pedestrian travel options, as well as the use of tele-commuting in appropriate business sectors and positions.
- *Parking management* – Use parking management strategies and best practices to encourage low-emission mobility options, including incentives that reward commuters who don't require daytime parking.
- *Promote vehicle electrification* – Collaboratively expand regional electric vehicle charging infrastructure, accelerate electrification of city and business fleets and participate in market-based adoption initiatives such as group purchase discount programs.
- *Integrated land use* – Reduce vehicle dependency by increasing walkability and accessibility to multiple modes of transportation.

City Organization
Concurrent to developing and supporting community-wide climate goals and related initiatives, the city organization has been conducting an internal planning process to formulate a climate change preparation strategy that integrates both emissions reduction actions (mitigation) with actions to prepare for possible disruptions associated with climate change (adaptation and resilience). This work builds on the significant efforts and investments the city has made over the past five years to initiate energy efficiency, renewable energy development and overall emissions reduction in city operations. These actions have already reduced city emissions by more than 30 percent since 2008[9]. The city formed five emissions reduction working groups based on the city's five major emission sources: buildings, fleet, water/waste water management, employee commute and resource procurement. The proposed action priorities developed by these teams will be submitted to city leadership for review in early 2017. Analysis of progress to date and potential actions being considered helped inform the proposed goal of reducing emissions from city operations 80 percent by 2030.

Major components of the five year action plan for the city organization include:

- *City buildings* – Continue efforts to reduce energy waste in existing buildings, and complete the design and construction of a new net zero energy complex at the old hospital site.

[9] The city's emissions inventory is based on a 2008 baseline due to difficulties in reconstructing data prior to that year.

- *City-owned water and wastewater treatment plants* – Development of both solar and methane capture for renewable natural gas or other uses.
- *City facilities* – Develop new design, construction and operation standards that will encourage and support the Climate Commitment.
- *City fleet* -- Implementation of a new fleet policy mandating EVs for compatible uses anddevelopment of a pilot for use of renewable diesel in city fleet vehicles.

ANALYSIS OF COMMUNITY EMISSIONS REDUCTION POTENTIAL

To analyze the ability of existing and considered programs to achieve the proposed emission reduction goals, staff and consultants developed a climate program projection tool that quantifies emission reductions associated with existing and planned programs (such as SmartRegs, updates to building energy codes, etc.) and projects them out to the proposed milestone dates. The tool incorporates both historical and projected emissions reduction by year, from 2005 through 2050. A summary of the modeling tool is included in Attachment C.

The tool helps capture the interplay between different programs and projected trends. For example, while energy efficiency efforts in existing and new buildings will help reduce electricity use in buildings, the electrification of natural gas appliances and gasoline vehicles will increase electricity use in buildings. Also, in the near-term, vehicle electrification will only reduce vehicle emissions modestly (~30 percent) due to the carbon intensity of Boulder's current electricity supply. However, with increasing renewable electricity on the grid, emissions through vehicle electrification will drop significantly (>50 percent). Perhaps most importantly, the tool will support ongoing analysis of various program efforts, emerging trends and potential new strategies—reflecting the dynamic nature of a rapidly changing energy world and the many factors that will affect Boulder's ability to meet its climate goals.

As in previous analyses, the projection tool underscores that while all of Boulder's current and planned efforts will play an important role in reducing emissions, achieving the level of reduction called for is not possible without a rapid transition off fossil fuels. In fact, the only viable scenario for achieving an 80 percent reduction in emissions by 2050 is to electrify the majority of energy uses—in both buildings and in transportation, and to ensure that all electricity is generated using clean, renewable energy sources.

Clearly, the need to shift off of fossil fuels and rapidly ramp up renewable electricity generation extends well beyond Boulder. The global agreement from COP21—and the realities of climate change that it was in response to—will require that cities and countries around the world shift to renewable energy resources at a rapid pace.

In Boulder, the most significant shift to renewable electricity in recent years has been spurred by the state-mandated Renewable Portfolio Standard, or RPS. The RPS requires that 30 percent of electrical generation for investor-owned utilities in the state be from renewable electricity sources by 2020 (mainly solar and wind). To date, Xcel Energy has reported that 22 percent of its electricity comes from renewable sources. The company projects it will achieve its 30 percent renewable electricity mandate by the 2020 deadline.

Getting to "80 by 50" will require going well beyond the current RPS mandate. While some states have been adopting more aggressive RPS rules (both CA and NY have adopted standards requiring 50 percent renewable electricity by 2030), there has not yet been any proposals to increase the RPS in Colorado. Xcel has outlined potential investments in higher levels of renewable electricity above 30 percent after 2020. However, in the absence of an RPS mandate, there is no guarantee that these investments will be made or on what timeframe. With the change of political administrations at the federal level, it is also unclear whether the EPA's Clean Power Plan will be fully implemented. Without the regulatory mandate this plan put in place, continued reductions in the use of coal and gas generation for electricity may be slowed or halted.

The city has also explored potential renewable electricity investments that might be possible under a municipal utility, as part of the city's ongoing exploration of municipalization. Those analyses, undertaken to inform decision-making about the potential creation of a municipal electric utility, also provide valuable information for understanding the potential paths—and challenges—for achieving an 80 percent reduction in emissions by 2050.

Figure 1 illustrates four potential emission reduction scenarios associated with different shifts in the renewable electricity mix of Boulder's electricity supply:

- **Scenario A – 2016 ERP Midline Projection**—This pathway corresponds to the mid-line projection of future portfolio emissions published in the 2016 Energy Resource Plan (ERP) that Xcel Energy has filed with the Colorado Public Utilities Commission (PUC). This represents a likely future emissions based on conditions today, absent future shifts in the state RPS, changing market conditions or a new partnership between Boulder and Xcel.
- **Scenario B – 2016 ERP Aggressive Projection**—This reflects the most aggressive emissions reduction scenario provided in Xcel's 2016 ERP.
- **Scenario C – Graduated Shift to Additional Renewables**—This reflects analysis completed to understand potential renewable investment scenarios for a municipal utility. It shows the emission reduction impacts of shifting to 80 percent renewable energy by 2030. While the analysis was completed in relation to municipalization, this level of emissions reduction could potentially be achieved through increases in the state RPS, a new agreement with Xcel, or other means. What is important is understanding that such a shift is necessary to begin closing the gap toward the 80 by 50 goal.
- **Scenario D – 100 percent Renewable Electricity by 2030** – This reflects the emissions impact of achieving a 100 percent renewable electricity goal by 2030.

The assumptions underlying these four scenarios are included as Attachment D to this memo.

Figure 1 illustrates the emissions reduction potential for scenarios A through D, combining the impact of existing and planned city programs as well as changes in the carbon intensity of Boulder's electricity. As illustrated, scenarios A and B fall short of the 80 percent reduction goal by approximately 15 percent in 2050, while scenarios C and D come within 5 percentage points of the goal. Scenario D also achieves the most significant reduction by 2030, providing the foundation for continued fuel switching for natural gas and transportation in subsequent years, as the city works to approach the 80 percent reduction mark.

Figure 1 – Potential Emission Reduction Scenarios, 2020-2050

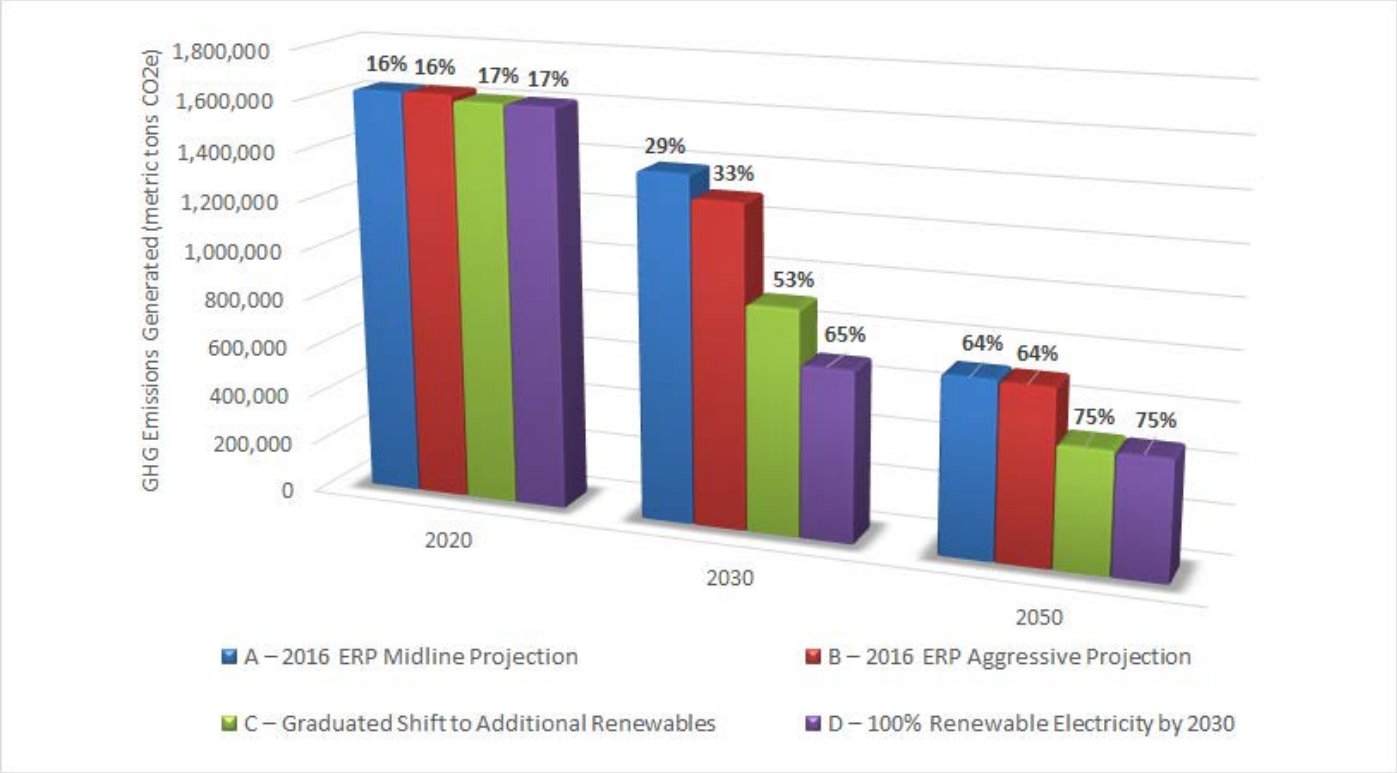


Figure 1 also illustrates the significant impact that early-stage efforts to reduce emissions can have on the ability to achieve deeper reductions in acclerated timeframes. The emissions levels at 2030 for both of the Xcel scenarios reflect the current plan to run existing coal fired power plants to their projected closure dates, many of which occur in the late 2030s or early 2040s. In contrast, scenarios C and D reflect the potential emissions reductions that could be achieved through open market power purchases if the city were not obligated to purchase coal and natural gas-based electricity. Scenario C reflects a gradual ramp down. Scenario D shows the impact of achieving 100 percent renewable electricity by 2030.

Emission Reduction Projections by Action Sector

To understand the emission reduction contributions of efficiency and fuel switching programs in buildings and transportation across all four utility scenarios, Figures 2 and 3 show the level of emissions reduction projected by action area at both 2030 and 2050. A detailed breakdown of the emission reduction contributions by program are shown in similar bar charts in Attachment D.

Figure 2 – 2030 Emission Reductions for Each Scenario by Action Area

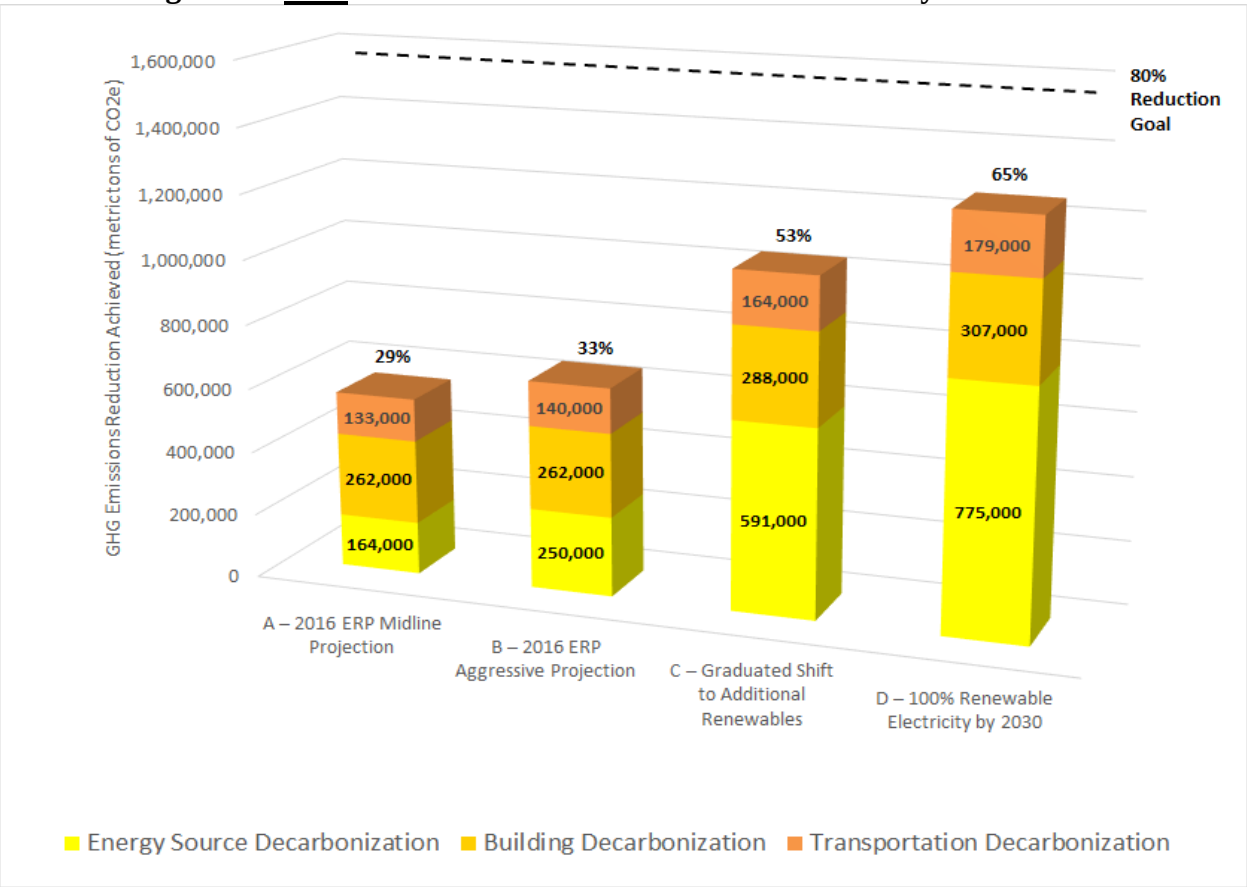
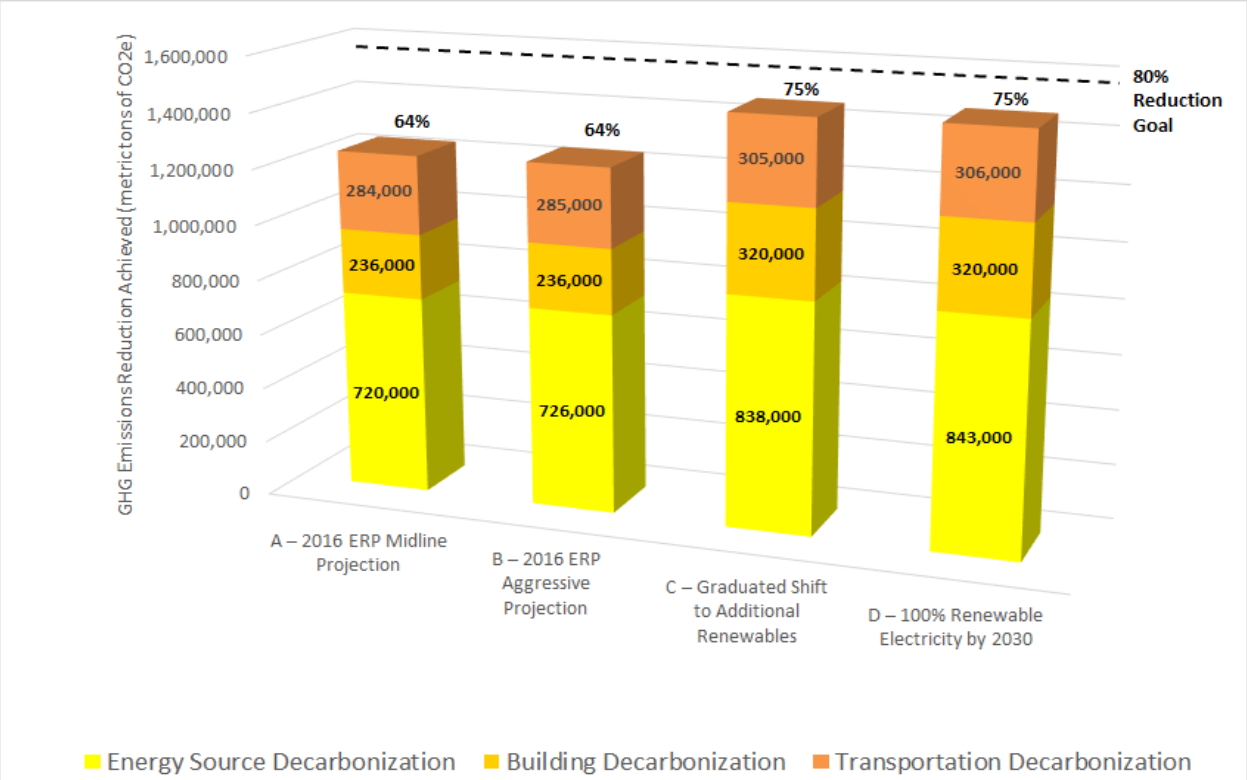


Figure 3 – 2050 Emission Reductions for Each Scenario by Action Area



An 80 Percent Emissions Goal is Achievable
The preceding analysis demonstrates that there is a viable pathway to achieving an 80 percent emissions reduction goal. Roughly 20 percent of these reductions will come from building-related programs, codes and ordinances, most of which have already been put in place and will require several decades of implementation to reach their full benefits. Another approximately 20 percent will come from transportation-related efforts. Some of these, such as the policies and programs managed through the Transportation Master Plan, are within the direct control of the city. Others, such as federal vehicle efficiency standards and personal adoption behaviors of electric vehicles are only partially influenced by city actions.

The remaining 60 percent of the emissions reductions necessary to achieve the goal will need to take place in the electricity sector, particularly in the retirement of all fossil fuel-based generation systems and their replacement with renewable energy alternatives such as wind, solar and hydro. In the short term, the city's electricity source strategies will focus on promoting local solar generation and other renewable electricity resources. In the long term, new technologies will emerge that can accelerate the retirement of natural gas and petroleum. Other areas of energy-related emissions will remain largely outside the city's control such as the types of fuels used in aviation. Here too, however advances such as biofuels will support reductions in emissions that support the city's larger goal.

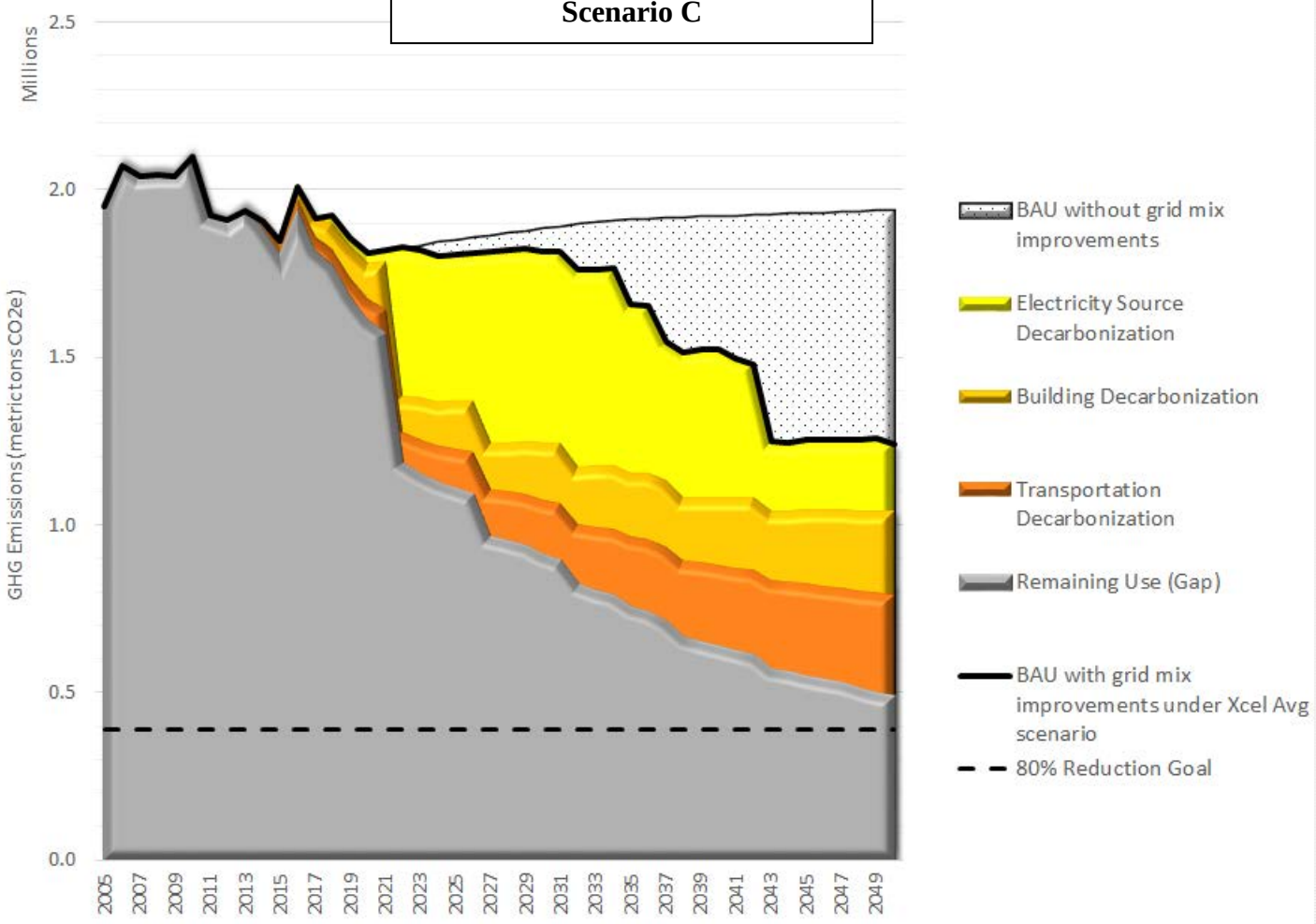
ANNUAL vs CUMULATIVE EMISSIONS REDUCTIONS
The endpoint achievements of the various options are not the only factors of importance in considering potential emission reduction strategies. The timing of emissions reduction is also significant because it determines the overall cumulative emissions that would be generated. It also affects the timing of achieving other important community co-benefits that accompany the transition to a renewable electricity-based system.

A simple analogy illustrates the full implications of this accelerated early reduction of emissions on overall climate impacts:

> *Two smokers intent on dramatically reducing their cigarette consumption make commitments to cut down from their current two packs/day to just two cigarettes/day over 30 years. One chooses to only reduce his smoking a few cigarettes a day over the first 10 years and only starts significant reductions in the last 10 years. The other cuts back by over a pack of cigarettes in the first five years and continues aggressively reducing tobacco intake through the remainder of the period. Both achieve the same end point, but the smoker who chose to delay smoked 250,000 more cigarettes than the smoker who started significant reductions early—more than three times the amount consumed by the early reducer.*

The "wedge diagram" below illustrates the significance that reductions in the early years make—each additional unit of savings compounds like money in an investment account. The value of the wedge diagram is that it can show the contribution of different sectors of action over time towards a long-term goal. Figure 4 shows the wedge diagram for Scenario C. Figure 5 is for Scenario D. The contributions of each of the three major sectors of energy action—electricity source change, building energy use and transportation – are illustrated.[10]

Figure 4 – Emissions reduction Scenario C



The diagram above represents a transition to renewable energy that might take place in a scenario in which significant reductions (approx. 24%) would take place around 2021 and then a gradual replacement of fossil fuels would take place out through 2050.

[10] "BAU" in the figures refers to "Business as Usual." This is the level of emissions that would occur if there were no further additions of renewable electricity generation beyond 2016—by either Xcel or the Boulder community. This includes allowances for both employment and housing growth.

Figure 5 – Emissions reduction Scenario D

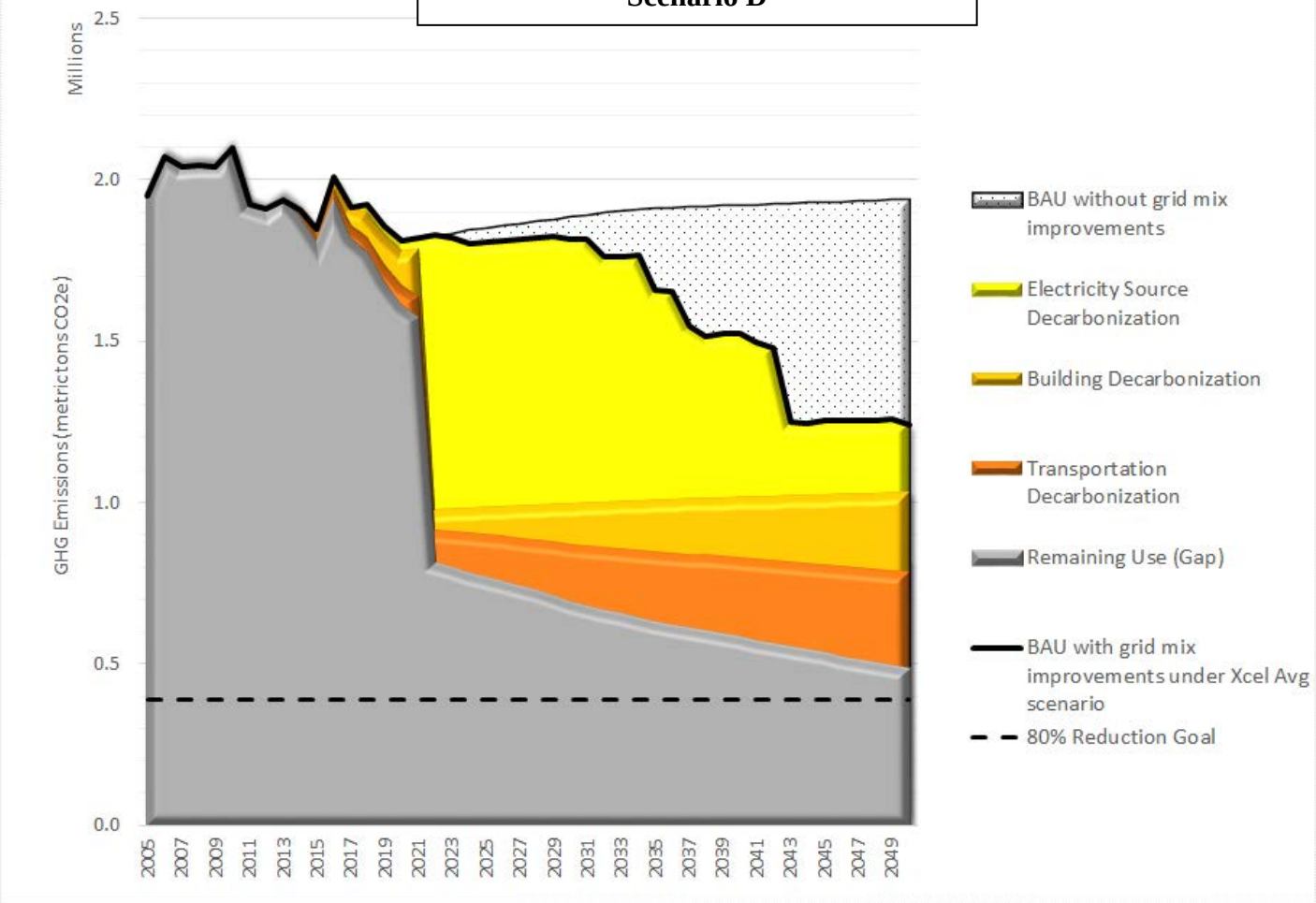
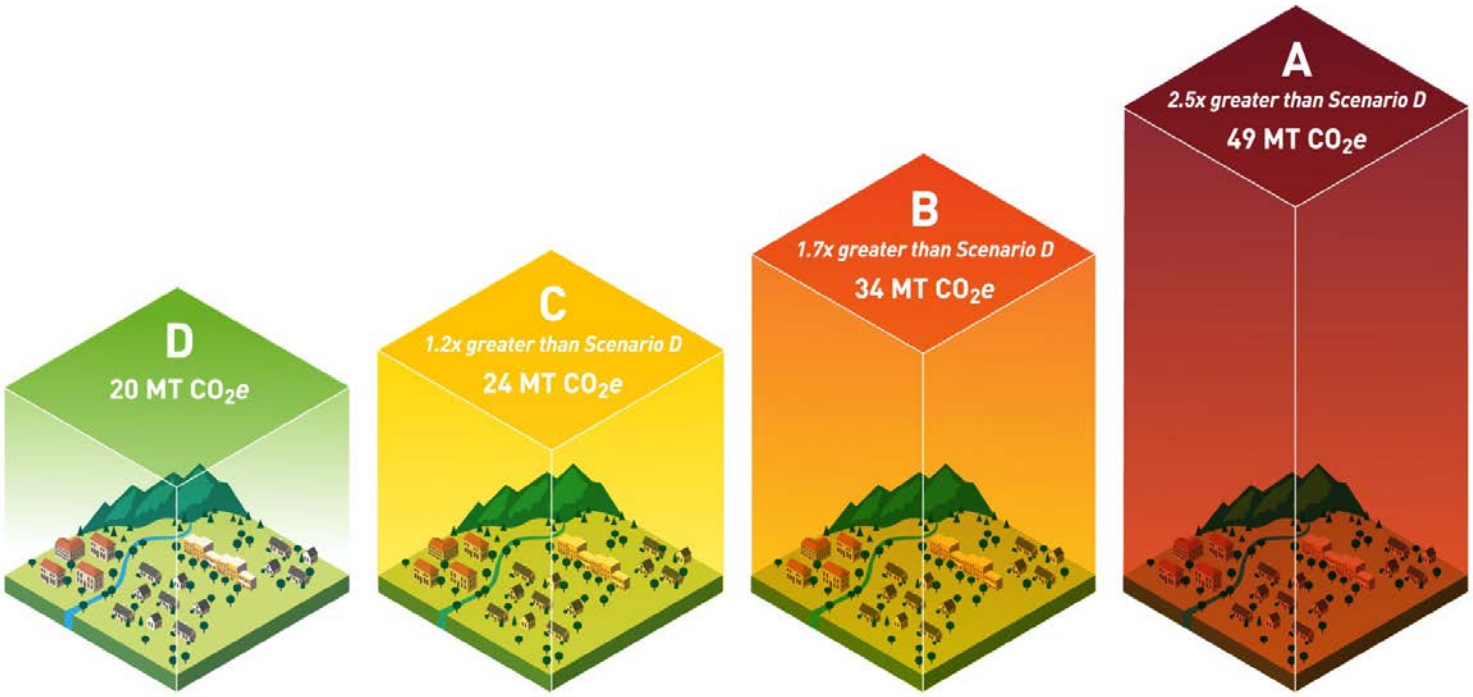


Figure 5 shows the significant emissions reduction impact that could occur in a scenario in which a utility shifts to 100% renewable electricity in 2022. The remaining reductions are then related to buildings and transportation. The electricity shows a slight increase in later years as some of the energy uses that were served through fossil fuels are switched to electricity.

Shown in graphic comparison, figure 6 displays the cumulative emissions differences across the four scenarios. Under Scenario D, the community would emit 67 percent less carbon than in Scenario B—a total of over 14 million metric tons less carbon. **Compared to Scenario A, Scenario D would avoid 29 million metric tons of carbon—the equivalent of <u>eliminating 16 years[11] of TOTAL community emissions</u>.**

Figure 6 – Total Cumulative Emissions of the Four Scenarios



[11] Based on the community's 2015 emissions generation

MONITORING PROGRESS

Clear, informative and measurable indicators of progress are essential in evaluating the effectiveness of city climate actions. They are also critical in sustaining and growing broader community engagement and action. The following progress indicators were developed in consultation with city advisory boards, community stakeholder groups and multi-department staff teams. They represent the interim reductions that would need to be achieved to remain on track with the longer term 2050 goal. The 2015 percentage represents the recently completed analysis of Boulder's 2015 greenhouse gas inventory. All reductions are in comparison to a 2005 baseline.

	Metric	2015	2020	2030	2050
Emissions	% GHG reduction[12]	5%	15%	50%	80%
Electricity Source					
% of grid electricity that is renewable	% of electricity	22%	40%	100%	100%
Total local renewable energy	MW installed	30	50	100	175
Buildings[13]					
Reduction in Total Building Emissions	% below 2005	2%	25%	30%	75%
Reduction in Residential Electricity[14]	% below 2005	1%	1%	3%	-2%
Reduction in Residential Natural Gas	% below 2005	1%	15%	40%	85%
Reduction in Commercial and Industrial (C&I) Electricity[15]	% below 2005	-16%	-20%	-6%	6%
Reduction in C&I Natural Gas[16]	% below 2005	5%	6%	15%	35%
Commercial Energy Use Intensity[17]	kBtu/sqft/yr	113	105	85	60
Transportation		**2015**	**2020**	**2035**	**2050**
Vehicle Miles Traveled (VMT)	Millions of miles	2.65	2.32	1.95	1.59
Walk/Bike/transit/rideshare	% of trips	64%	69%	80%	92%
Vehicle energy efficiency	MPGe	22	40	61	88
% Complete neighborhoods	% of census blocks	26%	N/A	80%	N/A
Electric & alternative fuel vehicles	% light duty fleet	1%	15%	45%	75%

[12] Below a 2005 baseline

[13] The building energy and emissions values are total amounts, not per capita or per economic output. Both population and economic output have increased since 2005.

[14] Increase in electricity use is expected due to increased electric vehicle adoption and the transition from natural gas to electricity (which occurs primarily in later years).

[15] From 2005 to 2015, there has been a significant increase in electricity in the C&I sector. This is at least partially due to the addition of a number of high energy intensity buildings, such as marijuana grow facilities and data centers. Increase in electricity use is expected due to increased electric vehicle adoption and the transition from natural gas to electricity (which occurs primarily in later years).

[16] Natural gas variation is likely due to industrial processes that vary greatly from year to year. Further, natural gas savings will not be fully realized until 2030 when the Building Performance Ordinance requirements are implemented.

[17] Applies only to buildings covered by the city's Building Performance Ordinance.

Interpreting Progress Indicators
The proposed progress indicators provided in the table above are the projected benchmarks that would need to be accomplished to achieve the 80 percent emissions goal by 2050. This is based on the city's emissions projection modeling described in Attachment C. An important factor to consider in examining these indicators is the impact of electrification of energy uses currently served through natural gas and petroleum. For example, as more gas and diesel automobiles are replaced by electric vehicles, this will cause an increase in the overall household demand for electricity. Similarly, as natural gas furnaces and water heaters are replaced by electric heat pumps and other renewable electricity driven alternatives, residential and commercial electricity usage increases. This is not a negative outcome, as long as the city is successful in switching to cleaner, renewable fuel sources. The delayed benefits of city energy policies such as the Building Performance Ordinance and building codes is also evident in the pattern of progress indicators proposed. A visible example is commercial electricity usage , which could show a period of increase (negative savings) because the ordinances and codes don't reach full implementation or impact until around 2030.

Annual GHG Inventory
In 2016, the city adopted the International Council for Local Environmental Initiatives (ICLEI) Global Cities greenhouse gas inventory protocol and the now standardized CLEAR Path inventory tool. The city had previously utilized the ICLEI US Cities protocol, which was a common standard when the city last conducted its inventory for 2012. The updated Global Cities protocol will enable the city to begin integrating more consumption-based emissions factors and other improvements that have now become standard practice. It will also streamline inventory preparation.

The city is finalizing the community GHG Inventory for 2015. Some of the initial results from that analysis are used in the tables in this memo. Complete results will be shared with council through an information packet in Q1 of 2017. Moving forward, the city will conduct a GHG inventory on an annual basis.

Evaluating City Organization Progress
The city organization has already made significant progress in reducing emissions. Energy performance contracts initiated in 2011 in addition to other actions have helped reduce the city organization's emissions by over 30 percent. A summary of city progress to date is included in Attachment E.

In 2016, staff teams began working on next stage emission reduction strategies and evaluating viable long-term goals and interim progress indicators. Based on that work, staff proposes an overall emissions reduction goal of 80 percent from 2008 levels by 2030. Progress indicators for each of the working groups are in development. The work to date is summarized in Table 2 below:

Table 2 – City Organization Emissions Reduction Goal and Progress Indicators[18]

	Metric	2015	2020	2030
Emissions--City Organization	% GHG reduction	34%	50%	80%
Buildings	% GHG reduction	41%	50%	86%
Fleet	% GHG reduction	-17%	40%	80%
Materials & Procurement[19]	% GHG reduction	57%	60%	60%
Employee Commute	% GHG reduction	3%	25%	35%
Water/Waste Water Treatment	% GHG reduction	32%	50%	80%

NEXT STEPS

Building on Lessons Learned

The Climate Commitment goal and associated progress indicators – along with the many programs and initiatives designed to support their achievement – reflect the knowledge learned during more than 15 years of extensive community and organization efforts. Additional analysis and community consultation over the past three years have validated a number of important findings that build on this long history, including:

- Support for climate action remains very high in Boulder.
- There is a clear recognition that achieving deep emissions reduction requires large-scale energy system change; the community has only just begun to understand the change that is necessary and how it can be achieved, and financially, renewable energy sources are now lower priced than most fossil fuel sources.
- While there will be many challenges, the necessary system change is an unprecedented opportunity—communities and companies at the forefront of that change will be the economic leaders of this century.
- In a dynamic and rapidly changing environment, it is necessary to develop analytical tools, models, progress indicators and feedback loops that enable better decision-making and support the ability to change course when needed.
- Aspirational goals, grounded in analysis, play an important role in galvanizing action for transformational change.
- Partnerships will be key. The city has an important role to play, but deep emission reductions will require cross-sectoral, multi-party coordination and action.

[18] This is below a 2008 baseline. Due to difficulties in constructing city across all buildings data back to 2005, the energy performance contracts were constructed in 2011 using a 2008 baseline.

[19] Procurement emissions vary significantly annually due to the majority of these emissions coming from large construction projects with concrete, asphalt or other materials. Efforts to find lower emissions materials are underway, but this is a relatively new area of consideration.

- Ecosystem restoration and more sustainable resource use also have important roles to play, especially in the long term.
- A successful and sustainable transition to a climate stabilizing society will require a commitment to including equity and just social transition as core principles in achieving these goals.

Council ratification of the proposed emissions reduction goal and associated progress indicators is an important step in Boulder's continued commitment to responsible climate action. It affirms that Boulder is aligning its next stage efforts with the scientific and international policy consensus on the need for rapid, transformative change to the human systems currently driving climate change. The associated analysis demonstrates that such a goal is achievable and will help inform critical discussions, decisions and actions in the coming year and beyond.

2017 Action Focus

Achieving this goal and maximizing local benefits associated with doing so will require active support and participation by the entire community. This will, in turn, depend on the ability to find ways to make the necessary transition steps compelling, accessible and achievable to all members of the community. The focus of climate efforts in 2017 will be on energy systems, because of the disproportioned impact this has on the community's overall emissions.

Energy Action – 2017 climate action efforts will build on the extensive relationships and networks built during the engagement phase with a goal of creating a community-based action planning process. This will be conducted in coordination with community and CU-based organizations specializing in community action mobilization. This effort will focus on the following three themes and will culminate in a community energy summit in later 2017.

Opportunity – Significant reductions in renewable electricity costs, as well as the emergence of renewable-ready technologies in heating, cooling and other energy applications, create unprecedented and meaningful market opportunities. The city will work with the business community to identify and develop promising new opportunities to reduce local emissions while creating economic benefits and exportable market opportunities. Particular areas of focus in 2017 will include solar adoption, natural gas replacement and implementation and improvement of energy codes and energy efficiency ordinances.

Equity – Boulder has been a pioneer in developing climate actions that integrate leading-edge technology and financial innovations with new approaches to energy services and public policy support. In its next stage of effort, community members are also calling for more attention and innovation to ensure that climate actions are just and equitable. Working in collaboration with a consortium of community-based groups, the city has developed a set of three Just Transition goals to inform and guide community climate action. These are:

- Building community capabilities and leadership, particularly in segments of the community typically underrepresented in climate action discussions.
- Promoting equity in energy and resource costs and ownership.
- Generating socially just economic and employment opportunities.

A full outline of the Just Transition objectives is included in Attachment B. The actions described in this work will be developed in collaboration with community-based organizations. The city is assisting

these organizations in securing outside funding to take a leadership role in helping to develop constructive actions and to monitor progress in achieving these objectives.

Security – There is a growing recognition that energy systems at all scales are vulnerable to a wide range of potential disruptive forces. The city has already initiated an important pilot project funded through the Department of Energy to keep critical community service providers operational in the event of an energy system disruption (e.g. grid outage). This work has now expanded to include an initiative with CU to develop joint community energy resilience strategies and key infrastructure. This work will also leverage the significant resources made available through the 100 Resilient Cities Platform Partners.

2018 and Beyond

All of these efforts will help inform the development of a long-term climate-energy strategy over the next 12 to 18 months, building on whatever decision is made in the coming year regarding Boulder's future utility arrangement.

During this period, the city and its partners in the community will also develop strategies around the other two primary focus areas in the Climate Commitment: ecosystems and resource uses. Coordination is already taking place around environmental planning work and community initiatives associated with ecosystems—urban forest and ecosystem planning, open space planning and carbon sequestration—that will lay the groundwork for a community focus on ecosystems in 2018. This will be followed by a similar effort focused on resource use in 2019.

2018 will also serve as the next major check in point on progress related to the Climate Commitment. Staff proposes the establishment of a two-year cycle of study sessions with council, building on the the Environmental Advisory Board's recommendation. Council may want to invite additional advisory board participation in these review cycles, particularly if there will be a significant focus on themes relevant to those boards, such as ecosystems (Open Space and Mountain Parks, Parks and Recreation Advisory Board) and resources (Environmental Advisory Board).

ATTACHMENTS

Attachment A: Goals for Achieving a Just Transition to Boulder's Climate and Energy Future
Attachment B: Comprehensive Community Engagement Report
Attachment C: Overview of Emission Reduction Projections Tool
Attachment D: Emissions Reduction by Program Area
Attachment E: Assumptions and Data Sources for Potential Electric Utility Emissions Reductions Scenarios, 2020 to 2050
Attachment F: Summary of City Emissions Reduction Accomplishments: 2008 to 2015

ATTACHMENT A
Goals for Achieving a Just Transition to Boulder's Climate and Energy Future

The transition to a low-carbon future will affect every member of our community. But there are multiple pathways, each with different costs and benefits. Some of these pathways could significantly improve the well-being, security and shared wealth of the community. Others could result in significant unintended impacts, particularly to the most vulnerable segments of the community.

Achieving a transition to a low-carbon future that is just and equitable for all segments of Boulder and surrounding communities is a core principle of Boulder's Climate Commitment. The importance of this principle was emphasized by community residents and organizations during the community engagement conducted to finalize the Climate Commitment strategy.

Reflecting its importance to the community, a consortium of groups joined to create the Just Transition Collaborative (JTC). The JTC subsequently developed a proposed framework to guide the development of a community energy transition strategy that incorporates considerations critical to achieving a just and equitable energy system transition (a full version of the framework can be found **here)**.

The city has incorporated major elements of this proposal in the Just Transition Framework outlined below. Ensuring that climate actions succeed in reducing carbon emissions and improving community well-being will require active monitoring of indicators related to both objectives. The city cannot accomplish this critical objective without the active participation of a broad range of groups and institutions, each bringing its perspectives, expertise and resources in support of this effort. The city will work with a consortium of groups to further refine these goals and objectives, and formulate a collaborative monitoring and reporting system enabling the community to monitor progress.[20]

GOAL #1: BUILD COMMUNITY CAPABILITIES AND LEADERSHIP: Strengthen community capabilities and leadership, advance diversity in policy input, and collect stories from diverse voices--including underrepresented groups--to guide and to inspire public engagement in a just transition.

To decarbonize, we need to decentralize energy sources and democratize our ways of working with each other. This requires becoming more aware of how the City shares its resources, listens to diverse community voices, and engages the public in policy making and programs. Underrepresented voices warrant additional efforts to be heard.

OBJECTIVES:

Recognize leadership in low-carbon lifestyles among all segments of the community: In many instances, the lowest per-capita carbon emissions in Boulder are found in the portions of the community with the most limited involvement in climate action planning.

- Recognize and celebrate existing leadership among lower income and diverse communities including low-carbon and environmentally sustainable lifestyles.
- Support programs and initiatives that integrate education, action and celebration within multiple cultural traditions.

[11] This framework is also proposed as the foundation for evaluation of community climate action plans related to the other two major areas of the Climate Commitment--resource use and ecosystem stewardship.

Diversity in recipients of city grants: Ensure that city grants related to climate action empower those most impacted by climate change and climate action efforts. Potential efforts include:

- Collect demographic information[21] for each grant application and allocation and include equity and accessibility as criteria for grant evaluation.
- Share grant recipient stories with the community to expand the impact of the efforts happening in the community.
- Interconnect city grant-making such that Climate Commitment is a component of grant proposal evaluation across all of the city's funding strategies including technical, artistic and cultural initiatives.

Diversity in policy input: Foster more diverse representation in climate and energy policies and processes.

- Develop strategic alliances across government organizations, non-profits, businesses and schools to inform, educate, support and engage diverse communities in the process.
- Identify people and organizations consulted in order to promote transparency about who is shaping policy.
- Facilitate more varied public engagement efforts and opportunities that foster greater participation by under-represented groups.
- Make public engagement more inclusive of whole-family interaction.

Diversity in local stories: Develop communication and outreach systems that capture and disseminate information about the wide range of actions being taken across all parts of the community.

- Dedicate resources to helping identify, engage, share, create and circulate stories of innovation, cultural knowledge, and hope across diverse segments of the community.

GOAL #2: PROMOTE EQUITY IN ENERGY AND RESOURCE COSTS AND OWNERSHIP:
Implement actions that address the potential disproportionate impacts of energy and resource costs associated with decarbonizing energy sources--including those related to electricity, heating fuel and transportation--on lower income or vulnerable parts of the community; ensure that related programs, ownership of assets, and resources benefits and prioritizes those that are impacted the most.

The transition from fossil-fuel based energy systems to renewable energy systems requires significant changes in the sources of energy and the systems and devices (including vehicles) that use energy. Without careful coordination, this transition could result in some parts of the community enjoying significant benefits from lower cost renewable energy resources, while others are left paying for the cost of legacy fossil fuel system retirements.

OBJECTIVES:
Utility rate affordability and relief: Increases in energy costs, including electricity and heating, have disproportionate impact on low-income individuals and households. This burden is amplified in extreme hot and cold temperature conditions, which result in elevated cooling costs in summer and heating costs in winter. The city will work with the energy utilities and community groups to monitor and mitigate utility rate burdens across all sectors of the community, including burdens associated with city and county initiatives. Consortium efforts around this objective will include:

- Tracking energy and heating costs as share of income and living expenses across different demographic segments of the community.

[21] Common demographics to be tracked should include racial and ethnic minorities, women, low-income people and those that are disabled. Additional demographics should be assessed relative to specific objectives.

- Tracking changes in household energy burden to determine how city, county or utility programs are affecting this cost across different ethnic and income levels in the community.
- Monitoring access, knowledge, and use of related relief programs by the most vulnerable segments of the community.
- Plan mitigating strategies in parallel with energy transition planning.

Access to renewable energy: Most non-homeowners cannot invest in solar energy or take advantage of renewable energy incentive programs that could stabilize and lower their utility costs. Ensuring access and utilization of low carbon energy opportunities for renters, low-income and underrepresented groups will necessitate targeted planning and data collection on:

- The share of city and other renewable energy program dollars that benefit non-homeowners, particularly those with high energy burdens.
- Access, knowledge and use of renewable energy programs by non-homeowners and small and minority owned businesses.
- Based on analysis of data, develop strategies for re-distribution of renewable energy program dollars.

Access to energy conservation and efficiency: Renters who do not own or control their housing often do not have the ability to significantly improve the energy efficiency of the places they live. Lower income home owners also face difficult trade-offs in immediate needs versus investing in longer term energy efficiency savings. As the city continues its efforts to improve energy efficiency in the city's owned and rental sectors, it will work with its partners to identify additional strategies to reduce energy cost burdens for low-income residents including:

- Expanding access to home and building weatherization and efficiency technology in housing that serves lower income residents.
- Enhance awareness, access, use about efficiency rebate and incentive programs.
- Equitable distribution of the costs of energy efficiency upgrades by owners and tenants, particularly for lower income residents.
- Identify options for replacement of buildings that cannot be cost effectively renovated without displacement of existing residents.

Access to vehicle efficiency: Vehicle fuel costs have disproportionate impacts on those that have low-incomes and that depend on vehicles for work. Additional attention will be given to equity and energy cost burden in the design and implementation of incentive programs for alternative fuel vehicles, and vehicle fuel efficiency outreach and education programs. Factors to be monitored include:

- Access and use of alternative fuel vehicle rebates and other relevant incentive programs.
- Education and awareness of vehicle efficiency programs across all sectors of the community.

Equitable public transportation: Low-income and minority communities often depend on public transportation more than other groups. The city will work with its partners to conduct community engagement in order to identify objectives, measures, and areas of data collection related to equity and social justice concerns associated with public transportation. This is a shared priority with the County-wide Mobility for All Action plan. Potential actions could include:

- Community wide transportation assistance
- Community Eco Pass

GOAL #3: GENERATE SOCIALLY JUST ECONOMIC AND EMPLOYMENT OPPORTUNITIES:
As renewable energy and other green businesses and jobs grow in Boulder, concerted efforts are required to promote inclusivity and diversity in the skilled labor force ethnically, economically, and by gender. The city will work with public and private sector partners to increase the pipeline of ethnic populations with professional skills to work in renewable energy and green businesses, provide training opportunities and support living wage

employment opportunities, especially for workers in industries that will be displaced in the transition to a renewable energy economy.

OBJECTIVES:

Good green jobs: Boulder's Climate Commitment and related policies will be developed to support efforts that strengthen the inclusion, education and training of racial and ethnic minorities, women and other marginalized groups in the workforce, and ensure broad awareness and recruitment of the employment opportunities and emerging trends in the green economy. As part of this effort the city will seek partnerships to:

- Research and develop a specific target for above groups engaged in green jobs created through the Climate Commitment Plan by 2030.
- Ensure equal pay for equal work.
- Research specific target for "self-sufficiency wage" or "living wages" for jobs in the green economy in the city and county.
- Explore options to incorporate a living wage standard for green businesses and contractors with which the city contracts.
- Track job creation and job characteristics in relation to the city's climate and energy policies.

Entrepreneurial opportunities for all: Boulder's Climate Commitment has the potential to generate opportunities for existing businesses to expand their scope, and for new businesses to take root in sectors such as green landscaping; heating, ventilation, and air conditioning; home weatherization; and distributed renewable energy. To inform and advance this objective, the city will seek public and private sector partnerships to:

- Research and develop metrics and targets for growth in businesses associated with activities that support the transition from fossil fuel-based energy systems to renewable energy systems.
- Research to develop metrics and targets for the diversity of business owners across income, ethnic and gender in these green jobs sectors.
- Track access to green entrepreneur and business incentive programs and their effectiveness by income, ethnic and gender of business owners.

ATTACHMENT B
Comprehensive Community Engagement Report

In 2015 and 2016, the City of Boulder conducted a series of outreach efforts with different segments of the Boulder community regarding climate change and potential paths of action. The goals of the engagement were three-fold: 1) provide useful and relevant climate change and climate action-related information to the community; 1) gather community perspectives around climate change and climate action; and 3) grow the foundation of community leadership and commitment around climate action.
The various forms of community engagement taking place during this period included:

- **29 Community Presentations**: The city gave talks outlining the potential impact of climate change on Boulder, the city's programs for reducing greenhouse gas emissions (GHGs) and an overview of the key elements of a draft Climate Commitment strategy document
- **657 Surveys**: A survey was distributed through social media, water bills, outreach newsletters and city presentations. Boulder residents and workers completed the survey designed to elicit information on beliefs, values, personal actions, motivations, and ways the city could provide support and measures of success. An abbreviated Spanish version was sent to relevant populations and an in-person Spanish survey was conducted at a Cumbre Compañeras event.
- **15 Community Dialogues:** The city worked with facilitators Kate Hamilton and Sarah Thomas to organize and implement 15 community dialogues with different segments of the Boulder community.[22] These consisted of 90-minute facilitated conversations in which participants described their views about the causes of climate change, priority solutions, personal actions they have taken or could take, possible group actions and preferences in how to measure progress.
- **Four Focus groups**: A public relations firm, Vermilion, completed four 90-minute focus group discussions to gain insight into community perspectives on climate change and to gain input about the best ways for the city to share information about climate and climate action.

I. Key Findings

The various mechanisms for community outreach showed strong alignment across the community on climate change in terms of values and beliefs regarding whether climate change is occurring, priority solutions and preferable implementation actions. While some smaller differences existed, particularly regarding equitable access to information and financial incentives, the community shows strong agreement on central concepts. These include:

- **Climate change is occurring**. The vast majority (95 percent) of Boulder residents and workers surveyed believe that climate change is happening. This consensus held true across the focus groups, presentation groups and community dialogue groups as well.
- **Concern for personal well-being and that of others is a primary motivator:** Concern for their own well-being and others, as well as that of future generations, are the primary values motivating actions on climate change.

[22] These groups included: 1) University of Colorado (CU) students; 2) CU graduate students; 3) CU faculty; 4) CU graduate climate researchers; 5) members of the planning community, including members of PLAN-Boulder, Open Boulder and Better Boulder; 6) CU faculty climate researchers; 7) Mapleton Hill/Newlands residents; 8) A "World Cafe' dialogue targeting [Spanish speakers in Woodlands, Red Oak and Mapleton mobile home communities]; 9) members of the First United Methodist Church Boulder; 10) members of the Unitarian Universalist Church of Boulder; 11) Sierra Club members; 12) members of the Boulder Mountain Bike Alliance, 13) Boulder High School Environmental Group students, and 14) Boulder Rotary Club, and members of the Jewish Faith Community organized by Hazon.

- **Preferred action steps are clear:** Those who participated demonstrated strong agreement that the top solutions needed in the community are: 1) greater renewable energy; 2) increased public transportation and biking/walking options (that equitably benefit the Latino and low-income populations), and; 3) new land use policies that reduce in-commuting and promote low-GHG transportation.
- **Action is already happening:** Nearly 91 percent of Boulder residents and workers surveyed already are taking action on climate change and other groups reported taking action as well.
- **Additional financial incentives and information can facilitate further action:** With greater financial incentives and information (particularly that are accessible to Latino population and low-income populations), Boulder residents and workers are prepared to take more action to address climate change.
- **Preferred measures to evaluate progress are consistent**: The Boulder community regards the following measures as the ones they could understand best: 1) Increased amount of energy coming from clean energy sources; 2) overall community emission reduction goals; 3) emission reductions per capita; and 4) increased percentage of energy generated in our community.

A. Values and Beliefs

The vast majority (94 percent) of those who participated in the city's survey believe that climate change is happening. Among participants, the following ranked as the primary motivations for taking action on climate change: 1) future health and well-being of self and others (57perecent); 2) concern for future generations (54 percent), and 3) being a good steward of the planet (52 percent).

Boulder Focus Group Discussion Findings

In the summer of 2016, the City of Boulder contracted with Vermilion, a local consulting firm, to conduct four focus groups. These focus groups were in addition to the Community Dialogues. The goal of the discussions was to gain greater understanding of individuals' perspectives and priorities regarding climate change and to contribute to the city's engagement strategy. The groups ranged from highly activated around climate change to those skeptical about the ability to effect climate change or the desire of others to do so. The responses across all four groups provided some unexpected insights.

- There is substantial concern that affluence is changing the makeup of the community, changing its character from a place that is innovative, revolutionary and values driven, to a place that is lifestyle driven.
- Wealth gives people the freedom to indulge in ways that are contrary to corrective action and can lead to the putting of personal interests above community.
- There's a lack of will to do what is required—while most focus group participants said they were willing to do their part, it wouldn't matter because others aren't as committed.
- Participants felt their own choices were limited by financial or systemic pressures so they would not be able to achieve what was needed—while those who aren't limited aren't acting.
- There wasn't a strong confidence that reducing emissions locally would have any influence over climate change.
- There is a concern that climate action would take away focus and resources from other pressing local issues, such as housing and community infrastructure.

Participants did offer specific recommendations for how to address these challenges. These include:

Speaking to opportunity – Emphasize opportunity over austerity and restriction
Acknowledging community divisions—Allow differences to recognized and included in exploring solutions
Emphasizing equity—Prioritize improving circumstances for all parts of the community
Highlight concrete actions & positive outcomes—Show the value of climate action to improve local conditions
Address other community concerns—Demonstrate how climate action addresses other community priorities
Make it bigger than Boulder—Don't just brag about Boulder, show how we can be of service to the larger world
Connect to our higher intention—There remains a strong desire to be good stewards for future generations

B. Priority Solutions

Overall, there was strong alignment across the community dialogues, focus groups and survey responses on the priority community solutions to address climate change: expanding renewable energy and increasing climate friendly transportation options (e.g., biking, walking, and public transportation). Survey respondents ranked the top three actions the Boulder community (defined as individuals, groups, institutions) should take as: 1) installing more renewable energy (for example, solar, wind) in homes and offices (65 percent); 2) reducing energy use through behavior changes (56 percent); 3) using public transportation, biking and walking (53 percent). In terms of the city organization's specific role, respondents believe the city should help the community adopt renewable energy options (47 percent), create policies that facilitate or incentivize energy use reductions (37 percent) and change land use planning to encourage use of public transportation and walking (26 percent).

Responses from the Latino and lower income segments of Boulder show similar priorities but with a greater focus placed on equitable transportation options and better options for in-commuting. In particular, conversations with the Latino and affordable housing populations reveal that ensuring free Eco-Passes and bike access for affordable housing and low-income residents can help to reduce GHGs while also providing important incentives to less-resourced communities within Boulder. Likewise, some of these participants said that residential neighborhoods should eliminate restrictions on green activities, such as outside drying of clothing. **(**See text box on just transitions.) In-commuting also emerged as a theme within these parts of the community, with many articulating that the city can and should do more to promote affordable housing to reduce in-commuting and should work directly with bedroom communities on strategies to reduce GHGs.

Just Transitions

Growing out of the city's outreach and engagement, a number of city leaders, residents and organizations emphasized the importance of including social equity and diversity as core objectives in the development of climate and clean energy programs and strategies. These conversations resulted in the formation of the Just Transition Collaborative (JTC). The JTC provided extensive feedback to the city on approaches to integrating equity and diversity into the city's efforts. These included three major goals and associated objectives:

Goal 1: Build Community Capabilities and Leadership
Goal 2: Promote Equity in Energy and Resource Costs and Ownership
Goal 3: Generate Socially Just Economic and Employment Opportunities

The city has developed a draft of these goals for inclusion in the final draft of the community Climate Commitment (See Attachment X). The full content of the JTC's recommendations can be found here.

Community dialogue participants agree on these top needed solutions. They also placed greater emphasis on needed changes in local land use, as well as shifts in broader social, cultural and economic norms. As with survey respondents, participants in the community dialogues emphasized renewable energy, energy efficiency and financial incentives for reducing GHG as critical solutions. They also emphasized greater public transportation and biking options. There was also a diversity of opinion on the role of land use policies, with some promoting denser development to improve greater walkability and reduced reliance on cars and others emphasizing the role of open space in climate-change buffering. A common theme was the importance of

affordable housing as a means to reducing in-commuting to Boulder and reducing GHGs. Finally, community dialogue participants raised the need to address "human systems:" social, economic, political, and cultural norms that cause GHG. In particular, they cited the need to increase civic participation and democratic control to address climate change, as well as increasing awareness across the entire community.

Many Boulder residents and workers see additional local benefits accruing from the Boulder community pursuing these possible solutions. When asked about the additional local benefits that would result from community action on climate change, survey respondents "strongly agreed" on the following: 1) a better life for children and grandchildren (63 percent); 2) improved public health (57 percent); protection of local plant and animal species (54 percent); 4) better quality of life as a resident (50 percent); and, 5) jobs and benefits to the local economy (43 percent). When asked to identify priority solutions that would also have direct benefits on the local community, they focused on clean energy (in terms of jobs and local environmental health), better transportation options, land use changes and increased democratic participation.

C. Existing Community Actions

Boulder residents and workers already are taking a range of individual actions to address climate change. Nearly 91 percent of survey respondents, for instance, self-report that they are taking actions to reduce their climate impact. The top actions identified include activities in:

- **Energy**: improving energy efficiency in homes and offices (89 percent), and less GHG-intensive transportation options (76 percent)
- **Resources**: recycling (96 percent), composting (72 percent), and buying used goods (67 percent)
- **Ecosystems**: planting trees or creating gardens (57 percent)

D. Future Actions

Residents and workers are prepared to take more actions around climate change with assistance. In particular, survey respondents noted that the following would facilitate greater actions:

- Financial assistance or options to install energy efficiency and renewable energy measures (63 percent)
- Information about ways to reduce climate impacts of goods and services (53 percent), particularly in ways that are accessible to and provide tangible benefits for Latino and low-income populations
- Financial options to improve resource efficiency and productivity (52 percent)

These findings are consistent with the impediments residents and workers face. The most significant barrier to action is financial, followed by lack of information and technical assistance.

Groups organized for the community dialogues also outlined possible actions to take as groups, based on their role in the community, their knowledge and their networks. These conversations were preliminary, but reflect ideas about the many roles groups can take. Preliminary findings were:

- **Climate researchers** focused on actions related to awareness and behavior: coordinating outreach, managing the transition to renewable energy (i.e., the "least regret solution," working on science research across disciplines, educating younger people, engaging the CU administration regarding CU infrastructure, shifting the research financing agenda, and collaborating with the CU administration for making the "business" case for renewable energy transitions).

- **CU faculty** identified a range of actions related to awareness, behavior, assets and policies: creating integrated statements across efforts and disciplines, advancing a faculty statement on climate change and action, connecting CU expertise to city-community challenges, developing CU solar capacity, promoting a joint partnership outside of CU to bring faculty capacities to the community, advocating for housing to reduce in-commuting, and pursuing research and development grants with the community.
- **CU graduate students** emphasized collective actions targeting awareness and assets: galvanizing undergraduates, talking with (and protesting against) the CU administration on climate-related efforts including areas of potential improvement with infrastructure, conducting outreach to raise awareness, and working with CU to divest its investments from fossil fuels.
- **The planning community**, including Better Boulder, Open Boulder and PLAN-Boulder, outlined potential actions pertaining to awareness and policies: advancing a constructive conversation among the distinct groups to identify shared goals, engaging in aligned communication and policy advocacy on shared climate goals, educating the community on the co-benefits of climate policy and municipalization, helping the city to develop measurements for success.
- **CU undergraduate students** discussed ways of continuing to educate and change behavior in the dorms, lobbying for increased use of renewable energy in university facilities along with educating friends and family.
- **Rotary members** discussed the value of installing solar panels, using less electricity and increasing awareness in their community. They also discussed a program they are supporting that employs adults on the autism spectrum to refurbish computers, and its connection to electronic waste and resource consumption.
- **Boulder High School's Environmental Club** members brainstormed a variety of next steps to assist with the climate dialogue, including using available funding to buy power strips, installing solar panels on the high school, and launching a fundraiser by selling recycled wrapping paper and/or hand-sewn reusable gift bags.
- **Residents of the Newlands/Mapleton Hill** neighborhoods discussed ways of to reduce impacts in their homes including composting, buying renewable energy in bulk and increasing efficiency in homes.
- **Boulder Mountain bike Alliance** focused on how connecting with nature can lead to more activation around conservation issues, including climate change. One of the group's missions is increasing access to trails, which the group emphasized is a way to reduce driving. Attendees also connected their passion for properly caring for open space with ecosystem conservation.
- **Members of the First United Methodist Church**, in particular represented by the Resonance Women's Chorus, emphasized means of increasing awareness. As a group they have met regularly to discuss climate change actions and put on a concert focused on climate change. The group further discussed educating themselves and their peers, ways of being more vocal about the commitments they've made personally and encouraging others. They also brainstormed around ride sharing to rehearsals and putting programs on recycled paper.
- **Members of the Jewish Faith** community meeting included individuals active in several different Jewish community groups including Hazon and Tur Ha'aretz (an interfaith CSA). As far as collective action, the group discussed the importance of educating youth, connecting religious teachings with climate action, decreasing GHG impact of buildings, understanding how financial investments support fossil fuel versus greener innovations, supporting the interfaith CSA, as well as influencing policy makers.

E. Measures of Success

The Vermilion focus group data indicates that it is important for Boulder residents and workers to see that the community is making progress towards its climate goals. Both the survey and the community dialogues requested feedback on the measures individuals would find most useful in gauging the community's progress towards it goals over the next five years. Survey respondents were particularly interested in measuring (in order of priority):

- Increased amount of energy coming from clean energy sources (e.g., wind, solar)
- Community emission reduction goals
- Emission reduce goals per capita
- Increased percentage of energy generated in our community
- Reduced water use

Members of the community dialogues also ranked top metrics for measuring change. The top ranked measures there also included increasing renewable energy along with measuring emissions by individuals and the community as a whole. However, these attendees ranked "increased number of buses" and "reduced vehicle miles traveled throughout community" as the fourth and fifth most important measures of success.

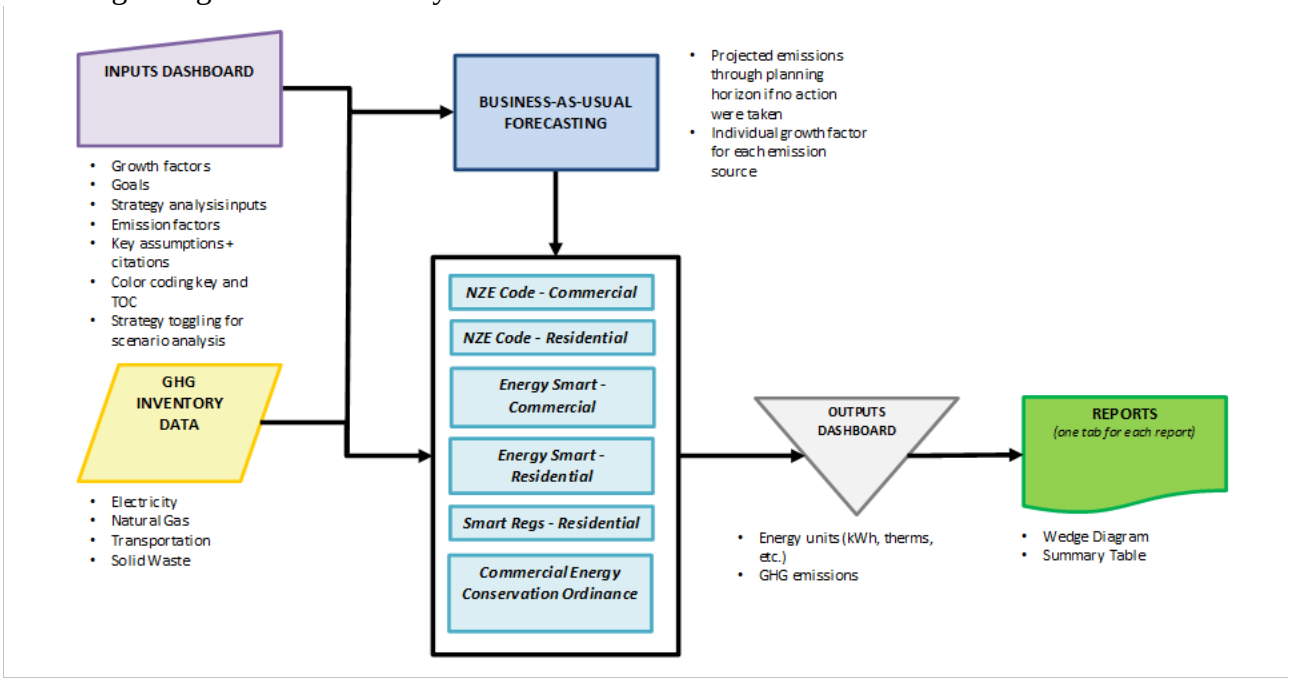
ATTACHMENT C
Overview of Emission Reduction Projections Tool

Introduction

This Climate Commitment tool estimates energy and emissions reductions through 2050 from the following programs:

- Commercial Net Zero Energy Code
- Residential Net Zero Energy Code
- EnergySmart Commercial Program
- EnergySmart Residential Program
- SmartRegs Residential Program
- Commercial and Industrial Energy Ordinance
- Electric Utility Municipalization Demand Side Management Programs
- Transportation
- Distributed Generation
- Natural Gas Switch-out
- Other Programs
    - CU Boulder Climate Action Plan
    - City facilities

As illustrated in the wireframe, the work flow for the tool begins with the two inputs tabs: Inputs Dashboard and GHG Inventory Data. The inputs tabs are used to calculate a business-as-usual (BAU) forecast and the programs tabs use these inputs to automatically calculate assumed energy and emissions savings, which are ultimately displayed in the Outputs Dashboard and the two reporting tabs: Wedge Diagram and Summary Table.



Analysis Tool Wireframe

Inputs Dashboard

The Inputs Dashboard holds all of the information that is used to quantify each strategy's impact to the overall emission reduction goal. The dashboard has two sections – General Assumptions and Strategy Analysis Inputs – and each of these sections is broken out into subsections. All guiding background information, citations, or assumptions are also housed on the dashboard.

General Assumptions

Within the General Assumptions section of the dashboard, a tool user can input assumptions related to growth rates (demographics and electricity), utility costs, utility breakdown by sector, electricity and natural gas emissions factors, and goals. Inputs in this section are used throughout the tool and will affect results for each of the strategies. The table summarizes this section of the dashboard.

Strategy Analysis Inputs

The Strategy Analysis section covers all of the strategy specific assumptions that inform all of the strategy calculations. This area of the tool is also where most of the dialing will occur during scenario analysis. Each strategy's inputs are unique, and inputs are not shared between strategies.

GHG Inventory Data

The GHG (Greenhouse Gas) Inventory Data tab is used to inform the BAU Forecasting tab and show the inventory results for each reporting period. Once a community GHG inventory is completed, the outputs from the inventory tool are hard-coded into this tab.

BAU Forecasting

The Business-As-Usual (BAU) Forecasting tab is a calculation sheet that does not require any inputs by the user since results from the GHG Inventory tab are used to automatically populate this tab. This tab's main function is to project the city's emissions into the future. It is called a BAU forecast because it represents the assumed future emissions if the reduction programs in the tool do not expand.

Forecasting for electricity emissions is based on projected usage found on the Input Dashboard while forecasting for the other major emission sectors uses the previous year's reported emissions to create assumed emissions through 2050. Historical data is indicated with yellow coloring, while blue cell shading indicates forecasted data.

Strategy Analysis Tabs

The calculation tabs for each of the various strategies include the following sections: Summary, Assumptions, Analysis, Savings, Owner First Costs, and References. The reference section is intended to supplement any notes or information that is presented within the Inputs Dashboard.

Outputs Dashboard

The Outputs Dashboard tab does not require user input and is used to display the total results from each of the calculation tabs which are automatically populated. Results are given in terms of new and realized reductions. New reductions are savings that occur during that year due to additional participation while realized savings represent all of the program's savings in that year, this will take into account previous year's efforts. The following results are included in the Outputs Dashboard: BAU Forecast, New and Realized GHG Emissions Reductions, and Realized Electricity and Natural Gas Reductions.

The last group of data on this sheet is used to create the Wedge Diagram. The wedge diagram is created by taking the BAU emissions and applying each program's realized annual reductions. These reductions represent the colored wedges in the diagram. The data in this table therefore represent the amount of emissions that remain after a program's reduction is applied.

Reporting Tabs

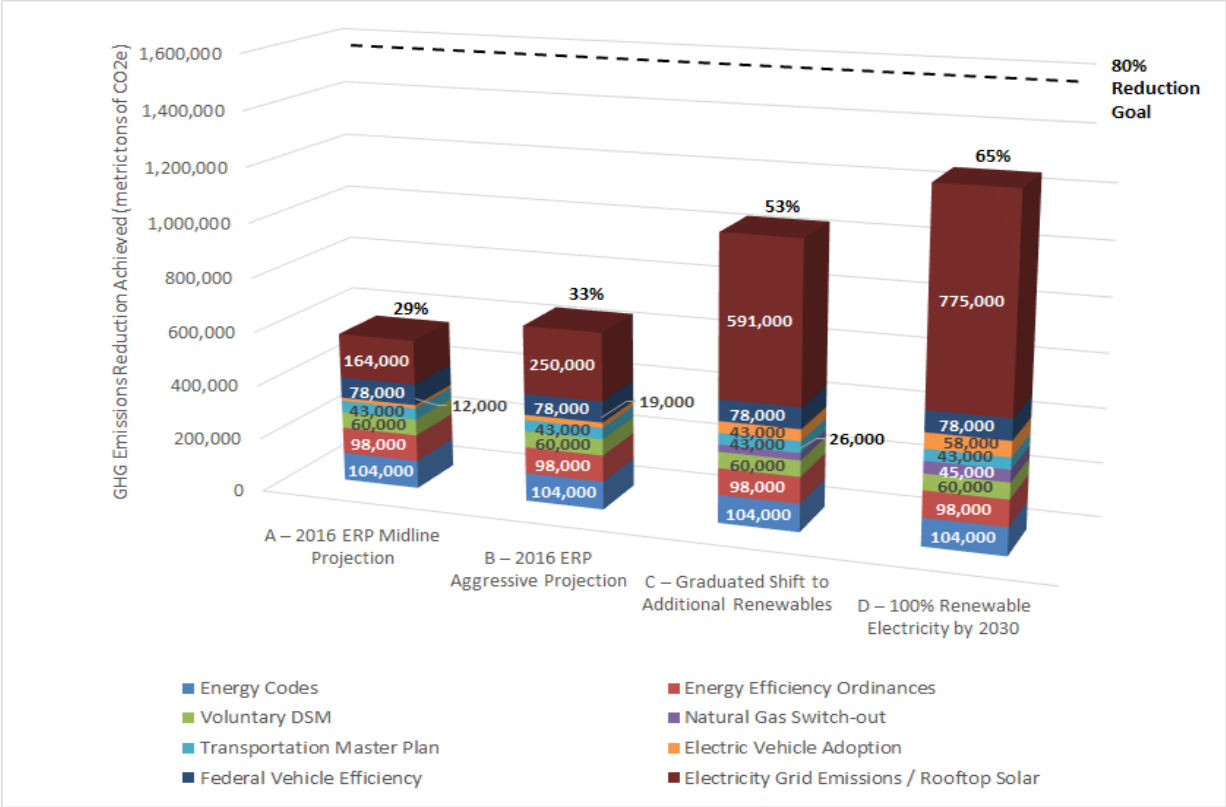
The main reporting tab is the Summary Table tab. The Summary Table displays emission reduction, cost savings, and implementation costs broken out by decade. However, there are also several visual reporting tabs which visualize the data through wedge and bar chart diagrams. These tabs can be used to display and compare different scenarios to meet emission reduction goals.

Data Sources

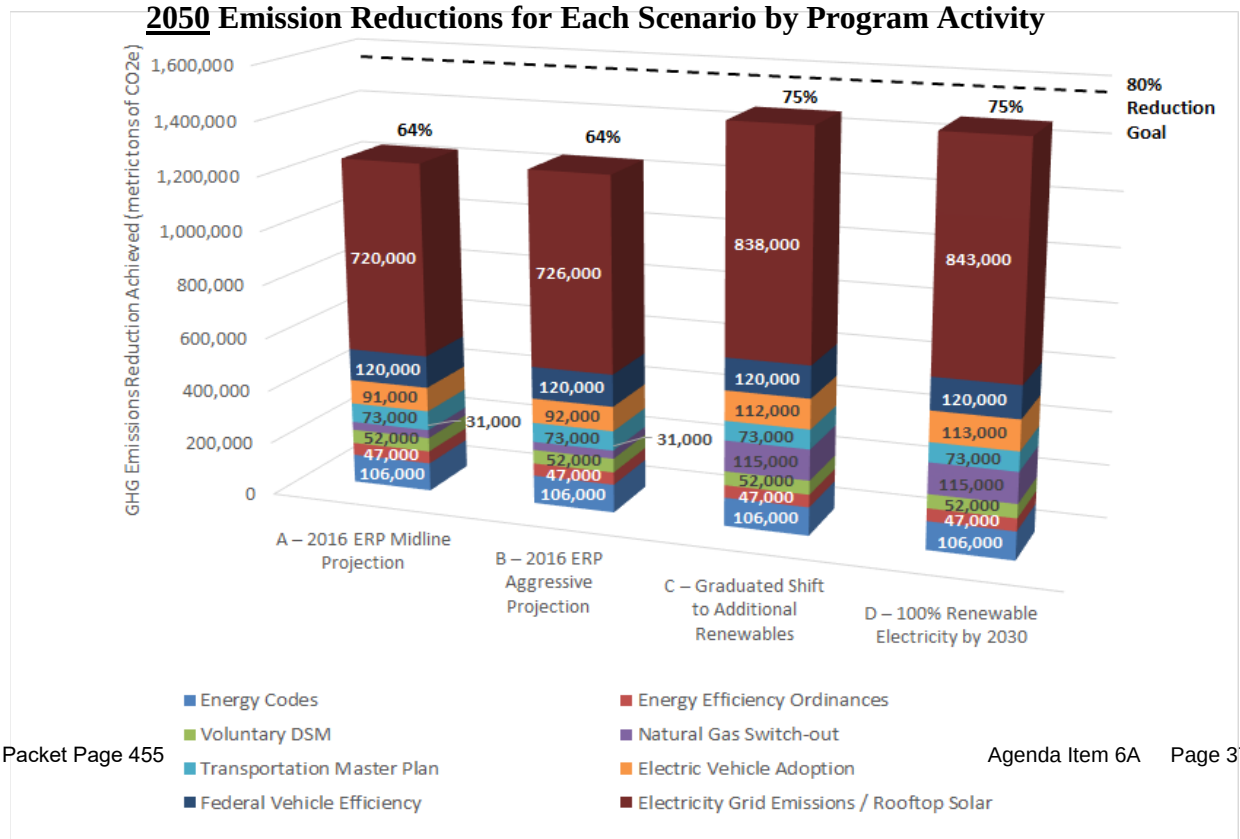
The data inputs in the tool are from a variety of sources, including actual tracking outputs and best practice estimations. Growth rates for demographics and square footage are sourced from internal City of Boulder tracking of population, employment, housing and permitting and are supplemented by external databases such as CoSTAR and the Boulder County Tax Assessor. Electricity consumption and emissions factors come from the utility's Electric Resource Plan, utility forecasts and grid mix. Additional emissions factors are sourced from the U.S. Dept. of Energy and the U.S. Environmental Protection Agency. Program savings potential come from actual savings achieved, as reported through internal program tracking by the City of Boulder and external tracking by the program administrators such as Boulder County's Partners for a Clean Environment. Additional program savings assumptions are based on energy modeling and reports from firms such as the Southwest Energy Efficiency Project, McKinstry, CLEAResultand NORESCO.

ATTACHMENT D
Emissions Reduction by Program Area

2030 Emission Reductions for Each Scenario by Program Activity



2050 Emission Reductions for Each Scenario by Program Activity



ATTACHMENT E
Assumptions and Data Sources for Potential Electric Utility Emissions Reductions Scenarios, 2020 to 2050

The assumptions used to calculate the emissions reduction scenarios rely on a combination of recent publicly available documents filed by Xcel Energy, as well as staff analysis performed as part of the investigation of the feasibility a municipal electric utility. That analysis can be found as part of the city's recently released Financial Forecast Tool located at: https://bouldercolorado.gov/energy-future/financial-forecasting-tool.

Xcel Utility Scenarios
Both Scenarios **A & B** rely specifically on the published data sources in Xcel Energy's 2016 Electric Resource Plan[23] (volume number and location in parenthesis listed below). They represent the only publicly available projections from Xcel on their potential reduction in emissions scenarios between now and 2050.

Scenario A: 2016 Electric Resource Plan Midline Projection
- Forecasted annual energy sales 2017-2055 (ERP Volume 2,[24] table 2.2-3)
- Alternative Plan 4 in the projected CO2 emissions 2017-2054 (ERP Volume 2, table 2.7-21)

Scenario B: 2016 Electric Resource Plan Aggressive Projection
- Forecasted annual energy sales 2017-2055 (ERP Volume 2, table 2.2-3)
- Alternative Plan 4D in the projected CO2 emissions 2017-2054 (ERP Volume 2, table 2.7-21)

Accelerated Renewable Electricity Scenarios
The "Gradual Shift" and "100 Percent Renewable Electricity" scenarios rely on analysis performed to evaluate different power supply scenarios for a potential Boulder municipal electric utility. They demonstrate two potential pathways to being within 5 percent of attaining an 80 percent emissions reduction goal by 2050[25].

As noted in the analysis above, annual emissions targets can obscure the significant differences between alternatives in terms of the total cumulative emissions each scenario is projected to generate. While scenarios C&D reduce annual emissions by 10 percent more than Scenarios A & B at 2050, they potentially reduce cumulative emissions between now and 2050 by as much as 144 percent more (equal to 16 times Boulder's annual emissions).

The ability to implement Scenarios **C & D** would require significant changes to the current process of purchasing utility scale electricity and are only currently possible through either municipalization, a

[23] https://www.xcelenergy.com/company/rates_and_regulations/resource_plans/2016_psco_electric_resource_plan
[24] https://www.xcelenergy.com/staticfiles/xe/PDF/Attachment%20AKJ-2.pdf
[25] A number of factors were not modeled that could make up this gap including advances in aviation biofuels new low carbon alternatives to heavy diesel transport, and process energy alternatives for natural gas.

new set of energy procurement priorities and partnerships with Xcel Energy, or change at the state level.

Scenario C: Gradual Shift to Additional Renewables

- Assumes Xcel achieves 33 percent renewables by 2025 (ERP Volume 1,[26] figure 1.2-1). This is the farthest future date Xcel has publicly forecast its power supply mix.
- Assumes Boulder buys 100 percent of power supply from Xcel for 2018 to 2022, then 50 percent from 2023 to 2027, then 33 percent from 2028 to 2032, then 25 percent in subsequent years. The analysis assumes Boulder purchases a "slice of Xcel's system," meaning Boulder would receive a proportional share of Xcel's renewable generation in addition to renewable resources it can procure on its own.
- Assumes all remaining power supply is renewable electricity (i.e. 50 percent wholesale purchases from Xcel in 2023 to 2027 is supplemented with 50 percent renewable electricity, increasing to 67 percent then 75 percent as wholesale purchases from Xcel decline, as described above).
- Assumes Boulder achieves 100 MW target for local generation with all solar.

Scenario D: 100 Percent Renewable Electricity by 2030

- Assumes Boulder purchases wholesale electricity from Xcel for four years (2018-2021), then immediately shifts to purchase 100 percent renewable electricity from alternate power providers beginning in 2022.

[26] https://www.xcelenergy.com/staticfiles/xe/PDF/Attachment%20AKJ-1.pdf

ATTACHMENT F
Summary of City Emissions Reduction Accomplishments: 2008 to 2015

City of Boulder Operations Emissions Inventory

Executive Summary

Emissions by Sector

Sector	2008	2011	2012	2013	2014	2015	% Change (2008-2015)	% Change (2014-2015)
	metric tons CO2e							
Buildings and Facilities	16,128	12,978	10,679	10,217	10,170	9,475	-41%	-7%
Materials	11,445	4,370	8,230	4,053	7,358	4,976	-57%	-32%
Wastewater Treatment Plant	10,202	8,313	7,125	7,070	6,523	7,064	-31%	8%
Water Treatment & Transport	5,693	3,895	4,995	3,855	3,276	3,780	-34%	15%
Employee Commute	4,673	4,673	4,947	5,014	4,547	4,547	-3%	0%
Public Lighting	3,964	3,733	3,100	2,953	2,898	2,847	-28%	-2%
Vehicle Fleet	3,316	3,134	2,785	3,018	3,146	3,865	17%	23%
Government-Generated Solid Waste	132	163	181	128	128	93	-30%	-27%
Business Travel	43	131	76	20	97	107	149%	10%
Totals	**55,596**	**41,390**	**42,118**	**36,329**	**38,142**	**36,754**	**-34%**	**-4%**
	45.5 mt-CO2e per employee	*34.0 mt-CO2e per employee*	33.4 mt-CO2e per employee	29.1 mt-CO2e per employee	29.9 mt-CO2e per employee	27.4 mt-CO2e per employee		
	0.55 per capita	*0.42 per capita*	*0.41 per capita*	*0.36 per capita*	*0.36 per capita*	*0.35 per capita*		

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: Tuesday, Dec. 6, 2016

AGENDA TITLE
Update and Council Input on Community Dashboard: Boulder Measures Phase One Development

PRESENTER/S
Jane S. Brautigam, City Manager
Tanya Ange, Deputy City Manager
Chris Trice, Information Resources Manager

EXECUTIVE SUMMARY

The purpose of this item is to provide an update on the Community Dashboard: Boulder Measures - Phase One. As council is aware, there has long been a desire to create a visual way to depict and measure progress on many of the goals that are important to the Boulder community. In support of this effort, a city staff team has been working to create an online dashboard that will be called Boulder Measures. This dashboard will be accessible through the city website and will incorporate the city's existing open data catalog. The dashboard is intended to be a tool to share data, measure progress, assist with decision-making, identify areas of opportunity and discuss trends related to both City Council goals and departmental master plans using the Sustainability Framework as the foundation.

The dashboard and metrics will be iterative. There will be new data sets and measurements added, as appropriate, and updates to existing data will be made in a timely and consistent way. Phase One provides a starting point to gather input on metrics – those that will be included in the initial launch as well as future metrics the community would like to see – site design, and overall site functionality. The information gathered will inform scoping of Phase Two.

Additional information about the feedback mechanisms anticipated during the Phase One roll-out is included later in this memo.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic –The dashboard uses the Community Sustainability Framework as the foundation to organize all metrics displayed on the dashboard. The dashboard includes metrics that are tied to council and master plan goals. Metrics found in the Good Governance Sustainability Framework category underscore the city's commitment to sound fiscal responsibility.
- Environmental - Metrics highlighting the city's progress towards its environmental goals are found in the Environmentally Sustainable framework category. For the Phase One launch, metrics relating to greenhouse gas emissions and waste diversion will be included.
- Social - Metrics relating to social well-being are tied to multiple Sustainability Framework categories. These metrics represent goals towards affordable housing, access to recreation, health and safety, etc.

OTHER IMPACTS

- Fiscal -The dashboard does not introduce any new budgetary impacts.
- Staff time - The dashboard team is a comprised of existing staff from departments across the organization for the Phase One implementation. The team, led by the newly hired Chief Innovation and Analytics Officer, will be responsible for Phase Two and beyond.

PUBLIC FEEDBACK

The dashboard team held a small user testing session at the main library in October. Library patrons were asked to provide overall impression of the dashboard site using a set of scripted questions. Based on the feedback provided, the dashboard team redesigned the site to improve overall usability and navigation. Additional search capabilities were also incorporated into the site redesign. Overall the feedback was positive, and the testers commented that they enjoyed interacting with the data visualizations.

BACKGROUND

The Community Dashboard: Boulder Measures project began in March 2015 when the Novak Consulting Group facilitated working sessions with the city's management team to develop goals and identify potential community indicators for inclusion in the community dashboard. Shortly thereafter, an internal cross-departmental city project team was assembled. The dashboard team went through an RFP process to select computer software that could support the vision of the dashboard.

The team selected Tableau, a business analytics and visualization product that allows users to create interactive dashboards. Tableau was chosen because it is a cost-effective flexible, scalable, solution that does not limit the number of datasets a user can display.

The team met with department directors, gathered data, metrics and targets, and built visualizations. The team also contacted municipalities with well-established dashboards to research lessons learned and best practices. This research yielded two consistent

recommendations: start small and ensure accuracy. This has been the focus for this initial phase.

Briefly, the process has included several steps:

- Build program goals and objectives: Why are we doing this? What are we seeking to achieve?
- Identify "starting point" metrics: Definitions, baselines, goals and targets
- Define workflow process: Data gathering, publishing and communications
- Test and run: Publish dashboard and make changes as necessary to improve dashboard before Phase One launch. This is our current state.
- Assess: What worked? What didn't? Gather feedback. Define improvement strategies.
- Improve: Implement improvements identified.
- Iterate: Refine Phase Two work plan based on experiences during Phase One.

Below are the metrics the team is working on for Phase One launch:

Phase One Metrics	
Metric	**Sustainability Framework Category**
Vehicle Miles of Travel	Accessible and Connected
Bike Counts	Accessible and Connected
ConnectBoulder Free Public WiFi Access	Accessible and Connected
Community Unemployment Rate	Economically Vital Community
Retail Sales Tax Revenue	Economically Vital Community
Community Unemployment Rate	Economically Vital Community
Community GHG Emissions	Environmentally Sustainable
GHG Emissions from City Operations & Facilities	Environmentally Sustainable
Waste Diversion Rate	Environmentally Sustainable
Bond Ratings	Good Governance
General Fund Reserves	Good Governance
Govt Use of Social Media	Good Governance
Parks + Rec Per Capita Operating Expenditure	Healthy and Socially Thriving
Pop. within .25 miles of a park	Healthy and Socially Thriving
Library Visits	Healthy and Socially Thriving
Food Tax Rebate Program	Healthy and Socially Thriving
Affordable Housing	Livable Community
Pavement Condition Index	Livable Community
OSMP Land Acquisition	Livable Community
Police Department Priority One Response Time	Safe Community
Property Crimes Clearance Rate	Safe Community
Person Crimes Clearance Rate	Safe Community
Fire Department Emergency Response Time	Safe Community

Other metrics will be added (and some could be removed), based on community feedback.

NEXT STEPS

Staff is currently working with What Works Cities on open data and performance analytics scopes of works. This work, along with community feedback, will inform the development of Phase Two of the dashboard project.

The 2017 performance analytics scope of work will focus on development of metrics supporting the revised human services strategy goals and priorities. This is envisioned to be a replicable process that could be in future strategy and master plan development processes.

With the official launch of the Phase One dashboard, the city will be inviting feedback through focus groups, presentations at community organizations and direct feedback from the city's "Inquire Boulder" system will occur in the beginning of 2017. Community feedback sessions will be held late January/early February on the Boulder Measures dashboard and open data.

Some ideas have already been generated and will likely be included in the Phase Two work plan. These include:

- The creation and inclusion of short videos to tell "data stories"
- Data mapping tools; and
- Internal data collection automation (combined with a clear work plan for vetting data and identifying meaningful trends)

This dashboard will help the city communicate progress – and identify the potential need for new approaches – based on data. As it rolls out, staff are starting internal conversations about how these metrics could be used in budgetary and programmatic decision-making processes in the future.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE: Background Information Regarding Sanctuary Cities

PRESENTERS
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Greg Testa, Chief of Police

EXECUTIVE SUMMARY

At the November 15, 2016 council meeting, the city council directed the city attorney to draft a memorandum providing background regarding sanctuary cities. Generally, Boulder's current status and the potential implications for the city becoming a sanctuary city. This memorandum responds to that direction.

BACKGROUND

In light of the president-elect's statements regarding potential deportations and immigration in general, many are concerned about the future of our undocumented community members. As of this writing, the council email account has received emails from twenty individuals on the subject, both in support and opposition. This memorandum describes the various types of sanctuary cities, where Boulder fits, and the potential implications of becoming a sanctuary city.

DISCUSSION

Sanctuary Cities Generally

The term "sanctuary city" is a misnomer. No city can provide sanctuary to undocumented individuals in the same sense that a church or an embassy can provide sanctuary. Regardless of any city law, the federal government retains the power to arrest and deport undocumented individuals anywhere in the country. The sanctuary city movement is a recognition that the U.S. Customs and Immigration Enforcement, known as "ICE," does not have the staffing for nationwide immigration enforcement. ICE relies upon local law enforcement to arrest and detain undocumented individuals. Refusing to

do so effectively limits but does not prevent the federal government's ability to enforce the immigration laws.

The sanctuary movement began in the late 1980s in response to the federal government's treatment of immigrants from El Salvador and Guatemala. The federal government took the position that these immigrants were motivated by a desire for economic improvement and therefore were subject to deportation. Many in the country believed that they were escaping dictatorial regimes and faced persecution if returned to their countries of origin. Four states and twenty-three cities, including New York, Chicago and Washington, D.C. adopted policies limiting local cooperation with federal immigration authorities.

Interest in non-cooperation laws was renewed in the aftermath of the September 11, 2001 attacks. Part of the federal government's response was to encourage local enforcement of immigration laws. Attorney General John Ashscroft encouraged local governments to enforce immigration laws as part of an "anti-terrorism" mission. Congress considered providing additional funding for cities that agreed to enforce federal immigration laws. These actions increased local government concern about their role in immigration enforcement. Local governments responded by adopting or enhancing non-cooperation laws. For example, San Francisco's Commissioners amended a resolution originally adopted in 1985 requiring that city employees be informed of the policy. Attachment A is a copy of the San Francisco resolution.

Local government interest in non-cooperation goes beyond policy disagreements with federal immigration policy. Local governments are the retail service provider of governments. Undocumented residents contribute to the tax base by paying sales and property taxes, sale taxes through their purchases and property taxes directly if they own a property and indirectly through their rental payments if they rent. Arguably, every community resident should be able to use the services for which he or she pays. Local enforcement of immigration laws could discourage such residents from accessing the services for which they have paid. In the most extreme case, active local enforcement of immigration laws could preclude undocumented residents from using a recreation center or a library.

The most important service provided by local governments is public safety. Enhanced local enforcement of immigration laws would likely discourage undocumented residents from interacting with the police. In 2006, the Major Cities Chiefs adopted a nine point position on local enforcement of immigration laws. The position paper includes the following explanation:

> Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal

> immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.

M.C.C Immigration Committee Recommendations for Enforcement of Laws by Local Police Agencies, Adopted by the Major Cities Chiefs June 2006 at 6.[1]

Domestic violence is a particular problem for undocumented female residents. Domestic violence is a crime of coercive control. If the victim is undocumented, this provides the batterer with additional ability to preclude her from seeking help. Senator-elect Kamala Harris summarized the issue succinctly in 2008, when she was the district attorney for San Francisco: "It is a trademark of a criminal predator to convince victims that because of the victims' immigration status that they—not the predator—will be treated as the criminal." According to Harris, San Francisco adopted its non-cooperation policy "to remove that tool from the criminal's tool belt." [2]

The most recent iteration of the non-cooperation debate demonstrates the opposite side of the coin. On July 1, 2015, Kate Steinle was shot and killed on Pier 14 in San Francisco. She was shot by Juan Francisco Lopez-Sanchez. Mr. Lopez-Sanchez was undocumented. Mr. Lopez-Sanchez had a lengthy criminal record that included seven felony convictions. He had been deported five times. He was being held for deportation a sixth time, when he was transferred from federal custody to local custody because of a twenty year old warrant arising from a small sale of marijuana. The day after he was transferred, the charge was dismissed. Shortly thereafter he was released from the San Francisco County jail, despite the fact that the Department of Homeland Security had issued an immigration detainer for Mr. Lopez-Sanchez. At the time, San Francisco's ordinance precluded detention of an individual on an immigration detainer unless the person had been convicted of a violent felony in the past seven years or was in custody on a pending violent felony charge. Neither applied to Mr. Lopez-Sanchez.[3] Ms. Steinle's murder

---

[1] A copy can be found at https://www.majorcitieschiefs.com/pdf/MCC_Position_Statement.pdf

[2] Quoted in Note, *Cooperative Noncooperation: A Proposal for an Effective Uniform Noncooperation Immigration Policy for Local Governments*, 77 Geo. Wash. L. Rev. 740, 749 n.52 (2009). According to the same source, former New York City Mayor Rudolph Giuliani supported the city's non-cooperation policy at a Republican primary presidential debate in 2007 as follows: "If you are an illegal immigrant in New York City and a crime is committed against you, I want you to report that. Because . . . the next time a crime is committed, it could be against a citizen or a legal immigrant."

[3] This description is taken from C. Lasch, *Sanctuary Cities And Dog-Whistle Politics*, 42 New Eng. J. on Crim. & Civ. Confinement 159, 166-68 (2016).

became an issue in the presidential campaign, during which the president-elect promised to strip federal funding from sanctuary cities.

Measures that May be Considered "Sanctuary Law"

The label of "sanctuary law" has been applied inconsistently to various local government ordinances, including several which do not adopt that terminology. The following are some examples of measures that could be alleged to fit in with this scope.

a. Anti-profiling

Some local governments have adopted laws intended to prevent profiling by the police. For example, Washington, D.C.'s police department has a general order that prohibits police officers from asking about immigration status for the sole purpose of determining whether a person is undocumented. Police officers can inquire about immigration status to investigate smuggling or criminal immigration violations. Durham, North Carolina prohibits all city employees from inquiring into immigration status or doing anything to discover immigration status. Boulder Police Department General Order 200-4 includes the following:

> In making law enforcement decisions, officers may not use race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age or disability to any degree, except that officers may rely on the listed characteristics in a specific suspect description. Enforcement actions, stops, detentions and arrests are based on articulable, objective reasons, facts or observations.

It is notable that this order does not explicitly refer to immigration status.

b. Prohibition on Inquiry

Another example applied to policies that prohibit city employees from inquiring about immigration status. Seattle, for example, adopted an ordinance in 2003, along these lines. The Seattle Municipal Code includes the following provisions:

> 4.18.010 - Cooperation with enforcement of federal immigration laws.
>
> City officers and employees are directed to cooperate with, and not hinder, enforcement of federal immigration laws.
>
> 4.18.015 - Inquiries into immigration status.
>
> A. Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or

> engage in activities designed to ascertain the immigration status of any person.
>
> B. Seattle Police officers are exempt from the limitations imposed by subsection A, above, with respect to a person whom the officer has reasonable suspicion to believe: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

c. Refusal to Allow use of Local Funds

Some local governments refuse to allow the use of local funds to enforce the federal immigration laws. In 2003, in response to the adoption of the federal Patriot Act, the Alaska State Legislature adopted a joint resolution including the following language:

> an agency or instrumentality of the state may not, (1) use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government

Alaska H.R.J. Res. 22 (May 2003)[4]

d. Refusal to Honor ICE Detainers

Finally, some jurisdictions, including Boulder County, have refused to honor immigration detainers for individuals held in a local jail. Under federal law ICE has the authority to issue a detainer to a local jurisdiction requesting that a person be held while ICE determines whether the person is subject to deportation. Federal regulations provide:

> The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.

8 C.F.R. § 287.7.

In 2014, a federal district court in Oregon considered a cases in which a sheriff had honored such an ICE detainer to hold an individual who was merely suspected of being subject to deportation. The Court held that the sheriff could be subject to liability for violation of the individual's constitutional rights, because the detainer did not provide probable cause to hold the individual in violation of the Fourth Amendment. *Miranda-Olivares v. Clackamas Cty.*, 2014 WL 1414305 (D. Or. Apr. 11, 2014). In response to that decision, Boulder County Sheriff Joe

[4] Available at http://www.legis.state.ak.us/PDF/23/Bills/HJR022Z.PDF.

Pelle announced that the Boulder County jail would not hold individuals based solely on an ICE detainer.[5]

With these examples listed, it is important to note that there is nothing in the City of Boulder's current policies that directly or indirectly should subject it to be considered a sanctuary city.

Current State Law

In 2006, the Colorado legislature adopted Senate Bill 90, which did the following:

- Prohibited local governments from enacting any policy that limited or prohibited a local peace officer, official, or employee from communicating or cooperating with federal officials with regard to the immigration status of any person in the state;
- Required a peace officer who had probable cause to believe an arrestee was not legally present in the United States to report that person to the United States immigration and customs enforcement office; and
- Required the governing body of each local government to provide notice to peace officers of the duty to cooperate with state and federal officials with regard to enforcement of state and federal immigration laws and to provide written confirmation that it had done so to the general assembly on an annual basis.

The legislature repealed the provisions of SB 90 effective April 2013. As a result the Boulder Police Department does not communicate with ICE on these matters.

Potential Next Steps

There are several approaches that council could take, including the following:

- Council could pass an ordinance prohibiting employees asking about immigration status. Seattle's ordinance provides a good example. A copy is Attachment B.
- Council could pass an ordinance prohibiting the city from expending any funds to enforce immigration laws. Alaska's resolution provides an example. A copy is Attachment C.
- Council could pass a resolution reaffirming the city's commitment to undocumented residents and visitors and look at further steps. Resolutions from Burlington, Vermont and Davis, California provide examples. Copies are Attachments D and E.

Regardless of which if any ordinance council chooses to pass, there is not value in expressly calling such ordinance a "sanctuary law" or to classify the city as a

[5] http://www.denverpost.com/2014/04/29/colorado-counties-closing-jails-to-federal-immigration-prisoners/

"sanctuary city" except to the extent that council wishes to make a political statement. Instead, as explained below, such designation may impose limitations to the city.

Federal Funding

As noted above, the president-elect has threatened to cut off federal funding to sanctuary cities. It is difficult to predict the scope or effect of such an order. Staff has attempted to collect information about all federal grants received by the City of Boulder. The following chart shows federal funding both received and anticipated from 2013 through 2017:

Department / Division	2013 Actual	2014 Actual	2015 Actual	2016 Expected	2017 Expected
City Manager's Office	$ -	$ 3,139.58	$ -	$ -	$ -
Information Technology	-	690.03	-	-	-
Police	89,266.00	119,510.97	148,976.30	370,567.00	126,801.00
Public Works - Transportation	1,430,098.00	5,649,024.87	6,662,464.20	996,000.00	3,366,000.00
Public Works - Support Services	-	62,366.18	39,987.00	-	-
Public Works - Development	-	16,302.16	-	-	-
Community Planning & Sustainability	20,453.00	4,799.09	70,376.62	15,752.00	500,000.00
Housing	2,341,683.00	2,366,023.48	456,094.26	1,531,030.80	1,377,969.40
Human Services	143,609.00	46,520.16	132,258.03	108,379.20	97,548.60
Parks & Recreation	12,100.00	434,153.79	190,753.06	-	-
Open Space & Mountain Parks	-	618,259.61	841,714.39	686,657.35	2,500,000.00
Public Works - Utilities	391,984.00	5,198,265.21	335,454.35	5,007,610.91	515,000.00
Fundwide/Citywide	-	2,044,914.99	74,030.37	-	-
Total	**$ 4,429,193.00**	**$ 16,563,970.12**	**$ 8,952,108.58**	**$ 8,715,997.26**	**$ 8,483,319.00**

The city's federal funding varies significantly by year. The data above is influenced by the September 2013 flood. Open Space & Mountain Parks is anticipating approximately $4.4 million in funding in 2017 and 2018. Loss of this funding would result in a negative fund balance for OSMP and require revisiting the OSMP capital improvement plan. Housing and Human Services receive federal funding through Community Development Block grants.

Attachments

Attachment A – San Francisco Resolution
Attachment B – Seattle Ordinance
Attachment C – Alaska Resolution
Attachment D – Burlington Resolution
Attachment E – Davis Resolution

San Francisco Administrative Code Chapter 12H: Immigration Status

Sec. 12H.1. City and County of Refuge.

Sec. 12H.2. Use of City Funds Prohibited.

Sec. 12H.2-1. Chapter Provisions Inapplicable to Persons Convicted of Certain Crimes.

Sec. 12H.3. Clerk of Board to Transmit Copies of This Chapter; Informing City Employees.

Sec. 12H.4. Enforcement.

Sec. 12H.5. City Undertaking Limited to Promotion of General Welfare.

Sec. 12H.6. Severability.

SEC. 12H.1. CITY AND COUNTY OF REFUGE.

It is hereby affirmed that the City and County of San Francisco is a City and County of Refuge.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.2. USE OF CITY FUNDS PROHIBITED.

No department, agency, commission, officer or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City and County of San Francisco unless such assistance is required by federal or State statute, regulation or court decision. The prohibition set forth in this Chapter shall include, but shall not be limited to:

(a) Assisting or cooperating, in one's official capacity, with any Immigration and Naturalization Service (INS) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of the federal immigration law.

(b) Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and County, State or federal criminal laws.

(c) Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City and County of San Francisco upon immigration status, except as required by federal or State statute or regulation, City and County public assistance criteria, or court decision.

(d) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City and County of San Francisco any question

regarding immigration status other than those required by federal or State statute, regulation or court decision. Any such questions existing or being used by the City and County at the time this Chapter is adopted shall be deleted within sixty days of the adoption of this Chapter.

(Added by Ord. 375-89, App. 10/24/89)

SEC. 12H.2-1. CHAPTER PROVISIONS INAPPLICABLE TO PERSONS CONVICTED OF CERTAIN CRIMES.

Nothing in this Chapter shall prohibit, or be construed as prohibiting, a law enforcement officer from identifying and reporting any person pursuant to State or federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws. In addition, nothing in this Chapter shall preclude any City and County department, agency, commission, officer or employee from (a) reporting information to the INS regarding an individual who has been booked at any county jail facility, and who has previously been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under State law; (b) cooperating with an INS request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law; or (c) reporting information as required by federal or state statute, regulation or court decision, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law. For purposes of this Section, an individual has been "convicted" of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.

However, no officer, employee or law enforcement agency of the City and County of San Francisco shall stop, question, arrest or detain any individual solely because of the individual's national origin or immigration status. In addition, in deciding whether to report an individual to the INS under the circumstances described in this Section, an officer, employee or law enforcement agency of the City and County of San Francisco shall not discriminate among individuals on the basis of their ability to speak English or perceived or actual national origin.

This Section shall not apply in cases where an individual is arrested and/or convicted for failing to obey a lawful order of a police officer during a public assembly or for failing to disperse after a police officer has declared an assembly to be unlawful and has ordered dispersal.

Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.

(Added by Ord. 282-92, App. 9/4/92; amended by Ord. 238-93, App. 8/4/93)

SEC. 12H.3. CLERK OF BOARD TO TRANSMIT COPIES OF THIS CHAPTER; INFORMING CITY EMPLOYEES.

The Clerk of the Board of Supervisors shall send copies of this Chapter, including any future amendments thereto that may be made, to every department, agency and commission of the City and County of San Francisco, to California's United States Senators, and to the California Congressional delegation, the Commissioner of the INS, the United States Attorney General, and the Secretary of State and the President of the United States. Each appointing officer of the City and County of San Francisco shall inform all employees under her or his jurisdiction of the prohibitions in this ordinance, the duty of all of her or his employees to comply with the prohibitions in this ordinance, and that employees who fail to comply with the prohibitions of the ordinance shall be subject to appropriate disciplinary action. Each city and county employee shall be given a written directive with instructions for implementing the provisions of this Chapter.

(Added by Ord. 375-89, App. 10/24/89)

(return to top)

SEC. 12H.4. ENFORCEMENT.

The Human Rights Commission shall review the compliance of the City and County departments, agencies, commissions and employees with the mandates of this ordinance in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged.

(Added by Ord. 375-89, App. 10/24/89)

(return to top)

SEC. 12H.5. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking only to promote the general welfare. This Chapter is not intended to create any new rights for breach of which the City is liable in money damages to any person who claims that

such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

(Added by Ord. 375-89, App. 10/24/89)

(return to top)

SEC. 12H.6. SEVERABILITY.

If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

Ordinance No. 121063

Council Bill No. 114436

Concerning inquiries by Seattle City officers and employees into immigration status, and activities designe to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

CF No.

Date Introduced: DEC - 9 2002	
Date 1st Referred: DEC - 9 2002	To: (committee) Neighborhoods, Arts & Civil Rights Committee
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 1-27-03	Full Council Vote: 9-0
Date Presented to Mayor: 1-28-03	Date Approved: 2/1/03
Date Returned to City Clerk: 2/1/03	Date Published: 3/1 T.O. F.T.
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattl

Council Bill/Ordina

Pass 3-0

12-16-02 Hold

1-21-03 HSA

1-27-03 Passed As Amend

This file is complete and read

Law Dept. Review

The City of Seattle - Legislative Department

Attachment B – Seattle Ordinance

Council Bill/Ordinance sponsored by: LICATA

Councilmember

Committee Action:

Rec 3-0 NL, RC, JC 12/10/02

12-16-02 Held

1-21-03 Held 1 week

1-27-03 Passed 9-0 As Amended

This file is complete and ready for presentation to Full Council. Committee: _____ (initiation)

Law Dept. Review | OMP Review | City Clerk Review | Electronic Copy Loaded | Indexed

NL/LH/td
114436a.doc
Date: January 27, 2003
V #4

ORDINANCE 121063

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade Center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being reported to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, this ordinance is not intended to interfere with the enforcement of laws.

WHEREAS, amending SMC Ch. 4.18.is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NL/LH/td
114436a.doc
Date: January 27, 2003
V #4

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a yearly basis as to the actions taken and being taken in support of this chapter.

Section 3. Seattle Municipal Code Section 4.18.030 is amended as follows:

4.18.030 City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of this chapter, and maintain actions enforcing provisions of this chapter.

Section 4. A new Section 4.18.035 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.035. Required cooperation not prohibited.

Nothing in this Chapter shall be construed to prohibit any Seattle City officer or employee from cooperating with federal immigration authorities as required by law.

NL/LH/td
114436a.doc
Date: January 27, 2003
V #4

Section 5. Nothing in this chapter is intended to create or form the basis for Liability, on the part of the City, or its officers, employees, or agents.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of January, 2003, and signed by me in open session in authentication of its passage this 27th day of January, 2003.

Peter Steinbrueck

President of the City Council

Approved by me this 5 day of February, 2003.

Mayor

Filed by me this 7th day of February, 2003.

City Clerk

(SEAL)

STATE OF WASHINGTON – KING COUNTY

--ss.

155052
City of Seattle,Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121063

was published on

2/20/2003

J. Stedman

Subscribed and sworn to before me on

2/20/2003

Notary public for the State of Washington,
residing in Seattle

MELISSA M. PASCUA
MY COMMISSION EXPIRES
NOTARY
PUBLIC
NOV 21, 2004
STATE OF WASHINGTON

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121063

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being report to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, this ordinance is not intended to interfere with the enforcement of laws;

WHEREAS, amending SMC Ch. 4.18. is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe; (a) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a yearly basis as to the

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

TI:ti
12/05/02
ImmigOrd12-09-02 final.doc
(Ver. 3)

ORDINANCE _____

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade Center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being reported to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, amending SMC Ch. 4.18.is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

ACTING CITY CLERK

TI:ti
12/05/02
ImmigOrd12-09-02 final.doc
(Ver. 3)

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a ((~~quarterly~~)) yearly basis ((~~, beginning thirty (30) days from November 4, 1986,~~)) as to the actions taken and being taken in support of ((~~the ordinance codified in~~)) this chapter ((~~and Initiative 30~~)).

Section 3. Seattle Municipal Code Section 4.18.030 is amended as follows:

4.18.030 City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of ((~~Initiative 30 and the ordinance codified in~~)) this chapter, and maintain actions enforcing provisions of ((~~said Initiative 30 and~~)) this chapter.

Section 4. A new Section 4.18.035 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.035. Required cooperation not prohibited.

ACTING CITY CLERK

TI:ti
12/05/02
ImmigOrd12-09-02 final.doc
(Ver. 3)

Nothing in this Chapter shall be construed to prohibit any Seattle City officer or employee from cooperating with federal immigration authorities as required by law.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2002, and signed by me in open session in authentication of its passage this _____ day of _____, 2002.

_____
President _____ of the City Council

Approved by me this _____ day of _____, 2002.

_____
Mayor

Filed by me this _____ day of _____, 2002.

_____
City Clerk

(Seal)

ACTING CITY CLERK

S T A T E O F A L A S K A
THE LEGISLATURE

2003

Source
SCS CSHJR 22(JUD)

Legislative Resolve No.
27

Relating to the USA PATRIOT Act, the Bill of Rights, the Constitution of the State of Alaska, and the civil liberties, peace, and security of the citizens of our country.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the State of Alaska recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, and privacy; and

WHEREAS each of Alaska's duly elected public servants has sworn to defend and uphold the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS the State of Alaska denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS attacks against Americans such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS any new security measures of federal, state, and local governments should be carefully designed and employed to enhance public safety without infringing on the

civil liberties and rights of innocent citizens of the State of Alaska and the nation; and

WHEREAS certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," also known as the USA PATRIOT Act, allow the federal government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions;

BE IT RESOLVED that the Alaska State Legislature supports the government of the United States of America in its campaign against terrorism, and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the United States Constitution and the Bill of Rights; and be it

FURTHER RESOLVED that it is the policy of the State of Alaska to oppose any portion of the USA PATRIOT Act that would violate the rights and liberties guaranteed equally under the state and federal constitutions; and be it

FURTHER RESOLVED that, in accordance with Alaska state policy, an agency or instrumentality of the State of Alaska, in the absence of reasonable suspicion of criminal activity under Alaska state law, may not

(1) initiate, participate in, or assist or cooperate with an inquiry, investigation, surveillance, or detention;

(2) record, file, or share intelligence information concerning a person or organization, including library lending and research records, book and video store sales and rental records, medical records, financial records, student records, and other personal data, even if authorized under the USA PATRIOT Act;

(3) retain such intelligence information; the state Attorney General shall review the intelligence information currently held by the state for its legality and appropriateness under the United States and Alaska Constitutions and permanently dispose of it if there is no reasonable suspicion of criminal activity; and be it

FURTHER RESOLVED that an agency or instrumentality of the state may not,

(1) use state resources or institutions for the enforcement of federal immigration matters, which are the responsibility of the federal government;

(2) collect or maintain information about the political, religious, or social views, associations, or activities of any individual, group, association, organization,

corporation, business, or partnership, unless the information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct;

(3) engage in racial profiling; law enforcement agencies may not use race, religion, ethnicity, or national origin as factors in selecting individuals to subject to investigatory activities except when seeking to apprehend a specific suspect whose race, religion, ethnicity, or national origin is part of the description of the suspect; and be it

FURTHER RESOLVED that the Alaska State Legislature implores the United States Congress to correct provisions in the USA PATRIOT Act and other measures that infringe on civil liberties, and opposes any pending and future federal legislation to the extent that it infringes on Americans' civil rights and liberties.

COPIES of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable Frank Murkowski, Governor of Alaska; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Resolution Relating to

REAFFIRMING BURLINGTON AS A WELCOMING AND INCLUSIVE CITY FOR IMMIGRANTS

RESOLUTION_____

Sponsor(s):
Introduced: __Knodell_____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Sixteen ……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington has long considered itself a city of immigrants; and

WHEREAS, the State of Vermont is a refugee resettlement state with more than 5,000 refugees resettled from Africa, the Middle East, and Asia in recent years; and

WHEREAS, the City of Burlington has long prohibited discrimination based on race, color, ethnicity, national origin, or other protected characteristics in the provision of its services and intends to continue to make its services available to all its residents, regardless of their federal immigration status; and

WHEREAS, it is particularly essential to the mission of the City's emergency services departments that victims report crimes or injuries, cooperate fully in investigations, and summon help when needed; and

WHEREAS, the threat of deportation or prosecution for no reason other than immigration status may discourage residents without legal immigration status or who have family members or friends without legal immigration status from reporting crimes or injuries, cooperating in investigations, seeking opportunities for their children living in this community, or summoning help when needed; and

WHEREAS, the Burlington Police Department adopted a bias-free policing directive almost fifteen years ago and determined that a person's immigration status is not relevant to its primary public safety mission except with regard to persons charged with crimes; and

WHEREAS, enforcement of federal immigration laws is the prerogative of federal enforcement agencies, not local law enforcement agencies; and

WHEREAS, the Burlington Police Department has long held to the practice that it does not inquire into a person's immigration status upon initial contact; and

WHEREAS, the Burlington Police Department has long determined that it will give full priority to public safety and justice concerns in preference over rigid enforcement of immigration regulations; and

WHEREAS, the Burlington Police Department will refer undocumented foreign nationals to the appropriate federal agency if a person is known to have committed a crime in violation of Vermont law, is sought for prosecution by another jurisdiction, is suspected of criminal conduct that may undermine homeland

security, or if an officer has reason to believe human trafficking or other federal criminal activity is occurring; and

WHEREAS, no other City department inquires into the immigration status of individuals before making government services available to that individual; and

WHEREAS, these practices are generally considered to be "Sanctuary City" policies; and

WHEREAS, the Mayor of Burlington has reaffirmed the City's commitment to be welcoming and inclusive to all and supports codifying these City's long-standing practices into City policy; and

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status or to respond to federal Immigration and Customs Enforcement (ICE) detainer requests so that these principles are not inconsistent with federal law;

NOW, THEREFORE, BE IT RESOLVED that the President of the City Council will appoint an ad hoc committee of three councilors to work with the Administration to create formal City policies consistent with our long-standing practices related to ensuring that Burlington is a welcoming and inclusive city for immigrants and to report back to the full Council for the adoption of formal policies by January 9, 2017; and

BE IT FURTHER RESOLVED that the City Council also reaffirms the City of Burlington's commitment to continue its longstanding and legal practice of not inquiring into the immigration status of individuals being provided local government services.

Insert YOUR initials here/Resolutions 2016/**Insert the TITLE of the resolution here**
Insert the DATE you drafted this resolution here

STAFF REPORT

DATE: November 5, 2014

TO: City Council

FROM: Kelly Stachowicz, Deputy City Manager

SUBJECT: Sanctuary City Status

Recommendation
Approve attached Resolution reaffirming the City's Sanctuary City status, as per recommendation from the Human Relations Commission.

Fiscal Impact
There is minimal fiscal impact to the city to approving the resolution, as it primarily reaffirms what the City already has in place. The minimal cost to produce signage, likely posters, as a means of outreach, will be absorbed in existing budgets.

Background
During the 1980s, many cities throughout the country passed resolutions to designate themselves as "Sanctuary Cities." The intent of these resolutions was to make a statement that the community was accepting of and welcoming to undocumented workers and refugees fleeing persecution and often appalling political situations in their countries of origin, particularly in Central America.

In 1986, the city of Davis passed Resolution 5407, a resolution affirming the support of the city of Davis for efforts to provide sanctuary to refugees fleeing persecution in El Salvador and Guatemala. In 2007, the City Council passed Resolution 07-162, which reaffirmed the Sanctuary City status and broadened the wording to include all undocumented residents. In addition, in 2007, the City Council passed Resolution 07-123, which denounced human rights violations occurring during immigration raids. These resolutions are attached for reference.

The city's Human Relations Commission has been discussing immigration issues and the concerns of undocumented residents in and around Davis over the past few months. At their July 24 meeting, they discussed the Sanctuary City issue at length and voted to prepare a resolution to reaffirm the city's existing status. That resolution was approved at the commission's August meeting and finalized at the September meeting.

The commission has found that most undocumented residents are not aware that Davis is already a Sanctuary City. As such, the commission believes the time is appropriate for the city to reaffirm its position and reach out to the community. Commissioners, along with the Davis Phoenix Coalition, have begun outreach meetings with interested parties and have written and recommended the attached resolution for consideration by the City Council.

The proposed resolution reaffirms what is already on the books and specifies some additional outreach efforts. Specifically, the resolution encourages city staff to provide outreach in the community, requests signage in the community and asks that the resolution be sent to local, state and federal representatives.

The question of what it means to be a Sanctuary City is frequently asked. Simply stated, it means that our police officers or other city officials, during the course of duty, do not take documented status into account when they encounter individuals in Davis. Documented status is not a factor in interactions or provision of city services/access to city facilities. It is a federal, not a local, issue. Sanctuary City status does not mean that undocumented residents are permitted to break the law or local code without ramifications. An individual violating a law or local code would be cited or arrested as the violation dictated but during an interaction with the city an individual would not be required to provide proof of residency. The Sanctuary City policy is only applied within the city limits; it does not apply to the county or to other jurisdictions.

Attachment

1. Proposed Resolution
2. Resolution No. 5407, Series 1986
3. Resolution No. 07-123, Series 2007

RESOLUTION 14-__, Series 2014

RESOLUTION REAFFIRMING AND PROMOTING THE CITY OF DAVIS AS A CITY OF SANCTUARY

WHEREAS, the Davis has long been a community made up of diverse individuals and identities; and

WHEREAS, the City of Davis respects all persons regardless of race, class, gender, ethnicity, ability, sexual orientation, or immigration status; and

WHEREAS, the City of Davis declared itself a City of Sanctuary, specific to refugees fleeing persecution in El Salvador and Guatemala, in 1986 through Resolution 5407, and specific to undocumented migrants in Resolution 07-162 in 2007; and

WHEREAS, undocumented immigrants are forced to come to this country because of lack of opportunity or violence, such as the case with 20,000 to 40,000 children apprehended at the United States border in 2012 and 2013 alone, primarily from El Salvador, Guatemala, and Honduras, and which is expected to be much higher this year; and

WHEREAS, undocumented immigrants are victims of abuses related to work, housing, and access to basic government-provided resources, and are constantly fearful of deportation; and

WHEREAS, the City of Davis supports a fair and just reform to the immigration process, where local funds and resources are not used to enforce federal immigration laws, and where the Davis Police Department has actively committed not to seek out and persecute individuals within the city limits because of their documented status.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Davis once again reaffirms its declaration as a City of Sanctuary, recognizing its past commitment both to refugees and undocumented migrants to this country, and provides itself as a safe community until they can return to their homelands or until they receive federally-recognized residency in the United States; and

BE IT FURTHER RESOLVED that the City of Davis actively supports community outreach to educate the city's population about these past resolutions, and therefore city policy, by:

1. Encouraging City staff to provide outreach about Davis being a City of Sanctuary, and

2. Adding signage in the city to demonstrate the city's commitment to its entire community, regardless of identity, and

3. Communicating the resolution to local, state and national representatives.

PASSED AND ADOPTED by the City Council of the City of Davis on this 5th day of November 2014 by the following vote:

AYES:
NOES:
ABSTAIN:

Daniel M. Wolk
Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk

RESOLUTION NO. 5407, SERIES 1986

A RESOLUTION AFFIRMING THE SUPPORT OF THE CITY OF DAVIS FOR EFFORTS TO PROVIDE SANCTUARY TO REFUGEES FLEEING PERSECUTION IN EL SALVADOR AND GUATEMALA

WHEREAS, the citizens of Davis are concerned about violations of human rights throughout the world, and

WHEREAS, in the last six years, over 10,000 Guatemalan civilians and over 50,000 Salvadoran civilians have been killed in their homelands; and over 500,000 Guatemalans and over 500,000 Salvadorans have fled from violence and gross human rights violations, and

WHEREAS, the United State Congress, in the Refugee Act of 1980, adopted the United Nations Convention Relating to the Status of Refugees, which defines a political refugee as "any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or a political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country," and

WHEREAS, the United Nations High Commission on Refugees has recognized that persons fleeing El Salvador and Guatemala are bona fide political refugees, yet fewer than two percent are being granted that status by the U.S. Immigration and Naturalization Service, and

WHEREAS, the significant risk of persecution and death for deported Salvadoran and Guatemalan refugees, documented by numerous church and international human rights agencies, make it inhumane to enforce their return during this period of civil war, and

WHEREAS, over 200 churches and synagogues and other groups across the nation have elected to provide sanctuary openly and publicly to Central American refugees, believing this humanitarian work to be in accord with the spirit and letter of international and United States law, and

WHEREAS, within the City of Davis we have both refugees and sanctuary providers for whom the fear of deportation and the threat of arrest have an increasing immediacy;

THEREFORE, BE IT RESOLVED, that the City of Davis declare itself a CITY OF SANCTUARY for Salvadoran and Guatemalan refugees, until they can safely return to their homelands or until they are granted federally recognized residency status, and

BE IT FURTHER RESOLVED, that no agency or employee of the City of Davis shall officially assist with investigations or arrest procedures relating to alleged violations of immigration law by refugees from El Salvador or Guatemala or by those offering them sanctuary, unless required to do so by statute, ordinance, federal regulation or court decision; nor will any City agency or employee refuse essential public services to the refugees, and

BE IT FURTHER RESOLVED, that the City of Davis commend the Davis Religious Community for Sanctuary and all those Davis citizens who have supported its work on behalf of Central American refugees, providing housing, transportation, food, clothing, medical aid, legal assistance and friendship to these refugees, and

BE IT FURTHER RESOLVED, that the City Clerk:

1. Communicate this Resolution to all City agencies, to the Administration and Student Government of the University of California at Davis, to the California Delegation to the U.S. Congress, to the local and national directors of the Immigration and Naturalization Service, and to President Ronald Reagan, and

2. Communicate to the California Delegation to the U.S. Congress our request that the Delegation investigate the application of the Refugee Act of 1980 to the situation of Salvadoran and Guatemalan refugees.

PASSED AND ADOPTED by the City Council of the City of Davis this 5th day of March, 1986, by the following votes:

AYES: Tomasi, Nichols-Poulos, Rosenberg, Evans.

NOES: Adler

ABSENT: None

Ann M. Evans
ANN M. EVANS
Mayor

ATTEST:

Roger A. Storey
ROGER A. STOREY
City Clerk

RESOLUTION 07-162, SERIES 2007

RESOLUTION REAFFIRMING THE CITY OF DAVIS AS A CITY OF SANCTUARY

WHEREAS, the City of Davis has long benefited from a diverse international community; and

WHEREAS, the City of Davis respects all persons regardless of race, class, ethnicity, or legal status; and

WHEREAS, the City of Davis declared itself a City of Sanctuary, specific to refugees fleeing persecution in El Salvador and Guatemala, in 1986 through Resolution 5407; and

WHEREAS, undocumented immigrants are especially vulnerable to workplace abuses and housing discrimination; and

WHEREAS, the City Council of the City of Davis has also passed Resolution 07-123, which states that the City of Davis disapproves of and condemns the civil rights violations caused by conducting raids for the purpose of deportation of undocumented foreign nationals; and

WHEREAS, much of the public discourse surrounding immigration has taken on a tone that ranges from irrational to racist, including the use of language such as "illegal" and "alien" to describe immigrants, which has a dehumanizing effect; and

WHEREAS, the City of Davis supports a fair and just reform to the immigration process; and

WHEREAS, cities such as Huntington Park, CA, San Francisco, Chicago and Cambridge, MA have declared themselves or reaffirmed their status as Sanctuary Cities

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Davis reaffirms its declaration as a City of Sanctuary, broadening its scope to include undocumented workers and immigrants from all backgrounds; and

BE IT FURTHER RESOLVED that the City of Davis supports a just and fair immigration reform that respects individuals and allows proper and affordable navigation channels for individuals to become documented workers in, permanent residents of and/or naturalized citizens of the United States and affirms the basic human rights and dignity of every human being.

PASSED AND ADOPTED by the City Council of the City of Davis this sixteenth day of October 2007 by the following votes:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

ABSENT: None

Sue Greenwald
Mayor

ATTEST:

Margaret Roberts

Margaret Roberts, CMC
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: December 6, 2016

AGENDA TITLE
Resolution 1200 Declaring the City of Boulder's Support for the Standing Rock Sioux Tribe's Opposition to the Construction of the Dakota Access Pipeline

PRESENTER/S
Jane S. Brautigam, City Manager
Karen Rahn, Human Services Director
Carmen Atilano, Community Relations Manager

EXECUTIVE SUMMARY
Members of the Indigenous People's Day Committee, who in the past year led the community initiative to recognize Indigenous People on Oct. 11, have asked the Human Relations Commission (HRC) to recommend that City Council pass a resolution in support of the opposition to the Dakota Access Pipeline. Although the opposition comprises Indigenous rights activists, clean energy advocates, religious leaders and municipalities, the Standing Rock Sioux Tribe, who leads the opposition, emphasizes water protection as a primary reason for their position. The pipeline would carry hundreds of thousands of barrels of crude oil a day across the Missouri River, within a mile upstream of the Standing Rock reservation.

At its Nov. 21 business meeting, the HRC heard from over 50 community members in support of approving the resolution for council consideration. The HRC unanimously approved supporting a recommendation to City Council to support the resolution in opposition to the construction of the Dakota Access pipeline.

However, Rule XV(f) of the City Council Rules of Procedure states:

Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.

Staff has provided a general overview of the issue; however, an in-depth analysis has not been completed. Staff therefore recommends that council direct staff to prepare a full analysis of the issue, if so desired.

STAFF RECOMMENDATION

Rule XV(f) of the City Council Rules of Procedure state:

> *Foreign Policy and National Policy Questions. Council shall not act on a foreign policy or national policy issue on which no prior official city policy has been established by the council or the people, unless sufficient time and resources can be allocated to assure a full presentation of the issue.*

Suggested Motion Language:
Staff requests council consideration of this matter and action in the form of the following motion:
Motion to direct staff to do a full analysis of this issue.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic

- Reduction in fossil-fuel delivery infrastructure development could result in higher fossil-fuel prices, including in Boulder.

Environmental

- Development of oil pipelines are seen by environmentally concerned people in Boulder and elsewhere as a setback in the process of converting to clean energy sources; and
- Boulder is not in the areas, largely in the Missouri river basin, that would be immediately impacted by potential pipeline leaks or combustions.

Social

- Because of the broad opposition to the pipeline among Native American communities on cultural, religious and health grounds, lack of action by the city would be a setback to relations with Indigenous community members; and
- Because of the substantial scientific community in Boulder that is unified in its conclusion that fossil fuel use contributes to climate change, lack of action by the city might be met with criticism; and
- Boulder is home to two organizations (NARF and CU School of Law) that provide legal representation to Indigenous communities; lack of action by the city could weaken relations with them; and
- Because the pipeline route was changed from the Bismarck, ND area to a path along tribal lands, lack of action by the city might fuel allegations of environmental racism.

OTHER IMPACTS

- **Fiscal**
  Fiscal impacts are within the current budget and work plan; and
- **Staff Time**
  Staff time is within the current budget and work plan.

BOARD AND COMMISSION FEEDBACK

At its Nov. 21 business meeting, the Human Relations Commission unanimously supported recommending City Council approve the resolution. A factor in its decision is the lengthy community-building effort it has undergone in the past year with Indigenous community members that resulted in the establishment of Indigenous People's Day. There is a strong belief among the commissioners that the IDP resolution and Dakota Access opposition resolution are consistent and complementary in their respect for Indigenous rights.

PUBLIC FEEDBACK

More than 50 community members participated in the Nov. 21 HRC meeting, in which the resolution was discussed. All were supportive of the resolution. City Council has also received emails from community members in support of the resolution.

BACKGROUND

In response to community requests, the Human Relations Commission discussed consideration of a resolution at its Oct. 17 meeting. Because contamination of drinking water on which the Standing Rock reservation community depends is central to the opposition of the pipeline, the anti-pipeline activists are collectively known as Water Protectors.

Upon being tasked with drafting a resolution in support of the Standing Rock Sioux Tribe and environmental and clean-energy activists, staff contacted Jodi Gillette, a member of the Standing Rock Sioux Tribe, former Special Assistant to the President for Native American Affairs, and sister of the current Standing Rock chair, for suggestions on resolution language.

Ms. Gillette suggested that the resolution passed by the City of Seattle was a good model, and emphasized the tribe's concerns regarding law enforcement's actions at the protest site. While the proposed Boulder resolution (**Attachment A**) relies heavily on the structure and background of the Seattle resolution, staff crafted new clauses regarding the peaceful nature of the Water Protector's actions, the militarized law enforcement and private security contractor response, acknowledgment of the role of NARF and the CU School of Law, and on the suggestion of Mayor Pro-Tem Mary Young, a direct call to action to President Obama.

HRC chairperson Shirley White worked with Boulder Indigenous community members to prepare the proposed resolution.

ANALYSIS

According to United States Geological Survey (USGS) publications, the Bakken formation near the border of North Dakota, Montana and Canada has become one of the biggest sources of new oil production in the United States. Bakken drilling has concentrated largely in North Dakota, making it the second biggest oil-producing state in the country after Texas. To transport the oil, the Texas-based firm Energy Transfer Partners developed a plan for a pipeline from North Dakota's Bakken field to a refinery in central Illinois. A point of concern among opponents is the potential for the pipeline to rupture beneath the Missouri River and contaminate tribal community water supply.

"Crossings of the Missouri River have the potential to affect the primary source of drinking water for much of North Dakota, South Dakota, and Tribal nations," Philip Strobel, National Environmental Policy Act Regional Compliance Director for the EPA, wrote in a March 11 letter to the Army Corps of Engineers.

Specifics of the pipeline, according to Energy Transfer Partners and the US Energy Information Administration:

- 1,172 miles (length of Dakota Access pipeline); and
- 30 inches (width of the pipeline); and
- 470,000 (barrels of crude oil to be moved daily); and
- 374.3 million (equivalent gallons of gasoline per day).

The US Army Corps of Engineers approved the project and granted final permits in July. But the Standing Rock Sioux Tribe sued the Corps, saying the pipeline "threatens the Tribe's environmental and economic well-being, and would damage and destroy sites of great historic, religious, and cultural significance to the Tribe."

Since September, members of the Standing Rock Sioux community, members of other Indigenous nations, non-native supporters and representatives of environmental organizations have expressed opposition to construction of the pipeline, both at the construction site and over long distances.

The protesters, who include representatives of more than 200 other tribes, identify themselves as "water protectors" and contend that the pipeline would disturb sacred lands and burial grounds and would likely harm the Missouri River, which provides the tribe's drinking water.

Such concerns were part of the reason the pipeline's original route, which passed near Bismarck, the state's capital, was abandoned. The alternate (and currently proposed) route runs along the perimeter of Standing Rock Reservation land. According to some sources, it also runs through land granted to the Great Sioux Nation by treaty.

According to news coverage, Amnesty International has sent a team of observers to monitor law enforcement handling of the protests and a United Nations group is investigating potential human-rights abuses by North Dakota law enforcement against Native American protesters.

The current focus of both construction and opposition is on the Missouri River. Pipeline plans call for routing the pipe under the river. Indigenous and environmental activists maintain that routing the pipeline under the river poses serious short- and long-term risks to the Missouri River Basis as well as parts of the Mississippi River and Lake Oahe near the Standing Rock Reservation.

According to the October 13 issue of the *Grand Forks Herald*, the governments of 19 cities, including Seattle, St. Louis and Minneapolis and St. Paul, have passed ordinances supporting the Standing Rock tribe in opposition of the pipeline.

PROS AND CONS

Pros of Support of the Resolution

1. Council support may be considered to be consistent with the language and spirit of the Indigenous People's Day Resolution adopted by Boulder City Council on August 2, 2016.
2. Would be viewed as supportive of two Boulder-based organizations that are assisting Standing Rock with legal assistance, the Native American Rights Fund and the University of Colorado School of Law. Both of those organizations played a role in the recognition of Indigenous People's Day by the Boulder City Council earlier this year.
3. As a city that hosts extensive scientific research at key federal facilities and the University of Colorado, Boulder has an unusually large and influential scientific community for a small city. That community has had a consequential role in identifying, gauging and interpreting the effects of fossil fuel use on the earth and its inhabitants.
4. Adopting a resolution would follow precedent established by other local governments, including Boulder County, Minneapolis/St. Paul, Seattle, Portland (OR) as well as by unions and universities, and church dioceses.
5. Would be consistent with the city's longstanding opposition to long-term investments in fossil fuel use, especially those that threaten to contaminate drinking water and worsen climate change.
6. Would arguably lend support to tribal legal concerns including treaty compliance on the part of the Federal government, proper application of administrative law processes, and appropriate use of law enforcement resources.
7. Would support tribal concerns regarding protection of sacred sites, related artifacts, and ceded tribal lands.
8. Would be consistent with city commitment to underrepresented peoples.

Cons of Support of the Resolution

1. Could be seen as city overreach and establish a precedent for city support for a host of many other issues.
2. Could diminish the city's political impact to speak out on issues that have more direct and unique impact on city residents.
3. Could alienate residents who are supportive of the pipeline or take issue with the resolution's underlying assumptions.
4. May hinder pipeline-related economic activity and construction jobs.

5. Could be considered an obstacle to U.S. energy independence.
6. Pipeline could increase railway availability for crops and other commodities by creating a non-rail transport option for crude oil.
7. City could be added to the list of those to blame for any future rise in low gas prices, which are very popular.

MATRIX OF OPTIONS

1. Council could accept the staff recommendation and take no action on the recommendation.
2. Council could accept the staff recommendation and take no action on the recommendation without a full analysis of the issue and direct staff to prepare an analysis.
3. Council could reject the staff recommendation and vote for the resolution.
4. Council could alter the language in the resolution and vote for support of the resolution.

ATTACHMENTS

A. Resolution 1200 Declaring the City of Boulder's Support for the Standing Rock Sioux Tribe's Opposition to the Construction of the Dakota Access Pipeline

RESOLUTION 1200

A RESOLUTION DECLARING THE CITY OF BOULDER'S SUPPORT FOR THE STANDING ROCK SIOUX TRIBE'S OPPOSITION TO THE CONSTRUCTION OF THE DAKOTA ACCESS PIPELINE

WHEREAS, the City of Boulder acknowledges that much of the historical and legal background language in this document originated with the Seattle, Washington resolution adopted by its City Council on September 16, 2016;

WHEREAS, the proposed Dakota Access Pipeline (DAPL) is a 1,168-mile, 30-inch diameter pipeline developed by Energy Transfer Partners and its affiliates, which would carry as much as 570,000 barrels per day of fracked Bakken crude from North Dakota to Illinois; and

WHEREAS, the DAPL would run across or beneath 209 rivers, creeks and tributaries, including the Missouri River, which provides drinking water and irrigates agricultural land in Midwest communities, serving nearly 10 million people; and

WHEREAS, the DAPL would also run through the ancestral lands and waters reserved for the traditional use of the Standing Rock Sioux Tribe by the Treaty of Ft. Laramie, including the Missouri River, burial grounds and gravesites, and other sacred sites of cultural, religious, and historical significance; and

WHEREAS, Indian Treaties such as the Treaty of Ft. Laramie are recognized by the U.S. Constitution as "the Supreme Law of the Land," and require consultation and cooperation by the United States with its Indian Treaty partner before any federal action is taken that affects Treaty lands, territories, waters or other resources; and

WHEREAS, the American Indian Religious Freedom Act of 1978 affirms the need to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions," particularly in American Indian sacred places; and

WHEREAS, Articles, 11, 12, and 25 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), as endorsed by the United States in 2010, affirms that indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices, and relationship with their "traditionally owned or otherwise occupied and used lands, territories [and] waters"; and

WHEREAS, the UNDRIP Article 32 further provides that governments shall consult with indigenous peoples "in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources"; and

WHEREAS, the U.S. Army Corps of Engineers failed to consult with or obtain the free, prior and informed consent of the Standing Rock Sioux Tribe as required by the Treaty of Fort Laramie, Executive Order 13175, the UNDRIP Article 10, and other federal and international laws, before issuing a "Mitigated Finding of No Significant Impact" that would result in an easement for horizontal directional drilling for the DAPL; and

WHEREAS, any spill of oil into the Missouri River would irreparably harm the Standing Rock Sioux Tribe's Treaty reserved lands, territories, waters and other resources; burial grounds, gravesites and other sacred sites of cultural, religious, and historical significance; and spiritual relationships and indigenous ways of life; absent an actual spill, construction of the DAPL also poses a similar threat; and

WHEREAS, the protest against the DAPL by the Water Protectors, consisting of Standing Rock Sioux Tribe members and allies, is peaceful and nonviolent and has been met with a militarized law enforcement and private security response; and

WHEREAS, the City Councils of Portland, Oregon, St. Paul and Minneapolis, Minnesota, Affiliated Tribes of Northwest Indians comprised of 59 Indian Nations in the Northwest, and nearly 200 Indian Nations, are among the governmental bodies that have taken formal action to support the Standing Rock Sioux Tribe and oppose the DAPL; the City Council of Seattle, Washington has also developed a resolution supporting the Standing Rock Sioux; and

WHEREAS, Boulder is honored to be the home of several prominent Native organizations, including the Native American Rights Fund (NARF) founded in 1970, which is the largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations, and individuals nationwide; NARF is coordinating the Standing Rock Sioux Tribe's amicus curiae brief strategy with respect to the DAPL; The University of Colorado School of Law's American Indian Law Program is coordinating legal assistance for those involved in the protests against the Dakota Access Pipeline; and

WHEREAS, the Boulder City Council passed Resolution 1190 in 2016 to recognize the second Monday in October as Indigenous Peoples' Day in the City of Boulder, recognizing "that harm was done and acknowledge that we have a shared responsibility to forge a path forward to address the past and continuing harm to the Indigenous People and the land";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, THE MAYOR CONCURRING, THAT:

Section 1. The City of Boulder stands in full support of the Standing Rock Sioux Tribe, whose member and allies are assembled at the Sacred Stone Camp on and adjacent to the Standing Rock Sioux Reservation in North Dakota, where they are peacefully protesting the construction of the Dakota Access Pipeline (DAPL).

Section 2. The City of Boulder condemns the militarized and disproportionate response to the Water Protectors, which includes, but is not limited to, the use of military-grade weaponry and associated materiel as well as drawing upon out-of-state law enforcement and private security resources.

Section 3. The City of Boulder calls upon the United States and the Army Corps of Engineers to obtain the free, prior and informed consent of the Standing Rock Sioux Tribe, prior to taking any federal action regarding the DAPL that would harm or destroy the Tribe's ancestral lands, waters and sacred sites.

Section 4. The City of Boulder respectfully calls upon President Barack Obama to take swift and meaningful action to address the concerns of the Standing Rock Sioux Tribe, including, but not limited to, finding an alternate routing for the DAPL that minimizes environmental and social harms to the Tribe's ancestral lands, waters and sacred sites.

APPROVED this _____ day of _____, 2016

CITY OF BOULDER, COLORADO

_____
Mayor

ATTEST:

_____
City Clerk

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 members 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 message, 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 should any message 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 members agree to email the city manager about issues 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.
- Council members will keep the full council informed on issues from committees, public groups, or other agencies they are following, through Hotline emails, 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 email 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 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 the Mayor and 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 position know to their fellow members as soon as possible;
    - focus their communication with other council members on the positive attributes the member brings to the position; and
    - refrain from making any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals may make presentations that 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 engender trust from the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed this 29th day of February, 2016.

Matthew Appelbaum | Aaron Brockett | Jan Burton

Suzanne Jones | Lisa Morzel | Andrew Shoemaker

Sam Weaver | Bob Yates | Mary Young

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Climate and Energy	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
			Budget update	Budget update	Budget update	Budget update
		Staff Activities	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
	Climate Commitment	Council		SS: Review interim goals, targets and strategies		
		Staff Activities	Launch action plan	Energy system transformation; blue print convening	Implementation based on action plan	Implementation based on action plan
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Briefing	SS (2)		
		Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
	Sustainable Streets and Centers/ East Arapahoe	Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
				Next Corridor - 30th St or Colorado		
		Staff Activities	Develop East Arapahoe action plan			
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
		Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council		SS	Direction or IP	Direction or IP
		Staff Activities	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Transportation	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP	
		Staff Activities				
	Regional Travel	Council		Briefing		Briefing
		Staff Activities	Staff and elected official activities ongoing			
	Access Management and Parking Strategy (AMPS)	Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
			Joint Board workshop & public engagement		Joint Board workshop & public engagement	

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Civic Area	**Civic Area Implementation**	**Council**	SS: Parkland Concepts Plan	CC: Approval of Concept Plan		
		Staff Activities	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options
Local Food	**Sustainable Agriculture and Local Foods**	**Council**	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan
		Staff Activities				
Livability	**University Hill Moratorium**	**Council**	SS: Review options		IP	
			CC: Public Hearing and Decision			
		Staff Activities	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan		
			Board review & public engagement		Board review & public engagement	
	University Hill Reinvestment Strategy	**Council**		Direction on 14th Street redevelopment proposal		SS
				SS: Update on strategy		
		Staff Activities	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs
				Integration of strategy recommendations from Moratorium	Research options for sustainable governance & funding	Develop options for sustainable governance & funding
			14th Street Lot public/private partnership redevelopment options re: work force affordable housing	14th Street Lot public/private partnership redevelopment options re: work force affordable housing		
			Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement
	Homeless Action Plan	**Council**	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update
		Staff Activities				
	Community Cultural Plan	**Council**	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan	
		Staff Activities	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Other	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
		Staff Activities	Research regulations and possible fees or taxes			

COUNCIL MEMBERS

Suzanne Jones	Mayor
Andrew Shoemaker	Mayor Pro Tem
Matthew Appelbaum	Council Member
Aaron Brockett	Council Member
Jan Burton	Council Member
Lisa Morzel	Council Member
Sam Weaver	Council Member
Bob Yates	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

Mary Ann Weideman	Deputy City Manager
Tanya Ange	Deputy City Manager
Bob Eichem	Chief Financial Officer
Lynnette Beck	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director for the Department of Planning, Housing Sustainability
Molly Winter	Director of Community Vitality
Heather Bailey	Executive Director of Energy Strategy and Electric Utility Development
Michael Calderazzo	Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
David Farnan	Library and Arts Director
James Cho	Municipal Court Administrator
Tracy Winfree	Open Space and Mountain Parks Director
Yvette Bowden	Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Mike Sweeney	Director of Public Works for Transportation
Jeff Arthur	Utilities Director

2016 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Burton (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Brockett, Appelbaum (alternate)
Metro Mayors Caucus	Jones
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board (RCAB)	Morzel
Rocky Flats Stewardship Council	Morzel, Weaver (alt) (Castillo – 2nd staff alt)
University of Colorado (CU)/City Oversight Committee	Weaver, Yates, Burton
US 36 Mayors/Commissioners Coalition (MCC)	Jones
US 36 Commuting Solutions	Burton, Morzel (alternate)
Urban Drainage and Flood Control District	Young

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Shoemaker
Boulder Convention and Visitors Bureau	Burton, Yates (alternate)
Dairy Center for the Arts	Brockett
Downtown Business Improvement District Board	Weaver, Yates

INTERNAL CITY COMMITTEES

Audit Committee	Shoemaker, Yates, Weaver
Boards and Commissions Committee	Appelbaum, Burton
Boulder Urban Renewal Authority (BURA) Liaison	Yates
Boulder Valley Comprehensive Plan (BVCP) Process Sub-Committee	Brockett, Weaver
Charter Committee	Morzel, Weaver, Young
Civic Use Pad/9th and Canyon	Morzel, Young
Council Retreat Committee	Morzel, Yates
Council Employee Evaluation Committee	Morzel, Shoemaker
Housing Strategy Process Sub-Committee	Morzel, Young, Burton
Legislative Committee	Jones, Weaver, Appelbaum
School Issues Committee	Morzel, Shoemaker, Young

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Brockett
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Yates
Yamagata, Japan	Burton
Mante, Mexico	Young
Yateras, Cuba	Weaver
Sister City Sub-Committee	Morzel, Burton, Young

BOARD MEMBER APPOINTMENTS (to be appointed during annual March recruitment)

Boulder Housing Partners	Shoemaker (2013-2018 term)
Colorado Chautauqua	Morzel (2016-2019 term)

DRAFT
2016 Study Session Calendar

Date	Topic	Time	Location	Contacts	Materials Due
	Legislative Agenda Items	5:30-6:00	Chambers	Carl Castillo/D Marshall	
10/25/2016	30th and Pearl Redevelopment Options	6:00-7:30	Chambers	Eric Ameigh/Emily Richardson	10/13/16
	Middle Income Housing Strategy Subcommittee Report	7:30-9:00	Chambers	Kurt Firnhaber/E Richardson	1013/16
Thurs 11/10/2016	Special Meeting- See Master Calendar CC Meetings	6 p.m.	Chambers		10/27/16
11/22/16	No Meeting- Thanksgiving Week				
11/29/16	Short Update on Open Space Flood Recovery:Chapman Drive	5:30 pm early start	Chambers	?	11/17/16
	Updated and discussion of the Resilience Strategy-	6-7 p.m.	Chambers	G. Guibert/A. Large	11/17/16
	Renewed Vision for Transit Update	7-9 p.m.	Chambers	Randall Rutsch/M Schleske	11/17/16
12/13/16	Special Meeting for BVCP Deliberation of 4 Body Review and Public Hearing for Nablus Sister City Application and (Kathmandu -if application is reviewed as complete)	6-9 p.m.	Chambers	Planning Dept and CCO	12/01/16
12/27/16	No Meeting- Christmas Week				
Moved/Changed Items	Update Regarding Community Survey	6:00 - 6:15	Chambers	Patrick von Keyserling	IP 7/19/16
	Residential and Commercial Energy Codes: Long Term Strate	7:45 - 9:15	Chambers	Kendra Tupper/M Melton	IP 7/19/16
	Check in for 100 Resilient Cities	7:30-9:00	Chambers	Greg Guibert/Dianne Marshall	IP 8/2/16
	Briefing - Community Dashboard	5:30-6:00	Chambers	Chris Trice/Tanya Ange	12/06/16
	Middle Income Housing Strategy Subcommittee Report	8-9:00	Chambers	David Driskell/M Melton	SS 10/25/16
	Community Perception Assessment Report	6:00-7:30	Chambers	Tammye Burnette/D Marshall	TBD for 2017
	Human Services Strategy Draft	7:30-9:00	Chambers	Karen Rahn, Corina Marin	02/14/17
	Framework for Lease Negotiations (BMoCA and the Dairy Arts	6:00-7:30	Chambers	Joe Castro/Celia Seaton	01/17/17
	AMPS and CAGID Development Projections	7:30-9:00	Chambers	Jay Sugnet/Ruth Weiss	IP - 11/15/16
	Development Related Impact Fees and Excise Tax	8:30-10	Chambers	Chris Meschuk	SS 8/30/16

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, November 1, 2016

10/20/2016		Preliminary Materials Due
10/26/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM	6:05 PM	5 min	0:05	**CALL TO ORDER AND ROLL CALL**			
6:05 PM	6:50 PM	45 min	0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:50 PM	7:05 PM	15 min	0:15	**CONSENT AGENDA**			
				3rd Reading 2017 Budget			Peggy Buzli/Devin Billingsly
				1st Rdg of Development Related Impact Fees and Excise Taxes	N	Y	Chris Meschuk/E Richardson
				3rd Reading for 55th and Arapahoe Annexation ordinances (8139 and 8140)			Kathy Haddock
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
7:05 PM	7:50 PM	45 min	0:45	Council deliberation to address public requests for changes to the BVCP land use map for four properties within city limits for Area I (no new testimony taken)	Y	N	Lesli Ellis/E Richardson
7:50 PM	8:20 PM	30 min	0:30	2nd Reading Boulder Community Hospital Riverbend facility at 4801 Riverbend- Rezoning and Height ord	Y	Y	Karl Guiler/E Richardson
8:20 PM	8:35 PM	15 min	0:15	2nd Reading 3200 Bluff (Air Gas Site) Rezonng	Y	Y	Karl Guiler/E Richardson
8:35 PM	8:50 PM	15 min	0:15	2nd Reading for 2935 19th Street- Landmark Designation	Y	N	J Hewat/E Richardson
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
8:50 PM	9:10 PM	20 min	0:20	Mayoral Pro Tem Indications of Interest			
				CALL-UPS			
				9th & Broadway Civic Area- Floodplain Development Permit and a Stream, Wetlannd, and Water Body Permit	N	N	Jessica Stevens/ C Seaton
				BCH Riverbend Site and Use Review			E Richardson
Total			**3:10**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 5:30 p.m. EARLY START
Thursday, November 10, 2016

10/27/2016	Thurs	Preliminary Materials Due
11/2/2016	Wed	Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
5:30 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
5:30 PM	6:15 PM		0:45	Address public request for change to BVCP land use map or area designation for 3rd Street only (Blue Line)	Y	N	L Ellis/E Richardson
6:15 PM	8:15 PM		2:00	Concept Plan Review -1550 Eisenhower - East Pointe Apartments- (moved from Nov 1)	Y	N	Elaine McLaughlin/E Richardson
8:15 PM	8:45 PM		0:30	1st Reading Short Term Rentals Ordinance- (moved from Dec 6)	Y	Y	T Carr/M Bisset
				MATTERS FROM CITY MANAGER			
8:45 PM	9:30 PM		0:45	Discussion of the new Public Art Policy- HOLD for agenda request (moved from Dec 6)	Y	N	Matt Chasansky, Maureen Malone
		Total	**4:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, November 15, 2016

11/3/2016		Preliminary Materials Due
11/9/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM				**CALL TO ORDER AND ROLL CALL**			
6:00 PM	6:45 PM	45 min	0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:45 PM	7:00 PM	15 min	0:15	**CONSENT AGENDA**			
				1st Rdg for Final Adjustment to Base	N	N	
				Resolutions to provide emergency services to certain annexed properties			Carey Markel/L Thompson
				1st Reading Marijuana Code Changes	N	Y	Kathy Haddock/L Thompson
				Consideration of a motion to approve the City's 2017 State and Federal Legisative agenda	N	N	Carl Castillo/D Marshall
				1st Reading/ Emergency Ord for BRC Supplement 129 to codify ordinances July-Sept 2016	N	Y	Mary Wallace
				1st Reading vacating public right-of-way dedicated for North 20th Street adjacent to the property at 2010 Upland Avenue.	N	N	S. Walbert/E. Richardson
7:00 PM	7:05 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:50 PM	9:20 PM	90 min	1:30	2nd Rdg of Development Related Impact Fees and Excise Taxes	Y	Y	Chris Meschuk/E Richardson
		? Min		9th & Broadway Civic Area- Floodplain Development Permit and a Stream, Wetlannd, and Water Body Permit	Y		Jessica Stevens/C Seaton
		20 min	0:20	Ryan II OSMP Acquisition	Y	N	Luke McKay/Cecil Fenio
		30 min	0:30	2nd Reading Ordinance 8143 transfer of open space land to another department	Y	Y	Janet Michaels/M Bissett
				MATTERS FROM CITY MANAGER			
		60 min	1:00	Alpine-Balsam Project: Urban Design Framework and Site Analysis	Y	N	Joanna Crean/E Richardson
		60 min	1:00	Civic Area - Public Market Update-	Y	N	Joanna Crean/E Richardson
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
		15 min	0:15	Mayor Pro Tem Nominations and Election			
				CALL-UPS			
Total			**5:40**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 6, 2016

11/22/2016	Tues	Preliminary Materials Due - Early Because of Holiday
11/30/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM	6:05 PM	5 min	0:05	**CALL TO ORDER AND ROLL CALL**			
6:05 PM	6:50 PM	45 min	0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:50 PM	7:05 PM	15 min	0:15	**CONSENT AGENDA**			
				Final Adjustment to 2016 CAGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading of Final Adjustment to Base- COB			Peggy Bunzli/Devin Billingsley
				Final Adjustment to 2016 UHGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading Short-Term Rental Ordinance Changes	N	Y	T Carr/H Hayward
				Accept the Resilience Strategy- (removed from Nov 15) HOLD -please submit Agenda Request			G Guibert/A. Large
				Study Session Summary for October 25 regarding 30th and Pearl Redevelopment Options			Eric Ameigh/E. Richardson
				Study Session Summary for October 25 Middle Income Housing Strategy Subcommittee Report			Kurt Firnhaber/Emily Richardson
7:05 PM	7:10 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:10 PM	7:55 PM	45 min	0:45	2nd Rdg Marijuana Code Changes	Y	Y	K Haddock/ L Thompson
7:55 PM	9:25 PM	90 min	1:30	3rd Reading Cooperative Housing Ordinance	Y	Y	T Carr/H Hayward
9:25 PM	9:40 PM	15 min	0:15	2nd Reading vacating public right-of-way dedicated for North 20th Street adjacent to the property at 2010 Upland Avenue.	Y	N	S. Walbert/E. Richardson
				MATTERS FROM CITY MANAGER			
9:40 PM	10:10 PM	30 min	0:30	Boulder Measure Update and Pilot Phase- update from Community Dashboard Bold Measures			Chris Trice, Tanya Ange
10:10 PM	10:40 PM	30 min	0:30	Climate Commitment Strategy Document final approval	Y	N	Brett KenCairn/E Richardson
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**4:40**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 13, 2016

12/1/2016		Preliminary Materials Due
12/7/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
6:00 PM	7:00 PM	60 min	1:00	(Continued public hearing for deliberation- no new testimony taken.) Consideration of a motion to approve BVCP land use change initiated by public request for 3rd Street (Blue Line)			
7:00 PM	11:00 PM	240 min	4:00	Nablus Sister City Application			
				ADJOURNMENT			
		Total	**5:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT

2016 Study Session Calendar

Date	Topic	Time	Location	Contacts
Thurs 11/10/2016	Special Meeting- See Master Calendar CC Meetings	6 p.m.	Chambers	
11/22/16	No Meeting- Thanksgiving Week			
11/29/16	Short Update on Open Space Flood Recovery:Chapman Drive	5:30 pm early start	Chambers	?
	Updated and discussion of the Resilience Strategy-	6-7 p.m.	Chambers	G. Guibert/A. Large
	Renewed Vision for Transit Update	7-9 p.m.	Chambers	Randall Rutsch/M Schleske
12/13/16	Special Meeting for BVCP Deliberation of 4 Body Review and Public Hearing for Nablus Sister City Application and (Kathmandu -if application is reviewed as complete)	6-9 p.m.	Chambers	Planning Dept and CCO
12/27/16	No Meeting- Christmas Week			
Moved/Changed Items	Update Regarding Community Survey	6:00 - 6:15	Chambers	Patrick von Keyserling
	Residential and Commercial Energy Codes: Long Term Strate	7:45 - 9:15	Chambers	Kendra Tupper/M Melton
	Check in for 100 Resilient Cities	7:30-9:00	Chambers	Greg Guibert/Dianne Marshall
	Briefing - Community Dashboard	5:30-6:00	Chambers	Chris Trice/Tanya Ange
	Middle Income Housing Strategy Subcommittee Report	8-9:00	Chambers	David Driskell/M Melton
	Community Perception Assessment Report	6:00-7:30	Chambers	Tammye Burnette/D Marshall
	Human Services Strategy Draft	7:30-9:00	Chambers	Karen Rahn, Corina Marin
	Framework for Lease Negotiations (BMoCA and the Dairy Arts	6:00-7:30	Chambers	Joe Castro/Celia Seaton
	AMPS and CAGID Development Projections	7:30-9:00	Chambers	Jay Sugnet/Ruth Weiss
	Development Related Impact Fees and Excise Tax	8:30-10	Chambers	Chris Meschuk

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 6, 2016

11/22/2016	Tues	Preliminary Materials Due - Early Because of Holiday
11/30/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM	6:05 PM	5 min	0:05	**CALL TO ORDER AND ROLL CALL**			
6:05 PM	6:50 PM	45 min	0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:50 PM	7:05 PM	15 min	0:15	**CONSENT AGENDA**			
				Final Adjustment to 2016 CAGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading of Final Adjustment to Base- COB			Peggy Bunzli/Devin Billingsley
				Final Adjustment to 2016 UHGID Budget			Peggy Bunzli/Devin Billingsley
				2nd Reading Short-Term Rental Ordinance Changes	N	Y	T Carr/H Hayward
				Accept the Resilience Strategy- (removed from Nov 15) HOLD -please submit Agenda Request			G Guibert/A. Large
				Study Session Summary for October 25 regarding 30th and Pearl Redevelopment Options			Eric Ameigh/E. Richardson
				1st Reading 1345 Spruce-Landmark Designation	N	N	James Hewat/Emily Richardson
				1st Reading 4750 Broadway -Landmark Designation	N	N	James Hewat/Emily Richardson
				1st Reading 2061 Bluff Street- Landmark Designation	N	N	James Hewat/Emily Richardson
				Study Session Summary for October 25 Middle Income Housing Strategy Subcommittee Report			Kurt Firnhaber/Emily Richardson
7:05 PM	7:10 PM	5 min	0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:10 PM	8:10 PM	60 min	1:00	2nd Reading Marijuana Code Changes	Y	Y	K Haddock/ L Thompson
8:10 PM	9:40 PM	90 min	1:30	3rd Reading Cooperative Housing Ordinance	Y	Y	T Carr/H Hayward
9:40 PM	9:55 PM	15 min	0:15	2nd Reading vacating public right-of-way dedicated for North 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19t Street	Y	N	S. Walbert/E. Richardson
				MATTERS FROM CITY MANAGER			
9:55 PM	10:40 PM	45 min	0:45	Climate Commitment Strategy Document final approval	**Y**	**N**	Brett KenCairn/E Richardson
10:40 PM	11:20 PM	30 min	0:30	Boulder Measure Update and Pilot Phase- update from Community Dashboard Bold Measures			Chris Trice, Tanya Ange
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
				1735 Mapleton Ave- Landmark Designation			James Hewat/Emily Richardson
Total			**5:10**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT
2016 Study Session Calendar

Special Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, December 13, 2016

12/1/2016		Preliminary Materials Due
12/7/2016		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

Special Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
6:00 PM				**CALL TO ORDER AND ROLL CALL**			
				PUBLIC HEARINGS			
6:00 PM	7:00 PM	60 min	1:00	(Continued public hearing for deliberation- no new testimony taken.) Consideration of a motion to approve BVCP land use change initiated by public request for 3rd Street			
7:00 PM	11:00 PM	240 min	4:00	Nablus Sister City Application			
				ADJOURNMENT			
Total			**5:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

2017 Master Calendar

Date	Topic	Time	Location	Contacts	Materials Due
	Inlcusionary Housing 101 and Affordable Housing Financing 101- (Please submit agenda request)	**5:30-7**	**Chambers**	**Housing**	**12/29/16**
Tues, Jan10	**Pre-Retreat -** Staff Report on Community, Culture, Safety Tax (2A)	7-8:30 p.m.	Chambers	Joel Wagner/ E Lazarevska	12/29/16
	Pre-Retreat - B & C Letters	8:30-9:30 p.m.	Chambers		**12/29/16**
Fri, Sat, Jan 20-21	**COUNCIL RETREAT**	Fri-6-10 p.m./Sat 8-5 p.m.	TBD	Lynnette Beck	
Tues, Jan 24	Joint Study Session w Planning Board for BVCP update	6:00-9:00 p.m.	Chambers	Lesli Ellis/E Richardson	01/12/17
Tues, Jan 31	Review and Potential Updates of the City's Investment Policy (move to a CC Feb meeting)	to be moved	Chambers	Cheryl Pattelli	01/19/17
	State Demographics including Climate Change- Guest Speaker (submit Agenda request)	6-7 p.m.			01/19/17
	Economic Vitality Finance Session	7-8 p.m.			01/19/17
	Report on Head Tax	9-10 p.m.			01/19/17
Tues, Feb 14	Human Services Strategy Draft	6:00-9:00 p.m.	Chambers	Patrick Mulcrone/Corina Marin	02/02/17
Tues, Feb 28	Update on Alpine-Balsam Project	6-9 p.m.	Chambers	Joanna Crean/Holly Opansky	02/16/17
Thurs Mar 9	Boards and Commissions Interviews (Thursday)	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Tues Mar 14	Boards and Commissions Interviews in lieu of this Study Session	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Thurs Mar 16	Boards and Commissions Interviews (Thursday)	6:00-9:00 p.m.	1777 West	Heidi Leatherwood	
Mon- Fri, Mar 27-31	No Meetings				
Tues, Apr 11	**SISTER CITY ANNUAL DINNER**	5:30-7:00 p.m.	Lobby	City Clerk's Office- Heidi Leatherwood	3/30/2017
	TMP Implementation Check-in	7:00-8:30 p.m.	Chambers	Randall Rutsch/Meredith Schleske	
Tues, Apr 25	Budget and Revenue Review Update	6:00-7:30 p.m.	Chambers	Devin Billingsly	04/13/17
		7:30-9 p.m.			
Tues, May 9					04/27/17
Tues, May, 23					05/11/17
		6:00-9:00 p.m.	Chambers		
Tues, May 30	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		05/18/17
Tues, Jun 13					06/01/17
		6:00-9:00 p.m.	Chambers		
Tues, Jul 11					06/29/17
		6:00-9:00 p.m.	Chambers		
A					
Tues, Jul 25					07/13/17
		6:00-9:00 p.m.	Chambers		
Tues, Aug 8					07/27/17
Tues, Aug 22					08/10/17
Tues, Aug 29	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		08/17/17
Tues, Sep 12					08/31/18
		6:00-9:00 p.m.	Chambers		
Tues, Sep 26		6:00:9:00 p.m.	Chambers		09/14/17
Tues, Oct 10					09/28/18
		6:00-9:00 p.m.	Chambers		

2017 Master Calendar

Tues, Oct 24		6:00 - 9:00 p.m.	Chambers		10/12/17
Tues, Oct 31	HOLD for special meeting or other	6:00-9:00 p.m.	Chambers		10/19/17
Tues, Nov 14					11/02/17
		6:00-9:00 p.m.	Chambers		
Tues, Nov 28					11/16/17
		6:00-9:00 p.m.	Chambers		
Tues, Dec 12		6:00-9:00 p.m.	Chambers		11/30/17
Tues, Dec 26	NO MEETING				

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, January 3, 2017

12/22/2016		Preliminary Materials Due
12/28/2016		Final Materials Due

Economic Vitality Finance Se hambe 1/19/2017
Report on Head Tax 1/19/2017

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
6:00 PM	6:45 PM		0:45	**OPEN COMMENT AND COUNCIL/STAFF RESPONSE**			
6:45 PM	7:00 PM		0:15	**CONSENT AGENDA**			
				Study Session Summary for Transportation Master Plan Progress report- focus on renewed vision for transit	N	N	R Rutsch/M Schleske
				1st Reading 3303 Broadway Rezoning	N	N	S Walbert/E Richardson
7:00 PM	7:05 PM		0:05	**CALL-UP CHECK IN**			
				PUBLIC HEARINGS			
7:05 PM	7:20 PM	15 min	0:15	2nd Reading 1345 Spruce- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:20 PM	7:35 PM	15 min	0:15	2nd Reading 4750 Broadway- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:35 PM	7:50 PM	15 min	0:15	2nd Reading 2061 Bluff Street- Landmark Designation	Y	N	James Hewat/Emily Richardson
7:50 PM	8:15 PM	30 min	0:30	2nd Reading for Bear Trash Ordinance	Y	Y	T Carr/M Bisset
				MATTERS FROM CITY MANAGER			
8:15 PM	10:15 PM	120 min	1:20	Community Broadband Recommendations	Y	N	Don Ingle
10:15 PM	11:00 PM	45 min	0:45	approval of Management Agreement with St. Julien Partners LLC for Civic Use Space	Y	N	E Ameigh/ E Richardson
11:00 PM	11:45 PM	45 min	0:45	Community Survey Results	Y	N	Patrick von Keyserling
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
				3303 Broadway- Site Review			
		Total	**5:10**	**If adding your item would bring the total estimated time to over 5 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, January 17, 2017

1/5/2017		Preliminary Materials Due
1/11/2017		Final Materials Due
	Chamber	1/19/2017
Economic Vitality Finance		1/19/2017
Report on Head Tax		

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		60 min		2nd Reading 3303 Broadway Rezoning	Y	Y	S Walbert/E Richardson
		60 min		Possible Public Hearing for call up of 3303 Broadway Site Review (from the January 3 meeting)	Y	N	S Walbert/E Richardson
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 5 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, February 7, 2017

1/26/2017		Preliminary Materials Due
2/1/2017		Final Materials Due
		1/19/2017
Economic Vitality Finance S	hambe	1/19/2017
Report on Head Tax		

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
				State of the City Presentation	**Y**	**N**	P von Keyserling
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		60 min		Bear Canyon Creek Flood Mitigation Plan	Y	N	Christin Shepherd/Celia Seaton
				MATTERS FROM CITY MANAGER			
		90 min		Framework for Lease Negotiations (BMoCA and The Dairy Arts Center)	Y	?	J Castro/C Seaton
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 5 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, February 21, 2017

2/9/2017		Preliminary Materials Due
2/15/2017		Final Materials Due
	Shambe	1/19/2017
Economic Vitality Finance S		1/19/2017
Report on Head Tax		

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				Study Session Summary for BVCP Update from Jan 24th			L Ellis/E Richardson
				1st Reading Supplemental Appropriation for Community, Culture and Safety Tax (2A)			Devin Billingsly
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.-- NO NEW ITEMS**			

DRAFT
2017 Agenda Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, March 7, 2017

2/23/2017		Preliminary Materials Due
3/1/2017		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
		40 min		Update on Bills introduced in the Colorado Assembly and consideration of a motion to revise the City's 2017 State and Federal Legislative Agenda			Carl Castillo/Dianne Marshall
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
		Total	**0:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.-- NO NEW ITEMS**			

DRAFT
2016 Study Session Calendar

City Council Meeting

DRAFT Meeting Agenda - 6 p.m.

Tuesday, March 21, 2017

3/9/2017		Preliminary Materials Due
3/15/2017		Final Materials Due

Gray cells will be calculated for you. You do not need to enter anything in them.

City Council Meeting DRAFT Calendar

Start	End	Min	Time	Item	PP	CAO	Contact
				CALL TO ORDER AND ROLL CALL			
				OPEN COMMENT AND COUNCIL/STAFF RESPONSE			
				CONSENT AGENDA			
				Study Session Summary from Feb 28, 2017 regarding the Update on Alpine-Balsam Project	N	N	Joanna Crean/Holly Opansky
				CALL-UP CHECK IN			
				PUBLIC HEARINGS			
				MATTERS FROM CITY MANAGER			
				MATTERS FROM CITY ATTORNEY			
				MATTERS FROM MAYOR AND MEMBERS OF COUNCIL			
				CALL-UPS			
Total			**0:00**	**If adding your item would bring the total estimated time to over 4 hours, please choose another meeting date. "The council's goal is that all meetings be adjourned by 10:30 p.m." - Title 2 Appendix, Council Procedure, B.R.C. 1981.-- NO NEW ITEMS**			

TO: Mayor and Members of City Council

FROM: Jordan Matthews, City Clerk's Office

DATE: December 6, 2016

SUBJECT: Information Packet

---

1. **CALL UPS**
   None.

2. **INFORMATION ITEMS**
   A. 2015 Neighborhood Permit Parking Program Annual Update
   B. 2016 Community Survey Results
   C. Annual Continuing Disclosure Requirements for Council and Staff Regarding Debt and Certificates of Participation
   D. Boulder Convention and Visitors' Bureau (BCVB) 3rd Quarter Update
   E. Denver International Airport (DIA) Flights Over South Boulder

3. **BOARDS & COMMISSIONS**
   A. Board of Zoning Appeals - October 13, 2016
   B. Design Advisory Board - October 12, 2016
   C. Human Relations Commission - November 21, 2016
   D. Library Commission - October 5, 2016
   E. Open Space Board of Trustees - November 9, 2016
   F. Planning Board - October 20, 2016
   G. Planning Board - November 3, 2016
   H. Transportation Advisory Board - September 12, 2016
   I. Transportation Advisory Board - October 10, 2016

4. **DECLARATIONS**
   A. Declaration - 2016 National Hunger and Homeless Awareness Week - December 20
   B. Declaration - National Homeless Persons' Memorial Day – December 21, 2016

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of Council

From: Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Molly Winter, Executive Director, Community Vitality
Donna Jobert, Financial Manager, Community Vitality
Melissa Yates, Access and Parking Manager, Community Vitality
Nathan Wolfe, Parking Enforcement Supervisor, Community Vitality

Date: October 28, 2016

Subject: Information Item: 2015 Neighborhood Permit Parking Program Annual Update

---

EXECUTIVE SUMMARY

The purpose of this information packet is to provide the 2015 Annual Update of the Neighborhood Permit Parking (NPP).

The NPP program goals include improving the balance between preserving neighborhood character and providing public access to community facilities.

Expansions to the Mapleton Hill, West Pearl and Whitter NPP's and the creation of a new zone, Aurora, were approved by City Council in December 2015.

FINANCIAL

Since 2006, the Resident Permits have remained at $17 annually. Each resident within a NPP may receive two free visitor permits with the purchase of a resident permit; along with guest permits, which are also free and available upon request. The cost of commuter permits rose to $82 quarterly or $328 per year in 2014, while the cost of business permits remains $75 annually.

In 2015, residential permits made up 26% of total NPP revenue and 87% of the total number of permits sold; business permits made up 1.5% percent of the total NPP revenue and one percent of total number of permits sold; commuter permits account for 72% of the total NPP revenue and 9% of the total number of permits sold.

Revenue from the sale of NPP permits is expected to cover the program costs with the goal of being revenue neutral. Expenses vary year to year based on whether there are citizen requests for new zones or expansions requiring surveys and start up costs.

2015 Revenue from Resident/Business/Visitor permits sales	$ 44,376
2015 Revenue from Commuter permit sales	$114,624
	$159,000

2015 NPP Program Direct Expenses*	$ 67,021
2015 Administrative Program Expenses	$ 29,065
	$ 96,086

*The NPP revenue and expenses do not include enforcement.

2015 Annual Permit Revenue by Zone

Location	Resident	Business	Commuter	Total
Columbine	$ 3,196			$ 3,196
Fairview	$ 680			$ 680
Goss/Grove	$ 6,834	$ 1,125	$ 11,018	$ 18,977
High/Sunset	$ 1,139		$ 4,392	$ 5,531
Mapleton Hill	$ 6,868		$ 26,036	$ 32,904
University Hill	$ 11,740	$ 225	$ 17,797	$ 29,762
Whittier	$ 8,017	$ 750	$ 42,634	$ 51,401
West Pearl	$ 1,955	$ 300	$ 12,746	$ 15,001
East Ridge	$ 1,037			$ 1,037
University Heights	$ 510			$ 510
Totals:	$ 41,976	$ 2,400	$ 114,624	$159,000

Commuter permits averaged about 155 commuters per year from 2003-2012. Commuter permits rose 43% (276 commuters) in 2013 and an additional 14% (314 commuters) in 2014. The commuter permit growth continued in 2015 with 349 permits sold or an 11% increase. This increase in demand is also seen in the growth of the garage and lot wait lists.

Commuter Permit Sales by Year				
Year	**Fee**	**Revenue**	**Permits Sold**	**Per Quarter**
2004	$ 78	$ 47,637	611	152
2005	$ 78	$ 43,418	557	139
2006	$ 78	$ 44,053	565	141
2007	$ 78	$ 48,413	621	155
2008	$ 78	$ 49,186	631	158
2009	$ 78	$ 46,592	597	149
2010	$ 78	$ 47,174	605	151
2011	$ 78	$ 48,689	624	156
2012	$ 78	$ 60,427	775	194
2013	$ 78	$ 86,112	1,104	276
2014	$ 82	$103,079	1,257	314
2015	$ 82	$114,624	1,398	349

Commuter Permits per Zone				
Zone	**2015**	**2014**	**2013**	**% Change**
Columbine	0	1	2	-100%
East Ridge	0	0	0	
Fairview	0	0	0	
Goss/Grove	34	33	32	7%
High/Sunset	13	12	5	186%
Mapleton	79	78	75	5%
Uni Hill	54	51	43	27%
Uni Heights	0	0	0	
West Pearl	39	39	40	-3%
Whittier	130	100	80	63%
Total:	349	314	276	

EXPANSIONS

The following NPP expansions were approved in 2015 and implemented in 2016, these include:

- Mapleton Hill NPP
  East & West sides of the 2300 block of 9th St.
  East & West sides of the 2400 block of 8th St.
  East & West sides of the 2400 block of 7th St.
  East & West sides of the 2200 block of 6th.
  North & South sides of the 500 block of Highland St.
  North & South sides of the 500 block of Pine St.

- Whittier NPP
  East side of the 2000 block of Mapleton Ave.

- West Pearl NPP
  East side of the 1900 block of 6th St.
  North and South sides of the 300 block of Pearl St.

NEW ZONE
A new zone was approved in 2015, called East Aurora, and implemented in 2016. It includes:
- North & South sides of 3500 and 3600 blocks of Madison Ave.
- East & West sides of the 1000 and 900 blocks of 35th St.

UTILIZATION
In the ten NPP zones operated in 2015, there were approximately 777 commuter spaces available, of which 349 annual (1,398 quarterly) commuter permits were sold.

Relationship between NPP Program & Adjacent Parking Supply/Demand					
Location	**Inventory**	**Sold**	**Cost Per Year**		**Wait List**
CAGID Structures	2209	2,171**	$	1,320	1,384*
CAGID Surface Lots	203	253	$	800	342
UHGID Surface Lot	54	65	$	700	35
Total NPP Commuter	777	349	$	328	N/A
Columbine	260	0			
Fairview	20	0			
Goss/Grove	34	34			
High/Sunset	43	13			
Mapleton Hill	78	79			
University Hill	147	54			
Whittier	157	130			
West Pearl	38	39			
East Ridge	0	0			
University Heights	0	0			
NPP Residential	N/A	2469	$	17	N/A

* Data as of Jan 2016
** Balance maintained for short-term parking.

THE STATUS OF ALTERNATIVE MODE STRATEGIES – From GO Boulder
Overall, 2015 local ridership increased 4% compared to 2014 local ridership totals. According to RTD's fare box data, average weekday passengers served on the CTN for 2015 was as follows:

2015 Average Daily Passengers Served CTN		
SKIP	5,068	0% decline from 2014
JUMP	2,082	13% increase from 2014
BOUND	1,826	22% increase from 2014
DASH	2,345	3% increase from 2014
HOP	2,590	5% decline from 2014
STAMPEDE	1,544	38% increase from 2014
BOLT	1,555	7% decline from 2014
TOTAL	17,010	

NPP ENFORCEMENT

Revenues from NPP tickets make up approximately 15% of the City's total ticket revenues, while accounting for 50%-60% of the total enforcement resources. The remaining 86% of ticket revenues comes from all other types of enforcement using the remaining 40%-50% of the enforcement resources.

Citations Issued in NPP Zones for Time Restriction		
Year	**Days of Enforcement**	**Number of Citation Issued**
2004	620	10,462
2005	635	11,629
2006	587	9,819
2007	588	8,613
2008	599	11,529
2009	485	9,125
2010	477	11,913
2011	688	12,810
2012	740	15,296
2013	793	12,723
2014	398	11,975
2015	589	14,878

There was a 24% increase in the number of citations issued from 2014 to 2015.

2015 Enforcement by Zone			
Locations	**# of Days**	**Citations**	**Daily Average**
University Hill/Uni Heights	121	6,390	52
Mapleton/West Pearl	142	2,480	17.5
Whittier/High Sunset	129	2668/96	21
Columbine/Fairview/East Ridge *	104	724	7
Whittier Nights	22	883	40
Goss/Grove*	93	1,636	17.5
Total	589	14,878	25.8
* Enforcement varies depending on staffing levels			

In 2015, Parking Services wrote 83,272 revenue tickets of which 14,878 (18%) were issued for NPP violations. A total of $1,846,482 in parking violations revenue was collected in 2015. If all tickets for NPP violations were collected at the ticket rate of $20, the total revenue would be $297,550. In addition, 958 tickets were voided or warnings were issued in an attempt to educate customers about the rules of the NPP zones. All ticket revenue and enforcement costs are allocated to the General Fund and are not reflected in the NPP program revenue or expenses.

Fine:	Violation:
$15.00	Expired Meter, Parking where sign prohibits
$20.00	Parking beyond the posted time restriction without a permit (NPP)
$25.00	Parking in a Loading Zone or alley
$112.00	Parking in a Handicap Space

2016 WORK PLAN

The NPP 2016 Work Plan includes:

- Maintain the current NPP Program service levels in 2016.
- 2016 Annual Update.
- Commuter permit increases will be included in the 2016 budget.
- Review additional requests received to expand existing NPP's.
- Study Session regarding the NPP program in February 2016.
- Creation of the Chautauqua Access Parking Plan including a citizen working group with the goal of recommending a potential pilot in 2017.
- As part of the Access Management and Parking Strategy, the scoping and planning for a review of the NPP program including the existing program as well as how other neighborhood parking issues may be addressed, including Steelyards. The public process will commence in 2017.

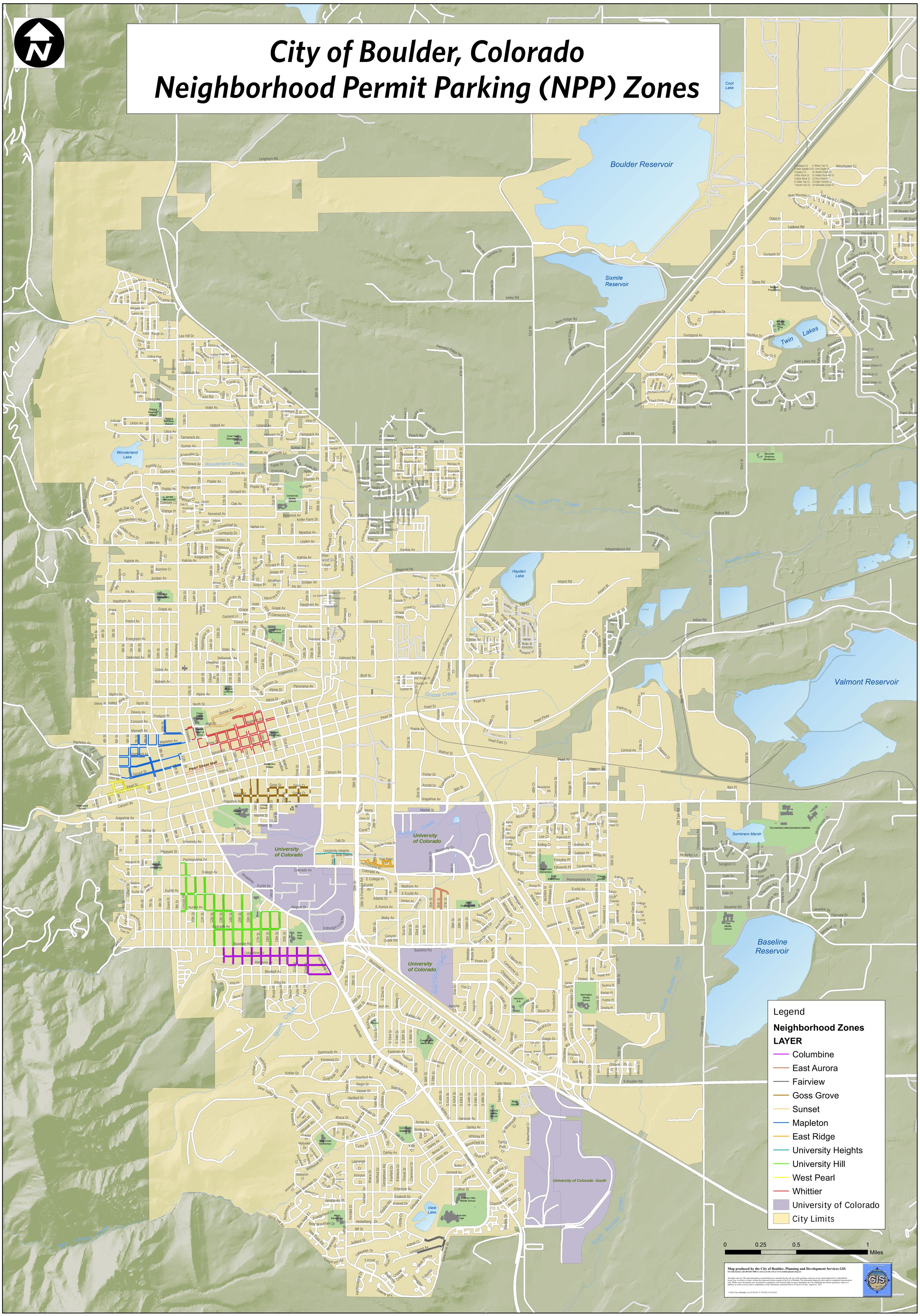
The 2016 NPP Program allocates $15,000 for implementation of possible expansion of existing zones and for the establishment of new zones.

cc: Transportation Advisory Board

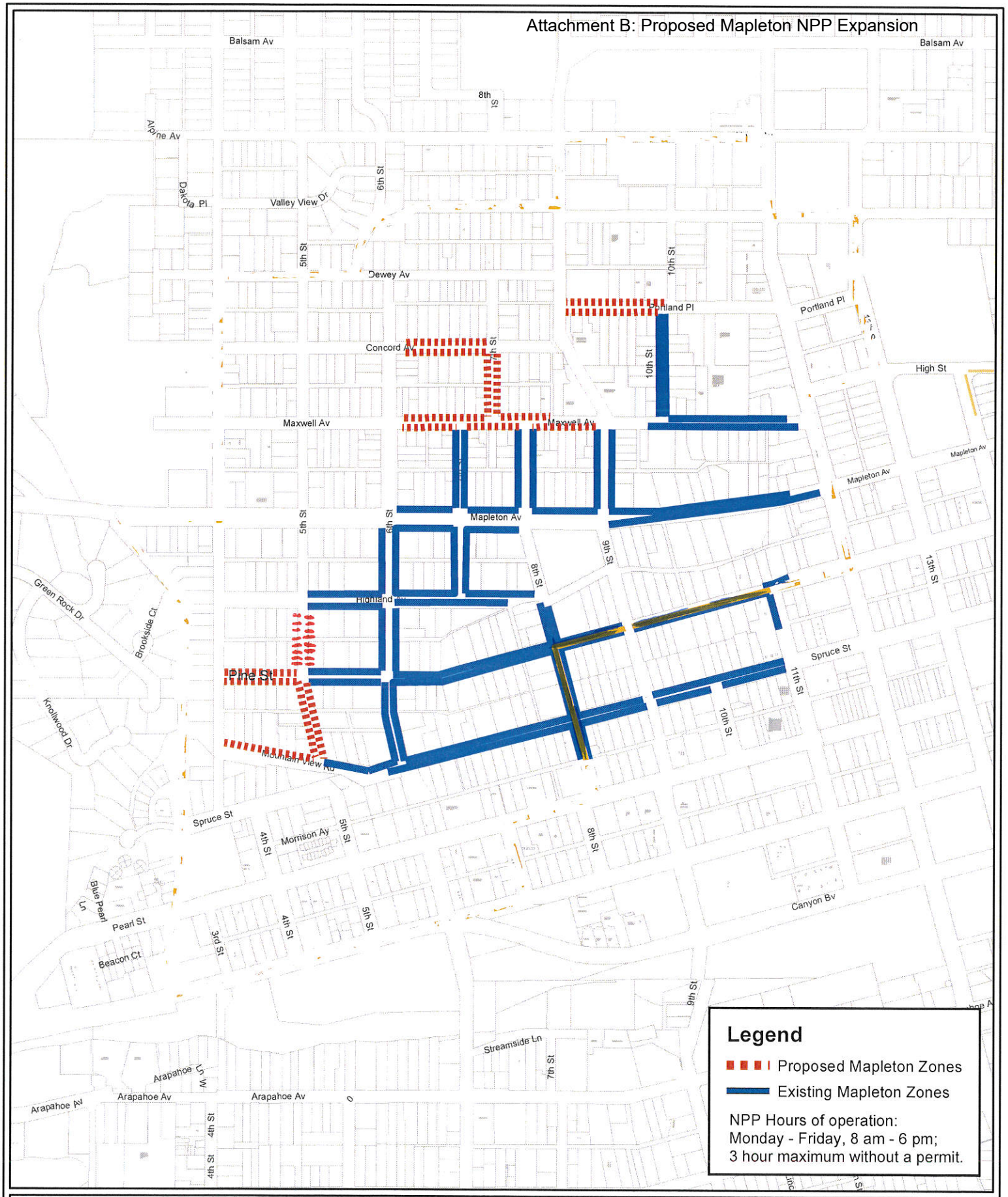
ATTACHMENTS

Attachment A: Current Citywide Parking Management
Attachment B: Maps of the 2015 Expansions in Mapleton, Whittier and West Pearl
Attachment C: Map of New Zone: East Aurora

City of Boulder, Colorado
Neighborhood Permit Parking (NPP) Zones



Attachment B: Proposed Mapleton NPP Expansion



Legend

- Proposed Mapleton Zones
- Existing Mapleton Zones

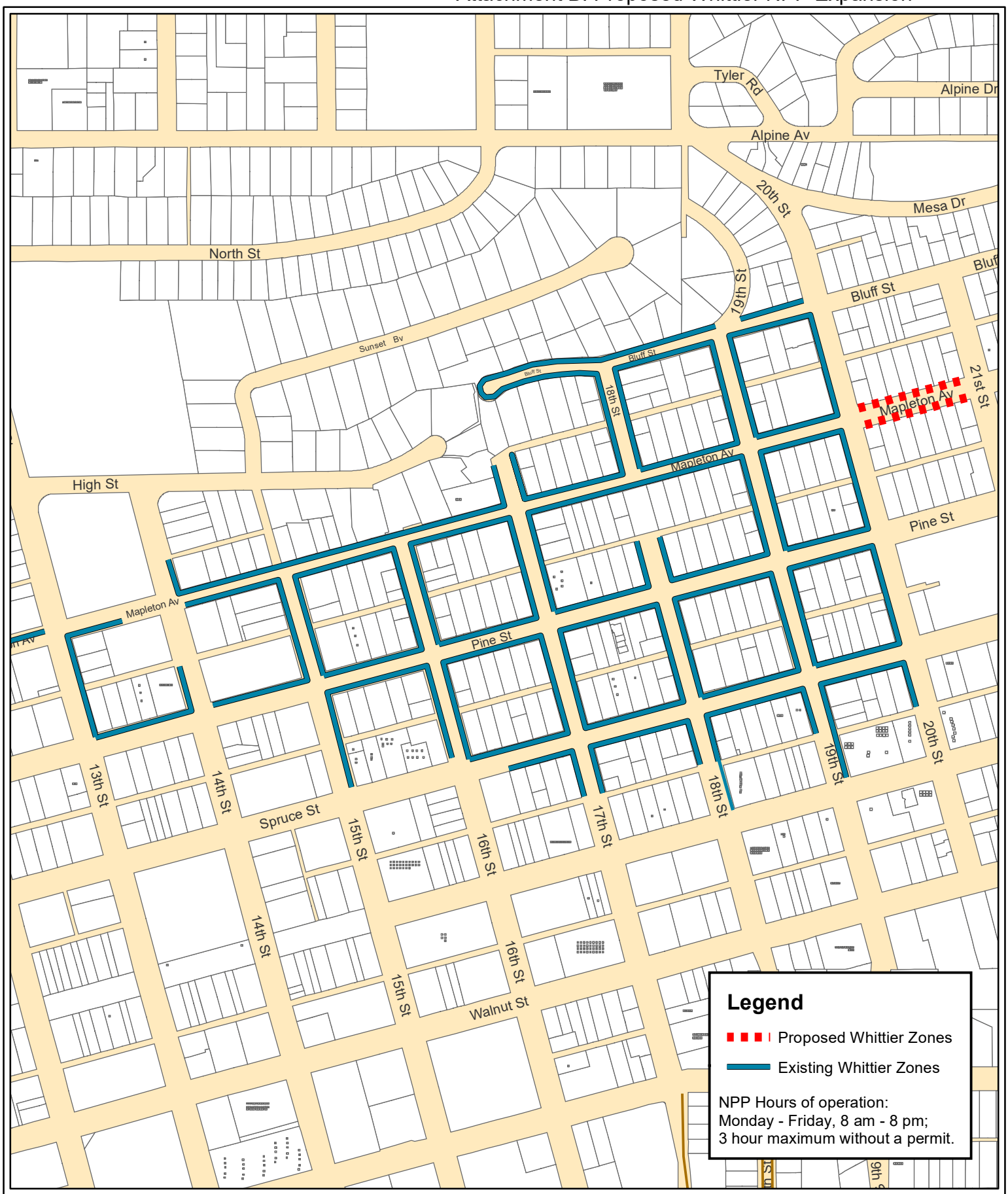
NPP Hours of operation:
Monday - Friday, 8 am - 6 pm;
3 hour maximum without a permit.

Mapleton Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 600 feet

CITY OF BOULDER

09.23.16

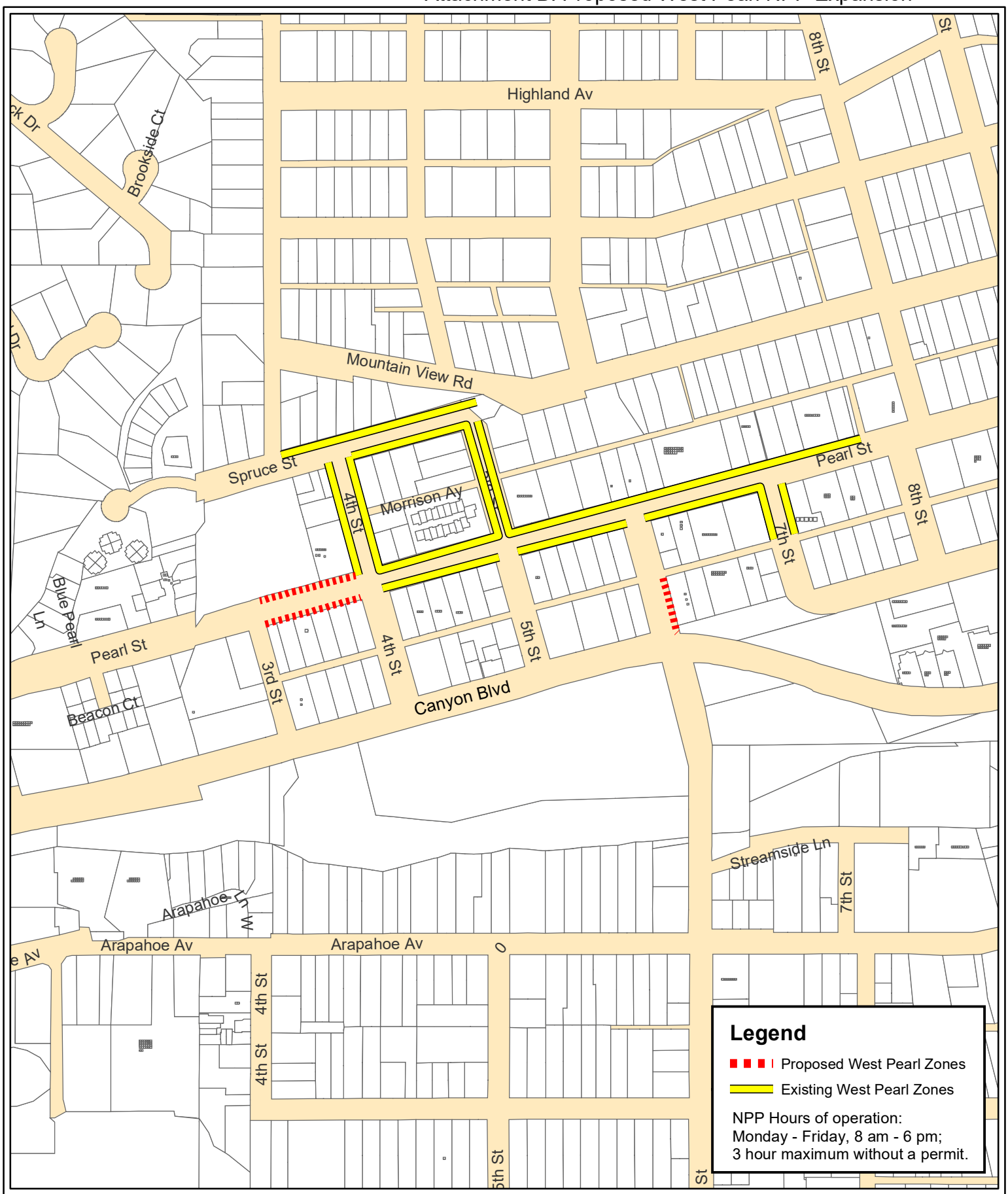


Whittier Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 400 feet

City of Boulder

06.21.15



West Pearl Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 350 feet

City of Boulder

06.21.15

East Aurora
Neighborhood Parking Permit (NPP) Zone

1 inch = 350 feet

City of Boulder

03.04.16

INFORMATION PACKET
MEMORANDUM

TO: Mayor and Members of Council

FROM: Jane S. Brautigam, City Manager
Patrick von Keyserling, Communications Director
Jean Gatza, Senior Planner, Community Planning & Sustainability

DATE: December 6, 2016

SUBJECT: Presentation of the 2016 Community Survey results.

I. PURPOSE

The purpose of this Information Packet is to present the results of the 2016 Community Survey and prepare for a discussion on the results at the Jan. 3, 2017 City Council meeting. The full results of the survey are presented in **Attachments A – G.**

The 2016 Community Survey was conducted in September and October 2016, and a 25 percent response rate was obtained. The survey contained a broad range of questions including quality of life, priorities for city government, ratings of city services, communication and outreach, use of city facilities and programs, and demographics. Boulder residents continue to give high ratings to the quality of life in the community. The project also included an open web survey.

Results from the community survey will be used in various ways to inform the budget process, project planning and outreach in 2017.

II. Questions for City Council

Do councilmembers have questions about the 2016 Community Survey results that they would like staff to answer at the January 3, 2017 City Council meeting?

Councilmembers are requested to send feedback and questions directly to Jean Gatza either by phone or e-mail at 303-441-4907 or gatzaj@bouldercolorado.gov.

III. BACKGROUND

The City of Boulder has conducted a community survey about every two years from 1987 to 2001 and then again in 2007, 2011 and 2014. All community-wide surveys conducted since 1987 were mail surveys sent randomly to households in late spring or early fall.

For the 2016 survey, the city used the National Citizen Survey (NCS), a standard survey template, offered by Boulder-based National Research Center (NRC). The NCS is endorsed by International City/County Management Association (ICMA) and the National Leagues of Cities. A key benefit of the NCS is the benchmarking against more than 500 citizen survey results, many in the Front Range.

The council sub-committee (Burton, Weaver) provided feedback on the survey process and custom questions and requested feedback from councilmembers in July 2016. Since the approach is to use the standard survey template the available custom questions were limited. Staff worked with the survey consultant to include council feedback.

The 2016 community survey was mailed to over 6,000 households. Half of the households were sent a paper version of the survey, the other half received an invitation to take the survey online. All households within Boulder's nine sub communities were eligible to receive the survey. Attached (multi-family) housing units were over sampled to compensate for detached (single-family) housing units residents' tendency to return surveys at a higher rate. The mailings were sent in September and October 2016.

IV. OVERVIEW OF RESULTS

Survey Statistics

The survey results represent the opinions of a representative sample of 1,426 residents of the City of Boulder. This represents a 25 percent response rate. The response rate for those who received the paper version of the survey was 28 percent and for those who received the post card invitation and a code to participate online was 23 percent. The margin of error around any reported percentage is 3 percent for the entire sample. The full description of methods used to garner these opinions can be found in the *Technical Appendices* provided in **Attachment D**.

The demographic characteristics of the survey sample were compared to those found in the 2010 Census estimates and other population norms for the City of Boulder. A standard best practice for surveys is to weight the results based on demographic characteristics so that the reported results are assumed to appropriately reflect the full population. Results were statistically adjusted, known as "weighting", to reflect the larger population when necessary. All statistically valid survey results were weighted by gender, age and housing tenure (rent vs. own). The results of the open online survey were not weighted since they are not assumed to include a representative sample of Boulder residents.

Survey Results

The Community Livability Report is included in **Attachment A.** The NCS framework organizes results into eight facets of community: Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment, and Community Engagement. These are similar to the city's sustainability framework but differ slightly as appropriate to the types of questions asked in the survey template.

The Dashboard Summary of Findings included in **Attachment B** summarizes Boulder's performance in the eight facets of community livability with national benchmarks.

Trends over Time are presented in **Attachment C.** This report compares the 2016 ratings to previous survey results dating back to 1987. By changing survey formats from a custom survey to the NCS template, there were many differences in question wording and in question response scales from previous custom surveys and the NCS. This report will serve as a bridge from the past trend lines to future surveys based on the NCS. Differences between past surveys and 2016 ratings should be reviewed cautiously. Once there is another iteration of the NCS, ratings will be more directly comparable.

Observations from the Results

Almost all residents rated the overall quality of life in Boulder as excellent or good with ratings at or above those dating back to 2007. This rating was higher than the national benchmark comparison. Ninety-four percent of Boulder residents rated the city as an excellent or good place to live. About 84 percent of Boulder residents rated the overall quality of city services as excellent or good.

Figure 1: Aspects of Community Characteristics on page four of the Community Livability Report presents Boulder's ratings for over 40 community characteristics and how they compare to national benchmarks. It should be noted that the benchmark comparisons are designed so that ratings above or below the national benchmarks are difficult to achieve. Areas where ratings are above the benchmark are truly exceptional. Boulder's high ratings above the national benchmark in Natural Environment, Economy and Recreation; and Wellness categories reflect the community's long-standing values and commitment in these areas. Similarly, in areas where Boulder's ratings fall below the national benchmark, it is an indication that these are truly areas of concern. Not unexpectedly, Boulder's ratings for affordable quality housing, housing options, and cost of living fall below the national benchmarks.

The **Technical Appendices** included in **Attachment D** present complete survey responses (both omitting "don't know" responses and including "don't know" responses); benchmark comparisons of resident perspectives gathered in surveys from over 500 communities; detailed survey methods; and survey materials.

Open Web Survey

In addition to the scientific survey a web version was available from Oct. 25, 2016 through Nov. 11, 2016 on the city's website. Over 600 residents took the survey on the city's website. The

Supplemental Online Survey Results of the open web survey are included in **Attachment E.** A comparison table of the statistically-valid survey results with the results from the open web survey is anticipated and will be forwarded to councilmembers when it is available**.**

Observations include:
Generally, respondents to the open web survey were less positive about their perceptions and ratings of various community characteristics than respondents to the statistically-valid survey. They tended to more frequently contact the city or elected officials and attend public meetings. They were also more likely to use the city's website, NextDoor neighborhood postings, and listservs to obtain information about community events.

Results by Geographic Area
The results are available by geographic area in **Attachment E**. Responses are grouped by subcommunity. Starting with this survey, respondents in the Central Boulder subcommunity were grouped by north and south of Arapahoe to offer a finer grain analysis to this particularly large subcommunity. In order to present subcommunity analysis with sufficient numbers of responses, other smaller subcommunities were grouped together. Results from East Boulder and Gunbarrel as well as North Boulder and Palo Park have been grouped in this cross-tabulation analysis.

Results by Demographic Subgroups
The report of results by demographic subgroups is included in **Attachment F.** This report discusses differences in opinion of survey respondents by length of residency in Boulder, housing tenure (rent or own), annual household income, race/ethnicity and age of respondent.

Boulder Youth
Members of the Youth Opportunities Advisory Board (YOAB) are currently working on a project that surveys Boulder youth using selected questions from the community survey. The results and observations from this work will be available later this year and will be shared with the City Council for the Jan. 3, 2017 discussion.

V. NEXT STEPS

Results from the community survey will be used in various ways to inform the budget process, project planning and outreach in 2017. Ratings for city services, use of services and priorities will be carefully reviewed to inform plans for service delivery approaches and work plans.

The results will be shared on the city website, distributed to the city's boards and commissions as well as staff throughout the organization and to community members and organizations. For many topics, the community survey provides information at a high level, identifying themes for which additional outreach will be conducted at the project level to provide deeper understanding of Boulder residents' values and priorities.

ATTACHMENTS

Attachment A: Community Livability Report
Attachment B: Dashboard Summary of Findings
Attachment C: Trends over Time
Attachment D: Technical Appendices *(includes complete survey responses, benchmark comparisons, detailed survey methods, and survey materials)*
Attachment E: Supplemental Online Survey Results
Attachment F: Geographic Crosstabs
Attachment G: Demographic Crosstabs

THE NCS™
The National Citizen Survey™

Boulder, CO

Community Livability Report

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Contents

About 1
Quality of Life in Boulder 2
Community Characteristics 3
Governance 5
Participation 7
Special Topics 9
Conclusions 11

Charter Members
AAPOR Transparency Initiative
AMERICAN ASSOCIATION FOR PUBLIC OPINION RESEARCH

The National Citizen Survey™
© 2001-2016 National Research Center, Inc.

The NCS™ is presented by NRC in collaboration with ICMA.

NRC is a charter member of the AAPOR Transparency Initiative, providing clear disclosure of our sound and ethical survey research practices.

About

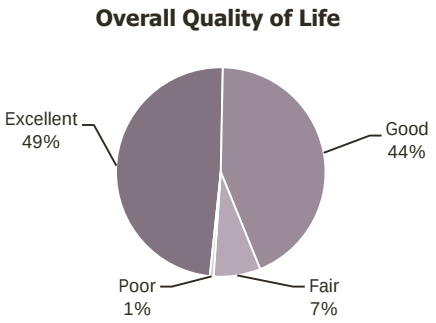
The National Citizen Survey™ (The NCS) report is about the "livability" of Boulder. The phrase "livable community" is used here to evoke a place that is not simply habitable, but that is desirable. It is not only where people do live, but where they want to live.

Great communities are partnerships of the government, private sector, community-based organizations and residents, all geographically connected. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement).

The Community Livability Report provides the opinions of a representative sample of 1,426 residents of the City of Boulder. The margin of error around any reported percentage is 3% for the entire sample. The full description of methods used to garner these opinions can be found in the *Technical Appendices* provided under separate cover.

Quality of Life in Boulder

Almost all residents rated the quality of life in Boulder as excellent or good. This rating was higher than the national benchmark comparison (see Appendix B of the *Technical Appendices* provided under separate cover).



Shown below are the eight facets of community. The color of each community facet summarizes how residents rated it across the three sections of the survey that represent the pillars of a community – Community Characteristics, Governance and Participation. When most ratings across the three pillars were higher than the benchmark, the color for that facet is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.

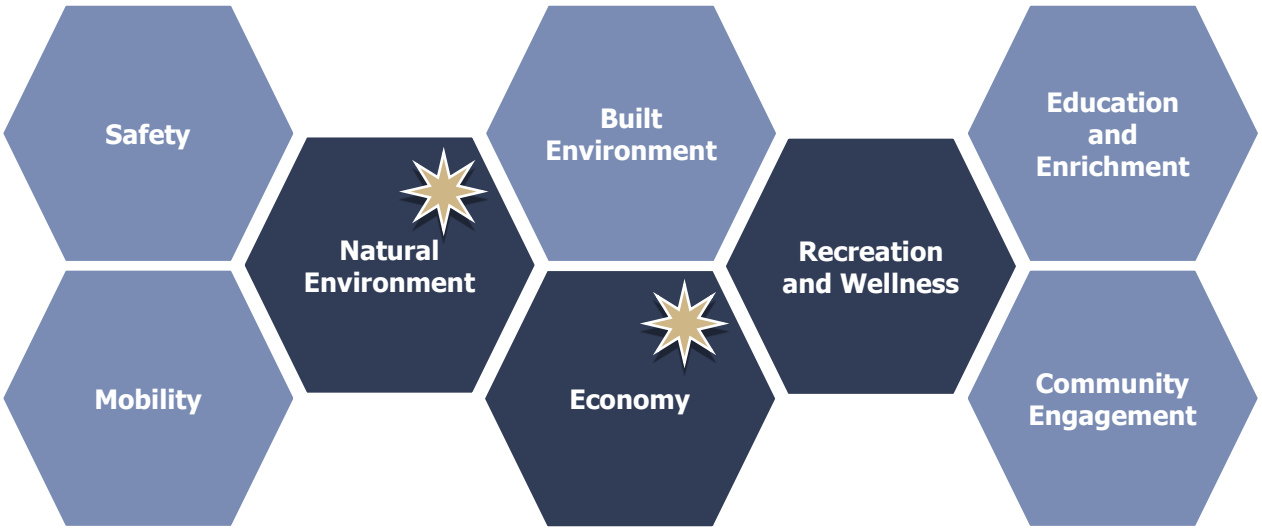
In addition to a summary of ratings, the image below includes one or more stars to indicate which community facets were the most important focus areas for the community. Residents identified Natural Environment and Economy as priorities for the Boulder community in the coming two years. It is noteworthy that Boulder residents gave particularly strong ratings to both of these facets of community as well as to Recreation and Wellness. Ratings for Safety, Mobility, Built Environment, Education and Enrichment and Community Engagement were positive and similar to other communities. This overview of the key aspects of community quality provides a quick summary of where residents see exceptionally strong performance and where performance offers the greatest opportunity for improvement. Linking quality to importance offers community members and leaders a view into the characteristics of the community that matter most and that seem to be working best.

Details that support these findings are contained in the remainder of this Livability Report, starting with the ratings for Community Characteristics, Governance and Participation and ending with results for Boulder's unique questions.

Legend

- Higher than national benchmark
- Similar to national benchmark
- Lower than national benchmark

- Most important



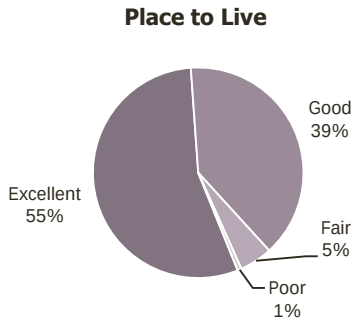
Community Characteristics

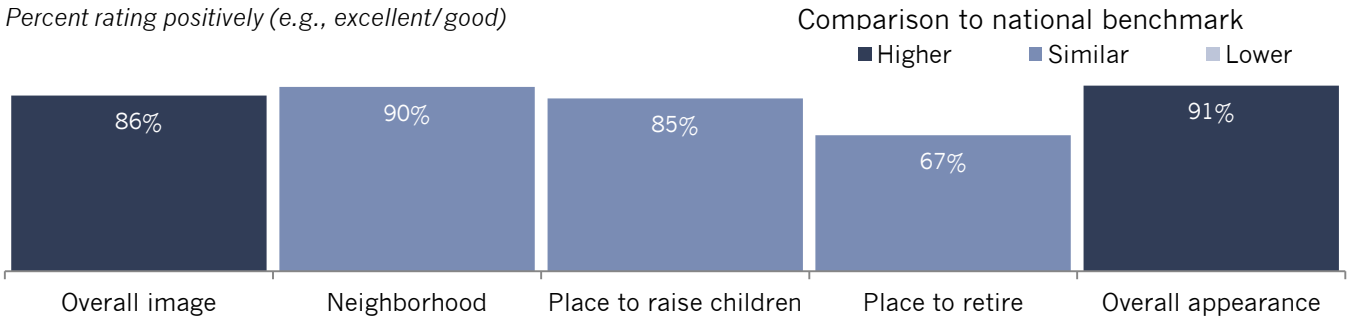
What makes a community livable, attractive and a place where people want to be?

Overall quality of community life represents the natural ambience, services and amenities that make for an attractive community. How residents rate their overall quality of life is an indicator of the overall health of a community. In the case of Boulder, 94% rated the City as an excellent or good place to live. Respondents' ratings of Boulder as a place to live were similar to ratings in other communities across the nation.

In addition to rating the City as a place to live, respondents rated several aspects of community quality including Boulder as a place to raise children and to retire, their neighborhood as a place to live, the overall image or reputation of Boulder and its overall appearance. About 9 in 10 respondents gave excellent or good ratings to the overall appearance of Boulder to their neighborhoods. Ratings for the overall appearance and the overall image of Boulder were higher than in comparison communities while ratings for neighborhoods, place to raise children and place to retire were similar to the national benchmarks.

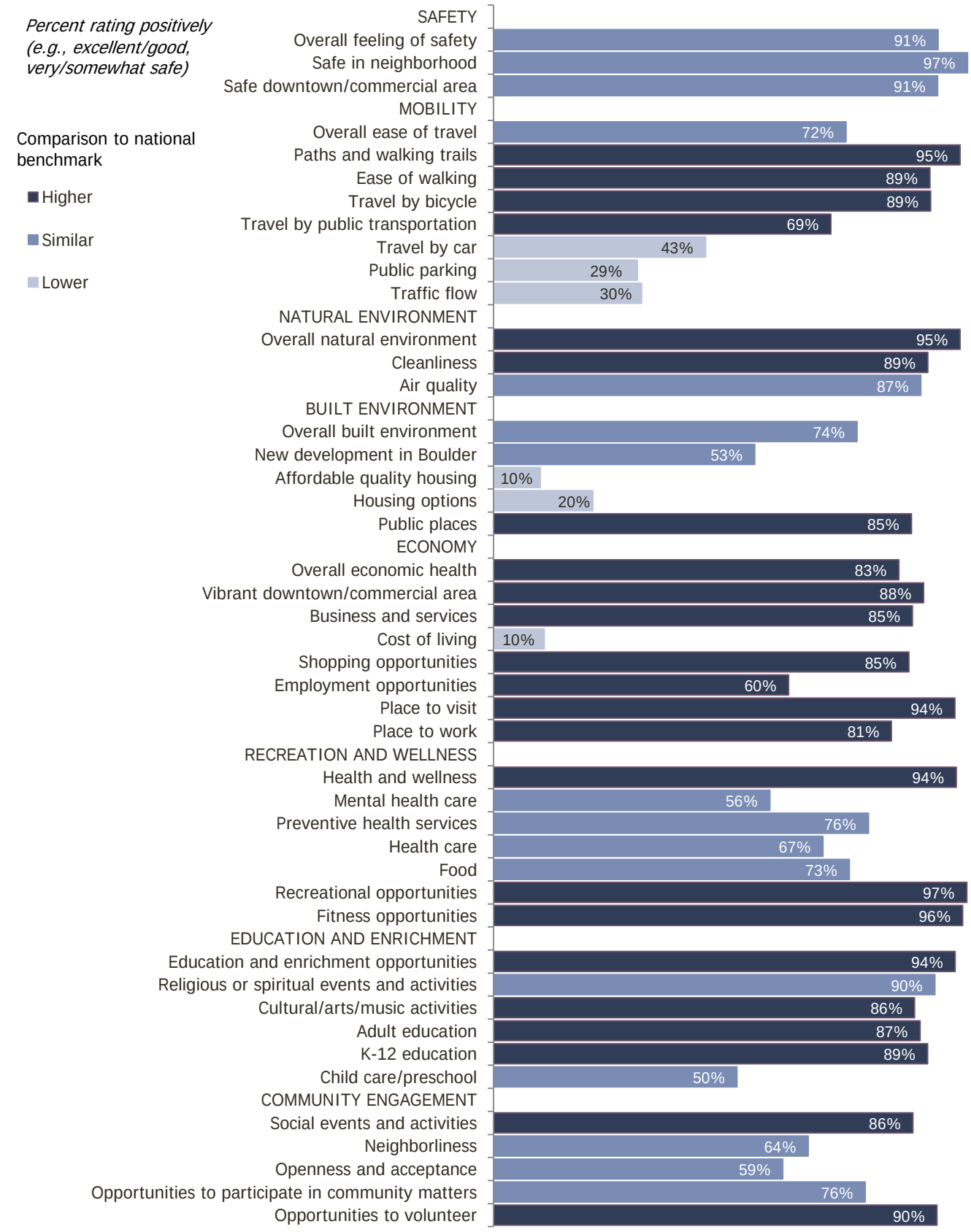
Delving deeper into Community Characteristics, survey respondents rated over 40 features of the community within the eight facets of Community Livability. Almost all Boulder residents gave positive marks to all aspects of Safety, and these ratings were similar to ratings in other communities across the nation. Ratings within the facet of Mobility were mixed. Ratings for paths and walking trails, ease of walking, travel by bicycle and travel by public transportation were all higher than in comparison communities while ratings for ease of travel by car, public parking and traffic flow were lower than the benchmarks. At least 4 in 5 respondents gave excellent or good ratings to each aspect of Natural Environment and ratings for the overall natural environment and the cleanliness of Boulder were higher than the benchmarks. The facet of Built Environment also saw mixed ratings; a majority gave positive ratings to the overall quality of new development in Boulder and public places. Ratings for public places were higher than the benchmark. However, only 10% gave positive ratings to affordable quality housing in Boulder and 20% rated housing options in Boulder as excellent or good, and these ratings were both lower than the national benchmarks. Almost all aspects of Economy were rated exceptionally strong; all received positive marks from a majority of residents and were higher than the benchmark with the exception of ratings for cost of living (10% excellent or good) which were lower than in comparison communities. All aspects of Recreation and Wellness, Education and Enrichment and Community Engagement were rated positively by at least half of the survey respondents and were similar to or higher than the national benchmarks.





The National Citizen Survey™

Figure 1: Aspects of Community Characteristics



Governance

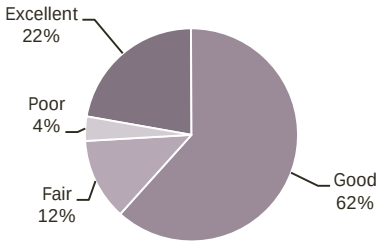
How well does the government of Boulder meet the needs and expectations of its residents?

The overall quality of the services provided by Boulder as well as the manner in which these services are provided are a key component of how residents rate their quality of life. About 84% of Boulder residents rated the overall quality of City services as excellent or good, while about 48% rated the Federal government positively. Ratings for the City government and the Federal government were similar to the national benchmark comparisons.

Survey respondents also rated various aspects of Boulder's leadership and governance. About half of the survey respondents gave positive ratings to the overall direction of Boulder, welcoming citizen involvement, confidence in City government, acting in the best interest of Boulder and treating all residents fairly. About 6 in 10 gave positive ratings to the value of services for taxes paid and 8 in 10 gave excellent or good ratings to the overall customer service provided by City of Boulder employees. All of these ratings were similar to ratings in comparison communities across the nation.

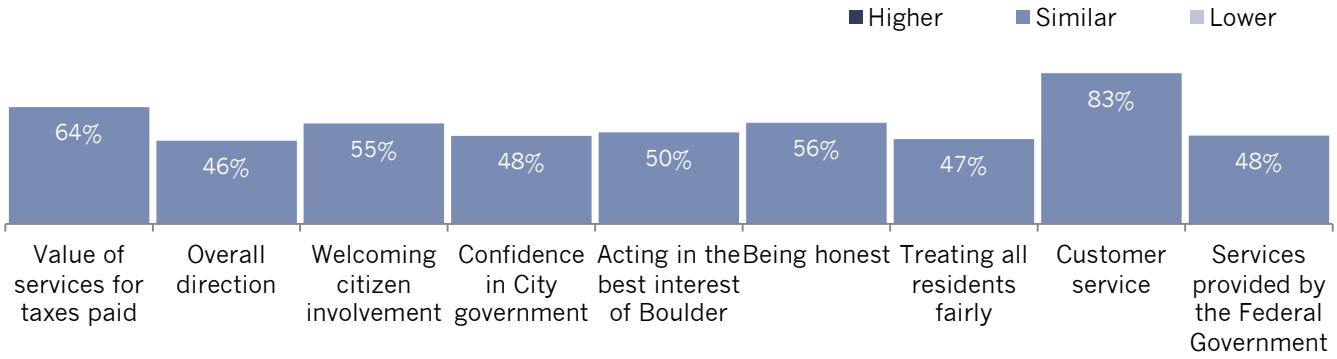
Respondents evaluated over 30 individual services and amenities available in Boulder. All aspects of Governance tended to be rated positively by a majority of respondents and were similar to or higher than the national benchmarks. Almost all respondents gave excellent or good ratings to: fire services, ambulance/EMS, garbage collection, recycling, Boulder open space, City parks, recreation programs, recreation centers and public libraries. Ratings for emergency preparedness, bus or transit services, recycling, drinking water, natural areas preservation, open space, City parks, recreation programs and recreation centers were higher than ratings in benchmark communities.

Overall Quality of City Services



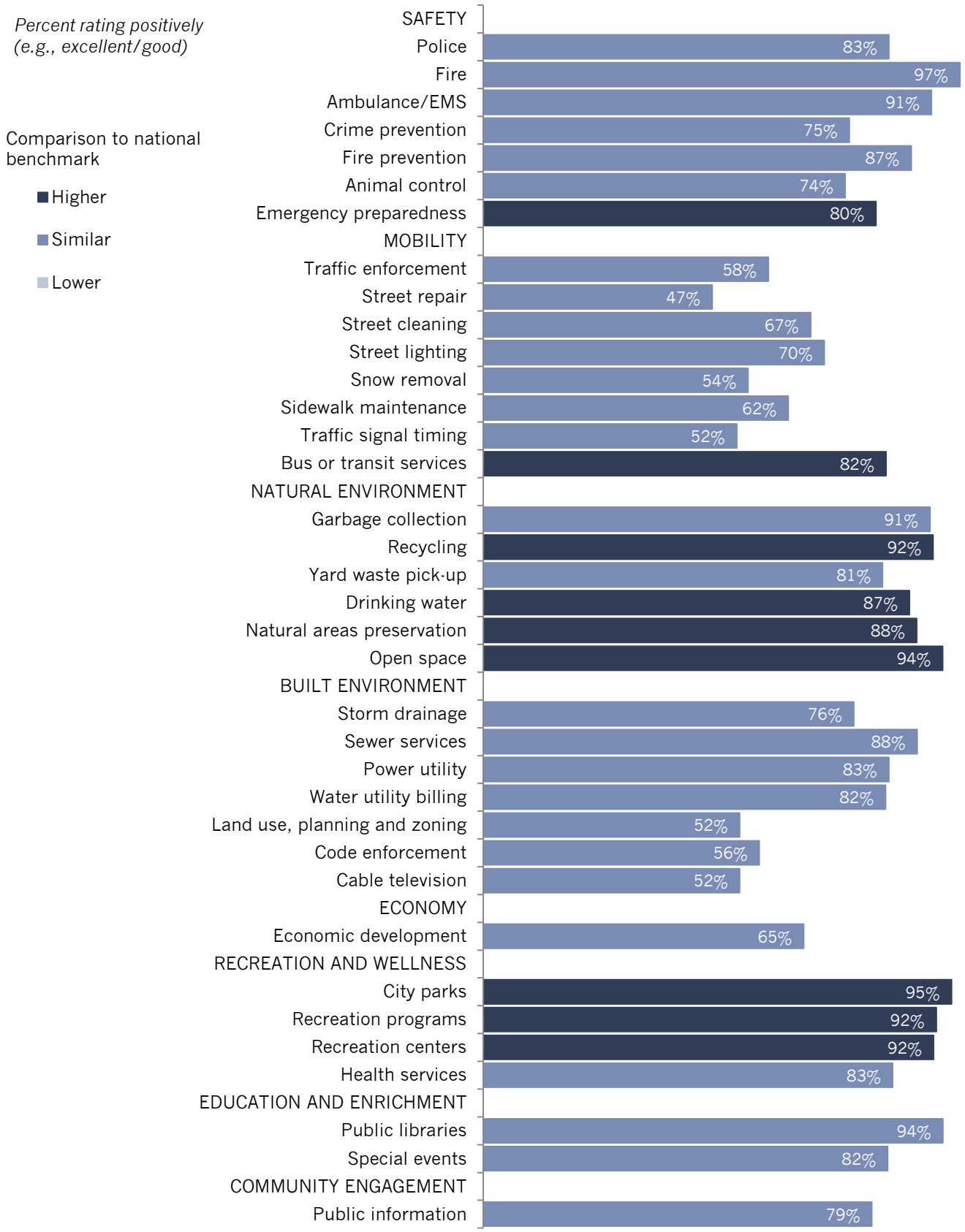
Percent rating positively (e.g., excellent/good)

Comparison to national benchmark



The National Citizen Survey™

Figure 2: Aspects of Governance

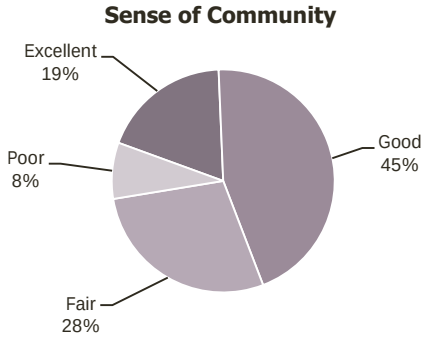


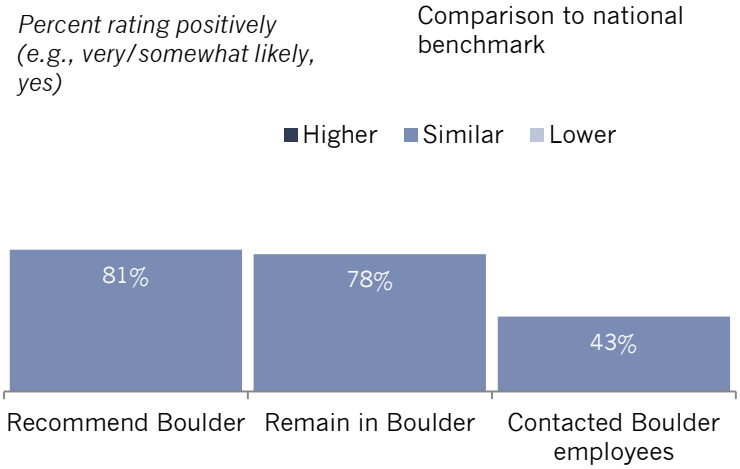
Participation

Are the residents of Boulder connected to the community and each other?

An engaged community harnesses its most valuable resource, its residents. The connections and trust among residents, government, businesses and other organizations help to create a sense of community, a shared sense of membership, belonging and history. A majority of respondents gave excellent or good ratings to the overall sense of community in Boulder, and this rating was similar to the national benchmark. At least three-quarters of respondents reported that they were likely to recommend living in Boulder and planned to remain in Boulder for the next five years; these rates were similar to those in other communities across the nation.

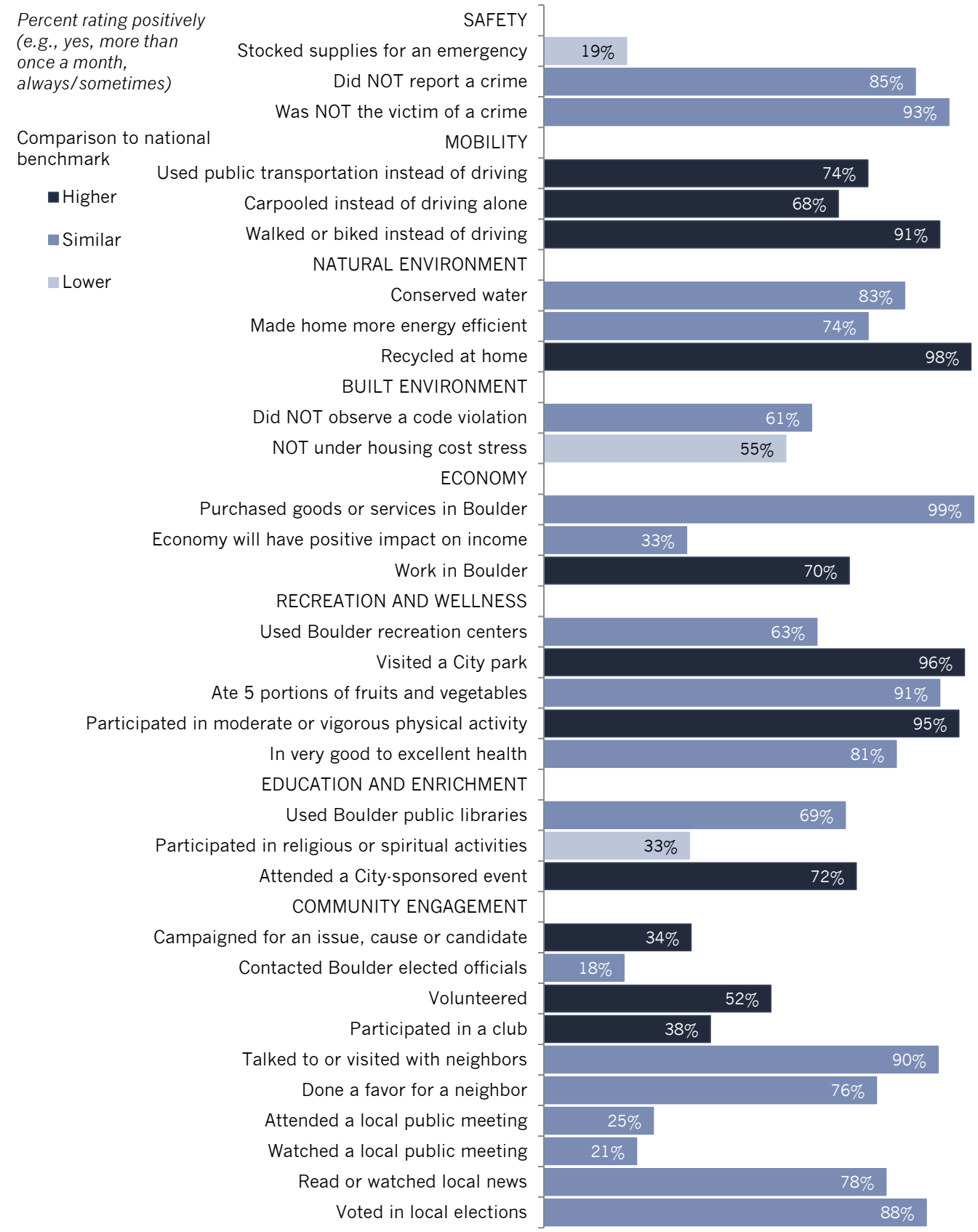
The survey included over 30 activities and behaviors for which respondents indicated how often they participated in or performed each, if at all. Rates of Participation tended to vary within facets. Rates of Participation within Mobility were particularly strong when compared to other jurisdictions; all were higher than the benchmarks. Further, more Boulder residents reported that they had recycled at home, worked in Boulder, visited a City park, participated in physical activity, attended a City-sponsored event, campaigned for an issue, cause or candidate, volunteered or participated in a club than residents in other jurisdictions. Fewer Boulder residents were NOT under housing cost stress and fewer reported participating in religious or spiritual activities when compared to other communities. All other rates of Participation were similar to the benchmarks.





The National Citizen Survey™

Figure 3: Aspects of Participation

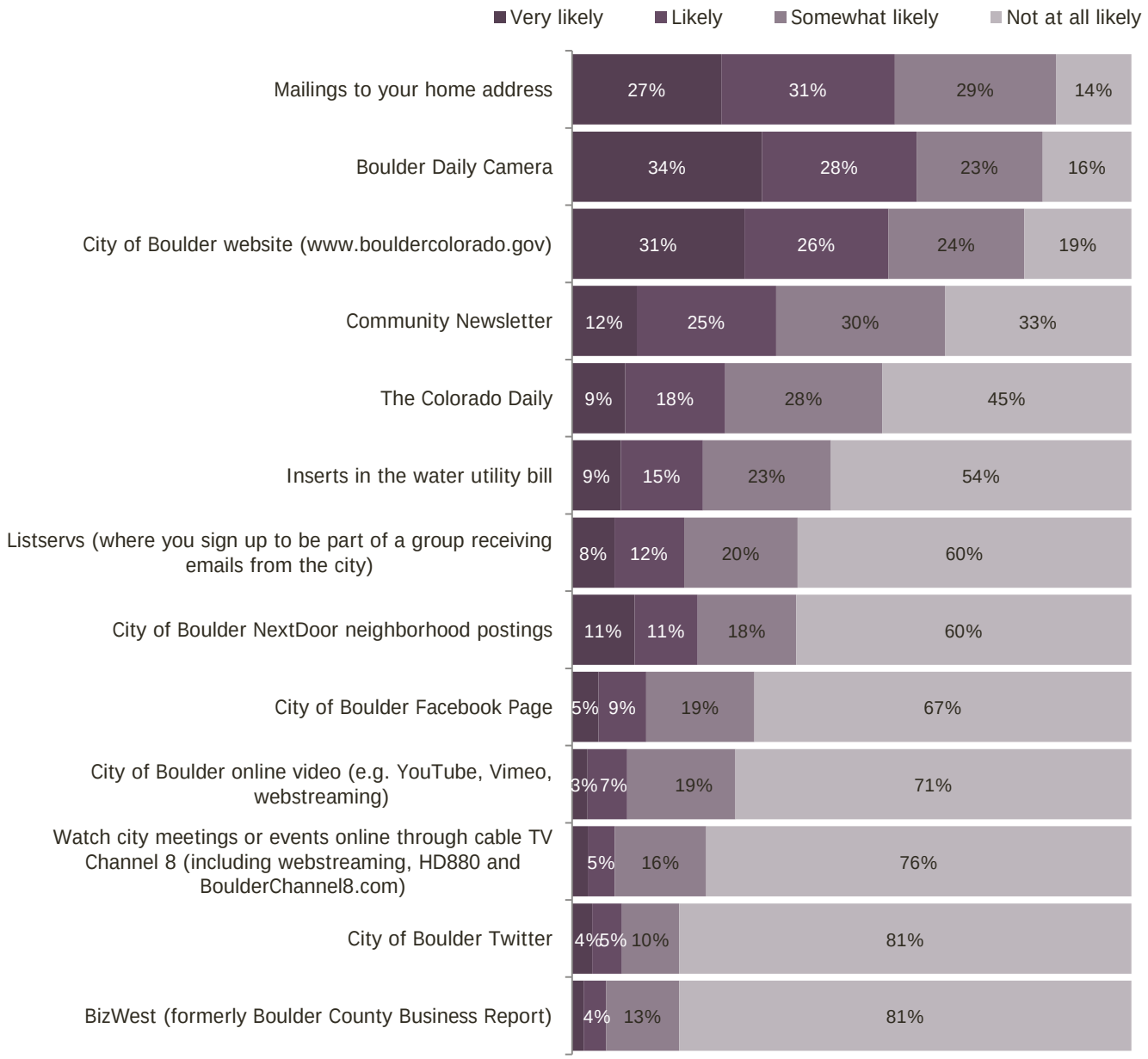


Special Topics

The City of Boulder included two questions of special interest on The NCS. The first question asked respondents to rate their likelihood of using different information channels to obtain information about community events. A majority were at least somewhat likely to obtain information through mailings to their homes, the Boulder Daily Camera, City of Boulder website, community newsletters and The Colorado Daily. At least three-quarters of respondents were not at all likely to obtain information from watching City meetings or events online or on cable TV, through the City of Boulder Twitter or from BizWest.

Figure 4: Information Sources

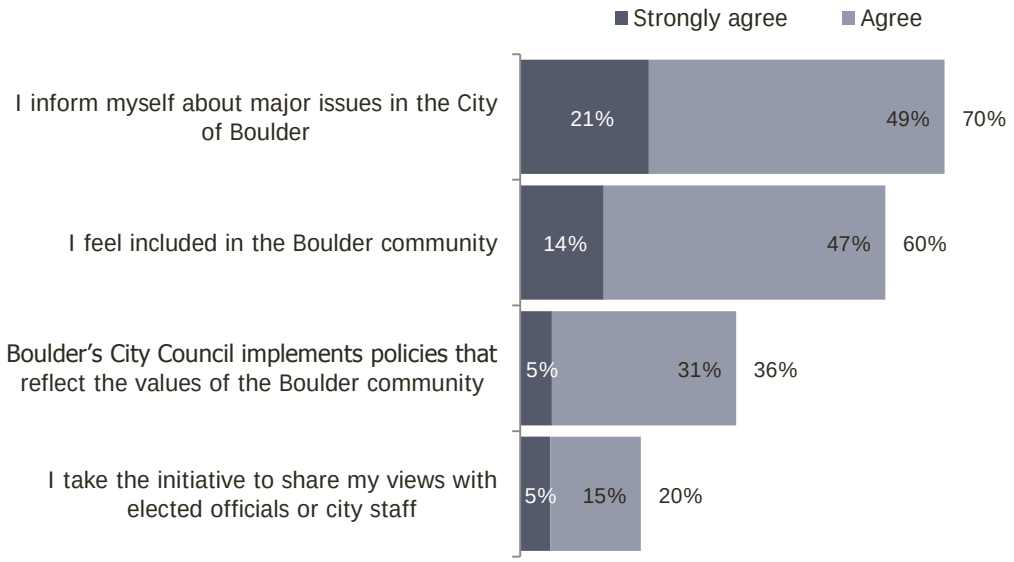
How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?



The second Boulder-specific question asked residents to indicate the extent to which they agreed or disagreed with some statements about Boulder. A majority agreed that they informed themselves about major issues in the City of Boulder and felt included in the Boulder community. About one-third agreed that Boulder's City Council implements policies that reflect the values of the Boulder community and about 20% agreed that they take initiative to share their views with elected officials or City staff.

Figure 5: Community Involvement and Inclusivity

Please rate to what extent you agree or disagree with the following statements.



Conclusions

Quality of life is exceptionally high in Boulder

About 9 in 10 residents gave excellent or good ratings to the overall quality of life in Boulder, Boulder as a place to live, the overall image of Boulder, their neighborhoods and the overall appearance of Boulder. Further, ratings for the overall quality of life in Boulder, the overall image of Boulder and the overall appearance of Boulder were higher than the national benchmarks. At least three-quarters of residents were likely to recommend living in Boulder and planned to remain in Boulder for the next five years. Most of the aspects that aid in community livability were rated positively and were at least similar to the national benchmark comparison.

Residents value Natural Environment

Boulder's Natural Environment was identified as a top priority for the community and was an area that consistently received high ratings from residents. At least 4 in 5 respondents gave excellent or good ratings to the overall natural environment, cleanliness and air quality. The vast majority of residents rated services in this area positively. Ratings for Boulder's open space, natural areas preservation, drinking water and recycling were also rated higher than the benchmarks. Demonstrating their personal interest in this area, nearly all residents—and more than elsewhere—recycled.

Economy is a strong and important community feature

Residents indicated that the economy was an important community feature to focus on over the next two years. About 4 in 5 respondents felt very positive about the overall economic health of the community, and this rating was higher than the national benchmark. Boulder as a place to work, place to visit, employment opportunities, shopping opportunities, the overall quality of businesses and services and vibrant downtown/commercial areas all received ratings higher than ratings in other communities across the nation. However, it's important to note that 10% gave positive ratings to the cost of living in Boulder and this rating was much lower than the national benchmark.

THE NCS™
The National Citizen Survey™

Boulder, CO

Dashboard Summary of Findings

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Summary

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The survey and its administration are standardized to assure high quality research methods and directly comparable results across The NCS communities. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement). This report summarizes Boulder's performance in the eight facets of community livability with the "General" rating as a summary of results from the overarching questions not shown within any of the eight facets. The "Overall" represents the community pillar in its entirety (the eight facets and general).

By summarizing resident ratings across the eight facets and three pillars of a livable community, a picture of Boulder's community livability emerges. Below, the color of each community facet summarizes how residents rated each of the pillars that support it – Community Characteristics, Governance and Participation. When most ratings were higher than the benchmark, the color is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.

Broadly, Boulder residents tended to give positive ratings to most aspects of community livability. Within the pillar of Community Characteristics, ratings within the facets of Natural Environment, Economy and Education and Enrichment tended to be higher than ratings in comparison communities. Governance ratings tended to be higher within the facets of Natural Environment and Recreation and Wellness. Mobility rates were higher than other communities within the pillar of Participation.

Figure 1: Dashboard Summary

	Community Characteristics			Governance			Participation		
	Higher	Similar	Lower	Higher	Similar	Lower	Higher	Similar	Lower
Overall	26	20	6	9	37	0	11	22	3
General	3	4	0	0	3	0	0	3	0
Safety	0	3	0	1	6	0	0	2	1
Mobility	4	1	3	1	7	0	3	0	0
Natural Environment	2	1	0	4	2	0	1	2	0
Built Environment	1	2	2	0	7	0	0	1	1
Economy	7	0	1	0	1	0	1	2	0
Recreation and Wellness	3	4	0	3	1	0	2	3	0
Education and Enrichment	4	2	0	0	2	0	1	1	1
Community Engagement	2	3	0	0	8	0	3	8	0

Legend	
	Higher
	Similar
	Lower

The National Citizen Survey™

Figure 2: Detailed Dashboard

	Community Characteristics	Benchmark	Percent positive	Governance	Benchmark	Percent positive	Participation	Benchmark	Percent positive
General	Overall appearance	↑	91%	Customer service	↔	83%	Recommend Boulder	↔	81%
	Overall quality of life	↑	92%	Services provided by Boulder	↔	84%	Remain in Boulder	↔	78%
	Place to retire	↔	67%	Services provided by the Federal Government	↔	48%	Contacted Boulder employees	↔	43%
	Place to raise children	↔	85%						
	Place to live	↔	94%						
	Neighborhood	↔	90%						
	Overall image	↑	86%						
Safety	Overall feeling of safety	↔	91%	Police	↔	83%	Was NOT the victim of a crime	↔	93%
	Safe in neighborhood	↔	97%	Crime prevention	↔	75%	Did NOT report a crime	↔	85%
	Safe downtown/commercial area	↔	91%	Fire	↔	97%	Stocked supplies for an emergency	↓	19%
				Fire prevention	↔	87%			
				Ambulance/EMS	↔	91%			
				Emergency preparedness	↑	80%			
				Animal control	↔	74%			
Mobility	Traffic flow	↓	30%	Traffic enforcement	↔	58%	Carpooled instead of driving alone	↑↑	68%
	Travel by car	↓	43%	Street repair	↔	47%	Walked or biked instead of driving	↑↑	91%
	Travel by bicycle	↑↑	89%	Street cleaning	↔	67%	Used public transportation instead of driving	↑↑	74%
	Ease of walking	↑	89%	Street lighting	↔	70%			
	Travel by public transportation	↑	69%	Snow removal	↔	54%			
	Overall ease of travel	↔	72%	Sidewalk maintenance	↔	62%			
	Public parking	↓	29%	Traffic signal timing	↔	52%			
	Paths and walking trails	↑↑	95%	Bus or transit services	↑↑	82%			
Natural Environment	Overall natural environment	↑	95%	Garbage collection	↔	91%	Recycled at home	↑	98%
	Air quality	↔	87%	Recycling	↑	92%	Conserved water	↔	83%
	Cleanliness	↑	89%	Yard waste pick-up	↔	81%	Made home more energy efficient	↔	74%
				Drinking water	↑	87%			
				Open space	↑↑	94%			
				Natural areas preservation	↑↑	88%			
Built Environment	New development in Boulder	↔	53%	Sewer services	↔	88%	NOT experiencing housing cost stress	↓	55%
	Affordable quality housing	↓↓	10%	Storm drainage	↔	76%	Did NOT observe a code violation	↔	61%
	Housing options	↓↓	20%	Power utility	↔	83%			
	Overall built environment	↔	74%	Water utility billing	↔	82%			
	Public places	↑	85%	Land use, planning and zoning	↔	52%			
				Code enforcement	↔	56%			
				Cable television	↔	52%			

Legend

↑↑ Much higher ↑ Higher ↔ Similar ↓ Lower ↓↓ Much lower * Not available

The National Citizen Survey™

	Community Characteristics	Benchmark	Percent positive	Governance	Benchmark	Percent positive	Participation	Benchmark	Percent positive
Economy	Overall economic health	↑	83%	Economic development	↔	65%	Economy will have positive impact on income	↔	33%
	Shopping opportunities	↑	85%				Purchased goods or services in Boulder	↔	99%
	Employment opportunities	↑	60%				Work in Boulder	↑↑	70%
	Place to visit	↑↑	94%						
	Cost of living	↓↓	10%						
	Vibrant downtown/commercial area	↑↑	88%						
	Place to work	↑	81%						
	Business and services	↑	85%						
Recreation and Wellness	Fitness opportunities	↑↑	96%	City parks	↑	95%	In very good to excellent health	↔	81%
	Recreational opportunities	↑↑	97%	Recreation centers	↑	92%	Used Boulder recreation centers	↔	63%
	Health care	↔	67%	Recreation programs	↑	92%	Visited a City park	↑	96%
	Food	↔	73%	Health services	↔	83%	Ate 5 portions of fruits and vegetables	↔	91%
	Mental health care	↔	56%				Participated in moderate or vigorous physical activity	↑	95%
	Health and wellness	↑↑	94%						
	Preventive health services	↔	76%						
Education and Enrichment	K-12 education	↑	89%	Public libraries	↔	94%	Used Boulder public libraries	↔	69%
	Cultural/arts/music activities	↑↑	86%	Special events	↔	82%	Participated in religious or spiritual activities	↓	33%
	Child care/preschool	↔	50%				Attended a City-sponsored event	↑	72%
	Religious or spiritual events and activities	↔	90%						
	Adult education	↑	87%						
	Overall education and enrichment	↑↑	94%						
Community Engagement	Opportunities to participate in community matters	↔	76%	Public information	↔	79%	Sense of community	↔	64%
	Opportunities to volunteer	↑	90%	Overall direction	↔	46%	Voted in local elections	↔	88%
	Openness and acceptance	↔	59%	Value of services for taxes paid	↔	64%	Talked to or visited with neighbors	↔	90%
	Social events and activities	↑	86%	Welcoming citizen involvement	↔	55%	Attended a local public meeting	↔	25%
	Neighborliness	↔	64%	Confidence in City government	↔	48%	Watched a local public meeting	↔	21%
				Acting in the best interest of Boulder	↔	50%	Volunteered	↑	52%
				Being honest	↔	56%	Participated in a club	↑	38%
				Treating all residents fairly	↔	47%	Campaigned for an issue, cause or candidate	↑	34%
							Contacted Boulder elected officials	↔	18%
							Read or watched local news	↔	78%
							Done a favor for a neighbor	↔	76%

Legend

↑↑ Much higher ↑ Higher ↔ Similar ↓ Lower ↓↓ Much lower * Not available

THE NCS™
The National Citizen Survey™

Boulder, CO

Trends over Time

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Summary

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The survey and its administration are standardized to assure high quality research methods and directly comparable results across The NCS communities. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement). This report discusses trends over time, comparing the 2016 ratings for the City of Boulder to its previous survey results in 1987, 1989, 1993, 1995, 1997, 2001, 2007, 2011 and 2014. Additional reports and technical appendices are available under separate cover.

Trend data for Boulder represent important comparison data and should be examined for improvements or declines. Deviations from stable trends over time, especially, represent opportunities for understanding how local policies, programs or public information may have affected residents' opinions.

Meaningful differences between survey years have been noted within the following tables as being "higher" or "lower" if the differences are greater than four points on the 100-point scale between the 2014 and 2016 surveys, otherwise the comparison between 2014 and 2016 are noted as being "similar." 2016 was the first year Boulder conducted The NCS. Prior to 2016, the surveys NRC conducted for Boulder were custom citizen surveys, and there were some differences in question wording and in question response scales. Therefore, differences between past surveys and 2016 ratings should be reviewed cautiously, and may be areas for watchful waiting. Once Boulder conducts another iteration of The NCS, ratings will be more directly comparable.

The National Citizen Survey™

Table 1: Community Characteristics General

	Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
	1987	1993	1997	1999	2001	2007	2011	2014	2016		
Overall quality of life	67	74	73	72	52	78	78	78	80	Similar	Higher
Overall image	NA	NA	NA	NA	NA	NA	NA	NA	74	NA	Higher
Place to live	NA	NA	NA	NA	NA	NA	NA	NA	83	NA	Similar
Neighborhood	NA	NA	NA	NA	NA	NA	NA	NA	80	NA	Similar
Place to raise children	NA	NA	NA	64	NA	71	NA	NA	76	Higher	Similar
Place to retire	NA	NA	NA	NA	NA	62	NA	NA	64	Similar	Similar
Overall appearance	NA	NA	NA	NA	NA	NA	NA	NA	78	NA	Higher

Table 2: Community Characteristics by Facet

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
	Overall feeling of safety	NA	NA	NA	NA	NA	NA	NA	NA	78	NA	Similar
	Safe in neighborhood	NA	NA	NA	NA	79	NA	NA	92	95	Similar	Similar
Safety	Safe downtown/commercial area	NA	NA	NA	NA	NA	NA	NA	89	87	Lower	Similar
	Overall ease of travel	NA	NA	NA	NA	NA	NA	NA	62	64	Similar	Similar
	Paths and walking trails	NA	NA	NA	73	NA	NA	NA	NA	85	NA	Much higher
	Ease of walking	NA	NA	NA	NA	NA	76	NA	NA	78	Similar	Higher
	Travel by bicycle	NA	NA	NA	72	NA	NA	NA	NA	78	Similar	Much higher
	Travel by public transportation	NA	NA	NA	NA	NA	NA	NA	NA	60	NA	Higher
	Travel by car	NA	NA	NA	NA	NA	NA	NA	NA	43	NA	Lower
	Public parking	NA	NA	NA	NA	NA	NA	NA	NA	36	NA	Lower
Mobility	Traffic flow	NA	NA	NA	NA	NA	NA	NA	40	35	Lower	Lower
	Overall natural environment	NA	NA	NA	NA	NA	NA	NA	81	87	Similar	Higher
	Cleanliness	NA	NA	NA	NA	NA	NA	NA	NA	75	NA	Higher
Natural Environment	Air quality	NA	NA	NA	53	NA	NA	NA	NA	74	Higher	Similar
	Overall built environment	NA	NA	NA	NA	NA	NA	NA	NA	65	NA	Similar
	New development in Boulder	NA	NA	NA	NA	NA	NA	54	54	50	Similar	Similar
	Affordable quality housing	NA	NA	NA	39	NA	NA	NA	NA	15	Lower	Much lower
	Housing options	NA	NA	NA	NA	NA	NA	46	34	27	Lower	Much lower
Built Environment	Public places	NA	NA	NA	NA	NA	NA	NA	NA	73	NA	Higher
	Overall economic health	NA	NA	NA	NA	NA	NA	NA	NA	73	NA	Higher
	Vibrant downtown/commercial area	NA	NA	NA	NA	NA	NA	NA	NA	76	NA	Much higher
	Business and services	NA	NA	NA	NA	NA	NA	NA	NA	70	NA	Higher
	Cost of living	NA	NA	NA	NA	NA	NA	NA	NA	20	NA	Much lower
	Shopping opportunities	NA	73	68	57	NA	68	69	65	72	Higher	Higher
Economy	Employment opportunities	NA	NA	NA	61	NA	52	51	48	55	Higher	Higher

The National Citizen Survey™

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
	Place to visit	NA	NA	NA	NA	NA	NA	NA	NA	87	NA	Much higher
	Place to work	NA	NA	NA	NA	NA	NA	67	66	73	Higher	Higher
Recreation and Wellness	Health and wellness	NA	NA	NA	NA	NA	NA	NA	NA	85	NA	Much higher
	Mental health care	NA	NA	NA	NA	NA	NA	NA	NA	52	NA	Similar
	Preventive health services	NA	NA	NA	NA	NA	NA	NA	NA	66	NA	Similar
	Health care	NA	NA	NA	NA	NA	NA	NA	NA	59	NA	Similar
	Food	NA	NA	NA	NA	NA	NA	NA	NA	65	NA	Similar
	Recreational opportunities	NA	NA	NA	80	NA	82	NA	NA	88	Similar	Much higher
	Fitness opportunities	NA	NA	NA	NA	NA	NA	NA	NA	88	NA	Much higher
Education and Enrichment	Religious or spiritual events and activities	NA	NA	NA	NA	NA	NA	NA	NA	77	NA	Similar
	Cultural/arts/music activities	NA	70	69	67	56	70	72	69	75	Higher	Much higher
	Adult education	NA	NA	NA	NA	NA	NA	NA	NA	74	NA	Higher
	K-12 education	NA	NA	NA	58	NA	65	NA	NA	77	Higher	Higher
	Child care/preschool	NA	NA	NA	NA	NA	NA	NA	NA	47	NA	Similar
Community Engagement	Social events and activities	NA	NA	NA	NA	NA	NA	NA	NA	72	NA	Higher
	Neighborliness	NA	NA	NA	NA	NA	NA	NA	NA	58	NA	Similar
	Openness and acceptance	NA	NA	NA	NA	NA	NA	NA	56	54	Similar	Similar
	Opportunities to participate in community matters	NA	NA	NA	NA	NA	NA	NA	NA	66	NA	Similar
	Opportunities to volunteer	NA	NA	NA	NA	NA	NA	NA	NA	77	NA	Higher

Table 3: Governance General

	Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
	1987	1993	1997	1999	2001	2007	2011	2014	2016		
Services provided by Boulder	NA	49	45	48	NA	NA	NA	NA	67	NA	Similar
Customer service	NA	NA	NA	61	NA	66	69	NA	68	Similar	Similar
Value of services for taxes paid	NA	NA	NA	NA	NA	NA	NA	NA	56	NA	Similar
Overall direction	NA	41	36	40	NA	46	52	54	44	Lower	Similar
Welcoming citizen involvement	NA	NA	NA	NA	NA	43	57	54	51	Similar	Similar
Confidence in City government	NA	NA	NA	NA	NA	NA	NA	NA	45	NA	Similar
Acting in the best interest of Boulder	NA	NA	NA	NA	NA	NA	NA	NA	47	NA	Similar
Being honest	NA	NA	NA	NA	NA	NA	NA	NA	51	NA	Similar
Treating all residents fairly	NA	NA	NA	NA	NA	NA	NA	NA	45	NA	Similar
Services provided by the Federal Government	NA	NA	NA	NA	NA	NA	NA	NA	47	NA	Similar

The National Citizen Survey™

Table 4: Governance by Facet

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
	Police	NA	NA	NA	NA	67	61	61	NA	69	Higher	Similar
	Fire	NA	NA	NA	67	70	70	73	NA	83	Higher	Similar
	Ambulance/EMS	NA	NA	NA	NA	68	68	71	67	79	Higher	Similar
	Crime prevention	NA	NA	NA	NA	NA	NA	NA	62	64	Higher	Similar
	Fire prevention	NA	NA	NA	NA	NA	NA	55	54	72	Higher	Similar
	Animal control	NA	NA	NA	NA	55	NA	NA	NA	62	Higher	Similar
Safety	Emergency preparedness	NA	NA	NA	NA	NA	NA	NA	57	67	Higher	Higher
	Traffic enforcement	52	49	47	47	50	57	58	55	53	Higher	Similar
	Street repair	41	41	43	45	41	42	48	44	46	Higher	Similar
	Street cleaning	55	49	54	55	NA	56	56	54	58	Higher	Similar
	Street lighting	56	52	54	53	39	58	56	52	59	Higher	Similar
	Snow removal	46	59	56	62	NA	51	54	46	50	Higher	Similar
	Sidewalk maintenance	NA	NA	NA	56	NA	61	61	55	56	Higher	Similar
	Traffic signal timing	NA	NA	NA	NA	40	NA	NA	NA	47	Higher	Similar
Mobility	Bus or transit services	NA	NA	NA	NA	NA	NA	NA	NA	70	NA	Much higher
	Garbage collection	NA	NA	NA	NA	62	NA	NA	NA	76	Higher	Similar
	Recycling	NA	NA	NA	65	47	69	73	71	79	Higher	Higher
	Yard waste pick-up	NA	NA	NA	NA	NA	NA	NA	NA	70	NA	Similar
	Drinking water	NA	NA	NA	58	59	64	67	NA	76	Higher	Higher
	Natural areas preservation	NA	NA	NA	NA	NA	NA	NA	NA	80	NA	Much higher
Natural Environment	Open space	NA	NA	NA	78	NA	NA	NA	NA	84	Similar	Much higher
	Storm drainage	NA	NA	NA	NA	49	NA	NA	NA	63	Higher	Similar
	Sewer services	NA	NA	NA	61	54	65	66	NA	73	Higher	Similar
	Power utility	NA	NA	NA	NA	NA	NA	NA	NA	70	NA	Similar
	Water utility billing	NA	NA	NA	58	NA	58	62	NA	68	Higher	Similar
	Land use, planning and zoning	NA	NA	NA	NA	NA	NA	NA	NA	49	NA	Similar
	Code enforcement	NA	NA	NA	50	47	42	46	NA	52	Higher	Similar
Built Environment	Cable television	NA	NA	NA	NA	NA	NA	NA	NA	48	NA	Similar
Economy	Economic development	NA	NA	NA	NA	NA	NA	NA	NA	58	NA	Similar
	City parks	NA	NA	NA	72	58	70	72	NA	83	Higher	Higher
	Recreation programs	NA	NA	NA	68	NA	68	67	65	78	Higher	Higher
	Recreation centers	NA	NA	NA	72	NA	73	71	NA	79	Higher	Higher
Recreation and Wellness	Health services	NA	NA	NA	NA	NA	NA	NA	NA	68	NA	Similar
Education and Enrichment	Special events	NA	NA	NA	NA	NA	NA	NA	NA	69	NA	Similar
	Public libraries	65	72	74	72	64	72	71	66	81	Higher	Similar

The National Citizen Survey™

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
Community Engagement	Public information	NA	NA	NA	NA	48	NA	NA	NA	67	Higher	Similar

Table 5: Participation General

	Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
	1987	1993	1997	1999	2001	2007	2011	2014	2016		
Sense of community	NA	54	51	52	NA	60	62	60	58	Similar	Similar
Recommend Boulder	NA	NA	NA	NA	NA	NA	NA	NA	81	NA	Similar
Remain in Boulder	NA	NA	NA	NA	NA	NA	NA	NA	78	NA	Similar
Contacted Boulder employees	NA	NA	NA	NA	NA	NA	NA	NA	43	NA	Similar

Table 6: Participation by Facet

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
Safety	Stocked supplies for an emergency	NA	NA	NA	NA	NA	NA	NA	NA	19	NA	Lower
	Did NOT report a crime	NA	NA	NA	NA	NA	NA	NA	NA	85	NA	Similar
	Was NOT the victim of a crime	NA	NA	NA	NA	NA	NA	NA	NA	93	NA	Similar
Mobility	Used public transportation instead of driving	NA	NA	NA	NA	NA	NA	NA	NA	74	NA	Much higher
	Carpooled instead of driving alone	NA	NA	NA	NA	NA	NA	NA	NA	68	NA	Much higher
	Walked or biked instead of driving	NA	NA	NA	NA	NA	NA	NA	NA	91	NA	Much higher
Natural Environment	Conserved water	NA	NA	NA	NA	NA	NA	NA	NA	83	NA	Similar
	Made home more energy efficient	NA	NA	NA	NA	NA	NA	NA	NA	74	NA	Similar
	Recycled at home	NA	NA	NA	NA	NA	NA	NA	NA	98	NA	Higher
Built Environment	Did NOT observe a code violation	NA	NA	NA	NA	NA	NA	NA	NA	61	NA	Similar
	NOT under housing cost stress	NA	NA	NA	NA	NA	NA	NA	NA	55	NA	Lower
Economy	Purchased goods or services in Boulder	NA	NA	NA	NA	NA	NA	NA	NA	99	NA	Similar
	Economy will have positive impact on income	NA	NA	NA	NA	NA	NA	NA	NA	33	NA	Similar
	Work in Boulder	NA	NA	NA	NA	NA	NA	NA	NA	70	NA	Much higher
Recreation and Wellness	Used Boulder recreation centers	NA	NA	NA	NA	NA	NA	NA	NA	63	NA	Similar
	Visited a City park	NA	NA	NA	NA	NA	NA	NA	NA	96	NA	Higher
	Ate 5 portions of fruits and vegetables	NA	NA	NA	NA	NA	NA	NA	NA	91	NA	Similar
	Participated in moderate or vigorous physical activity	NA	NA	NA	NA	NA	NA	NA	NA	95	NA	Higher
	In very good to excellent health	NA	NA	NA	NA	NA	NA	NA	NA	77	NA	Similar
Education and Enrichment	Used Boulder public libraries	NA	NA	NA	NA	NA	NA	NA	NA	69	NA	Similar
	Participated in religious or spiritual activities	NA	NA	NA	NA	NA	NA	NA	NA	33	NA	Lower

The National Citizen Survey™

		Average rating on a 100-point scale (0=poor, 100=excellent)									2016 rating compared to 2014	Comparison to benchmark 2016
		1987	1993	1997	1999	2001	2007	2011	2014	2016		
	Attended a City-sponsored event	NA	NA	NA	NA	NA	NA	NA	NA	72	NA	Higher
Community Engagement	Campaigned for an issue, cause or candidate	NA	NA	NA	NA	NA	NA	NA	NA	34	NA	Higher
	Contacted Boulder elected officials	NA	NA	NA	NA	NA	NA	NA	NA	18	NA	Similar
	Volunteered	NA	NA	NA	NA	NA	NA	NA	NA	52	NA	Higher
	Participated in a club	NA	NA	NA	NA	NA	NA	NA	NA	38	NA	Higher
	Talked to or visited with neighbors	NA	NA	NA	NA	NA	NA	NA	NA	90	NA	Similar
	Done a favor for a neighbor	NA	NA	NA	NA	NA	NA	NA	NA	76	NA	Similar
	Attended a local public meeting	NA	NA	NA	NA	NA	NA	NA	NA	25	NA	Similar
	Watched a local public meeting	NA	NA	NA	NA	NA	NA	NA	NA	21	NA	Similar
	Read or watched local news	NA	NA	NA	NA	NA	NA	NA	NA	78	NA	Similar
	Voted in local elections	NA	NA	NA	NA	NA	NA	NA	NA	88	NA	Similar

THE NCS™
The National Citizen Survey™

Boulder, CO

Technical Appendices
DRAFT
2016

NRC
National Research Center Inc

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

ICMA
Leaders at the Core of Better Communities

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Contents

Appendix A: Complete Survey Responses 1
Appendix B: Benchmark Comparisons 19
Appendix C: Detailed Survey Methods 28
Appendix D: Survey Materials 35

Charter Members AAPOR Transparency Initiative AMERICAN ASSOCIATION FOR PUBLIC OPINION RESEARCH

The National Citizen Survey™
© 2001-2016 National Research Center, Inc.

The NCS™ is presented by NRC in collaboration with ICMA.

NRC is a charter member of the AAPOR Transparency Initiative, providing clear disclosure of our sound and ethical survey research practices.

Appendix A: Complete Survey Responses

Responses excluding "don't know"

The following pages contain a complete set of responses to each question on the survey, excluding the "don't know" responses. The percent of respondents giving a particular response is shown followed by the number of respondents (denoted with "N=").

Table 1: Question 1

Please rate each of the following aspects of quality of life in Boulder:	Excellent		Good		Fair		Poor		Total	
Boulder as a place to live	55%	N=777	39%	N=556	5%	N=71	1%	N=9	100%	N=1412
Your neighborhood as a place to live	50%	N=709	40%	N=572	8%	N=120	1%	N=16	100%	N=1417
Boulder as a place to raise children	46%	N=492	39%	N=410	12%	N=131	3%	N=30	100%	N=1062
Boulder as a place to work	41%	N=533	40%	N=524	16%	N=202	3%	N=43	100%	N=1303
Boulder as a place to visit	67%	N=917	27%	N=370	5%	N=62	1%	N=18	100%	N=1368
Boulder as a place to retire	35%	N=370	31%	N=328	23%	N=237	11%	N=111	100%	N=1047
The overall quality of life in Boulder	49%	N=689	44%	N=617	7%	N=102	1%	N=8	100%	N=1416

Table 2: Question 2

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Overall feeling of safety in Boulder	44%	N=625	46%	N=658	7%	N=102	2%	N=29	100%	N=1415
Overall ease of getting to the places you usually have to visit	27%	N=384	45%	N=633	21%	N=301	7%	N=97	100%	N=1416
Quality of overall natural environment in Boulder	66%	N=934	29%	N=409	4%	N=59	1%	N=8	100%	N=1411
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	26%	N=369	48%	N=677	20%	N=288	5%	N=76	100%	N=1410
Health and wellness opportunities in Boulder	61%	N=823	34%	N=457	5%	N=64	1%	N=12	100%	N=1356
Overall opportunities for education and enrichment	58%	N=783	36%	N=482	5%	N=69	1%	N=9	100%	N=1344
Overall economic health of Boulder	38%	N=506	44%	N=585	15%	N=192	3%	N=37	100%	N=1320
Sense of community	19%	N=261	45%	N=622	28%	N=392	8%	N=113	100%	N=1387
Overall image or reputation of Boulder	38%	N=537	48%	N=667	11%	N=157	2%	N=35	100%	N=1396

Table 3: Question 3

Please indicate how likely or unlikely you are to do each of the following:	Very likely		Somewhat likely		Somewhat unlikely		Very unlikely		Total	
Recommend living in Boulder to someone who asks	45%	N=630	36%	N=506	12%	N=168	7%	N=98	100%	N=1401
Remain in Boulder for the next five years	51%	N=710	27%	N=374	11%	N=152	10%	N=145	100%	N=1381

Table 4: Question 4

Please rate how safe or unsafe you feel:	Very safe		Somewhat safe		Neither safe nor unsafe		Somewhat unsafe		Very unsafe		Total	
In your neighborhood during the day	85%	N=1196	12%	N=164	2%	N=29	1%	N=11	1%	N=7	100%	N=1406
In Boulder's downtown/commercial area during the day	64%	N=894	27%	N=373	5%	N=72	3%	N=45	1%	N=14	100%	N=1397

The National Citizen Survey™

Table 5: Question 5

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Traffic flow on major streets	4%	N=50	27%	N=376	42%	N=587	28%	N=394	100%	N=1406
Ease of public parking	4%	N=55	25%	N=349	45%	N=616	26%	N=356	100%	N=1376
Ease of travel by car in Boulder	6%	N=81	37%	N=521	37%	N=517	20%	N=272	100%	N=1391
Ease of travel by public transportation in Boulder	19%	N=227	50%	N=601	23%	N=274	8%	N=101	100%	N=1203
Ease of travel by bicycle in Boulder	46%	N=566	44%	N=539	9%	N=108	2%	N=26	100%	N=1239
Ease of walking in Boulder	46%	N=650	43%	N=597	10%	N=135	1%	N=19	100%	N=1400
Availability of paths and walking trails	62%	N=867	33%	N=470	4%	N=58	1%	N=9	100%	N=1404
Air quality	38%	N=531	49%	N=680	11%	N=147	2%	N=31	100%	N=1389
Cleanliness of Boulder	37%	N=528	51%	N=723	10%	N=145	1%	N=16	100%	N=1412
Overall appearance of Boulder	43%	N=608	48%	N=676	8%	N=115	1%	N=9	100%	N=1408
Public places where people want to spend time	37%	N=518	48%	N=669	12%	N=167	3%	N=38	100%	N=1392
Variety of housing options	5%	N=63	16%	N=209	37%	N=499	43%	N=572	100%	N=1343
Availability of affordable quality housing	3%	N=38	7%	N=86	22%	N=282	69%	N=894	100%	N=1299
Fitness opportunities (including exercise classes and paths or trails, etc.)	68%	N=955	28%	N=387	4%	N=52	1%	N=8	100%	N=1402
Recreational opportunities	68%	N=949	29%	N=405	3%	N=38	1%	N=10	100%	N=1402
Availability of affordable quality food	28%	N=390	45%	N=626	22%	N=311	5%	N=72	100%	N=1399
Availability of affordable quality health care	17%	N=200	50%	N=581	25%	N=291	8%	N=90	100%	N=1163
Availability of preventive health services	26%	N=286	51%	N=558	19%	N=208	5%	N=52	100%	N=1103
Availability of affordable quality mental health care	17%	N=116	39%	N=262	26%	N=176	17%	N=117	100%	N=672
Ability to start or grow a business	23%	N=172	42%	N=322	25%	N=194	10%	N=77	100%	N=765

Table 6: Question 6

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Availability of affordable quality child care/preschool	14%	N=66	35%	N=163	28%	N=131	22%	N=101	100%	N=460
K-12 education	44%	N=292	45%	N=295	9%	N=62	2%	N=13	100%	N=663
Adult educational opportunities	35%	N=384	52%	N=558	11%	N=120	2%	N=21	100%	N=1082
Opportunities to attend cultural/arts/music activities	41%	N=551	45%	N=603	13%	N=172	1%	N=18	100%	N=1344
Opportunities to participate in religious or spiritual events and activities	43%	N=375	47%	N=410	8%	N=73	2%	N=14	100%	N=872
Employment opportunities	14%	N=155	47%	N=535	32%	N=371	7%	N=86	100%	N=1147
Shopping opportunities	32%	N=447	52%	N=727	13%	N=183	2%	N=28	100%	N=1385
Cost of living in Boulder	1%	N=12	9%	N=132	39%	N=543	51%	N=714	100%	N=1402
Overall quality of business and service establishments in Boulder	24%	N=333	61%	N=836	14%	N=185	1%	N=14	100%	N=1367
Vibrant downtown/commercial area	40%	N=558	47%	N=654	11%	N=152	1%	N=17	100%	N=1381
Overall quality of new development in Boulder	13%	N=155	41%	N=501	31%	N=380	16%	N=196	100%	N=1232
Opportunities to participate in social events and activities	33%	N=431	53%	N=704	13%	N=173	1%	N=19	100%	N=1327
Opportunities to volunteer	42%	N=486	48%	N=558	9%	N=100	1%	N=10	100%	N=1154
Opportunities to participate in community matters	27%	N=319	48%	N=566	19%	N=217	6%	N=66	100%	N=1167
Openness and acceptance of the community toward people of diverse backgrounds	19%	N=240	40%	N=516	26%	N=338	15%	N=187	100%	N=1281
Neighborliness of residents in Boulder	17%	N=237	47%	N=634	28%	N=386	7%	N=100	100%	N=1357

Table 7: Question 7

Please indicate whether or not you have done each of the following in the last 12 months.	No		Yes		Total	
Made efforts to conserve water	17%	N=243	83%	N=1167	100%	N=1411
Made efforts to make your home more energy efficient	26%	N=361	74%	N=1048	100%	N=1410
Observed a code violation or other hazard in Boulder	61%	N=861	39%	N=541	100%	N=1402
Household member was a victim of a crime in Boulder	93%	N=1305	7%	N=100	100%	N=1406
Reported a crime to the police in Boulder	85%	N=1198	15%	N=208	100%	N=1407
Stocked supplies in preparation for an emergency	81%	N=1142	19%	N=267	100%	N=1409
Campaigned or advocated for an issue, cause or candidate	66%	N=930	34%	N=474	100%	N=1404
Contacted the City of Boulder (in-person, phone, email or web) for help or information	57%	N=805	43%	N=601	100%	N=1406
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	82%	N=1148	18%	N=259	100%	N=1407
Made efforts to reduce your energy consumption	11%	N=161	89%	N=1251	100%	N=1412

Table 8: Question 8

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Used Boulder recreation centers or their services	18%	N=249	20%	N=274	25%	N=354	37%	N=523	100%	N=1400
Visited a neighborhood park or City park	41%	N=573	34%	N=470	22%	N=307	4%	N=49	100%	N=1400
Used Boulder public libraries or their services	11%	N=154	26%	N=368	32%	N=447	31%	N=433	100%	N=1402
Participated in religious or spiritual activities in Boulder	7%	N=96	12%	N=165	15%	N=207	67%	N=932	100%	N=1399
Attended a City-sponsored event	3%	N=42	14%	N=192	55%	N=761	28%	N=394	100%	N=1388
Used bus, rail, subway or other public transportation instead of driving	23%	N=315	20%	N=282	32%	N=443	26%	N=359	100%	N=1398
Carpooled with other adults or children instead of driving alone	20%	N=277	26%	N=360	22%	N=307	32%	N=455	100%	N=1400
Walked or biked instead of driving	56%	N=779	21%	N=291	14%	N=200	9%	N=129	100%	N=1398
Volunteered your time to some group/activity in Boulder	12%	N=172	16%	N=218	24%	N=338	48%	N=671	100%	N=1399
Participated in a club	10%	N=146	13%	N=182	15%	N=205	62%	N=864	100%	N=1398
Talked to or visited with your immediate neighbors	39%	N=542	30%	N=426	21%	N=301	10%	N=134	100%	N=1403
Done a favor for a neighbor	17%	N=236	24%	N=330	36%	N=499	24%	N=331	100%	N=1396
Visited open space and mountain parks	42%	N=596	36%	N=508	18%	N=252	4%	N=50	100%	N=1406

Table 9: Question 9

Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Attended a local public meeting	1%	N=9	4%	N=48	21%	N=280	75%	N=1007	100%	N=1344
Watched (online or on television) a local public meeting	1%	N=9	4%	N=58	16%	N=229	79%	N=1100	100%	N=1397

Table 10: Question 10

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Total	
Police/Sheriff services	30%	N=310	53%	N=551	13%	N=135	4%	N=46	100%	N=1041
Fire services	52%	N=443	45%	N=380	2%	N=21	0%	N=4	100%	N=847
Ambulance or emergency medical services	46%	N=355	46%	N=355	7%	N=57	1%	N=11	100%	N=777
Crime prevention	23%	N=198	52%	N=444	20%	N=172	5%	N=46	100%	N=860

The National Citizen Survey™

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Total	
Fire prevention and education	32%	N=226	55%	N=395	11%	N=77	2%	N=14	100%	N=712
Traffic enforcement	13%	N=141	45%	N=500	29%	N=319	13%	N=144	100%	N=1104
Street repair	9%	N=116	38%	N=492	37%	N=477	17%	N=218	100%	N=1304
Street cleaning	15%	N=190	51%	N=634	25%	N=315	8%	N=97	100%	N=1236
Street lighting	15%	N=203	54%	N=718	23%	N=304	8%	N=100	100%	N=1324
Snow removal	13%	N=161	41%	N=534	29%	N=372	17%	N=221	100%	N=1288
Sidewalk maintenance	14%	N=190	48%	N=630	29%	N=378	9%	N=121	100%	N=1318
Traffic signal timing	9%	N=116	43%	N=572	30%	N=405	18%	N=239	100%	N=1333
Bus or transit services	33%	N=383	49%	N=580	13%	N=156	5%	N=55	100%	N=1173
Garbage collection	38%	N=497	53%	N=695	7%	N=94	2%	N=23	100%	N=1309
Recycling	47%	N=630	44%	N=591	7%	N=90	2%	N=21	100%	N=1331
Yard waste pick-up	36%	N=339	45%	N=428	12%	N=116	6%	N=60	100%	N=943
Storm drainage	18%	N=194	57%	N=616	20%	N=215	4%	N=47	100%	N=1073
Drinking water	44%	N=594	43%	N=575	10%	N=134	3%	N=43	100%	N=1346
Sewer services	32%	N=348	56%	N=612	10%	N=107	2%	N=19	100%	N=1085
Power (electric and/or gas) utility	29%	N=379	53%	N=690	14%	N=187	3%	N=38	100%	N=1294
Water utility billing	26%	N=282	56%	N=615	15%	N=160	3%	N=38	100%	N=1094
City parks	56%	N=751	40%	N=537	4%	N=50	1%	N=12	100%	N=1350
Recreation programs or classes	44%	N=414	48%	N=455	7%	N=65	1%	N=8	100%	N=942
Recreation centers or facilities	47%	N=500	45%	N=480	7%	N=79	1%	N=9	100%	N=1069
Land use, planning and zoning	14%	N=153	38%	N=416	30%	N=327	18%	N=194	100%	N=1091
Code enforcement (weeds, abandoned buildings, etc.)	11%	N=97	45%	N=381	31%	N=261	13%	N=110	100%	N=850
Animal control	19%	N=166	54%	N=464	20%	N=174	6%	N=50	100%	N=854
Economic development	17%	N=160	49%	N=463	26%	N=243	9%	N=87	100%	N=953
Health services	23%	N=224	60%	N=585	14%	N=136	3%	N=25	100%	N=970
Public library services	51%	N=555	43%	N=474	5%	N=54	1%	N=16	100%	N=1099
Public information services	24%	N=214	55%	N=497	18%	N=161	3%	N=25	100%	N=897
Cable television	13%	N=93	40%	N=295	28%	N=207	20%	N=147	100%	N=741
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	24%	N=217	56%	N=505	17%	N=155	3%	N=25	100%	N=903
Preservation of natural areas such as open space, farmlands and greenbelts	54%	N=708	34%	N=450	9%	N=114	3%	N=39	100%	N=1311
Boulder open space	61%	N=810	33%	N=440	5%	N=68	1%	N=17	100%	N=1336
City-sponsored special events	25%	N=243	57%	N=547	16%	N=149	2%	N=20	100%	N=959
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	24%	N=266	59%	N=649	14%	N=157	3%	N=35	100%	N=1106

Table 11: Question 11

Overall, how would you rate the quality of the services provided by each of the following?	Excellent		Good		Fair		Poor		Total	
The City of Boulder	22%	N=285	62%	N=794	12%	N=160	4%	N=47	100%	N=1286
The Federal Government	4%	N=52	44%	N=517	40%	N=466	12%	N=139	100%	N=1174

Table 12: Question 12

Please rate the following categories of Boulder government performance:	Excellent		Good		Fair		Poor		Total	
The value of services for the taxes paid to Boulder	14%	N=165	50%	N=592	26%	N=304	10%	N=119	100%	N=1180
The overall direction that Boulder is taking	8%	N=101	38%	N=483	33%	N=422	21%	N=273	100%	N=1278
The job Boulder government does at welcoming citizen involvement	13%	N=138	42%	N=442	30%	N=314	15%	N=159	100%	N=1053
Overall confidence in Boulder government	8%	N=94	41%	N=504	32%	N=399	19%	N=241	100%	N=1238
Generally acting in the best interest of the community	11%	N=137	39%	N=492	29%	N=364	21%	N=258	100%	N=1250
Being honest	12%	N=124	44%	N=474	29%	N=311	16%	N=168	100%	N=1077
Treating all residents fairly	9%	N=104	37%	N=415	31%	N=348	22%	N=248	100%	N=1116
Gathering feedback from residents on new policies or projects	14%	N=134	36%	N=361	29%	N=288	21%	N=209	100%	N=992
Conducting public processes	12%	N=107	43%	N=368	29%	N=245	16%	N=135	100%	N=854

Table 13: Question 13

Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:	Essential		Very important		Somewhat important		Not at all important		Total	
Overall feeling of safety in Boulder	38%	N=516	35%	N=486	22%	N=297	6%	N=76	100%	N=1375
Overall ease of getting to the places you usually have to visit	35%	N=482	45%	N=623	18%	N=253	1%	N=16	100%	N=1375
Quality of overall natural environment in Boulder	50%	N=688	36%	N=488	12%	N=167	2%	N=29	100%	N=1373
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	38%	N=522	44%	N=599	17%	N=232	1%	N=18	100%	N=1371
Health and wellness opportunities in Boulder	26%	N=352	38%	N=521	32%	N=436	5%	N=64	100%	N=1374
Overall opportunities for education and enrichment	31%	N=425	39%	N=538	26%	N=354	4%	N=53	100%	N=1370
Overall economic health of Boulder	42%	N=579	43%	N=592	13%	N=175	2%	N=28	100%	N=1374
Sense of community	28%	N=388	44%	N=599	25%	N=344	3%	N=44	100%	N=1374

Table 14: Question 14

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?	Very likely		Likely		Somewhat likely		Not at all likely		Don't know		Total	
City of Boulder website (www.bouldercolorado.gov)	29%	N=397	24%	N=332	23%	N=314	18%	N=247	5%	N=71	100%	N=1361
City of Boulder Facebook Page	4%	N=59	8%	N=106	18%	N=242	62%	N=841	8%	N=105	100%	N=1353
City of Boulder Twitter	3%	N=45	5%	N=66	9%	N=128	75%	N=1013	8%	N=106	100%	N=1358
City of Boulder NextDoor neighborhood postings	9%	N=119	9%	N=121	14%	N=189	47%	N=643	21%	N=283	100%	N=1356
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	2%	N=32	6%	N=85	17%	N=231	63%	N=844	11%	N=154	100%	N=1345
Boulder Daily Camera	32%	N=440	26%	N=358	21%	N=292	15%	N=206	5%	N=68	100%	N=1362
The Colorado Daily	9%	N=120	17%	N=226	26%	N=355	42%	N=564	7%	N=89	100%	N=1354
BizWest (formerly Boulder County Business Report)	2%	N=23	3%	N=47	11%	N=150	69%	N=930	15%	N=207	100%	N=1357
Inserts in the water utility bill	8%	N=104	13%	N=176	20%	N=273	47%	N=642	12%	N=162	100%	N=1357
Mailings to your home address	26%	N=348	30%	N=405	28%	N=375	13%	N=176	4%	N=57	100%	N=1361
Listservs (where you sign up to be part of a group receiving emails from the city)	6%	N=87	11%	N=144	17%	N=234	51%	N=687	14%	N=193	100%	N=1345
Community Newsletter	10%	N=139	22%	N=301	27%	N=365	30%	N=403	10%	N=137	100%	N=1346
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	2%	N=33	4%	N=58	14%	N=195	67%	N=907	11%	N=154	100%	N=1347

Table 15: Question 15

Please rate to what extent you agree or disagree with each of the following statements.	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total	
I feel included in the Boulder community	13%	N=182	45%	N=620	29%	N=398	10%	N=132	2%	N=32	100%	N=1363
I inform myself about major issues in the City of Boulder	21%	N=287	49%	N=663	22%	N=298	8%	N=110	0%	N=6	100%	N=1364
I take the initiative to share my views with elected officials or city staff	5%	N=62	14%	N=190	32%	N=441	41%	N=556	8%	N=116	100%	N=1364
Boulder's City Council implements policies that reflect the values of the Boulder community	5%	N=67	29%	N=394	44%	N=600	17%	N=229	6%	N=76	100%	N=1365

Table 16: Question D1

How often, if at all, do you do each of the following, considering all of the times you could?	Never		Rarely		Sometimes		Usually		Always		Total	
Recycle at home	1%	N=13	1%	N=14	3%	N=43	13%	N=173	82%	N=1117	100%	N=1361
Purchase goods or services from a business located in Boulder	1%	N=7	1%	N=11	17%	N=237	56%	N=760	25%	N=345	100%	N=1361
Eat at least 5 portions of fruits and vegetables a day	1%	N=18	8%	N=106	27%	N=369	38%	N=510	26%	N=349	100%	N=1352
Participate in moderate or vigorous physical activity	1%	N=9	4%	N=56	23%	N=311	38%	N=512	34%	N=468	100%	N=1355
Read or watch local news (via television, paper, computer, etc.)	6%	N=83	15%	N=211	25%	N=340	26%	N=360	27%	N=370	100%	N=1363
Vote in local elections	8%	N=113	4%	N=54	11%	N=153	20%	N=273	56%	N=767	100%	N=1360

Table 17: Question D2

Would you say that in general your health is:	Percent	Number
Excellent	33%	N=454
Very good	47%	N=646
Good	16%	N=213
Fair	3%	N=37
Poor	1%	N=11
Total	100%	N=1361

Table 18: Question D3

What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:	Percent	Number
Very positive	5%	N=72
Somewhat positive	27%	N=371
Neutral	53%	N=716
Somewhat negative	12%	N=168
Very negative	2%	N=27
Total	100%	N=1355

The National Citizen Survey™

Table 19: Question D4

What is your employment status?	Percent	Number
Working full time for pay	60%	N=810
Working part time for pay	18%	N=241
Unemployed, looking for paid work	4%	N=61
Unemployed, not looking for paid work	5%	N=72
Fully retired	13%	N=170
Total	100%	N=1353

Table 20: Question D5

Do you work inside the boundaries of Boulder?	Percent	Number
Yes, outside the home	54%	N=722
Yes, from home	16%	N=207
No	30%	N=398
Total	100%	N=1327

Table 21: Question D6

How many years have you lived in Boulder?	Percent	Number
Less than 2 years	20%	N=267
2 to 5 years	26%	N=357
6 to 10 years	13%	N=179
11 to 20 years	13%	N=172
More than 20 years	28%	N=388
Total	100%	N=1363

Table 22: Question D7

Which best describes the building you live in?	Percent	Number
One family house detached from any other houses	45%	N=608
Building with two or more homes (duplex, townhome, apartment or condominium)	53%	N=716
Mobile home	2%	N=28
Other	1%	N=10
Total	100%	N=1362

Table 23: Question D8

Is this house, apartment or mobile home...	Percent	Number
Rented	51%	N=695
Owned	49%	N=665
Total	100%	N=1360

Table 24: Question D9

About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?	Percent	Number
Less than $300 per month	2%	N=26
$300 to $599 per month	6%	N=77
$600 to $999 per month	13%	N=168
$1,000 to $1,499 per month	29%	N=380
$1,500 to $2,499 per month	33%	N=433
$2,500 or more per month	19%	N=246
Total	100%	N=1330

Table 25: Question D10

Do any children 17 or under live in your household?	Percent	Number
No	80%	N=1080
Yes	20%	N=278
Total	100%	N=1358

Table 26: Question D11

Are you or any other members of your household aged 65 or older?	Percent	Number
No	83%	N=1127
Yes	17%	N=230
Total	100%	N=1357

Table 27: Question D12

How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)	Percent	Number
Less than $25,000	12%	N=156
$25,000 to $49,999	22%	N=279
$50,000 to $99,999	28%	N=358
$100,000 to $149,999	17%	N=218
$150,000 or more	21%	N=276
Total	100%	N=1286

Table 28: Question D13

Are you Spanish, Hispanic or Latino?	Percent	Number
No, not Spanish, Hispanic or Latino	95%	N=1273
Yes, I consider myself to be Spanish, Hispanic or Latino	5%	N=68
Total	100%	N=1341

Table 29: Question D14

What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.)	Percent	Number
American Indian or Alaskan Native	1%	N=18
Asian, Asian Indian or Pacific Islander	7%	N=91
Black or African American	1%	N=15
White	90%	N=1201
Other	4%	N=54

Total may exceed 100% as respondents could select more than one option.

Table 30: Question D15

In which category is your age?	Percent	Number
18 to 24 years	12%	N=163
25 to 34 years	36%	N=488
35 to 44 years	13%	N=178
45 to 54 years	15%	N=199
55 to 64 years	10%	N=129
65 to 74 years	9%	N=121
75 years or older	5%	N=66
Total	100%	N=1344

Table 31: Question D16

What is your sex?	Percent	Number
Female	48%	N=647
Male	52%	N=696
Total	100%	N=1343

Table 32: Question D17

Do you consider a cell phone or landline your primary telephone number?	Percent	Number
Cell	80%	N=1086
Land line	10%	N=137
Both	9%	N=128
Total	100%	N=1350

Responses including "don't know"

The following pages contain a complete set of responses to each question on the survey, including the "don't know" responses. The percent of respondents giving a particular response is shown followed by the number of respondents (denoted with "N=").

Table 33: Question 1

Please rate each of the following aspects of quality of life in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Boulder as a place to live	55%	N=777	39%	N=556	5%	N=71	1%	N=9	0%	N=0	100%	N=1412
Your neighborhood as a place to live	50%	N=709	40%	N=572	8%	N=120	1%	N=16	0%	N=1	100%	N=1417
Boulder as a place to raise children	35%	N=492	29%	N=410	9%	N=131	2%	N=30	25%	N=352	100%	N=1414
Boulder as a place to work	38%	N=533	37%	N=524	14%	N=202	3%	N=43	8%	N=109	100%	N=1412
Boulder as a place to visit	65%	N=917	26%	N=370	4%	N=62	1%	N=18	3%	N=45	100%	N=1413
Boulder as a place to retire	26%	N=370	23%	N=328	17%	N=237	8%	N=111	26%	N=361	100%	N=1408
The overall quality of life in Boulder	49%	N=689	44%	N=617	7%	N=102	1%	N=8	0%	N=1	100%	N=1417

Table 34: Question 2

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Overall feeling of safety in Boulder	44%	N=625	46%	N=658	7%	N=102	2%	N=29	0%	N=0	100%	N=1415
Overall ease of getting to the places you usually have to visit	27%	N=384	45%	N=633	21%	N=301	7%	N=97	0%	N=0	100%	N=1416
Quality of overall natural environment in Boulder	66%	N=934	29%	N=409	4%	N=59	1%	N=8	0%	N=1	100%	N=1412
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	26%	N=369	48%	N=677	20%	N=288	5%	N=76	0%	N=2	100%	N=1412
Health and wellness opportunities in Boulder	58%	N=823	32%	N=457	5%	N=64	1%	N=12	4%	N=52	100%	N=1408
Overall opportunities for education and enrichment	55%	N=783	34%	N=482	5%	N=69	1%	N=9	5%	N=70	100%	N=1413
Overall economic health of Boulder	36%	N=506	42%	N=585	14%	N=192	3%	N=37	6%	N=89	100%	N=1409
Sense of community	18%	N=261	44%	N=622	28%	N=392	8%	N=113	2%	N=24	100%	N=1410
Overall image or reputation of Boulder	38%	N=537	47%	N=667	11%	N=157	2%	N=35	1%	N=18	100%	N=1414

Table 35: Question 3

Please indicate how likely or unlikely you are to do each of the following:	Very likely		Somewhat likely		Somewhat unlikely		Very unlikely		Don't know		Total	
Recommend living in Boulder to someone who asks	45%	N=630	36%	N=506	12%	N=168	7%	N=98	1%	N=9	100%	N=1411
Remain in Boulder for the next five years	50%	N=710	27%	N=374	11%	N=152	10%	N=145	2%	N=30	100%	N=1411

Table 36: Question 4

Please rate how safe or unsafe you feel:	Very safe		Somewhat safe		Neither safe nor unsafe		Somewhat unsafe		Very unsafe		Don't know		Total	
In your neighborhood during the day	85%	N=1196	12%	N=164	2%	N=29	1%	N=11	1%	N=7	0%	N=1	100%	N=1407
In Boulder's downtown/commercial area during the day	63%	N=894	26%	N=373	5%	N=72	3%	N=45	1%	N=14	1%	N=13	100%	N=1411

Table 37: Question 5

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Traffic flow on major streets	4%	N=50	27%	N=376	42%	N=587	28%	N=394	0%	N=6	100%	N=1413
Ease of public parking	4%	N=55	25%	N=349	44%	N=616	25%	N=356	3%	N=36	100%	N=1412
Ease of travel by car in Boulder	6%	N=81	37%	N=521	37%	N=517	19%	N=272	1%	N=19	100%	N=1409

The National Citizen Survey™

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Ease of travel by public transportation in Boulder	16%	N=227	43%	N=601	19%	N=274	7%	N=101	15%	N=206	100%	N=1408
Ease of travel by bicycle in Boulder	40%	N=566	38%	N=539	8%	N=108	2%	N=26	12%	N=176	100%	N=1415
Ease of walking in Boulder	46%	N=650	42%	N=597	10%	N=135	1%	N=19	1%	N=13	100%	N=1413
Availability of paths and walking trails	61%	N=867	33%	N=470	4%	N=58	1%	N=9	1%	N=13	100%	N=1417
Air quality	38%	N=531	48%	N=680	10%	N=147	2%	N=31	2%	N=27	100%	N=1416
Cleanliness of Boulder	37%	N=528	51%	N=723	10%	N=145	1%	N=16	0%	N=3	100%	N=1415
Overall appearance of Boulder	43%	N=608	48%	N=676	8%	N=115	1%	N=9	0%	N=7	100%	N=1415
Public places where people want to spend time	37%	N=518	47%	N=669	12%	N=167	3%	N=38	1%	N=20	100%	N=1412
Variety of housing options	4%	N=63	15%	N=209	35%	N=499	41%	N=572	5%	N=69	100%	N=1412
Availability of affordable quality housing	3%	N=38	6%	N=86	20%	N=282	64%	N=894	8%	N=108	100%	N=1407
Fitness opportunities (including exercise classes and paths or trails, etc.)	68%	N=955	27%	N=387	4%	N=52	1%	N=8	1%	N=11	100%	N=1413
Recreational opportunities	67%	N=949	29%	N=405	3%	N=38	1%	N=10	1%	N=9	100%	N=1411
Availability of affordable quality food	28%	N=390	44%	N=626	22%	N=311	5%	N=72	1%	N=15	100%	N=1414
Availability of affordable quality health care	14%	N=200	41%	N=581	21%	N=291	6%	N=90	18%	N=247	100%	N=1410
Availability of preventive health services	20%	N=286	40%	N=558	15%	N=208	4%	N=52	22%	N=307	100%	N=1410
Availability of affordable quality mental health care	8%	N=116	19%	N=262	13%	N=176	8%	N=117	52%	N=736	100%	N=1408
Ability to start or grow a business	12%	N=172	23%	N=322	14%	N=194	5%	N=77	46%	N=643	100%	N=1408

Table 38: Question 6

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Availability of affordable quality child care/preschool	5%	N=66	12%	N=163	9%	N=131	7%	N=101	67%	N=940	100%	N=1400
K-12 education	21%	N=292	21%	N=295	4%	N=62	1%	N=13	53%	N=734	100%	N=1397
Adult educational opportunities	27%	N=384	40%	N=558	9%	N=120	1%	N=21	23%	N=318	100%	N=1400
Opportunities to attend cultural/arts/music activities	39%	N=551	43%	N=603	12%	N=172	1%	N=18	5%	N=66	100%	N=1410
Opportunities to participate in religious or spiritual events and activities	27%	N=375	29%	N=410	5%	N=73	1%	N=14	38%	N=535	100%	N=1406
Employment opportunities	11%	N=155	38%	N=535	26%	N=371	6%	N=86	18%	N=254	100%	N=1401
Shopping opportunities	32%	N=447	52%	N=727	13%	N=183	2%	N=28	2%	N=25	100%	N=1410
Cost of living in Boulder	1%	N=12	9%	N=132	39%	N=543	51%	N=714	0%	N=5	100%	N=1407
Overall quality of business and service establishments in Boulder	24%	N=333	60%	N=836	13%	N=185	1%	N=14	2%	N=28	100%	N=1395
Vibrant downtown/commercial area	40%	N=558	46%	N=654	11%	N=152	1%	N=17	2%	N=25	100%	N=1406
Overall quality of new development in Boulder	11%	N=155	36%	N=501	27%	N=380	14%	N=196	12%	N=175	100%	N=1407
Opportunities to participate in social events and activities	31%	N=431	50%	N=704	12%	N=173	1%	N=19	6%	N=77	100%	N=1404
Opportunities to volunteer	35%	N=486	40%	N=558	7%	N=100	1%	N=10	18%	N=251	100%	N=1406
Opportunities to participate in community matters	23%	N=319	40%	N=566	15%	N=217	5%	N=66	17%	N=238	100%	N=1405
Openness and acceptance of the community toward people of diverse backgrounds	17%	N=240	37%	N=516	24%	N=338	13%	N=187	9%	N=123	100%	N=1404
Neighborliness of residents in Boulder	17%	N=237	45%	N=634	27%	N=386	7%	N=100	4%	N=50	100%	N=1407

Table 39: Question 7

Please indicate whether or not you have done each of the following in the last 12 months.	No		Yes		Total	
Made efforts to conserve water	17%	N=243	83%	N=1167	100%	N=1411
Made efforts to make your home more energy efficient	26%	N=361	74%	N=1048	100%	N=1410
Observed a code violation or other hazard in Boulder	61%	N=861	39%	N=541	100%	N=1402
Household member was a victim of a crime in Boulder	93%	N=1305	7%	N=100	100%	N=1406
Reported a crime to the police in Boulder	85%	N=1198	15%	N=208	100%	N=1407
Stocked supplies in preparation for an emergency	81%	N=1142	19%	N=267	100%	N=1409
Campaigned or advocated for an issue, cause or candidate	66%	N=930	34%	N=474	100%	N=1404
Contacted the City of Boulder (in-person, phone, email or web) for help or information	57%	N=805	43%	N=601	100%	N=1406
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	82%	N=1148	18%	N=259	100%	N=1407
Made efforts to reduce your energy consumption	11%	N=161	89%	N=1251	100%	N=1412

Table 40: Question 8

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Used Boulder recreation centers or their services	18%	N=249	20%	N=274	25%	N=354	37%	N=523	100%	N=1400
Visited a neighborhood park or City park	41%	N=573	34%	N=470	22%	N=307	4%	N=49	100%	N=1400
Used Boulder public libraries or their services	11%	N=154	26%	N=368	32%	N=447	31%	N=433	100%	N=1402
Participated in religious or spiritual activities in Boulder	7%	N=96	12%	N=165	15%	N=207	67%	N=932	100%	N=1399
Attended a City-sponsored event	3%	N=42	14%	N=192	55%	N=761	28%	N=394	100%	N=1388
Used bus, rail, subway or other public transportation instead of driving	23%	N=315	20%	N=282	32%	N=443	26%	N=359	100%	N=1398
Carpooled with other adults or children instead of driving alone	20%	N=277	26%	N=360	22%	N=307	32%	N=455	100%	N=1400
Walked or biked instead of driving	56%	N=779	21%	N=291	14%	N=200	9%	N=129	100%	N=1398
Volunteered your time to some group/activity in Boulder	12%	N=172	16%	N=218	24%	N=338	48%	N=671	100%	N=1399
Participated in a club	10%	N=146	13%	N=182	15%	N=205	62%	N=864	100%	N=1398
Talked to or visited with your immediate neighbors	39%	N=542	30%	N=426	21%	N=301	10%	N=134	100%	N=1403
Done a favor for a neighbor	17%	N=236	24%	N=330	36%	N=499	24%	N=331	100%	N=1396
Visited open space and mountain parks	42%	N=596	36%	N=508	18%	N=252	4%	N=50	100%	N=1406

Table 41: Question 9

Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Attended a local public meeting	1%	N=9	4%	N=48	21%	N=280	75%	N=1007	100%	N=1344
Watched (online or on television) a local public meeting	1%	N=9	4%	N=58	16%	N=229	79%	N=1100	100%	N=1397

Table 42: Question 10

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Police/Sheriff services	22%	N=310	40%	N=551	10%	N=135	3%	N=46	25%	N=340	100%	N=1381
Fire services	32%	N=443	28%	N=380	2%	N=21	0%	N=4	39%	N=534	100%	N=1381
Ambulance or emergency medical services	26%	N=355	26%	N=355	4%	N=57	1%	N=11	44%	N=603	100%	N=1380
Crime prevention	14%	N=198	32%	N=444	12%	N=172	3%	N=46	38%	N=521	100%	N=1381

The National Citizen Survey™

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Fire prevention and education	16%	N=226	29%	N=395	6%	N=77	1%	N=14	48%	N=662	100%	N=1374
Traffic enforcement	10%	N=141	37%	N=500	23%	N=319	11%	N=144	19%	N=263	100%	N=1367
Street repair	8%	N=116	36%	N=492	35%	N=477	16%	N=218	6%	N=77	100%	N=1381
Street cleaning	14%	N=190	46%	N=634	23%	N=315	7%	N=97	10%	N=141	100%	N=1377
Street lighting	15%	N=203	52%	N=718	22%	N=304	7%	N=100	4%	N=51	100%	N=1375
Snow removal	12%	N=161	39%	N=534	27%	N=372	16%	N=221	7%	N=93	100%	N=1381
Sidewalk maintenance	14%	N=190	46%	N=630	27%	N=378	9%	N=121	4%	N=59	100%	N=1377
Traffic signal timing	8%	N=116	41%	N=572	29%	N=405	17%	N=239	3%	N=48	100%	N=1381
Bus or transit services	28%	N=383	42%	N=580	11%	N=156	4%	N=55	15%	N=206	100%	N=1380
Garbage collection	36%	N=497	50%	N=695	7%	N=94	2%	N=23	5%	N=73	100%	N=1382
Recycling	46%	N=630	43%	N=591	7%	N=90	1%	N=21	4%	N=50	100%	N=1381
Yard waste pick-up	25%	N=339	31%	N=428	8%	N=116	4%	N=60	31%	N=427	100%	N=1370
Storm drainage	14%	N=194	45%	N=616	16%	N=215	3%	N=47	22%	N=301	100%	N=1374
Drinking water	43%	N=594	42%	N=575	10%	N=134	3%	N=43	2%	N=33	100%	N=1379
Sewer services	25%	N=348	45%	N=612	8%	N=107	1%	N=19	21%	N=289	100%	N=1374
Power (electric and/or gas) utility	27%	N=379	50%	N=690	14%	N=187	3%	N=38	6%	N=85	100%	N=1379
Water utility billing	20%	N=282	45%	N=615	12%	N=160	3%	N=38	20%	N=281	100%	N=1375
City parks	55%	N=751	39%	N=537	4%	N=50	1%	N=12	2%	N=27	100%	N=1377
Recreation programs or classes	30%	N=414	33%	N=455	5%	N=65	1%	N=8	32%	N=434	100%	N=1375
Recreation centers or facilities	36%	N=500	35%	N=480	6%	N=79	1%	N=9	22%	N=303	100%	N=1372
Land use, planning and zoning	11%	N=153	30%	N=416	24%	N=327	14%	N=194	20%	N=277	100%	N=1367
Code enforcement (weeds, abandoned buildings, etc.)	7%	N=97	28%	N=381	19%	N=261	8%	N=110	38%	N=513	100%	N=1362
Animal control	12%	N=166	34%	N=464	13%	N=174	4%	N=50	37%	N=512	100%	N=1366
Economic development	12%	N=160	34%	N=463	18%	N=243	6%	N=87	30%	N=413	100%	N=1366
Health services	16%	N=224	43%	N=585	10%	N=136	2%	N=25	29%	N=395	100%	N=1364
Public library services	40%	N=555	34%	N=474	4%	N=54	1%	N=16	20%	N=276	100%	N=1375
Public information services	16%	N=214	36%	N=497	12%	N=161	2%	N=25	34%	N=464	100%	N=1361
Cable television	7%	N=93	22%	N=295	15%	N=207	11%	N=147	46%	N=624	100%	N=1365
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	16%	N=217	37%	N=505	11%	N=155	2%	N=25	34%	N=468	100%	N=1371
Preservation of natural areas such as open space, farmlands and greenbelts	51%	N=708	33%	N=450	8%	N=114	3%	N=39	5%	N=64	100%	N=1375
Boulder open space	59%	N=810	32%	N=440	5%	N=68	1%	N=17	3%	N=41	100%	N=1378
City-sponsored special events	18%	N=243	40%	N=547	11%	N=149	1%	N=20	29%	N=395	100%	N=1353
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	19%	N=266	47%	N=649	11%	N=157	3%	N=35	19%	N=261	100%	N=1367

Table 43: Question 11

Overall, how would you rate the quality of the services provided by each of the following?	Excellent		Good		Fair		Poor		Don't know		Total	
The City of Boulder	21%	N=285	58%	N=794	12%	N=160	3%	N=47	6%	N=79	100%	N=1365
The Federal Government	4%	N=52	38%	N=517	34%	N=466	10%	N=139	15%	N=203	100%	N=1377

Table 44: Question 12

Please rate the following categories of Boulder government performance:	Excellent		Good		Fair		Poor		Don't know		Total	
The value of services for the taxes paid to Boulder	12%	N=165	43%	N=592	22%	N=304	9%	N=119	13%	N=182	100%	N=1362
The overall direction that Boulder is taking	7%	N=101	35%	N=483	31%	N=422	20%	N=273	6%	N=88	100%	N=1366
The job Boulder government does at welcoming citizen involvement	10%	N=138	32%	N=442	23%	N=314	12%	N=159	23%	N=308	100%	N=1361
Overall confidence in Boulder government	7%	N=94	37%	N=504	29%	N=399	18%	N=241	9%	N=127	100%	N=1365
Generally acting in the best interest of the community	10%	N=137	36%	N=492	27%	N=364	19%	N=258	8%	N=115	100%	N=1365
Being honest	9%	N=124	35%	N=474	23%	N=311	12%	N=168	21%	N=288	100%	N=1365
Treating all residents fairly	8%	N=104	31%	N=415	26%	N=348	18%	N=248	18%	N=245	100%	N=1361
Gathering feedback from residents on new policies or projects	11%	N=134	30%	N=361	24%	N=288	17%	N=209	18%	N=216	100%	N=1208
Conducting public processes	9%	N=107	30%	N=368	20%	N=245	11%	N=135	29%	N=353	100%	N=1207

Table 45: Question 13

Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:	Essential		Very important		Somewhat important		Not at all important		Total	
Overall feeling of safety in Boulder	38%	N=516	35%	N=486	22%	N=297	6%	N=76	100%	N=1375
Overall ease of getting to the places you usually have to visit	35%	N=482	45%	N=623	18%	N=253	1%	N=16	100%	N=1375
Quality of overall natural environment in Boulder	50%	N=688	36%	N=488	12%	N=167	2%	N=29	100%	N=1373
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	38%	N=522	44%	N=599	17%	N=232	1%	N=18	100%	N=1371
Health and wellness opportunities in Boulder	26%	N=352	38%	N=521	32%	N=436	5%	N=64	100%	N=1374
Overall opportunities for education and enrichment	31%	N=425	39%	N=538	26%	N=354	4%	N=53	100%	N=1370
Overall economic health of Boulder	42%	N=579	43%	N=592	13%	N=175	2%	N=28	100%	N=1374
Sense of community	28%	N=388	44%	N=599	25%	N=344	3%	N=44	100%	N=1374

Table 46: Question 14

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?	Very likely		Likely		Somewhat likely		Not at all likely		Don't know		Total	
City of Boulder website (www.bouldercolorado.gov)	29%	N=397	24%	N=332	23%	N=314	18%	N=247	5%	N=71	100%	N=1361
City of Boulder Facebook Page	4%	N=59	8%	N=106	18%	N=242	62%	N=841	8%	N=105	100%	N=1353
City of Boulder Twitter	3%	N=45	5%	N=66	9%	N=128	75%	N=1013	8%	N=106	100%	N=1358
City of Boulder NextDoor neighborhood postings	9%	N=119	9%	N=121	14%	N=189	47%	N=643	21%	N=283	100%	N=1356
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	2%	N=32	6%	N=85	17%	N=231	63%	N=844	11%	N=154	100%	N=1345
Boulder Daily Camera	32%	N=440	26%	N=358	21%	N=292	15%	N=206	5%	N=68	100%	N=1362
The Colorado Daily	9%	N=120	17%	N=226	26%	N=355	42%	N=564	7%	N=89	100%	N=1354
BizWest (formerly Boulder County Business Report)	2%	N=23	3%	N=47	11%	N=150	69%	N=930	15%	N=207	100%	N=1357
Inserts in the water utility bill	8%	N=104	13%	N=176	20%	N=273	47%	N=642	12%	N=162	100%	N=1357
Mailings to your home address	26%	N=348	30%	N=405	28%	N=375	13%	N=176	4%	N=57	100%	N=1361
Listservs (where you sign up to be part of a group receiving emails from the city)	6%	N=87	11%	N=144	17%	N=234	51%	N=687	14%	N=193	100%	N=1345
Community Newsletter	10%	N=139	22%	N=301	27%	N=365	30%	N=403	10%	N=137	100%	N=1346
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	2%	N=33	4%	N=58	14%	N=195	67%	N=907	11%	N=154	100%	N=1347

Table 47: Question 15

Please rate to what extent you agree or disagree with each of the following statements.	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total	
I feel included in the Boulder community	13%	N=182	45%	N=620	29%	N=398	10%	N=132	2%	N=32	100%	N=1363
I inform myself about major issues in the City of Boulder	21%	N=287	49%	N=663	22%	N=298	8%	N=110	0%	N=6	100%	N=1364
I take the initiative to share my views with elected officials or city staff	5%	N=62	14%	N=190	32%	N=441	41%	N=556	8%	N=116	100%	N=1364
Boulder's City Council implements policies that reflect the values of the Boulder community	5%	N=67	29%	N=394	44%	N=600	17%	N=229	6%	N=76	100%	N=1365

Table 48: Question D1

How often, if at all, do you do each of the following, considering all of the times you could?	Never		Rarely		Sometimes		Usually		Always		Total	
Recycle at home	1%	N=13	1%	N=14	3%	N=43	13%	N=173	82%	N=1117	100%	N=1361
Purchase goods or services from a business located in Boulder	1%	N=7	1%	N=11	17%	N=237	56%	N=760	25%	N=345	100%	N=1361
Eat at least 5 portions of fruits and vegetables a day	1%	N=18	8%	N=106	27%	N=369	38%	N=510	26%	N=349	100%	N=1352
Participate in moderate or vigorous physical activity	1%	N=9	4%	N=56	23%	N=311	38%	N=512	34%	N=468	100%	N=1355
Read or watch local news (via television, paper, computer, etc.)	6%	N=83	15%	N=211	25%	N=340	26%	N=360	27%	N=370	100%	N=1363
Vote in local elections	8%	N=113	4%	N=54	11%	N=153	20%	N=273	56%	N=767	100%	N=1360

Table 49: Question D2

Would you say that in general your health is:	Percent	Number
Excellent	33%	N=454
Very good	47%	N=646
Good	16%	N=213
Fair	3%	N=37
Poor	1%	N=11
Total	100%	N=1361

Table 50: Question D3

What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:	Percent	Number
Very positive	5%	N=72
Somewhat positive	27%	N=371
Neutral	53%	N=716
Somewhat negative	12%	N=168
Very negative	2%	N=27
Total	100%	N=1355

Table 51: Question D4

What is your employment status?	Percent	Number
Working full time for pay	60%	N=810
Working part time for pay	18%	N=241
Unemployed, looking for paid work	4%	N=61
Unemployed, not looking for paid work	5%	N=72
Fully retired	13%	N=170
Total	100%	N=1353

Table 52: Question D5

Do you work inside the boundaries of Boulder?	Percent	Number
Yes, outside the home	54%	N=722
Yes, from home	16%	N=207
No	30%	N=398
Total	100%	N=1327

Table 53: Question D6

How many years have you lived in Boulder?	Percent	Number
Less than 2 years	20%	N=267
2 to 5 years	26%	N=357
6 to 10 years	13%	N=179
11 to 20 years	13%	N=172
More than 20 years	28%	N=388
Total	100%	N=1363

Table 54: Question D7

Which best describes the building you live in?	Percent	Number
One family house detached from any other houses	45%	N=608
Building with two or more homes (duplex, townhome, apartment or condominium)	53%	N=716
Mobile home	2%	N=28
Other	1%	N=10
Total	100%	N=1362

Table 55: Question D8

Is this house, apartment or mobile home...	Percent	Number
Rented	51%	N=695
Owned	49%	N=665
Total	100%	N=1360

Table 56: Question D9

About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?	Percent	Number
Less than $300 per month	2%	N=26
$300 to $599 per month	6%	N=77
$600 to $999 per month	13%	N=168
$1,000 to $1,499 per month	29%	N=380
$1,500 to $2,499 per month	33%	N=433
$2,500 or more per month	19%	N=246
Total	100%	N=1330

Table 57: Question D10

Do any children 17 or under live in your household?	Percent	Number
No	80%	N=1080
Yes	20%	N=278
Total	100%	N=1358

Table 58: Question D11

Are you or any other members of your household aged 65 or older?	Percent	Number
No	83%	N=1127
Yes	17%	N=230
Total	100%	N=1357

Table 59: Question D12

How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)	Percent	Number
Less than $25,000	12%	N=156
$25,000 to $49,999	22%	N=279
$50,000 to $99,999	28%	N=358
$100,000 to $149,999	17%	N=218
$150,000 or more	21%	N=276
Total	100%	N=1286

Table 60: Question D13

Are you Spanish, Hispanic or Latino?	Percent	Number
No, not Spanish, Hispanic or Latino	95%	N=1273
Yes, I consider myself to be Spanish, Hispanic or Latino	5%	N=68
Total	100%	N=1341

Table 61: Question D14

What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.)	Percent	Number
American Indian or Alaskan Native	1%	N=18
Asian, Asian Indian or Pacific Islander	7%	N=91
Black or African American	1%	N=15
White	90%	N=1201
Other	4%	N=54

Total may exceed 100% as respondents could select more than one option.

Table 62: Question D15

In which category is your age?	Percent	Number
18 to 24 years	12%	N=163
25 to 34 years	36%	N=488
35 to 44 years	13%	N=178
45 to 54 years	15%	N=199
55 to 64 years	10%	N=129
65 to 74 years	9%	N=121
75 years or older	5%	N=66
Total	100%	N=1344

Table 63: Question D16

What is your sex?	Percent	Number
Female	48%	N=647
Male	52%	N=696
Total	100%	N=1343

Table 64: Question D17

Do you consider a cell phone or landline your primary telephone number?	Percent	Number
Cell	80%	N=1086
Land line	10%	N=137
Both	9%	N=128
Total	100%	N=1350

Appendix B: Benchmark Comparisons

Comparison Data

NRC's database of comparative resident opinion is comprised of resident perspectives gathered in surveys from over 500 communities whose residents evaluated the same kinds of topics on The National Citizen Survey™. The comparison evaluations are from the most recent survey completed in each community; most communities conduct surveys every year or in alternating years. NRC adds the latest results quickly upon survey completion, keeping the benchmark data fresh and relevant. The communities in the database represent a wide geographic and population range. The City of Boulder chose to have comparisons made to the entire database.

Interpreting the Results

Ratings are compared when there are at least five communities in which a similar question was asked. Where comparisons are available, four columns are provided in the table. The first column is Boulder's "percent positive." The percent positive is the combination of the top two most positive response options (i.e., "excellent" and "good," "very safe" and "somewhat safe," "essential" and "very important," etc.), or, in the case of resident behaviors/participation, the percent positive represents the proportion of respondents indicating "yes" or participating in an activity at least once a month. The second column is the rank assigned to Boulder's rating among communities where a similar question was asked. The third column is the number of communities that asked a similar question. The final column shows the comparison of Boulder's rating to the benchmark.

In that final column, Boulder's results are noted as being "higher" than the benchmark, "lower" than the benchmark or "similar" to the benchmark, meaning that the average rating given by Boulder residents is statistically similar to or different (greater or lesser) than the benchmark. More extreme differences are noted as "much higher" or "much lower."

Benchmark Database Characteristics	
Region	Percent
New England	3%
Middle Atlantic	5%
East North Central	15%
West North Central	13%
South Atlantic	22%
East South Central	3%
West South Central	7%
Mountain	16%
Pacific	16%
Population	Percent
Less than 10,000	10%
10,000 to 24,999	22%
25,000 to 49,999	23%
50,000 to 99,999	22%
100,000 or more	23%

National Benchmark Comparisons

Table 65: Community Characteristics General

	Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
The overall quality of life in Boulder	92%	54	418	Higher
Overall image or reputation of Boulder	86%	72	315	Higher
Boulder as a place to live	94%	83	359	Similar
Your neighborhood as a place to live	90%	52	282	Similar
Boulder as a place to raise children	85%	134	346	Similar
Boulder as a place to retire	67%	122	325	Similar
Overall appearance of Boulder	91%	37	325	Higher

Table 66: Community Characteristics by Facet

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Safety	Overall feeling of safety in Boulder	91%	82	269	Similar
	In your neighborhood during the day	97%	48	323	Similar
	In Boulder's downtown/commercial area during the day	91%	136	275	Similar
Mobility	Overall ease of getting to the places you usually have to visit	72%	103	189	Similar
	Availability of paths and walking trails	95%	1	282	Much higher
	Ease of walking in Boulder	89%	11	263	Higher
	Ease of travel by bicycle in Boulder	89%	4	269	Much higher
	Ease of travel by public transportation in Boulder	69%	11	160	Higher
	Ease of travel by car in Boulder	43%	253	274	Lower
	Ease of public parking	29%	136	154	Lower
	Traffic flow on major streets	30%	276	321	Lower
Natural Environment	Quality of overall natural environment in Boulder	95%	4	250	Higher
	Cleanliness of Boulder	89%	61	249	Higher
	Air quality	87%	54	226	Similar
Built Environment	Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	74%	42	179	Similar
	Overall quality of new development in Boulder	53%	164	256	Similar
	Availability of affordable quality housing	10%	270	276	Much lower
	Variety of housing options	20%	242	250	Much lower
	Public places where people want to spend time	85%	17	172	Higher
Economy	Overall economic health of Boulder	83%	28	184	Higher
	Vibrant downtown/commercial area	88%	6	168	Much higher
	Overall quality of business and service establishments in Boulder	85%	22	246	Higher
	Cost of living in Boulder	10%	174	180	Much lower
	Shopping opportunities	85%	24	267	Higher
	Employment opportunities	60%	30	284	Higher
	Boulder as a place to visit	94%	8	194	Much higher
	Boulder as a place to work	81%	32	324	Higher
Recreation and Wellness	Health and wellness opportunities in Boulder	94%	2	181	Much higher
	Availability of affordable quality mental health care	56%	45	155	Similar
	Availability of preventive health services	76%	40	211	Similar
	Availability of affordable quality health care	67%	97	235	Similar
	Availability of affordable quality food	73%	56	212	Similar
	Recreational opportunities	97%	2	277	Much higher
	Fitness opportunities (including exercise classes and paths or trails, etc.)	96%	2	173	Much higher

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Education and Enrichment	Overall opportunities for education and enrichment	94%	2	181	Much higher
	Opportunities to participate in religious or spiritual events and activities	90%	10	182	Similar
	Opportunities to attend cultural/arts/music activities	86%	13	266	Much higher
	Adult educational opportunities	87%	5	162	Higher
	K-12 education	89%	53	241	Higher
	Availability of affordable quality child care/preschool	50%	140	229	Similar
Community Engagement	Opportunities to participate in social events and activities	86%	14	233	Higher
	Neighborliness of Boulder	64%	77	174	Similar
	Openness and acceptance of the community toward people of diverse backgrounds	59%	162	261	Similar
	Opportunities to participate in community matters	76%	37	248	Similar
	Opportunities to volunteer	90%	6	239	Higher

Table 67: Governance General

	Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Services provided by the City of Boulder	84%	147	405	Similar
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	83%	141	339	Similar
Value of services for the taxes paid to Boulder	64%	108	370	Similar
Overall direction that Boulder is taking	46%	234	290	Similar
Job Boulder government does at welcoming citizen involvement	55%	139	285	Similar
Overall confidence in Boulder government	48%	119	181	Similar
Generally acting in the best interest of the community	50%	118	180	Similar
Being honest	56%	98	173	Similar
Treating all residents fairly	47%	127	178	Similar
Services provided by the Federal Government	48%	26	226	Similar

Table 68: Governance by Facet

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Safety	Police/Sheriff services	83%	214	415	Similar
	Fire services	97%	84	342	Similar
	Ambulance or emergency medical services	91%	138	318	Similar
	Crime prevention	75%	145	322	Similar
	Fire prevention and education	87%	86	257	Similar
	Animal control	74%	92	310	Similar
	Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	80%	28	255	Higher
Mobility	Traffic enforcement	58%	267	337	Similar
	Street repair	47%	216	381	Similar
	Street cleaning	67%	142	291	Similar
	Street lighting	70%	91	288	Similar
	Snow removal	54%	213	274	Similar
	Sidewalk maintenance	62%	106	297	Similar
	Traffic signal timing	52%	132	233	Similar
	Bus or transit services	82%	4	199	Much higher
Natural Environment	Garbage collection	91%	86	325	Similar
	Recycling	92%	19	331	Higher
	Yard waste pick-up	81%	88	246	Similar

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
	Drinking water	87%	29	310	Higher
	Preservation of natural areas such as open space, farmlands and greenbelts	88%	2	236	Much higher
	Boulder open space	94%	2	165	Much higher
Built Environment	Storm drainage	76%	87	324	Similar
	Sewer services	88%	38	298	Similar
	Power (electric and/or gas) utility	83%	49	151	Similar
	Utility billing	82%	21	163	Similar
	Land use, planning and zoning	52%	116	275	Similar
	Code enforcement (weeds, abandoned buildings, etc.)	56%	145	340	Similar
	Cable television	52%	105	178	Similar
Economy	Economic development	65%	67	259	Similar
Recreation and Wellness	City parks	95%	15	305	Higher
	Recreation programs or classes	92%	9	312	Higher
	Recreation centers or facilities	92%	6	257	Higher
	Health services	83%	37	184	Similar
Education and Enrichment	City-sponsored special events	82%	35	195	Similar
	Public library services	94%	43	318	Similar
Community Engagement	Public information services	79%	56	261	Similar

Table 69: Participation General

	Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Sense of community	64%	152	281	Similar
Recommend living in Boulder to someone who asks	81%	179	255	Similar
Remain in Boulder for the next five years	78%	191	247	Similar
Contacted Boulder (in-person, phone, email or web) for help or information	43%	169	280	Similar

Table 70: Participation by Facet

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
Safety	Stocked supplies in preparation for an emergency	19%	149	159	Lower
	Did NOT report a crime to the police	85%	38	176	Similar
	Household member was NOT a victim of a crime	93%	50	248	Similar
Mobility	Used bus, rail, subway or other public transportation instead of driving	74%	6	144	Much higher
	Carpooled with other adults or children instead of driving alone	68%	4	167	Much higher
	Walked or biked instead of driving	91%	3	172	Much higher
Natural Environment	Made efforts to conserve water	83%	73	162	Similar
	Made efforts to make your home more energy efficient	74%	113	163	Similar
	Recycle at home	98%	11	233	Higher
Built Environment	Did NOT observe a code violation or other hazard in Boulder	61%	49	168	Similar
	NOT experiencing housing costs stress	55%	210	229	Lower
Economy	Purchase goods or services from a business located in Boulder	99%	28	170	Similar
	Economy will have positive impact on income	33%	52	231	Similar

		Percent positive	Rank	Number of communities in comparison	Comparison to benchmark
	Work inside boundaries of Boulder	70%	12	170	Much higher
Recreation and Wellness	Used Boulder recreation centers or their services	63%	54	215	Similar
	Visited a neighborhood park or City park	96%	2	246	Higher
	Eat at least 5 portions of fruits and vegetables a day	91%	10	165	Similar
	Participate in moderate or vigorous physical activity	95%	3	169	Higher
	In very good to excellent health	81%	6	168	Similar
Education and Enrichment	Used Boulder public libraries or their services	69%	79	215	Similar
	Participated in religious or spiritual activities in Boulder	33%	152	180	Lower
	Attended City-sponsored event	72%	14	172	Higher
Community Engagement	Campaigned or advocated for an issue, cause or candidate	34%	7	156	Higher
	Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	18%	65	170	Similar
	Volunteered your time to some group/activity in Boulder	52%	47	237	Higher
	Participated in a club	38%	35	216	Higher
	Talked to or visited with your immediate neighbors	90%	95	168	Similar
	Done a favor for a neighbor	76%	134	162	Similar
	Attended a local public meeting	25%	63	238	Similar
	Watched (online or on television) a local public meeting	21%	121	203	Similar
	Read or watch local news (via television, paper, computer, etc.)	78%	156	171	Similar
	Vote in local elections	88%	34	231	Similar

Communities included in national comparisons

The communities included in Boulder's comparisons are listed on the following pages along with their population according to the 2010 Census.

Airway Heights city, WA 6,114
Albany city, OR 50,158
Albemarle County, VA..... 98,970
Albert Lea city, MN..... 18,016
Alexandria city, VA 139,966
Algonquin village, IL..... 30,046
Aliso Viejo city, CA 47,823
Altoona city, IA 14,541
American Canyon city, CA..... 19,454
Ames city, IA 58,965
Andover CDP, MA..... 8,762
Ankeny city, IA 45,582
Ann Arbor city, MI 113,934
Annapolis city, MD 38,394
Apache Junction city, AZ..... 35,840
Apple Valley town, CA 69,135
Arapahoe County, CO 572,003
Arkansas City city, AR..... 366
Arlington County, VA 207,627
Arvada city, CO 106,433
Asheville city, NC 83,393
Ashland city, OR 20,078
Ashland town, MA 16,593
Ashland town, VA..... 7,225
Aspen city, CO 6,658
Athens-Clarke County unified government 115,452
Auburn city, AL 53,380
Auburn city, WA..... 70,180
Augusta CCD, GA 134,777
Aurora city, CO 325,078
Austin city, TX 790,390
Avon town, CO 6,447
Bainbridge Island city, WA..... 23,025
Baltimore city, MD.....620,961
Bartonville town, TX..... 1,469
Battle Creek city, MI..... 52,347
Bay City city, MI..... 34,932
Baytown city, TX..... 71,802
Bedford city, TX 46,979
Bedford town, MA 13,320
Bellevue city, WA 122,363
Bellingham city, WA 80,885
Beltrami County, MN 44,442
Benbrook city, TX..... 21,234
Bend city, OR..... 76,639
Bettendorf city, IA..... 33,217

Billings city, MT....104,170
Blaine city, MN.... 57,186
Bloomfield Hills city, MI 3,869
Bloomington city, MN 82,893
Blue Springs city, MO 52,575
Boise City city, ID 205,671
Boone County, KY 118,811
Boulder city, CO.... 97,385
Bowling Green city, KY 58,067
Bozeman city, MT 37,280
Brentwood city, MO.... 8,055
Brentwood city, TN 37,060
Brighton city, CO.... 33,352
Brighton city, MI 7,444
Bristol city, TN 26,702
Broken Arrow city, OK 98,850
Brookfield city, WI 37,920
Brookline CDP, MA 58,732
Broomfield city, CO 55,889
Brownsburg town, IN 21,285
Burien city, WA 33,313
Burleson city, TX.... 36,690
Cabarrus County, NC....178,011
Cambridge city, MA....105,162
Cannon Beach city, OR 1,690
Cañon City city, CO 16,400
Canton city, SD 3,057
Cape Coral city, FL 154,305
Cape Girardeau city, MO.... 37,941
Carlisle borough, PA.... 18,682
Carlsbad city, CA....105,328
Carroll city, IA.... 10,103
Cartersville city, GA.... 19,731
Cary town, NC 135,234
Casper city, WY 55,316
Castine town, ME 1,366
Castle Pines North city, CO 10,360
Castle Rock town, CO.... 48,231
Cedar Hill city, TX 45,028
Cedar Rapids city, IA....126,326
Celina city, TX.... 6,028
Centennial city, CO....100,377
Chambersburg borough, PA.... 20,268
Chandler city, AZ 236,123
Chandler city, TX 2,734
Chanhassen city, MN.... 22,952
Chapel Hill town, NC 57,233
Charles County, MD 146,551
Charlotte city, NC....731,424
Charlotte County, FL 159,978
Charlottesville city, VA.... 43,475
Chattanooga city, TN....167,674
Chesterfield County, VA....316,236
Chippewa Falls city, WI 13,661
Citrus Heights city, CA.... 83,301
Clackamas County, OR 375,992
Clarendon Hills village, IL 8,427
Clayton city, MO 15,939
Clearwater city, FL 107,685
Cleveland Heights city, OH 46,121
Clinton city, SC 8,490
Clive city, IA 15,447
Clovis city, CA.... 95,631
College Park city, MD 30,413
College Station city, TX 93,857
Colleyville city, TX 22,807
Collinsville city, IL 25,579
Columbia city, SC....129,272
Columbia Falls city, MT.... 4,688
Columbus city, WI.... 4,991
Commerce City city, CO.... 45,913
Concord city, CA 122,067
Concord town, MA.... 17,668
Coon Rapids city, MN 61,476
Copperas Cove city, TX.... 32,032
Coronado city, CA 18,912
Corvallis city, OR.... 54,462
Creve Coeur city, MO 17,833
Cross Roads town, TX 1,563
Dacono city, CO 4,152
Dade City city, FL.... 6,437
Dakota County, MN 398,552
Dallas city, OR 14,583
Dallas city, TX....1,197,816
Danville city, KY 16,218
Dardenne Prairie city, MO.... 11,494
Davenport city, IA.... 99,685
Davidson town, NC.... 10,944
Decatur city, GA.... 19,335
Del Mar city, CA 4,161
Delaware city, OH 34,753
Delray Beach city, FL.... 60,522
Denison city, TX.... 22,682
Denton city, TX....113,383
Denver city, CO....600,158
Derby city, KS.... 22,158
Des Moines city, IA 203,433
Des Peres city, MO.... 8,373
Destin city, FL.... 12,305
Dothan city, AL 65,496
Douglas County, CO 285,465
Dover city, NH 29,987
Dublin city, CA 46,036
Dublin city, OH 41,751
Duluth city, MN.... 86,265
Duncanville city, TX.... 38,524
Durham city, NC 228,330
Durham County, NC 267,587
Eagan city, MN 64,206
Eagle town, CO.... 6,508
East Baton Rouge Parish, LA....440,171
East Grand Forks city, MN 8,601
East Lansing city, MI 48,579
Eau Claire city, WI 65,883
Eden Prairie city, MN.... 60,797
Edgerton city, KS 1,671
Edgewater city, CO 5,170
Edina city, MN 47,941
Edmond city, OK.... 81,405
Edmonds city, WA.... 39,709
El Cerrito city, CA.... 23,549
El Dorado County, CA....181,058
El Paso city, TX....649,121
Elk Grove city, CA 153,015
Elk River city, MN.... 22,974
Elko New Market city, MN.... 4,110
Elmhurst city, IL.... 44,121
Encinitas city, CA 59,518
Englewood city, CO 30,255
Erie town, CO 18,135
Escambia County, FL....297,619
Estes Park town, CO.... 5,858
Fairview town, TX 7,248
Farmersville city, TX.... 3,301
Farmington Hills city, MI.... 79,740
Fayetteville city, NC....200,564
Fishers town, IN 76,794
Flower Mound town, TX.... 64,669
Forest Grove city, OR 21,083
Fort Collins city, CO....143,986

Fort Lauderdale city, FL 165,521
Fort Smith city, AR 86,209
Fort Worth city, TX 741,206
Fountain Hills town, AZ 22,489
Franklin city, TN 62,487
Fredericksburg city, VA 24,286
Fremont city, CA 214,089
Friendswood city, TX 35,805
Fruita city, CO 12,646
Gahanna city, OH 33,248
Gaithersburg city, MD 59,933
Galveston city, TX 47,743
Gardner city, KS 19,123
Geneva city, NY 13,261
Georgetown city, TX 47,400
Germantown city, TN 38,844
Gilbert town, AZ 208,453
Gillette city, WY 29,087
Glendora city, CA 50,073
Glenview village, IL 44,692
Globe city, AZ 7,532
Golden city, CO 18,867
Golden Valley city, MN 20,371
Goodyear city, AZ 65,275
Grafton village, WI 11,459
Grand Blanc city, MI 8,276
Grand Island city, NE 48,520
Grants Pass city, OR 34,533
Grass Valley city, CA 12,860
Greenville city, NC 84,554
Greenwich town, CT 61,171
Greenwood Village city, CO 13,925
Greer city, SC 25,515
Guilford County, NC 488,406
Gunnison County, CO 15,324
Hailey city, ID 7,960
Haines Borough, AK 2,508
Hallandale Beach city, FL 37,113
Hamilton city, OH 62,477
Hanover County, VA 99,863
Harrisburg city, SD 4,089
Harrisonburg city, VA 48,914
Harrisonville city, MO 10,019
Hayward city, CA 144,186
Henderson city, NV 257,729
Herndon town, VA 23,292
High Point city, NC 104,371
Highland Park city, IL 29,763
Highlands Ranch CDP, CO 96,713
Holland city, MI 33,051
Honolulu County, HI 953,207
Hooksett town, NH 13,451
Hopkins city, MN 17,591
Hopkinton town, MA 14,925
Hoquiam city, WA 8,726
Horry County, SC 269,291
Hudson city, OH 22,262
Hudson town, CO 2,356
Hudsonville city, MI 7,116
Huntersville town, NC 46,773
Hurst city, TX 37,337
Hutchinson city, MN 14,178
Hutto city, TX 14,698
Hyattsville city, MD 17,557
Independence city, MO 116,830
Indian Trail town, NC 33,518
Indianola city, IA 14,782
Iowa City city, IA 67,862
Irving city, TX 216,290
Issaquah city, WA 30,434
Jackson County, MI 160,248
James City County, VA 67,009
Jefferson County, NY 116,229
Johnson City city, TN 63,152
Johnston city, IA 17,278
Jupiter town, FL 55,156
Kansas City city, KS 145,786
Kansas City city, MO 459,787
Keizer city, OR 36,478
Kenmore city, WA 20,460
Kennedale city, TX 6,763
Kennett Square borough, PA 6,072
Kettering city, OH 56,163
Key West city, FL 24,649
King City city, CA 12,874
King County, WA 1,931,249
Kirkland city, WA 48,787
Kirkwood city, MO 27,540
Knoxville city, IA 7,313
La Mesa city, CA 57,065
La Plata town, MD 8,753
La Porte city, TX 33,800
La Vista city, NE 15,758
Lafayette city, CO 24,453
Laguna Beach city, CA 22,723
Laguna Hills city, CA 30,344
Laguna Niguel city, CA 62,979
Lake Forest city, IL 19,375
Lake Oswego city, OR 36,619
Lake Stevens city, WA 28,069
Lake Worth city, FL 34,910
Lake Zurich village, IL 19,631
Lakeville city, MN 55,954
Lakewood city, CO 142,980
Lakewood city, WA 58,163
Lane County, OR 351,715
Lansing city, MI 114,297
Laramie city, WY 30,816
Larimer County, CO 299,630
Las Vegas city, NV 583,756
Lawrence city, KS 87,643
Lee's Summit city, MO 91,364
Lehi city, UT 47,407
Lenexa city, KS 48,190
Lewis County, NY 27,087
Lewiston city, ID 31,894
Lewisville city, TX 95,290
Libertyville village, IL 20,315
Lincoln city, NE 258,379
Lindsborg city, KS 3,458
Little Chute village, WI 10,449
Littleton city, CO 41,737
Livermore city, CA 80,968
Lone Tree city, CO 10,218
Long Grove village, IL 8,043
Longmont city, CO 86,270
Longview city, TX 80,455
Lonsdale city, MN 3,674
Los Altos Hills town, CA 7,922
Louisville city, CO 18,376
Lynchburg city, VA 75,568
Lynnwood city, WA 35,836
Macomb County, MI 840,978
Manhattan Beach city, CA 35,135
Manhattan city, KS 52,281
Mankato city, MN 39,309
Maple Grove city, MN 61,567
Marshfield city, WI 19,118
Martinez city, CA 35,824
Marysville city, WA 60,020

Matthews town, NC 27,198
McAllen city, TX 129,877
McDonough city, GA 22,084
McMinnville city, OR 32,187
Menlo Park city, CA 32,026
Mercer Island city, WA 22,699
Meridian charter township, MI 39,688
Meridian city, ID 75,092
Merriam city, KS 11,003
Mesa County, CO 146,723
Miami Beach city, FL 87,779
Miami city, FL 399,457
Middleton city, WI 17,442
Midland city, MI 41,863
Milford city, DE 9,559
Milton city, GA 32,661
Minneapolis city, MN 382,578
Mission Viejo city, CA 93,305
Modesto city, CA 201,165
Monterey city, CA 27,810
Montgomery County, VA 94,392
Monticello city, UT 1,972
Monument town, CO 5,530
Mooresville town, NC 32,711
Morristown city, TN 29,137
Morrisville town, NC 18,576
Morro Bay city, CA 10,234
Mountain Village town, CO 1,320
Mountlake Terrace city, WA 19,909
Murphy city, TX 17,708
Naperville city, IL 141,853
Napoleon city, OH 8,749
Needham CDP, MA 28,886
New Braunfels city, TX 57,740
New Brighton city, MN 21,456
New Hanover County, NC 202,667
New Orleans city, LA 343,829
New Smyrna Beach city, FL 22,464
New Ulm city, MN 13,522
Newberg city, OR 22,068
Newport city, RI 24,672
Newport News city, VA 180,719
Newton city, IA 15,254
Noblesville city, IN 51,969
Nogales city, AZ 20,837
Norcross city, GA 9,116
Norfolk city, VA 242,803
North Port city, FL 57,357
North Richland Hills city, TX 63,343
Northglenn city, CO 35,789
Novato city, CA 51,904
Novi city, MI 55,224
O'Fallon city, IL 28,281
O'Fallon city, MO 79,329
Oak Park village, IL 51,878
Oakland city, CA 390,724
Oakley city, CA 35,432
Ogdensburg city, NY 11,128
Oklahoma City city, OK 579,999
Olathe city, KS 125,872
Old Town city, ME 7,840
Olmsted County, MN 144,248
Olympia city, WA 46,478
Orland Park village, IL 56,767
Oshkosh city, WI 66,083
Oshtemo charter township, MI 21,705
Otsego County, MI 24,164
Oviedo city, FL 33,342
Paducah city, KY 25,024
Palm Beach Gardens city, FL 48,452
Palm Coast city, FL 75,180
Palo Alto city, CA 64,403
Papillion city, NE 18,894
Paradise Valley town, AZ 12,820
Park City city, UT 7,558
Parker town, CO 45,297
Parkland city, FL 23,962
Pasadena city, CA 137,122
Pasco city, WA 59,781
Pasco County, FL 464,697
Pearland city, TX 91,252
Peoria city, AZ 154,065
Peoria city, IL 115,007
Peoria County, IL 186,494
Pflugerville city, TX 46,936
Phoenix city, AZ 1,445,632
Pinehurst village, NC 13,124
Piqua city, OH 20,522
Pitkin County, CO 17,148
Plano city, TX 259,841
Platte City city, MO 4,691
Plymouth city, MN 70,576
Pocatello city, ID 54,255
Polk County, IA 430,640
Pompano Beach city, FL 99,845
Port Orange city, FL 56,048
Portland city, OR 583,776
Post Falls city, ID 27,574
Powell city, OH 11,500
Prince William County, VA 402,002
Prior Lake city, MN 22,796
Pueblo city, CO 106,595
Purcellville town, VA 7,727
Queen Creek town, AZ 26,361
Radnor township, PA 31,531
Ramsey city, MN 23,668
Raymond town, ME 4,436
Raymore city, MO 19,206
Redmond city, WA 54,144
Rehoboth Beach city, DE 1,327
Reno city, NV 225,221
Reston CDP, VA 58,404
Richmond city, CA 103,701
Richmond Heights city, MO 8,603
Rifle city, CO 9,172
Rio Rancho city, NM 87,521
River Falls city, WI 15,000
Riverside city, CA 303,871
Riverside city, MO 2,937
Roanoke County, VA 92,376
Rochester Hills city, MI 70,995
Rock Hill city, SC 66,154
Rockville city, MD 61,209
Rogers city, MN 8,597
Rolla city, MO 19,559
Roselle village, IL 22,763
Rosemount city, MN 21,874
Rosenberg city, TX 30,618
Roseville city, MN 33,660
Round Rock city, TX 99,887
Royal Oak city, MI 57,236
Saco city, ME 18,482
Sahuarita town, AZ 25,259
Salida city, CO 5,236
Sammamish city, WA 45,780
San Anselmo town, CA 12,336
San Antonio city, TX 1,327,407
San Carlos city, CA 28,406
San Diego city, CA 1,307,402
San Francisco city, CA 805,235

San Jose city, CA 945,942
San Juan County, NM 130,044
San Marcos city, CA 83,781
San Marcos city, TX..... 44,894
San Rafael city, CA..... 57,713
Sanford city, FL..... 53,570
Sangamon County, IL.....197,465
Santa Clarita city, CA.....176,320
Santa Fe County, NM 144,170
Santa Monica city, CA..... 89,736
Sarasota County, FL 379,448
Savage city, MN..... 26,911
Schaumburg village, IL..... 74,227
Scott County, MN.....129,928
Scottsdale city, AZ 217,385
Seaside city, CA 33,025
Sevierville city, TN 14,807
Shawnee city, KS 62,209
Sheboygan city, WI 49,288
Sherborn town, MA 4,119
Shoreview city, MN 25,043
Shorewood city, MN 7,307
Shorewood village, IL..... 15,615
Shorewood village, WI 13,162
Sierra Vista city, AZ..... 43,888
Sioux Center city, IA 7,048
Sioux Falls city, SD.....153,888
Skokie village, IL..... 64,784
Snellville city, GA 18,242
South Lake Tahoe city, CA..... 21,403
Southborough town, MA..... 9,767
Southlake city, TX 26,575
Spokane Valley city, WA 89,755
Spring Hill city, KS..... 5,437
Springboro city, OH..... 17,409
Springfield city, MO.....159,498
Springville city, UT 29,466
St. Augustine city, FL 12,975
St. Charles city, IL..... 32,974
St. Cloud city, FL..... 35,183
St. Cloud city, MN 65,842
St. Joseph city, MO 76,780
St. Louis County, MN.....200,226
St. Louis Park city, MN 45,250
Stallings town, NC..... 13,831
State College borough, PA 42,034
Steamboat Springs city, CO 12,088
Sterling Heights city, MI 129,699
Sugar Grove village, IL 8,997
Sugar Land city, TX..... 78,817
Suisun City city, CA 28,111
Summit city, NJ..... 21,457
Summit County, UT..... 36,324
Sunnyvale city, CA 140,081
Surprise city, AZ.....117,517
Suwanee city, GA..... 15,355
Tacoma city, WA.....198,397
Takoma Park city, MD 16,715
Tamarac city, FL 60,427
Temecula city, CA 100,097
Tempe city, AZ 161,719
Texarkana city, TX 36,411
The Woodlands CDP, TX..... 93,847
Thornton city, CO.....118,772
Thousand Oaks city, CA.....126,683
Tigard city, OR..... 48,035
Tracy city, CA 82,922
Trinidad CCD, CO 12,017
Tualatin city, OR 26,054
Tulsa city, OK 391,906
Twin Falls city, ID 44,125
Tyler city, TX 96,900
Umatilla city, OR 6,906
University Park city, TX..... 23,068
Upper Arlington city, OH..... 33,771
Urbandale city, IA 39,463
Vail town, CO..... 5,305
Vancouver city, WA 161,791
Ventura CCD, CA.....111,889
Vernon Hills village, IL..... 25,113
Vestavia Hills city, AL 34,033
Victoria city, MN..... 7,345
Vienna town, VA 15,687
Virginia Beach city, VA.....437,994
Wake Forest town, NC..... 30,117
Walnut Creek city, CA..... 64,173
Washington County, MN 238,136
Washington town, NH 1,123
Washougal city, WA 14,095
Watauga city, TX 23,497
Wauwatosa city, WI 46,396
Waverly city, IA 9,874
Weddington town, NC 9,459
Wentzville city, MO..... 29,070
West Carrollton city, OH 13,143
West Chester borough, PA..... 18,461
West Des Moines city, IA..... 56,609
Western Springs village, IL 12,975
Westerville city, OH..... 36,120
Westlake town, TX 992
Westminster city, CO.....106,114
Weston town, MA..... 11,261
White House city, TN 10,255
Wichita city, KS.....382,368
Williamsburg city, VA..... 14,068
Willowbrook village, IL 8,540
Wilmington city, NC.....106,476
Wilsonville city, OR..... 19,509
Winchester city, VA 26,203
Windsor town, CO 18,644
Windsor town, CT 29,044
Winnetka village, IL 12,187
Winston-Salem city, NC 229,617
Winter Garden city, FL..... 34,568
Woodbury city, MN..... 61,961
Woodland city, CA..... 55,468
Wrentham town, MA 10,955
Wyandotte County, KS 157,505
Yakima city, WA..... 91,067
York County, VA..... 65,464
Yorktown town, IN..... 9,405
Yountville city, CA 2,933

Appendix C: Detailed Survey Methods

The National Citizen Survey (The NCS™), conducted by National Research Center, Inc., was developed to provide communities an accurate, affordable and easy way to assess and interpret resident opinion about important local topics. Standardization of common questions and survey methods provide the rigor to assure valid results, and each community has enough flexibility to construct a customized version of The NCS.

Results offer insight into residents' perspectives about the community as a whole, including local amenities, services, public trust, resident participation and other aspects of the community in order to support budgeting, land use and strategic planning and communication with residents. Resident demographic characteristics permit comparison to the Census as well as comparison of results for different subgroups of residents. The City of Boulder funded this research. Please contact Jean Gatza of the City of Boulder at gatzaj@bouldercolorado.gov if you have any questions about the survey.

Survey Validity

The question of survey validity has two parts: 1) how can a community be confident that the results from those who completed the questionnaire are representative of the results that would have been obtained had the survey been administered to the entire population? and 2) how closely do the perspectives recorded on the survey reflect what residents really believe or do?

To answer the first question, the best survey research practices were used for the resources spent to ensure that the results from the survey respondents reflect the opinions of residents in the entire community. These practices include:

- Using a mail-out/mail-back methodology, which typically gets a higher response rate than phone for the same dollars spent. A higher response rate lessens the worry that those who did not respond are different than those who did respond.
- Selecting households at random within the community to receive the survey to ensure that the households selected to receive the survey are representative of the larger community.
- Over-sampling multi-family housing units to improve response from hard-to-reach, lower income or younger apartment dwellers.
- Selecting the respondent within the household using an unbiased sampling procedure; in this case, the "birthday method." The cover letter included an instruction requesting that the respondent in the household be the adult (18 years old or older) who most recently had a birthday, irrespective of year of birth.
- Contacting potential respondents three times to encourage response from people who may have different opinions or habits than those who would respond with only a single prompt.
- Inviting response in a compelling manner (using appropriate letterhead/logos and a signature of a visible leader) to appeal to recipients' sense of civic responsibility.
- Providing a pre-addressed, postage-paid return envelope.
- Offering the survey in Spanish or other language when requested by a given community.
- Weighting the results to reflect the demographics of the population.

The answer to the second question about how closely the perspectives recorded on the survey reflect what residents really believe or do is more complex. Resident responses to surveys are influenced by a variety of factors. For questions about service quality, residents' expectations for service quality play a role as well as the "objective" quality of the service provided, the way the resident perceives the entire community (that is, the context in which the service is provided), the scale on which the resident is asked to record his or her opinion and, of course, the opinion, itself, that a resident holds about the service. Similarly a resident's report of certain behaviors is colored by what he or she believes is the socially desirable response (e.g., reporting tolerant behaviors toward "oppressed groups," likelihood of voting for a tax increase for services to poor people, use of alternative modes of travel to work besides the single occupancy vehicle), his or her memory of the actual behavior (if it is not a question speculating about future actions, like a vote), his or her confidence that he or she can be honest without suffering any negative consequences (thus the need for anonymity) as well as the actual behavior itself.

How closely survey results come to recording the way a person really feels or behaves often is measured by the coincidence of reported behavior with observed current behavior (e.g., driving habits), reported intentions to behave with observed future behavior (e.g., voting choices) or reported opinions about current community quality

with objective characteristics of the community (e.g., feelings of safety correlated with rates of crime). There is a body of scientific literature that has investigated the relationship between reported behaviors and actual behaviors. Well-conducted surveys, by and large, do capture true respondent behaviors or intentions to act with great accuracy. Predictions of voting outcomes tend to be quite accurate using survey research, as do reported behaviors that are not about highly sensitive issues (e.g., family abuse or other illegal or morally sanctioned activities). For self-reports about highly sensitive issues, statistical adjustments can be made to correct for the respondents' tendency to report what they think the "correct" response should be.

Research on the correlation of resident opinion about service quality and "objective" ratings of service quality vary, with some showing stronger relationships than others. NRC's own research has demonstrated that residents who report the lowest ratings of street repair live in communities with objectively worse street conditions than those who report high ratings of street repair (based on road quality, delay in street repair, number of road repair employees). Similarly, the lowest rated fire services appear to be "objectively" worse than the highest rated fire services (expenditures per capita, response time, "professional" status of firefighters, breadth of services and training provided). Resident opinion commonly reflects objective performance data but is an important measure on its own. NRC principals have written, "If you collect trash three times a day but residents think that your trash haul is lousy, you still have a problem."

Survey Sampling

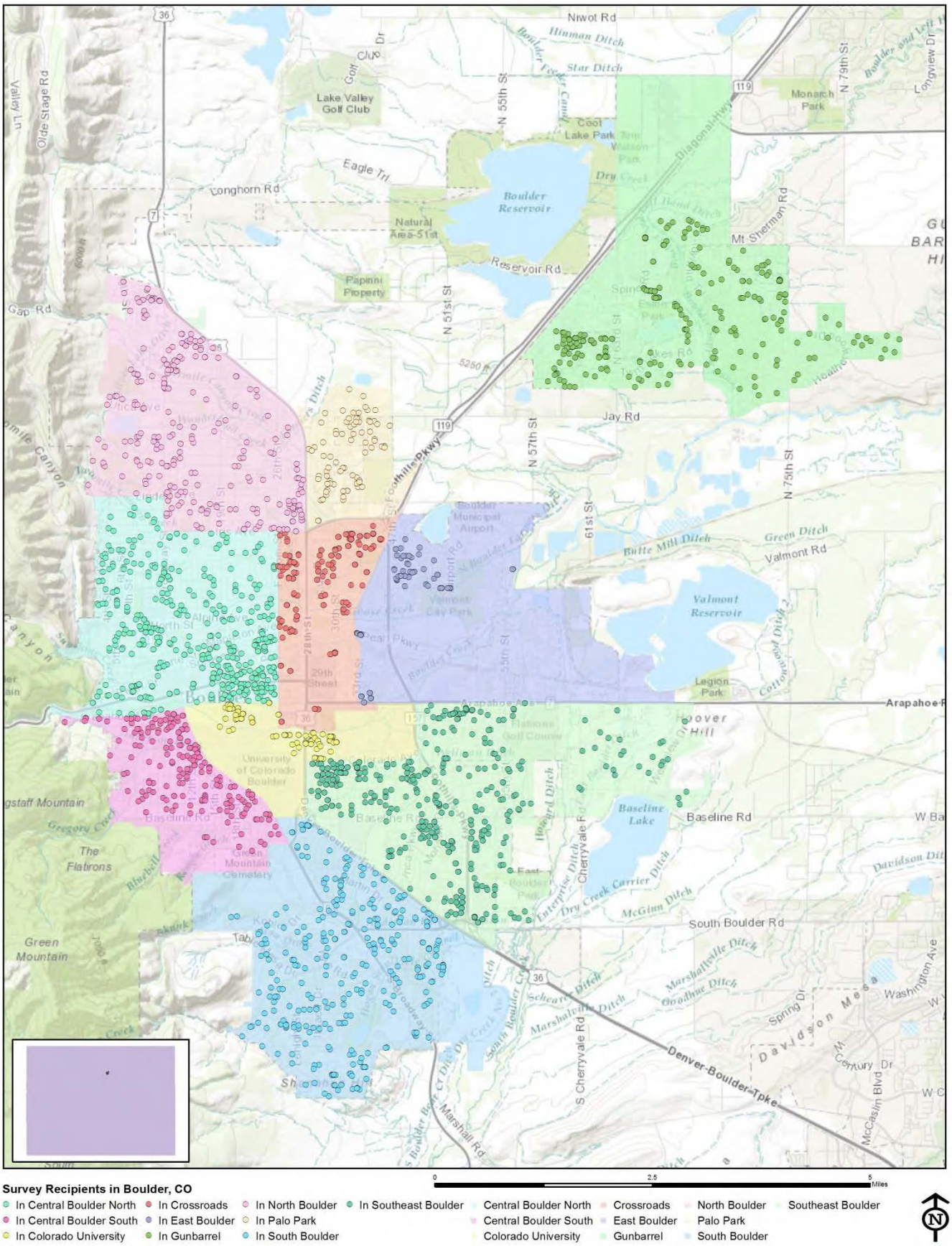
"Sampling" refers to the method by which households were chosen to receive the survey. All households within the City of Boulder were eligible to participate in the survey. A list of all households within the zip codes serving Boulder was purchased based on updated listings from the United States Postal Service. Since some of the zip codes that serve the City of Boulder households may also serve addresses that lie outside of the community, the exact geographic location of each housing unit was compared to community boundaries using the most current municipal boundary file (updated on a quarterly basis) and addresses located outside of the City of Boulder boundaries were removed from consideration. Each address identified as being within City boundaries was further identified as being within one of 10 geographic sub areas of Boulder.

To choose the 6,000 survey recipients, a systematic sampling method was applied to the list of households previously screened for geographic location. Systematic sampling is a procedure whereby a complete list of all possible households is culled, selecting every *Nth* one, giving each eligible household a known probability of selection, until the appropriate number of households is selected. Multi-family housing units were over sampled as residents of this type of housing typically respond at lower rates to surveys than do those in single-family housing units. Figure 1 displays a map of the 3,000 households selected to receive the survey via mail with options to complete the survey by mail or by online. Figure 2 shows a map of the 3,000 households selected to receive mailed invitations to complete the survey online. In general, because of the random sampling techniques used, the displayed sampling density will closely mirror the overall housing unit density (which may be different from the population density). While the theory of probability assumes no bias in selection, there may be some minor variations in practice (meaning, an area with only 15% of the housing units might be sampled at an actual rate that is slightly above or below that).

An individual within each household was selected using the birthday method. The birthday method selects a person within the household by asking the "person whose birthday has most recently passed" to complete the questionnaire. The underlying assumption in this method is that day of birth has no relationship to the way people respond to surveys. This instruction was contained in the cover letter accompanying the questionnaire.

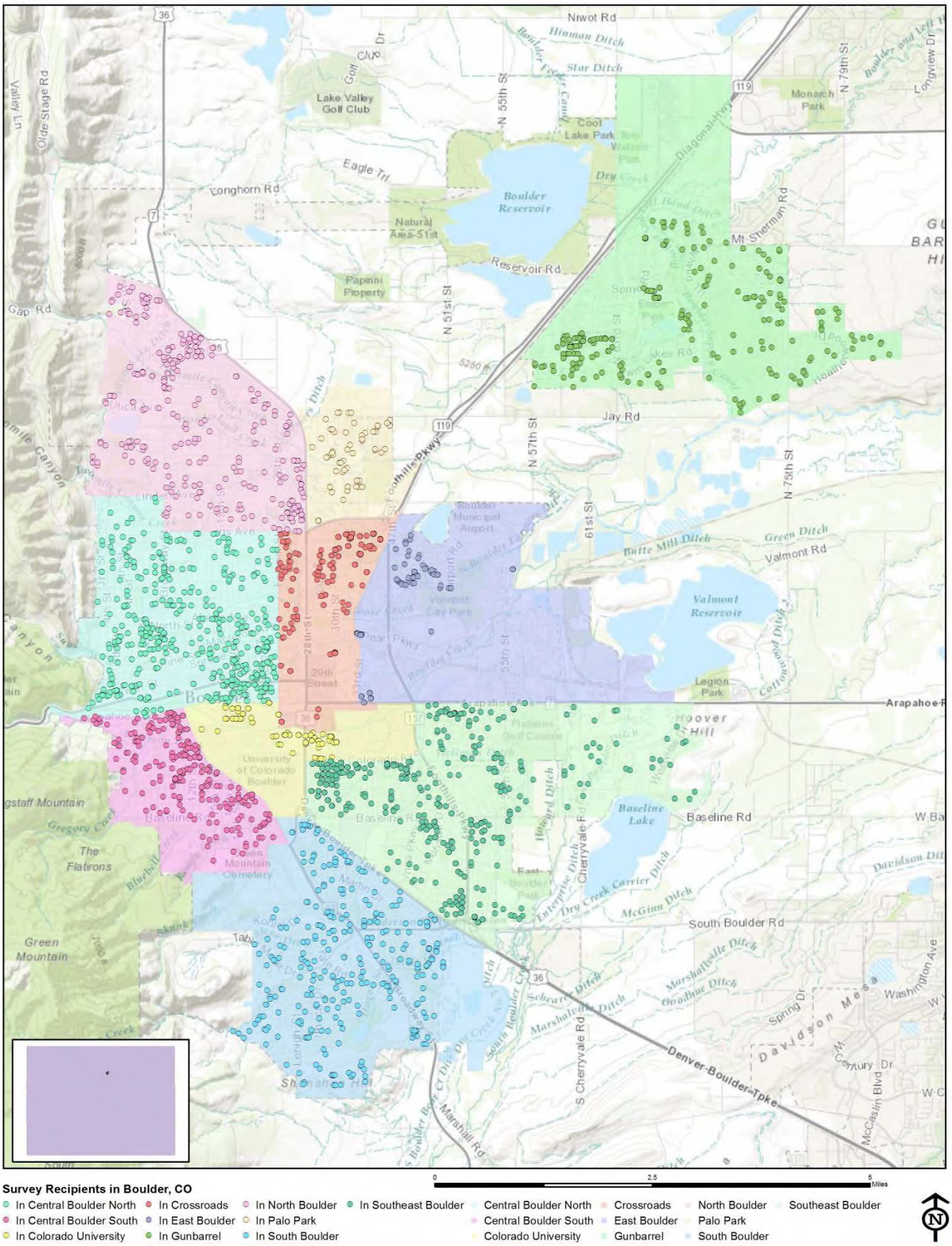
The National Citizen Survey™

Figure 1: Location of Mailed Survey Recipients (option to complete the survey via mail or online)



The National Citizen Survey™

Figure 2: Location of Web-Only Survey Recipients (mailed invitations to complete the survey online)



Survey Administration and Response

Selected households received three mailings, one week apart, beginning on September 6, 2016. For the 3,000 households that were selected to receive the surveys via mail with mail or web options for completion; the first mailing was a prenotification postcard announcing the upcoming survey. The next mailing contained a letter from the Mayor inviting the household to participate, a questionnaire and a postage-paid return envelope. The final mailing contained a reminder letter, another survey and a postage-paid return envelope. The second cover letter asked those who had not completed the survey to do so and those who had already done so to refrain from turning in another survey. The remaining 3,000 households had the option to complete the survey online only. Their mailed invitations were sent on the same schedule as the 3,000 households that had the option to complete the survey via mail or web. The first mailing was a postcard announcing the upcoming survey, the next mailing contained a letter from the Mayor and the final mailing was another postcard. All mailings for the web-only sample contained the web link. All mailings also contained 6-digit codes for the survey recipients to enter online to prevent any duplicate responses.

About 5% of the 6,000 surveys mailed were returned because the housing unit was vacant or the postal service was unable to deliver the survey as addressed. Of the remaining 5,679 households that received the survey, 1,426 completed the survey, providing an overall response rate of 25%. Responses were tracked by area; response rates by geographic area ranged from 14% to 33%.

Table 71: Survey Response Rates by Geographic Area

	Number mailed	Undeliverable	Eligible	Returned	Response rate
Central Boulder North	1080	75	1,005	257	26%
Central Boulder South	482	18	464	86	19%
Colorado University	320	12	308	42	14%
Crossroads	569	31	538	95	18%
East Boulder	252	14	238	57	24%
Gunbarrel	608	15	593	146	25%
North Boulder	623	15	608	173	28%
Palo Park	166	0	166	55	33%
South Boulder	727	17	710	233	33%
Southeast Boulder	1173	124	1,049	282	27%
Overall	6,000	321	5,679	1,426	25%

Confidence Intervals

It is customary to describe the precision of estimates made from surveys by a "level of confidence" and accompanying "confidence interval" (or margin of error). A traditional level of confidence, and the one used here, is 95%. The 95% confidence interval can be any size and quantifies the sampling error or imprecision of the survey results because some residents' opinions are relied on to estimate all residents' opinions.[1]

The margin of error for the City of Boulder survey is no greater than plus or minus three percentage points around any given percent reported for the entire sample (1,426 completed surveys).

For subgroups of responses, the margin of error increases because the sample size for the subgroup is smaller. For subgroups of approximately 100 respondents, the margin of error is plus or minus 10 percentage points.

Survey Processing (Data Entry)

Upon receipt, completed surveys were assigned a unique identification number. Additionally, each survey was reviewed and "cleaned" as necessary. For example, a question may have asked a respondent to pick two items out

[1] A 95% confidence interval indicates that for every 100 random samples of this many residents, 95 of the confidence intervals created will include the "true" population response. This theory is applied in practice to mean that the "true" perspective of the target population lies within the confidence interval created for a single survey. For example, if 75% of residents rate a service as "excellent" or "good," then the 4% margin of error (for the 95% confidence interval) indicates that the range of likely responses for the entire community is between 71% and 79%. This source of uncertainty is called sampling error. In addition to sampling error, other sources of error may affect any survey, including the non-response of residents with opinions different from survey responders. Though standardized on The NCS, on other surveys, differences in question wording, order, translation and data entry, as examples, can lead to somewhat varying results.

of a list of five, but the respondent checked three; in this case, NRC would use protocols to randomly choose two of the three selected items for inclusion in the dataset.

All surveys then were entered twice into an electronic dataset; any discrepancies were resolved in comparison to the original survey form. Range checks as well as other forms of quality control were also performed.

Survey Data Weighting

The demographic characteristics of the survey sample were compared to those found in the 2010 Census and American Community Survey estimates for adults in the City of Boulder. The primary objective of weighting survey data is to make the survey sample reflective of the larger population of the community. The characteristics used for weighting were housing tenure, housing unit type and sex and age. The results of the weighting scheme are presented in the following table.

Table 72: Boulder, CO 2016 Weighting Table

Characteristic	Population Norm	Unweighted Data	Weighted Data
Housing			
Rent home	52%	30%	51%
Own home	48%	70%	49%
Detached unit	46%	55%	47%
Attached unit	54%	45%	53%
Race and Ethnicity			
White	89%	90%	87%
Not white	11%	10%	13%
Not Hispanic	93%	96%	95%
Hispanic	7%	4%	5%
Sex and Age			
Female	48%	53%	48%
Male	52%	47%	52%
18-34 years of age	49%	18%	48%
35-54 years of age	28%	31%	28%
55+ years of age	23%	51%	23%
Females 18-34	22%	9%	22%
Females 35-54	14%	16%	14%
Females 55+	12%	28%	12%
Males 18-34	27%	9%	11%
Males 35-54	14%	14%	20%
Males 55+	11%	23%	18%
Area			
Central Boulder North	17%	18%	18%
Central Boulder South	8%	6%	7%
Colorado University	4%	3%	5%
Crossroads	8%	7%	8%
East Boulder	4%	4%	4%
Gunbarrel	11%	10%	9%
North Boulder	12%	12%	9%
Palo Park	3%	4%	3%
South Boulder	14%	16%	16%
Southeast Boulder	18%	20%	20%

Survey Data Analysis and Reporting

The survey dataset was analyzed using the Statistical Package for the Social Sciences (SPSS). For the most part, the percentages presented in the reports represent the "percent positive." The percent positive is the combination of the top two most positive response options (i.e., "excellent" and "good," "very safe" and "somewhat safe," "essential" and "very important," etc.), or, in the case of resident behaviors/participation, the percent positive represents the proportion of respondents indicating "yes" or participating in an activity at least once a month.

On many of the questions in the survey respondents may answer “don’t know.” The proportion of respondents giving this reply is shown in the full set of responses included in Appendix A. However, these responses have been removed from the analyses presented in the reports. In other words, the tables and graphs display the responses from respondents who had an opinion about a specific item.

Appendix D: Survey Materials

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community. Your survey will arrive in a few days.

Thank you for helping create a better City!

Sincerely,

Suzanne Jones
Mayor/Alcalde

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad. Su encuesta le llegará dentro de pocos días.

¡Gracias por ayudar a crear una Boulder mejor!

Atentamente,

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community. Your survey will arrive in a few days.

Thank you for helping create a better City!

Sincerely,

Suzanne Jones
Mayor/Alcalde

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad. Su encuesta le llegará dentro de pocos días.

¡Gracias por ayudar a crear una Boulder mejor!

Atentamente,

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community. Your survey will arrive in a few days.

Thank you for helping create a better City!

Sincerely,

Suzanne Jones
Mayor/Alcalde

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad. Su encuesta le llegará dentro de pocos días.

¡Gracias por ayudar a crear una Boulder mejor!

Atentamente,

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community. Your survey will arrive in a few days.

Thank you for helping create a better City!

Sincerely,

Suzanne Jones
Mayor/Alcalde

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad. Su encuesta le llegará dentro de pocos días.

¡Gracias por ayudar a crear una Boulder mejor!

Atentamente,

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

CITY OF BOULDER
OFFICE OF THE CITY COUNCIL

Mayor Suzanne Jones
Mayor ProTem Mary Young

Council Members: Matt Appelbaum, Aaron Brockett, Jan Burton, Lisa Morzel, Andrew Shoemaker, Sam Weaver, Bob Yates

September 2016

Dear City of Boulder Resident:

Please help us shape the future of Boulder! You have been selected at random to participate in the 2016 Boulder Community Survey.

Please take a few minutes to fill out the enclosed survey. Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. Your feedback will help Boulder make decisions that affect our City.

A few things to remember:

- **Your responses are completely anonymous.**
- In order to hear from a diverse group of residents, the adult 18 years or older in your household who most recently had a birthday should complete this survey.
- **You can complete the survey online. Just go to: www.n-r-c.com/survey/boulderncs.htm and enter your unique password. Your password can be found in the upper right-hand corner of this page.**

If you have any questions about the survey please call 303-441-4907.

Thank you for your time and participation!

Sincerely,

Estimado Residente de la Ciudad de Boulder:

¡Por favor ayúdenos a moldear el futuro de Boulder! Usted ha sido seleccionado al azar para participar en la Encuesta de Ciudadanos de Boulder del 2016.

Por favor tome unos minutos para completar la encuesta adjunta; si usted preferiría completar la encuesta en español, por favor siga las instrucciones abajo para acceder a la encuesta en español por medio de la red. Su participación en esta encuesta es muy importante – especialmente porque su hogar es uno de solamente un número pequeño de hogares que se están encuestando. Sus observaciones le ayudarán a Boulder tomar decisiones que afectarán a nuestra ciudad.

Algunas cosas para recordar:

- **Sus respuestas son completamente anónimas.**
- Para poder escuchar a un grupo diverso de residentes, el adulto de 18 años o más en su hogar que haya celebrado su cumpleaños más recientemente debe completar esta encuesta.
- **También puede completar la encuesta en español en línea. Visite: www.n-r-c.com/survey/boulderncs.htm e ingrese su contraseña única. Puede se encuentra la contraseña en la esquina derecho superior de esta página.**

  Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

Si tiene alguna pregunta sobre la encuesta por favor llame al 303-441 -4907.

¡Gracias por su tiempo y participación!

Atentamente,

Suzanne Jones
Mayor

P.O. Box 791 · Boulder, Colorado 80306-0791 · www.bouldercolorado.gov · (303) 441-3002 · Fax (303) 441-4478

CITY OF BOULDER
OFFICE OF THE CITY COUNCIL

Mayor Suzanne Jones
Mayor ProTem Mary Young

Council Members: Matt Appelbaum, Aaron Brockett, Jan Burton, Lisa Morzel, Andrew Shoemaker, Sam Weaver, Bob Yates

---

September 2016

Dear City of Boulder Resident:

Here's a second chance if you haven't already responded to the 2016 Boulder Community Survey! **(If you completed it and sent it back, we thank you for your time and ask you to recycle this survey. Please do not respond twice.)**

Please help us shape the future of Boulder! You have been selected at random to participate in the 2016 Boulder Community Survey.

Please take a few minutes to fill out the enclosed survey. Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. Your feedback will help Boulder make decisions that affect our City.

A few things to remember:

- **Your responses are completely anonymous.**
- In order to hear from a diverse group of residents, the adult 18 years or older in your household who most recently had a birthday should complete this survey.
- **You can complete the survey online. Just go to: www.n-r-c.com/survey/boulderncs.htm and enter your unique password. Your password can be found in the upper right-hand corner of this page.**

If you have any questions about the survey please call 303-441-4907.

Thank you for your time and participation!

Sincerely,

Estimado Residente de la Ciudad de Boulder:

¡Aquí tiene una segunda oportunidad si usted aún no ha respondido a la Encuesta de Ciudadanos de Boulder del 2016! **(Si usted la completó y la devolvió, le damos las gracias por su tiempo y le pedimos que recicle esta encuesta. Por favor no responda dos veces.)**

¡Por favor ayúdenos a moldear el futuro de Boulder! Usted ha sido seleccionado al azar para participar en la Encuesta de Ciudadanos de Boulder del 2016.

Por favor tome unos minutos para completar la encuesta adjunta; si usted preferiría completar la encuesta en español, por favor siga las instrucciones abajo para acceder a la encuesta en español por medio de la red. Su participación en esta encuesta es muy importante – especialmente porque su hogar es uno de solamente un número pequeño de hogares que se están encuestando. Sus observaciones le ayudarán a Boulder tomar decisiones que afectarán a nuestra ciudad.

Algunas cosas para recordar:

- **Sus respuestas son completamente anónimas.**
- Para poder escuchar a un grupo diverso de residentes, el adulto de 18 años o más en su hogar que haya celebrado su cumpleaños más recientemente debe completar esta encuesta.
- **También puede completar la encuesta en español en línea. Visite: www.n-r-c.com/survey/boulderncs.htm e ingrese su contraseña única. Puede se encuentra la contraseña en la esquina derecho superior de esta página.**

  Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

Si tiene alguna pregunta sobre la encuesta por favor llame al 303-441 -4907.

¡Gracias por su tiempo y participación!

Atentamente,

Suzanne Jones
Mayor

P.O. Box 791 · Boulder, Colorado 80306-0791 · www.bouldercolorado.gov · (303) 441-3002 · Fax (303) 441-4478

The City of Boulder 2016 Community Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please rate each of the following aspects of quality of life in Boulder:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Boulder as a place to live	1	2	3	4	5
Your neighborhood as a place to live	1	2	3	4	5
Boulder as a place to raise children	1	2	3	4	5
Boulder as a place to work	1	2	3	4	5
Boulder as a place to visit	1	2	3	4	5
Boulder as a place to retire	1	2	3	4	5
The overall quality of life in Boulder	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Boulder as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Overall feeling of safety in Boulder	1	2	3	4	5
Overall ease of getting to the places you usually have to visit	1	2	3	4	5
Quality of overall natural environment in Boulder	1	2	3	4	5
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	1	2	3	4	5
Health and wellness opportunities in Boulder	1	2	3	4	5
Overall opportunities for education and enrichment	1	2	3	4	5
Overall economic health of Boulder	1	2	3	4	5
Sense of community	1	2	3	4	5
Overall image or reputation of Boulder	1	2	3	4	5

3. Please indicate how likely or unlikely you are to do each of the following:

	Very likely	*Somewhat likely*	*Somewhat unlikely*	*Very unlikely*	*Don't know*
Recommend living in Boulder to someone who asks	1	2	3	4	5
Remain in Boulder for the next five years	1	2	3	4	5

4. Please rate how safe or unsafe you feel:

	Very safe	*Somewhat safe*	*Neither safe nor unsafe*	*Somewhat unsafe*	*Very unsafe*	*Don't know*
In your neighborhood during the day	1	2	3	4	5	6
In Boulder's downtown/commercial area during the day	1	2	3	4	5	6

5. Please rate each of the following characteristics as they relate to Boulder as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Traffic flow on major streets	1	2	3	4	5
Ease of public parking	1	2	3	4	5
Ease of travel by car in Boulder	1	2	3	4	5
Ease of travel by public transportation in Boulder	1	2	3	4	5
Ease of travel by bicycle in Boulder	1	2	3	4	5
Ease of walking in Boulder	1	2	3	4	5
Availability of paths and walking trails	1	2	3	4	5
Air quality	1	2	3	4	5
Cleanliness of Boulder	1	2	3	4	5
Overall appearance of Boulder	1	2	3	4	5
Public places where people want to spend time	1	2	3	4	5
Variety of housing options	1	2	3	4	5
Availability of affordable quality housing	1	2	3	4	5
Fitness opportunities (including exercise classes and paths or trails, etc.)	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Availability of affordable quality food	1	2	3	4	5
Availability of affordable quality health care	1	2	3	4	5
Availability of preventive health services	1	2	3	4	5
Availability of affordable quality mental health care	1	2	3	4	5
Ability to start or grow a business	1	2	3	4	5

THE NCS™
The National Citizen Survey™

6. Please rate each of the following characteristics as they relate to Boulder as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Availability of affordable quality child care/preschool	1	2	3	4	5
K-12 education	1	2	3	4	5
Adult educational opportunities	1	2	3	4	5
Opportunities to attend cultural/arts/music activities	1	2	3	4	5
Opportunities to participate in religious or spiritual events and activities	1	2	3	4	5
Employment opportunities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Cost of living in Boulder	1	2	3	4	5
Overall quality of business and service establishments in Boulder	1	2	3	4	5
Vibrant downtown/commercial area	1	2	3	4	5
Overall quality of new development in Boulder	1	2	3	4	5
Opportunities to participate in social events and activities	1	2	3	4	5
Opportunities to volunteer	1	2	3	4	5
Opportunities to participate in community matters	1	2	3	4	5
Openness and acceptance of the community toward people of diverse backgrounds	1	2	3	4	5
Neighborliness of residents in Boulder	1	2	3	4	5

7. Please indicate whether or not you have done each of the following in the last 12 months.

	No	*Yes*
Made efforts to conserve water	1	2
Made efforts to make your home more energy efficient	1	2
Observed a code violation or other hazard in Boulder (weeds, abandoned buildings, etc.)	1	2
Household member was a victim of a crime in Boulder	1	2
Reported a crime to the police in Boulder	1	2
Stocked supplies in preparation for an emergency	1	2
Campaigned or advocated for an issue, cause or candidate	1	2
Contacted the City of Boulder (in-person, phone, email or web) for help or information	1	2
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	1	2
Made efforts to reduce your energy consumption	1	2

8. In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?

	2 times a week or more	*2-4 times a month*	*Once a month or less*	*Not at all*
Used Boulder recreation centers or their services	1	2	3	4
Visited a neighborhood park or City park	1	2	3	4
Used Boulder public libraries or their services	1	2	3	4
Participated in religious or spiritual activities in Boulder	1	2	3	4
Attended a City-sponsored event	1	2	3	4
Used bus, rail, subway or other public transportation instead of driving	1	2	3	4
Carpooled with other adults or children instead of driving alone	1	2	3	4
Walked or biked instead of driving	1	2	3	4
Volunteered your time to some group/activity in Boulder	1	2	3	4
Participated in a club	1	2	3	4
Talked to or visited with your immediate neighbors	1	2	3	4
Done a favor for a neighbor	1	2	3	4
Visited open space and mountain parks	1	2	3	4

9. Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?

	2 times a week or more	*2-4 times a month*	*Once a month or less*	*Not at all*
Attended a local public meeting	1	2	3	4
Watched (online or on television) a local public meeting	1	2	3	4

The National Citizen Survey™ • © 2001-2016 National Research Center, Inc.

The City of Boulder 2016 Community Survey

10. Please rate the quality of each of the following services in Boulder:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Police/Sheriff services	1	2	3	4	5
Fire services	1	2	3	4	5
Ambulance or emergency medical services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Bus or transit services	1	2	3	4	5
Garbage collection	1	2	3	4	5
Recycling	1	2	3	4	5
Yard waste pick-up	1	2	3	4	5
Storm drainage	1	2	3	4	5
Drinking water	1	2	3	4	5
Sewer services	1	2	3	4	5
Power (electric and/or gas) utility	1	2	3	4	5
Water utility billing	1	2	3	4	5
City parks	1	2	3	4	5
Recreation programs or classes	1	2	3	4	5
Recreation centers or facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc.)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Health services	1	2	3	4	5
Public library services	1	2	3	4	5
Public information services	1	2	3	4	5
Cable television	1	2	3	4	5
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	1	2	3	4	5
Preservation of natural areas such as open space, farmlands and greenbelts	1	2	3	4	5
Boulder open space	1	2	3	4	5
City-sponsored special events	1	2	3	4	5
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by each of the following?

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
The City of Boulder	1	2	3	4	5
The Federal Government	1	2	3	4	5

12. Please rate the following categories of Boulder government performance:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
The value of services for the taxes paid to Boulder	1	2	3	4	5
The overall direction that Boulder is taking	1	2	3	4	5
The job Boulder government does at welcoming citizen involvement	1	2	3	4	5
Overall confidence in Boulder government	1	2	3	4	5
Generally acting in the best interest of the community	1	2	3	4	5
Being honest	1	2	3	4	5
Treating all residents fairly	1	2	3	4	5
Gathering feedback from residents on new polices or projects	1	2	3	4	5
Conducting public processes	1	2	3	4	5

THE NCS™
The National Citizen Survey™

13. Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:

	Essential	*Very important*	*Somewhat important*	*Not at all important*
Overall feeling of safety in Boulder	1	2	3	4
Overall ease of getting to the places you usually have to visit	1	2	3	4
Quality of overall natural environment in Boulder	1	2	3	4
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	1	2	3	4
Health and wellness opportunities in Boulder	1	2	3	4
Overall opportunities for education and enrichment	1	2	3	4
Overall economic health of Boulder	1	2	3	4
Sense of community	1	2	3	4

14. How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?

	Very likely	*Likely*	*Somewhat likely*	*Not at all likely*	*Don't know*
City of Boulder website (www.bouldercolorado.gov)	1	2	3	4	5
City of Boulder Facebook Page	1	2	3	4	5
City of Boulder Twitter	1	2	3	4	5
City of Boulder NextDoor neighborhood postings	1	2	3	4	5
City of Boulder online video (e.g., YouTube, Vimeo, webstreaming)	1	2	3	4	5
Boulder Daily Camera	1	2	3	4	5
The Colorado Daily	1	2	3	4	5
BizWest (formerly Boulder County Business Report)	1	2	3	4	5
Inserts in the water utility bill	1	2	3	4	5
Mailings to your home address	1	2	3	4	5
Listservs (where you sign up to be part of a group receiving emails from the city)	1	2	3	4	5
Community Newsletter	1	2	3	4	5
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	1	2	3	4	5

15. Please rate to what extent you agree or disagree with the following statements.

	Strongly agree	*Agree*	*Neither agree nor disagree*	*Disagree*	*Strongly disagree*
I feel included in the Boulder community	1	2	3	4	5
I inform myself about major issues in the City of Boulder	1	2	3	4	5
I take the initiative to share my views with elected officials or city staff	1	2	3	4	5
Boulder's City Council implements policies that reflect the values of the Boulder community	1	2	3	4	5

The National Citizen Survey™ • © 2001-2016 National Research Center, Inc.

The City of Boulder 2016 Community Survey

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

D1. How often, if at all, do you do each of the following, considering all of the times you could?

	Never	*Rarely*	*Sometimes*	*Usually*	*Always*
Recycle at home	1	2	3	4	5
Purchase goods or services from a business located in Boulder	1	2	3	4	5
Eat at least 5 portions of fruits and vegetables a day	1	2	3	4	5
Participate in moderate or vigorous physical activity	1	2	3	4	5
Read or watch local news (via television, paper, computer, etc.)	1	2	3	4	5
Vote in local elections	1	2	3	4	5

D2. Would you say that in general your health is:
❍ Excellent ❍ Very good ❍ Good ❍ Fair ❍ Poor

D3. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:
❍ Very positive ❍ Somewhat positive ❍ Neutral ❍ Somewhat negative ❍ Very negative

D4. What is your employment status?
❍ Working full time for pay
❍ Working part time for pay
❍ Unemployed, looking for paid work
❍ Unemployed, not looking for paid work
❍ Fully retired

D5. Do you work inside the boundaries of Boulder?
❍ Yes, outside the home
❍ Yes, from home
❍ No

D6. How many years have you lived in Boulder?
❍ Less than 2 years ❍ 11-20 years
❍ 2-5 years ❍ More than 20 years
❍ 6-10 years

D7. Which best describes the building you live in?
❍ One family house detached from any other houses
❍ Building with two or more homes (duplex, townhome, apartment or condominium)
❍ Mobile home
❍ Other

D8. Is this house, apartment or mobile home…
❍ Rented
❍ Owned

D9. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?
❍ Less than $300 per month
❍ $300 to $599 per month
❍ $600 to $999 per month
❍ $1,000 to $1,499 per month
❍ $1,500 to $2,499 per month
❍ $2,500 or more per month

D10. Do any children 17 or under live in your household?
❍ No ❍ Yes

D11. Are you or any other members of your household aged 65 or older?
❍ No ❍ Yes

D12. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)
❍ Less than $25,000
❍ $25,000 to $49,999
❍ $50,000 to $99,999
❍ $100,000 to $149,999
❍ $150,000 or more

Please respond to both questions D13 and D14:

D13. Are you Spanish, Hispanic or Latino?
❍ No, not Spanish, Hispanic or Latino
❍ Yes, I consider myself to be Spanish, Hispanic or Latino

D14. What is your race? (Mark one or more races to indicate what race you consider yourself to be.)
❍ American Indian or Alaskan Native
❍ Asian, Asian Indian or Pacific Islander
❍ Black or African American
❍ White
❍ Other

D15. In which category is your age?
❍ 18-24 years ❍ 55-64 years
❍ 25-34 years ❍ 65-74 years
❍ 35-44 years ❍ 75 years or older
❍ 45-54 years

D16. What is your sex?
❍ Female ❍ Male

D17. Do you consider a cell phone or land line your primary telephone number?
❍ Cell ❍ Land line ❍ Both

Thank you for completing this survey. Please return the completed survey in the postage-paid envelope to: National Research Center, Inc., PO Box 549, Belle Mead, NJ 08502

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you for helping create a better Boulder!

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Gracias por ayudar a crear una Boulder mejor!

Suzanne Jones
Mayor

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you for helping create a better Boulder!

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Gracias por ayudar a crear una Boulder mejor!

Suzanne Jones
Mayor

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you for helping create a better Boulder!

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Gracias por ayudar a crear una Boulder mejor!

Suzanne Jones
Mayor

Dear Boulder Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you for helping create a better Boulder!

Estimado Residente de Boulder,

¡No le tomará mucho de su tiempo para marcar una gran diferencia!

Su hogar ha sido elegido al azar para participar en una encuesta sobre su comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Gracias por ayudar a crear una Boulder mejor!

Suzanne Jones
Mayor

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

CITY OF BOULDER
OFFICE OF THE CITY COUNCIL

Mayor Suzanne Jones
Mayor ProTem Mary Young

Council Members: Matt Appelbaum, Aaron Brockett, Jan Burton, Lisa Morzel, Andrew Shoemaker, Sam Weaver, Bob Yates

September 2016

Dear City of Boulder Resident:

Please help us shape the future of Boulder! You have been selected at random to participate in the 2016 Boulder Community Survey.

Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. Your feedback will help Boulder make decisions that affect our City.

A few things to remember:

- **Your responses are completely anonymous.**
- In order to hear from a diverse group of residents, the adult 18 years or older in your household who most recently had a birthday should complete this survey.
- **Please complete the survey online at: www.n-r-c.com/survey/boulder2016.htm and enter your unique password. Your password can be found in the upper right-hand corner of this page.**

If you have any questions about the survey please call 303-441-4907.

Thank you for your time and participation!

Sincerely,

Estimado Residente de la City de Boulder:

¡Por favor ayúdenos a moldear el futuro de Boulder! Usted ha sido seleccionado al azar para participar en la Encuesta de Ciudadanos de Boulder del 2016.

Su participación en esta encuesta es muy importante – especialmente porque su hogar es uno de solamente un número pequeño de hogares que se están encuestando. Sus observaciones le ayudarán a Boulder tomar decisiones que afectarán a nuestro City.

Algunas cosas para recordar:

- **Sus respuestas son completamente anónimas.**
- Para poder escuchar a un grupo diverso de residentes, el adulto de 18 años o más en su hogar que haya celebrado su cumpleaños más recientemente debe completar esta encuesta.
- **También puede completar la encuesta en línea en español en: www.n-r-c.com/survey/boulder2016.htm e ingrese su contraseña única. Puede se encuentra la contraseña en la esquina derecho superior de esta página.**

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

Si tiene alguna pregunta sobre la encuesta por favor llame al 303-441-4907.

¡Gracias por su tiempo y participación!

Atentamente,

Suzanne Jones
Mayor

P.O. Box 791 · Boulder, Colorado 80306-0791 · www.bouldercolorado.gov · (303) 441-3002 · Fax (303) 441-4478

Dear Boulder Resident,

Just a reminder – if you have not yet completed Boulder's 2016 Community Survey, please do so.

Your participation in this survey is very important – your answers will help the Boulder City Council make decisions that affect your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you very much!

Estimado residente de la Ciudad de Boulder,

Solamente un recordatorio – si usted aún no ha completado la Encuesta Ciudadana del 2016 de la Ciudad de Boulder, por favor hágalo.

Su participación en esta encuesta es muy importante – sus respuestas le ayudarán al Consejo Municipal de Boulder para tomar decisiones que afectan nuestra comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Muchas gracias!,

Suzanne Jones
Mayor

Dear Boulder Resident,

Just a reminder – if you have not yet completed Boulder's 2016 Community Survey, please do so.

Your participation in this survey is very important – your answers will help the Boulder City Council make decisions that affect your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you very much!

Estimado residente de la Ciudad de Boulder,

Solamente un recordatorio – si usted aún no ha completado la Encuesta Ciudadana del 2016 de la Ciudad de Boulder, por favor hágalo.

Su participación en esta encuesta es muy importante – sus respuestas le ayudarán al Consejo Municipal de Boulder para tomar decisiones que afectan nuestra comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Muchas gracias!,

Suzanne Jones
Mayor

Dear Boulder Resident,

Just a reminder – if you have not yet completed Boulder's 2016 Community Survey, please do so.

Your participation in this survey is very important – your answers will help the Boulder City Council make decisions that affect your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you very much!

Estimado residente de la Ciudad de Boulder,

Solamente un recordatorio – si usted aún no ha completado la Encuesta Ciudadana del 2016 de la Ciudad de Boulder, por favor hágalo.

Su participación en esta encuesta es muy importante – sus respuestas le ayudarán al Consejo Municipal de Boulder para tomar decisiones que afectan nuestra comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Muchas gracias!,

Suzanne Jones
Mayor

Dear Boulder Resident,

Just a reminder – if you have not yet completed Boulder's 2016 Community Survey, please do so.

Your participation in this survey is very important – your answers will help the Boulder City Council make decisions that affect your community.

Please complete the survey online at:
www.n-r-c.com/survey/boulder2016.htm
and enter your unique password. Your password can be found above your address.

Thank you very much!

Estimado residente de la Ciudad de Boulder,

Solamente un recordatorio – si usted aún no ha completado la Encuesta Ciudadana del 2016 de la Ciudad de Boulder, por favor hágalo.

Su participación en esta encuesta es muy importante – sus respuestas le ayudarán al Consejo Municipal de Boulder para tomar decisiones que afectan nuestra comunidad.

También puede completar la encuesta en línea en español en:
www.n-r-c.com/survey/boulder2016.htm
e ingrese su contraseña única. La contraseña se encuentra por encima de su dirección.

Para la versión en español haga clic en "Español" en la esquina superior a mano derecha.

¡Muchas gracias!,

Suzanne Jones
Mayor

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

City of Boulder
PO Box 791
Boulder, CO 80306

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO.94

THE NCS™
The National Citizen Survey™

Boulder, CO

Supplemental Online Survey Results

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Contents

About this Report.....1
Complete Survey Responses.....2

The National Citizen Survey™
© 2001-2016 National Research Center, Inc.

The NCS™ is presented by NRC in collaboration with ICMA.

NRC is a charter member of the AAPOR Transparency Initiative, providing clear disclosure of our sound and ethical survey research practices.

About this Report

As part of its participation in The National Citizen Survey™, the City of Boulder conducted a mailed survey of 6,000 residents. Surveys were mailed to randomly selected households in September 2016 and data were collected through October 25, 2016. After the official data collection period was over (see the report, *The National Citizen Survey: Community Livability Report, Boulder, CO, 2016*), the City made available a web-based survey to its residents through a link on the City's website. Visitors to the site were able to complete the survey from October 25-November 11 and 619 surveys were received.

This report contains the results of this administration of the web-based survey and have not been weighted to current population estimates of Boulder.

Complete Survey Responses

The following pages contain a complete set of responses to each question on the survey, excluding the "don't know" responses. The percent of respondents giving a particular response is shown followed by the number of respondents (denoted with "N=").

Responses excluding "don't know"

Table 1: Question 1

Please rate each of the following aspects of quality of life in Boulder:	Excellent		Good		Fair		Poor		Total	
Boulder as a place to live	42%	N=250	46%	N=276	11%	N=64	2%	N=11	100%	N=601
Your neighborhood as a place to live	52%	N=320	38%	N=237	9%	N=54	1%	N=5	100%	N=616
Boulder as a place to raise children	42%	N=208	43%	N=212	12%	N=60	3%	N=13	100%	N=493
Boulder as a place to work	34%	N=190	46%	N=254	16%	N=89	4%	N=21	100%	N=554
Boulder as a place to visit	63%	N=366	32%	N=185	5%	N=29	1%	N=4	100%	N=584
Boulder as a place to retire	24%	N=130	35%	N=186	24%	N=130	17%	N=93	100%	N=539
The overall quality of life in Boulder	36%	N=225	50%	N=309	11%	N=69	3%	N=16	100%	N=619

Table 2: Question 2

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Overall feeling of safety in Boulder	32%	N=194	54%	N=322	13%	N=78	1%	N=7	100%	N=601
Overall ease of getting to the places you usually have to visit	13%	N=79	34%	N=206	35%	N=209	18%	N=109	100%	N=603
Quality of overall natural environment in Boulder	55%	N=327	35%	N=210	8%	N=49	2%	N=11	100%	N=597
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	13%	N=79	41%	N=249	32%	N=193	13%	N=80	100%	N=601
Health and wellness opportunities in Boulder	53%	N=315	37%	N=222	8%	N=48	1%	N=8	100%	N=593
Overall opportunities for education and enrichment	56%	N=328	36%	N=212	7%	N=41	1%	N=5	100%	N=586
Overall economic health of Boulder	36%	N=209	48%	N=276	13%	N=77	3%	N=18	100%	N=580
Sense of community	13%	N=78	43%	N=258	32%	N=189	12%	N=74	100%	N=599
Overall image or reputation of Boulder	27%	N=163	48%	N=282	19%	N=113	6%	N=35	100%	N=593

Table 3: Question 3

Please indicate how likely or unlikely you are to do each of the following:	Very likely		Somewhat likely		Somewhat unlikely		Very unlikely		Total	
Recommend living in Boulder to someone who asks	31%	N=186	37%	N=220	19%	N=112	13%	N=74	100%	N=592
Remain in Boulder for the next five years	58%	N=341	24%	N=141	11%	N=66	6%	N=37	100%	N=585

The National Citizen Survey™

Table 4: Question 4

Please rate how safe or unsafe you feel:	Very safe		Somewhat safe		Neither safe nor unsafe		Somewhat unsafe		Very unsafe		Total	
In your neighborhood during the day	81%	N=481	14%	N=84	3%	N=20	2%	N=10	0%	N=1	100%	N=596
In Boulder's downtown/commercial area during the day	56%	N=338	26%	N=154	8%	N=47	8%	N=46	2%	N=14	100%	N=599

Table 5: Question 5

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Traffic flow on major streets	2%	N=12	21%	N=123	34%	N=196	43%	N=254	100%	N=585
Ease of public parking	4%	N=23	22%	N=128	37%	N=218	37%	N=217	100%	N=586
Ease of travel by car in Boulder	4%	N=24	25%	N=145	39%	N=226	33%	N=192	100%	N=587
Ease of travel by public transportation in Boulder	11%	N=55	31%	N=158	38%	N=193	20%	N=104	100%	N=510
Ease of travel by bicycle in Boulder	34%	N=175	40%	N=209	21%	N=109	5%	N=26	100%	N=519
Ease of walking in Boulder	33%	N=194	47%	N=280	16%	N=94	4%	N=23	100%	N=591
Availability of paths and walking trails	51%	N=301	40%	N=239	7%	N=42	2%	N=9	100%	N=591
Air quality	25%	N=146	57%	N=329	14%	N=84	4%	N=21	100%	N=580
Cleanliness of Boulder	25%	N=149	56%	N=334	16%	N=96	2%	N=14	100%	N=593
Overall appearance of Boulder	31%	N=181	53%	N=312	13%	N=79	4%	N=21	100%	N=593
Public places where people want to spend time	26%	N=151	46%	N=269	21%	N=123	8%	N=46	100%	N=589
Variety of housing options	8%	N=44	22%	N=122	31%	N=174	40%	N=225	100%	N=565
Availability of affordable quality housing	5%	N=26	13%	N=68	27%	N=144	56%	N=305	100%	N=543
Fitness opportunities (including exercise classes and paths or trails, etc.)	64%	N=377	29%	N=171	6%	N=35	1%	N=5	100%	N=588
Recreational opportunities	65%	N=384	30%	N=176	4%	N=25	1%	N=6	100%	N=591
Availability of affordable quality food	25%	N=147	42%	N=247	26%	N=155	7%	N=42	100%	N=591
Availability of affordable quality health care	17%	N=96	48%	N=261	23%	N=126	12%	N=66	100%	N=549
Availability of preventive health services	26%	N=136	53%	N=285	16%	N=83	5%	N=29	100%	N=533
Availability of affordable quality mental health care	17%	N=60	40%	N=142	26%	N=92	18%	N=64	100%	N=358
Ability to start or grow a business	23%	N=89	42%	N=159	23%	N=88	11%	N=43	100%	N=379

Table 6: Question 6

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Availability of affordable quality child care/preschool	13%	N=32	27%	N=66	31%	N=75	29%	N=70	100%	N=243
K-12 education	40%	N=144	46%	N=167	14%	N=49	0%	N=1	100%	N=361
Adult educational opportunities	36%	N=172	51%	N=244	12%	N=60	1%	N=7	100%	N=483
Opportunities to attend cultural/arts/music activities	40%	N=231	44%	N=254	12%	N=68	3%	N=19	100%	N=572
Opportunities to participate in religious or spiritual events and activities	45%	N=178	46%	N=182	8%	N=33	1%	N=5	100%	N=398
Employment opportunities	16%	N=76	49%	N=227	27%	N=124	7%	N=34	100%	N=461
Shopping opportunities	27%	N=156	51%	N=294	19%	N=109	3%	N=19	100%	N=578

The National Citizen Survey™

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Total	
Cost of living in Boulder	2%	N=9	15%	N=90	39%	N=226	44%	N=256	100%	N=581
Overall quality of business and service establishments in Boulder	19%	N=111	60%	N=345	18%	N=105	2%	N=14	100%	N=575
Vibrant downtown/commercial area	34%	N=191	48%	N=271	15%	N=85	4%	N=22	100%	N=569
Overall quality of new development in Boulder	8%	N=43	26%	N=141	31%	N=171	35%	N=193	100%	N=548
Opportunities to participate in social events and activities	30%	N=167	52%	N=287	16%	N=91	2%	N=10	100%	N=555
Opportunities to volunteer	49%	N=258	44%	N=230	6%	N=34	1%	N=3	100%	N=525
Opportunities to participate in community matters	29%	N=160	41%	N=224	20%	N=111	10%	N=58	100%	N=553
Openness and acceptance of the community toward people of diverse backgrounds	18%	N=98	37%	N=201	31%	N=166	14%	N=77	100%	N=542
Neighborliness of residents in Boulder	21%	N=119	44%	N=253	28%	N=161	8%	N=47	100%	N=580

Table 7: Question 7

Please indicate whether or not you have done each of the following in the last 12 months.	No		Yes		Total	
Made efforts to conserve water	10%	N=60	90%	N=526	100%	N=586
Made efforts to make your home more energy efficient	20%	N=117	80%	N=468	100%	N=585
Observed a code violation or other hazard in Boulder	48%	N=277	52%	N=304	100%	N=581
Household member was a victim of a crime in Boulder	89%	N=521	11%	N=62	100%	N=583
Reported a crime to the police in Boulder	80%	N=467	20%	N=116	100%	N=583
Stocked supplies in preparation for an emergency	75%	N=441	25%	N=144	100%	N=585
Campaigned or advocated for an issue, cause or candidate	44%	N=255	56%	N=329	100%	N=584
Contacted the City of Boulder (in-person, phone, email or web) for help or information	32%	N=186	68%	N=399	100%	N=585
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	48%	N=284	52%	N=302	100%	N=586
Made efforts to reduce your energy consumption	11%	N=64	89%	N=521	100%	N=585

Table 8: Question 8

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Used Boulder recreation centers or their services	18%	N=104	12%	N=70	32%	N=188	37%	N=217	100%	N=579
Visited a neighborhood park or City park	40%	N=227	33%	N=187	24%	N=135	4%	N=25	100%	N=574
Used Boulder public libraries or their services	10%	N=59	29%	N=165	39%	N=223	23%	N=130	100%	N=577
Participated in religious or spiritual activities in Boulder	5%	N=30	18%	N=100	16%	N=93	61%	N=348	100%	N=571
Attended a City-sponsored event	2%	N=14	13%	N=72	60%	N=347	25%	N=142	100%	N=575
Used bus, rail, subway or other public transportation instead of driving	12%	N=72	17%	N=96	36%	N=209	35%	N=201	100%	N=578
Carpooled with other adults or children instead of driving alone	15%	N=85	24%	N=140	23%	N=132	38%	N=220	100%	N=577
Walked or biked instead of driving	40%	N=229	27%	N=156	18%	N=104	15%	N=89	100%	N=578
Volunteered your time to some group/activity in Boulder	21%	N=122	22%	N=126	27%	N=154	31%	N=177	100%	N=579
Participated in a club	10%	N=57	16%	N=90	18%	N=104	56%	N=318	100%	N=569
Talked to or visited with your immediate neighbors	59%	N=339	30%	N=172	10%	N=58	2%	N=10	100%	N=579
Done a favor for a neighbor	27%	N=156	31%	N=181	33%	N=190	9%	N=51	100%	N=578

The National Citizen Survey™

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Visited open space and mountain parks	47%	N=272	34%	N=199	16%	N=91	3%	N=17	100%	N=579

Table 9: Question 9

Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Attended a local public meeting	1%	N=7	9%	N=48	39%	N=212	51%	N=274	100%	N=541
Watched (online or on television) a local public meeting	2%	N=9	12%	N=70	33%	N=189	53%	N=306	100%	N=574

Table 10: Question 10

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Total	
Police/Sheriff services	30%	N=133	50%	N=223	17%	N=74	3%	N=13	100%	N=443
Fire services	57%	N=207	40%	N=147	3%	N=10	0%	N=0	100%	N=364
Ambulance or emergency medical services	48%	N=148	46%	N=143	5%	N=15	1%	N=3	100%	N=309
Crime prevention	16%	N=56	53%	N=186	23%	N=80	8%	N=29	100%	N=351
Fire prevention and education	32%	N=99	57%	N=175	8%	N=23	3%	N=9	100%	N=306
Traffic enforcement	9%	N=40	40%	N=183	30%	N=136	21%	N=96	100%	N=455
Street repair	4%	N=21	28%	N=151	34%	N=182	34%	N=180	100%	N=534
Street cleaning	8%	N=42	36%	N=182	33%	N=163	22%	N=112	100%	N=499
Street lighting	10%	N=53	54%	N=290	26%	N=141	11%	N=57	100%	N=541
Snow removal	6%	N=33	33%	N=179	37%	N=200	24%	N=127	100%	N=539
Sidewalk maintenance	6%	N=29	43%	N=222	36%	N=189	16%	N=82	100%	N=522
Traffic signal timing	6%	N=31	35%	N=190	31%	N=169	28%	N=154	100%	N=544
Bus or transit services	20%	N=90	44%	N=197	25%	N=111	11%	N=48	100%	N=446
Garbage collection	39%	N=209	52%	N=281	7%	N=39	2%	N=9	100%	N=538
Recycling	51%	N=277	41%	N=225	6%	N=35	1%	N=6	100%	N=543
Yard waste pick-up	38%	N=175	40%	N=187	12%	N=57	10%	N=44	100%	N=463
Storm drainage	10%	N=46	57%	N=266	24%	N=111	10%	N=45	100%	N=468
Drinking water	39%	N=209	47%	N=256	12%	N=64	2%	N=12	100%	N=541
Sewer services	26%	N=122	57%	N=264	12%	N=56	4%	N=20	100%	N=462
Power (electric and/or gas) utility	33%	N=177	49%	N=258	13%	N=69	5%	N=25	100%	N=529
Water utility billing	26%	N=130	52%	N=263	17%	N=84	6%	N=28	100%	N=505
City parks	45%	N=242	44%	N=238	9%	N=50	2%	N=10	100%	N=540
Recreation programs or classes	43%	N=179	47%	N=195	7%	N=30	2%	N=9	100%	N=413
Recreation centers or facilities	43%	N=191	46%	N=208	9%	N=40	2%	N=10	100%	N=449
Land use, planning and zoning	6%	N=29	23%	N=111	26%	N=127	45%	N=221	100%	N=488
Code enforcement (weeds, abandoned buildings, etc.)	5%	N=22	30%	N=126	32%	N=135	33%	N=140	100%	N=423

The National Citizen Survey™

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Total	
Animal control	13%	N=51	55%	N=220	23%	N=90	10%	N=38	100%	N=399
Economic development	15%	N=64	41%	N=178	27%	N=118	17%	N=74	100%	N=434
Health services	20%	N=82	62%	N=258	14%	N=60	4%	N=17	100%	N=417
Public library services	49%	N=239	43%	N=214	7%	N=34	1%	N=5	100%	N=492
Public information services	20%	N=86	51%	N=219	22%	N=94	7%	N=28	100%	N=427
Cable television	13%	N=46	39%	N=133	25%	N=86	23%	N=77	100%	N=342
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	20%	N=79	56%	N=217	19%	N=75	5%	N=19	100%	N=390
Preservation of natural areas such as open space, farmlands and greenbelts	44%	N=241	35%	N=190	12%	N=63	9%	N=49	100%	N=543
Boulder open space	54%	N=296	34%	N=188	9%	N=50	3%	N=18	100%	N=552
City-sponsored special events	18%	N=73	58%	N=238	20%	N=84	4%	N=18	100%	N=413
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	19%	N=94	51%	N=245	21%	N=104	9%	N=42	100%	N=485

Table 11: Question 11

Overall, how would you rate the quality of the services provided by each of the following?	Excellent		Good		Fair		Poor		Total	
The City of Boulder	16%	N=86	50%	N=259	24%	N=127	10%	N=50	100%	N=522
The Federal Government	4%	N=21	47%	N=224	37%	N=175	12%	N=56	100%	N=476

Table 12: Question 12

Please rate the following categories of Boulder government performance:	Excellent		Good		Fair		Poor		Total	
The value of services for the taxes paid to Boulder	9%	N=46	40%	N=206	33%	N=170	18%	N=90	100%	N=512
The overall direction that Boulder is taking	4%	N=22	19%	N=103	28%	N=152	48%	N=257	100%	N=534
The job Boulder government does at welcoming citizen involvement	10%	N=48	27%	N=134	27%	N=134	36%	N=174	100%	N=490
Overall confidence in Boulder government	6%	N=31	22%	N=118	25%	N=131	47%	N=253	100%	N=533
Generally acting in the best interest of the community	6%	N=33	20%	N=108	27%	N=141	47%	N=249	100%	N=531
Being honest	9%	N=42	26%	N=124	24%	N=114	42%	N=204	100%	N=484
Treating all residents fairly	6%	N=30	20%	N=96	28%	N=138	46%	N=222	100%	N=486
Gathering feedback from residents on new policies or projects	8%	N=43	21%	N=106	26%	N=131	45%	N=232	100%	N=512
Conducting public processes	8%	N=37	22%	N=108	29%	N=143	41%	N=199	100%	N=487

Table 13: Question 13

Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:	Essential		Very important		Somewhat important		Not at all important		Total	
Overall feeling of safety in Boulder	37%	N=199	36%	N=195	22%	N=119	5%	N=25	100%	N=538
Overall ease of getting to the places you usually have to visit	35%	N=190	48%	N=258	16%	N=84	1%	N=4	100%	N=536
Quality of overall natural environment in Boulder	57%	N=305	32%	N=170	10%	N=56	1%	N=8	100%	N=539

The National Citizen Survey™

Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:	Essential		Very important		Somewhat important		Not at all important		Total	
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	45%	N=246	39%	N=210	14%	N=78	1%	N=8	100%	N=542
Health and wellness opportunities in Boulder	20%	N=110	42%	N=225	31%	N=166	7%	N=39	100%	N=540
Overall opportunities for education and enrichment	22%	N=121	40%	N=213	31%	N=168	7%	N=36	100%	N=538
Overall economic health of Boulder	30%	N=163	41%	N=221	24%	N=129	5%	N=27	100%	N=540
Sense of community	35%	N=187	42%	N=228	21%	N=113	2%	N=9	100%	N=537

Table 14: Question 14

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?	Very likely		Likely		Somewhat likely		Not at all likely		Total	
City of Boulder website (www.bouldercolorado.gov)	39%	N=204	29%	N=151	22%	N=115	9%	N=49	100%	N=519
City of Boulder Facebook Page	5%	N=27	10%	N=50	16%	N=81	69%	N=347	100%	N=505
City of Boulder Twitter	4%	N=19	6%	N=29	9%	N=45	82%	N=410	100%	N=503
City of Boulder NextDoor neighborhood postings	37%	N=185	23%	N=117	20%	N=100	20%	N=102	100%	N=504
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	3%	N=17	7%	N=35	24%	N=119	66%	N=325	100%	N=496
Boulder Daily Camera	44%	N=235	24%	N=127	20%	N=108	12%	N=65	100%	N=535
The Colorado Daily	7%	N=34	12%	N=63	24%	N=123	57%	N=291	100%	N=511
BizWest (formerly Boulder County Business Report)	3%	N=13	5%	N=24	15%	N=71	78%	N=373	100%	N=481
Inserts in the water utility bill	8%	N=41	16%	N=83	27%	N=136	49%	N=245	100%	N=505
Mailings to your home address	26%	N=137	33%	N=170	25%	N=131	16%	N=81	100%	N=519
Listservs (where you sign up to be part of a group receiving emails from the city)	18%	N=92	24%	N=119	18%	N=90	40%	N=198	100%	N=499
Community Newsletter	13%	N=66	26%	N=131	29%	N=144	32%	N=160	100%	N=501
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	7%	N=34	10%	N=49	27%	N=135	56%	N=283	100%	N=501

Table 15: Question 15

Please rate to what extent you agree or disagree with each of the following statements.	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total	
I feel included in the Boulder community	12%	N=64	34%	N=184	31%	N=167	18%	N=99	4%	N=22	100%	N=536
I inform myself about major issues in the City of Boulder	40%	N=216	51%	N=273	8%	N=42	1%	N=7	0%	N=1	100%	N=539
I take the initiative to share my views with elected officials or city staff	19%	N=100	34%	N=185	23%	N=126	21%	N=114	3%	N=14	100%	N=539
Boulder's City Council implements policies that reflect the values of the Boulder community	2%	N=11	15%	N=83	28%	N=151	38%	N=204	17%	N=91	100%	N=540

Table 16: Question D1

How often, if at all, do you do each of the following, considering all of the times you could?	Never		Rarely		Sometimes		Usually		Always		Total	
Recycle at home	0%	N=2	0%	N=0	1%	N=4	8%	N=42	91%	N=485	100%	N=533
Purchase goods or services from a business located in Boulder	0%	N=1	1%	N=6	19%	N=100	55%	N=294	25%	N=135	100%	N=536
Eat at least 5 portions of fruits and vegetables a day	1%	N=5	5%	N=25	27%	N=146	40%	N=216	27%	N=145	100%	N=537
Participate in moderate or vigorous physical activity	1%	N=4	2%	N=13	17%	N=94	42%	N=227	37%	N=201	100%	N=539
Read or watch local news (via television, paper, computer, etc.)	2%	N=12	5%	N=28	17%	N=91	31%	N=169	44%	N=238	100%	N=538
Vote in local elections	2%	N=9	0%	N=2	3%	N=15	9%	N=51	86%	N=461	100%	N=538

Table 17: Question D2

Would you say that in general your health is:	Percent	Number
Excellent	37%	N=200
Very good	46%	N=250
Good	15%	N=80
Fair	1%	N=8
Poor	0%	N=1
Total	100%	N=539

Table 18: Question D3

What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:	Percent	Number
Very positive	7%	N=38
Somewhat positive	24%	N=129
Neutral	51%	N=273
Somewhat negative	16%	N=87
Very negative	2%	N=13
Total	100%	N=540

Table 19: Question D4

What is your employment status?	Percent	Number
Working full time for pay	47%	N=252
Working part time for pay	21%	N=111
Unemployed, looking for paid work	2%	N=12
Unemployed, not looking for paid work	5%	N=25
Fully retired	25%	N=135
Total	100%	N=535

Table 20: Question D5

Do you work inside the boundaries of Boulder?	Percent	Number
Yes, outside the home	32%	N=172
Yes, from home	30%	N=160
No	38%	N=200
Total	100%	N=532

Table 21: Question D6

How many years have you lived in Boulder?	Percent	Number
Less than 2 years	6%	N=33
2 to 5 years	11%	N=60
6 to 10 years	10%	N=56
11 to 20 years	24%	N=129
More than 20 years	48%	N=261
Total	100%	N=539

Table 22: Question D7

Which best describes the building you live in?	Percent	Number
One family house detached from any other houses	79%	N=425
Building with two or more homes (duplex, townhome, apartment or condominium)	19%	N=104
Mobile home	1%	N=6
Other	0%	N=2
Total	100%	N=537

Table 23: Question D8

Is this house, apartment or mobile home...	Percent	Number
Rented	11%	N=57
Owned	89%	N=478
Total	100%	N=535

Table 24: Question D9

About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?	Percent	Number
Less than $300 per month	3%	N=13
$300 to $599 per month	12%	N=60
$600 to $999 per month	8%	N=40
$1,000 to $1,499 per month	18%	N=95
$1,500 to $2,499 per month	36%	N=188
$2,500 or more per month	24%	N=122
Total	100%	N=518

Table 25: Question D10

Do any children 17 or under live in your household?	Percent	Number
No	69%	N=370
Yes	31%	N=166
Total	100%	N=536

Table 26: Question D11

Are you or any other members of your household aged 65 or older?	Percent	Number
No	70%	N=376
Yes	30%	N=160
Total	100%	N=536

Table 27: Question D12

How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)	Percent	Number
Less than $25,000	4%	N=21
$25,000 to $49,999	14%	N=68
$50,000 to $99,999	28%	N=139
$100,000 to $149,999	27%	N=132
$150,000 or more	27%	N=131
Total	100%	N=491

Table 28: Question D13

Are you Spanish, Hispanic or Latino?	Percent	Number
No, not Spanish, Hispanic or Latino	97%	N=511
Yes, I consider myself to be Spanish, Hispanic or Latino	3%	N=16
Total	100%	N=527

Table 29: Question D14

What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.)	Percent	Number
American Indian or Alaskan Native	1%	N=5
Asian, Asian Indian or Pacific Islander	1%	N=7
Black or African American	0%	N=1
White	95%	N=494
Other	4%	N=21

Total may exceed 100% as respondents could select more than one option.

Table 30: Question D15

In which category is your age?	Percent	Number
18 to 24 years	0%	N=1
25 to 34 years	9%	N=49
35 to 44 years	14%	N=71
45 to 54 years	24%	N=124
55 to 64 years	28%	N=149
65 to 74 years	20%	N=103
75 years or older	5%	N=26
Total	100%	N=523

Table 31: Question D16

What is your sex?	Percent	Number
Female	63%	N=332
Male	37%	N=196
Total	100%	N=528

Table 32: Question D17

Do you consider a cell phone or landline your primary telephone number?	Percent	Number
Cell	62%	N=331
Land line	16%	N=85
Both	22%	N=116
Total	100%	N=532

Responses including "don't know"

The following pages contain a complete set of responses to each question on the survey, including the "don't know" responses. The percent of respondents giving a particular response is shown followed by the number of respondents (denoted with "N=").

Table 33: Question 1

Please rate each of the following aspects of quality of life in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Boulder as a place to live	41%	N=250	46%	N=276	11%	N=64	2%	N=11	0%	N=2	100%	N=603
Your neighborhood as a place to live	52%	N=320	38%	N=237	9%	N=54	1%	N=5	0%	N=3	100%	N=619
Boulder as a place to raise children	34%	N=208	34%	N=212	10%	N=60	2%	N=13	20%	N=124	100%	N=617
Boulder as a place to work	31%	N=190	41%	N=254	14%	N=89	3%	N=21	10%	N=63	100%	N=617
Boulder as a place to visit	59%	N=366	30%	N=185	5%	N=29	1%	N=4	5%	N=32	100%	N=616
Boulder as a place to retire	21%	N=130	30%	N=186	21%	N=130	15%	N=93	13%	N=77	100%	N=616
The overall quality of life in Boulder	36%	N=225	50%	N=309	11%	N=69	3%	N=16	0%	N=0	100%	N=619

Table 34: Question 2

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Overall feeling of safety in Boulder	32%	N=194	54%	N=322	13%	N=78	1%	N=7	0%	N=0	100%	N=601
Overall ease of getting to the places you usually have to visit	13%	N=79	34%	N=206	35%	N=209	18%	N=109	0%	N=0	100%	N=603
Quality of overall natural environment in Boulder	55%	N=327	35%	N=210	8%	N=49	2%	N=11	0%	N=0	100%	N=597
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	13%	N=79	41%	N=249	32%	N=193	13%	N=80	0%	N=1	100%	N=602
Health and wellness opportunities in Boulder	53%	N=315	37%	N=222	8%	N=48	1%	N=8	1%	N=6	100%	N=599
Overall opportunities for education and enrichment	54%	N=328	35%	N=212	7%	N=41	1%	N=5	3%	N=18	100%	N=604
Overall economic health of Boulder	35%	N=209	46%	N=276	13%	N=77	3%	N=18	4%	N=22	100%	N=602
Sense of community	13%	N=78	43%	N=258	31%	N=189	12%	N=74	0%	N=2	100%	N=601
Overall image or reputation of Boulder	27%	N=163	47%	N=282	19%	N=113	6%	N=35	2%	N=10	100%	N=603

Table 35: Question 3

Please indicate how likely or unlikely you are to do each of the following:	Very likely		Somewhat likely		Somewhat unlikely		Very unlikely		Don't know		Total	
Recommend living in Boulder to someone who asks	31%	N=186	37%	N=220	19%	N=112	12%	N=74	1%	N=6	100%	N=598
Remain in Boulder for the next five years	57%	N=341	24%	N=141	11%	N=66	6%	N=37	3%	N=15	100%	N=600

The National Citizen Survey™

Table 36: Question 4

Please rate how safe or unsafe you feel:	Very safe		Somewhat safe		Neither safe nor unsafe		Somewhat unsafe		Very unsafe		Don't know		Total	
In your neighborhood during the day	80%	N=481	14%	N=84	3%	N=20	2%	N=10	0%	N=1	0%	N=2	100%	N=598
In Boulder's downtown/commercial area during the day	56%	N=338	26%	N=154	8%	N=47	8%	N=46	2%	N=14	0%	N=3	100%	N=602

Table 37: Question 5

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Traffic flow on major streets	2%	N=12	21%	N=123	33%	N=196	43%	N=254	1%	N=3	100%	N=588
Ease of public parking	4%	N=23	22%	N=128	37%	N=218	37%	N=217	1%	N=7	100%	N=593
Ease of travel by car in Boulder	4%	N=24	24%	N=145	38%	N=226	32%	N=192	1%	N=5	100%	N=592
Ease of travel by public transportation in Boulder	9%	N=55	27%	N=158	33%	N=193	18%	N=104	14%	N=82	100%	N=592
Ease of travel by bicycle in Boulder	30%	N=175	35%	N=209	18%	N=109	4%	N=26	12%	N=71	100%	N=590
Ease of walking in Boulder	33%	N=194	47%	N=280	16%	N=94	4%	N=23	0%	N=2	100%	N=593
Availability of paths and walking trails	51%	N=301	40%	N=239	7%	N=42	2%	N=9	0%	N=1	100%	N=592
Air quality	25%	N=146	56%	N=329	14%	N=84	4%	N=21	2%	N=11	100%	N=591
Cleanliness of Boulder	25%	N=149	56%	N=334	16%	N=96	2%	N=14	0%	N=0	100%	N=593
Overall appearance of Boulder	30%	N=181	53%	N=312	13%	N=79	4%	N=21	0%	N=1	100%	N=594
Public places where people want to spend time	25%	N=151	45%	N=269	21%	N=123	8%	N=46	1%	N=4	100%	N=593
Variety of housing options	7%	N=44	21%	N=122	29%	N=174	38%	N=225	5%	N=27	100%	N=592
Availability of affordable quality housing	4%	N=26	12%	N=68	24%	N=144	52%	N=305	8%	N=48	100%	N=591
Fitness opportunities (including exercise classes and paths or trails, etc.)	64%	N=377	29%	N=171	6%	N=35	1%	N=5	1%	N=5	100%	N=593
Recreational opportunities	65%	N=384	30%	N=176	4%	N=25	1%	N=6	0%	N=1	100%	N=592
Availability of affordable quality food	25%	N=147	42%	N=247	26%	N=155	7%	N=42	0%	N=1	100%	N=592
Availability of affordable quality health care	16%	N=96	44%	N=261	21%	N=126	11%	N=66	8%	N=46	100%	N=595
Availability of preventive health services	23%	N=136	48%	N=285	14%	N=83	5%	N=29	10%	N=59	100%	N=592
Availability of affordable quality mental health care	10%	N=60	24%	N=142	15%	N=92	11%	N=64	40%	N=236	100%	N=594
Ability to start or grow a business	15%	N=89	27%	N=159	15%	N=88	7%	N=43	36%	N=213	100%	N=592

Table 38: Question 6

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Availability of affordable quality child care/preschool	6%	N=32	11%	N=66	13%	N=75	12%	N=70	58%	N=334	100%	N=577
K-12 education	25%	N=144	29%	N=167	9%	N=49	0%	N=1	37%	N=212	100%	N=573
Adult educational opportunities	30%	N=172	43%	N=244	10%	N=60	1%	N=7	16%	N=89	100%	N=572
Opportunities to attend cultural/arts/music activities	40%	N=231	44%	N=254	12%	N=68	3%	N=19	2%	N=10	100%	N=582

The National Citizen Survey™

Please rate each of the following characteristics as they relate to Boulder as a whole:	Excellent		Good		Fair		Poor		Don't know		Total	
Opportunities to participate in religious or spiritual events and activities	31%	N=178	31%	N=182	6%	N=33	1%	N=5	32%	N=185	100%	N=583
Employment opportunities	13%	N=76	39%	N=227	21%	N=124	6%	N=34	21%	N=124	100%	N=585
Shopping opportunities	27%	N=156	51%	N=294	19%	N=109	3%	N=19	1%	N=4	100%	N=582
Cost of living in Boulder	2%	N=9	15%	N=90	39%	N=226	44%	N=256	1%	N=3	100%	N=584
Overall quality of business and service establishments in Boulder	19%	N=111	59%	N=345	18%	N=105	2%	N=14	1%	N=6	100%	N=581
Vibrant downtown/commercial area	33%	N=191	47%	N=271	15%	N=85	4%	N=22	2%	N=12	100%	N=581
Overall quality of new development in Boulder	7%	N=43	24%	N=141	29%	N=171	33%	N=193	6%	N=32	100%	N=580
Opportunities to participate in social events and activities	29%	N=167	50%	N=287	16%	N=91	2%	N=10	4%	N=24	100%	N=579
Opportunities to volunteer	44%	N=258	39%	N=230	6%	N=34	1%	N=3	10%	N=59	100%	N=584
Opportunities to participate in community matters	27%	N=160	38%	N=224	19%	N=111	10%	N=58	5%	N=32	100%	N=585
Openness and acceptance of the community toward people of diverse backgrounds	17%	N=98	34%	N=201	28%	N=166	13%	N=77	7%	N=42	100%	N=584
Neighborliness of residents in Boulder	20%	N=119	43%	N=253	28%	N=161	8%	N=47	1%	N=4	100%	N=584

Table 39: Question 7

Please indicate whether or not you have done each of the following in the last 12 months.	No		Yes		Total	
Made efforts to conserve water	10%	N=60	90%	N=526	100%	N=586
Made efforts to make your home more energy efficient	20%	N=117	80%	N=468	100%	N=585
Observed a code violation or other hazard in Boulder	48%	N=277	52%	N=304	100%	N=581
Household member was a victim of a crime in Boulder	89%	N=521	11%	N=62	100%	N=583
Reported a crime to the police in Boulder	80%	N=467	20%	N=116	100%	N=583
Stocked supplies in preparation for an emergency	75%	N=441	25%	N=144	100%	N=585
Campaigned or advocated for an issue, cause or candidate	44%	N=255	56%	N=329	100%	N=584
Contacted the City of Boulder (in-person, phone, email or web) for help or information	32%	N=186	68%	N=399	100%	N=585
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	48%	N=284	52%	N=302	100%	N=586
Made efforts to reduce your energy consumption	11%	N=64	89%	N=521	100%	N=585

Table 40: Question 8

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Used Boulder recreation centers or their services	18%	N=104	12%	N=70	32%	N=188	37%	N=217	100%	N=579
Visited a neighborhood park or City park	40%	N=227	33%	N=187	24%	N=135	4%	N=25	100%	N=574
Used Boulder public libraries or their services	10%	N=59	29%	N=165	39%	N=223	23%	N=130	100%	N=577
Participated in religious or spiritual activities in Boulder	5%	N=30	18%	N=100	16%	N=93	61%	N=348	100%	N=571
Attended a City-sponsored event	2%	N=14	13%	N=72	60%	N=347	25%	N=142	100%	N=575
Used bus, rail, subway or other public transportation instead of driving	12%	N=72	17%	N=96	36%	N=209	35%	N=201	100%	N=578
Carpooled with other adults or children instead of driving alone	15%	N=85	24%	N=140	23%	N=132	38%	N=220	100%	N=577

The National Citizen Survey™

In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Boulder?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Walked or biked instead of driving	40%	N=229	27%	N=156	18%	N=104	15%	N=89	100%	N=578
Volunteered your time to some group/activity in Boulder	21%	N=122	22%	N=126	27%	N=154	31%	N=177	100%	N=579
Participated in a club	10%	N=57	16%	N=90	18%	N=104	56%	N=318	100%	N=569
Talked to or visited with your immediate neighbors	59%	N=339	30%	N=172	10%	N=58	2%	N=10	100%	N=579
Done a favor for a neighbor	27%	N=156	31%	N=181	33%	N=190	9%	N=51	100%	N=578
Visited open space and mountain parks	47%	N=272	34%	N=199	16%	N=91	3%	N=17	100%	N=579

Table 41: Question 9

Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?	2 times a week or more		2-4 times a month		Once a month or less		Not at all		Total	
Attended a local public meeting	1%	N=7	9%	N=48	39%	N=212	51%	N=274	100%	N=541
Watched (online or on television) a local public meeting	2%	N=9	12%	N=70	33%	N=189	53%	N=306	100%	N=574

Table 42: Question 10

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Police/Sheriff services	24%	N=133	40%	N=223	13%	N=74	2%	N=13	20%	N=112	100%	N=555
Fire services	37%	N=207	26%	N=147	2%	N=10	0%	N=0	35%	N=192	100%	N=556
Ambulance or emergency medical services	26%	N=148	26%	N=143	3%	N=15	1%	N=3	45%	N=251	100%	N=560
Crime prevention	10%	N=56	33%	N=186	14%	N=80	5%	N=29	37%	N=207	100%	N=558
Fire prevention and education	18%	N=99	31%	N=175	4%	N=23	2%	N=9	45%	N=254	100%	N=560
Traffic enforcement	7%	N=40	33%	N=183	24%	N=136	17%	N=96	18%	N=103	100%	N=558
Street repair	4%	N=21	27%	N=151	33%	N=182	32%	N=180	5%	N=26	100%	N=560
Street cleaning	8%	N=42	33%	N=182	29%	N=163	20%	N=112	11%	N=60	100%	N=559
Street lighting	9%	N=53	52%	N=290	25%	N=141	10%	N=57	3%	N=19	100%	N=560
Snow removal	6%	N=33	32%	N=179	36%	N=200	23%	N=127	4%	N=21	100%	N=560
Sidewalk maintenance	5%	N=29	40%	N=222	34%	N=189	15%	N=82	7%	N=37	100%	N=559
Traffic signal timing	6%	N=31	34%	N=190	30%	N=169	27%	N=154	3%	N=17	100%	N=561
Bus or transit services	16%	N=90	35%	N=197	20%	N=111	9%	N=48	20%	N=110	100%	N=556
Garbage collection	37%	N=209	50%	N=281	7%	N=39	2%	N=9	4%	N=22	100%	N=560
Recycling	49%	N=277	40%	N=225	6%	N=35	1%	N=6	3%	N=17	100%	N=560
Yard waste pick-up	31%	N=175	34%	N=187	10%	N=57	8%	N=44	17%	N=93	100%	N=556
Storm drainage	8%	N=46	48%	N=266	20%	N=111	8%	N=45	16%	N=89	100%	N=557
Drinking water	38%	N=209	46%	N=256	11%	N=64	2%	N=12	3%	N=16	100%	N=557
Sewer services	22%	N=122	48%	N=264	10%	N=56	4%	N=20	17%	N=92	100%	N=554
Power (electric and/or gas) utility	32%	N=177	46%	N=258	12%	N=69	4%	N=25	5%	N=28	100%	N=557

The National Citizen Survey™

Please rate the quality of each of the following services in Boulder:	Excellent		Good		Fair		Poor		Don't know		Total	
Water utility billing	23%	N=130	47%	N=263	15%	N=84	5%	N=28	9%	N=52	100%	N=557
City parks	44%	N=242	43%	N=238	9%	N=50	2%	N=10	3%	N=15	100%	N=555
Recreation programs or classes	32%	N=179	35%	N=195	5%	N=30	2%	N=9	25%	N=141	100%	N=554
Recreation centers or facilities	34%	N=191	37%	N=208	7%	N=40	2%	N=10	19%	N=107	100%	N=556
Land use, planning and zoning	5%	N=29	20%	N=111	23%	N=127	40%	N=221	11%	N=61	100%	N=549
Code enforcement (weeds, abandoned buildings, etc.)	4%	N=22	23%	N=126	24%	N=135	25%	N=140	24%	N=135	100%	N=558
Animal control	9%	N=51	39%	N=220	16%	N=90	7%	N=38	29%	N=160	100%	N=559
Economic development	12%	N=64	32%	N=178	21%	N=118	13%	N=74	22%	N=119	100%	N=553
Health services	15%	N=82	46%	N=258	11%	N=60	3%	N=17	25%	N=138	100%	N=555
Public library services	43%	N=239	38%	N=214	6%	N=34	1%	N=5	12%	N=66	100%	N=558
Public information services	15%	N=86	39%	N=219	17%	N=94	5%	N=28	23%	N=128	100%	N=555
Cable television	8%	N=46	24%	N=133	16%	N=86	14%	N=77	38%	N=210	100%	N=552
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	14%	N=79	39%	N=217	14%	N=75	3%	N=19	30%	N=165	100%	N=555
Preservation of natural areas such as open space, farmlands and greenbelts	43%	N=241	34%	N=190	11%	N=63	9%	N=49	3%	N=16	100%	N=559
Boulder open space	53%	N=296	34%	N=188	9%	N=50	3%	N=18	1%	N=6	100%	N=558
City-sponsored special events	13%	N=73	43%	N=238	15%	N=84	3%	N=18	25%	N=141	100%	N=554
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	17%	N=94	44%	N=245	19%	N=104	8%	N=42	13%	N=75	100%	N=560

Table 43: Question 11

Overall, how would you rate the quality of the services provided by each of the following?	Excellent		Good		Fair		Poor		Don't know		Total	
The City of Boulder	16%	N=86	48%	N=259	23%	N=127	9%	N=50	4%	N=22	100%	N=544
The Federal Government	4%	N=21	40%	N=224	31%	N=175	10%	N=56	15%	N=83	100%	N=559

Table 44: Question 12

Please rate the following categories of Boulder government performance:	Excellent		Good		Fair		Poor		Don't know		Total	
The value of services for the taxes paid to Boulder	9%	N=46	38%	N=206	32%	N=170	17%	N=90	5%	N=26	100%	N=538
The overall direction that Boulder is taking	4%	N=22	19%	N=103	28%	N=152	47%	N=257	2%	N=10	100%	N=544
The job Boulder government does at welcoming citizen involvement	9%	N=48	25%	N=134	25%	N=134	32%	N=174	9%	N=50	100%	N=540
Overall confidence in Boulder government	6%	N=31	22%	N=118	24%	N=131	47%	N=253	2%	N=11	100%	N=544
Generally acting in the best interest of the community	6%	N=33	20%	N=108	26%	N=141	46%	N=249	2%	N=12	100%	N=543
Being honest	8%	N=42	23%	N=124	21%	N=114	38%	N=204	11%	N=58	100%	N=542
Treating all residents fairly	6%	N=30	18%	N=96	26%	N=138	41%	N=222	10%	N=55	100%	N=541
Gathering feedback from residents on new policies or projects	8%	N=43	20%	N=106	24%	N=131	43%	N=232	6%	N=31	100%	N=543

The National Citizen Survey™

Please rate the following categories of Boulder government performance:	Excellent		Good		Fair		Poor		Don't know		Total	
Conducting public processes	7%	N=37	20%	N=108	26%	N=143	37%	N=199	10%	N=53	100%	N=540

Table 45: Question 13

Please rate how important, if at all, you think it is for the Boulder community to focus on each of the following in the coming two years:	Essential		Very important		Somewhat important		Not at all important		Total	
Overall feeling of safety in Boulder	37%	N=199	36%	N=195	22%	N=119	5%	N=25	100%	N=538
Overall ease of getting to the places you usually have to visit	35%	N=190	48%	N=258	16%	N=84	1%	N=4	100%	N=536
Quality of overall natural environment in Boulder	57%	N=305	32%	N=170	10%	N=56	1%	N=8	100%	N=539
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	45%	N=246	39%	N=210	14%	N=78	1%	N=8	100%	N=542
Health and wellness opportunities in Boulder	20%	N=110	42%	N=225	31%	N=166	7%	N=39	100%	N=540
Overall opportunities for education and enrichment	22%	N=121	40%	N=213	31%	N=168	7%	N=36	100%	N=538
Overall economic health of Boulder	30%	N=163	41%	N=221	24%	N=129	5%	N=27	100%	N=540
Sense of community	35%	N=187	42%	N=228	21%	N=113	2%	N=9	100%	N=537

Table 46: Question 14

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events?	Very likely		Likely		Somewhat likely		Not at all likely		Don't know		Total	
City of Boulder website (www.bouldercolorado.gov)	38%	N=204	28%	N=151	22%	N=115	9%	N=49	2%	N=13	100%	N=532
City of Boulder Facebook Page	5%	N=27	9%	N=50	15%	N=81	65%	N=347	5%	N=27	100%	N=532
City of Boulder Twitter	4%	N=19	5%	N=29	9%	N=45	78%	N=410	5%	N=26	100%	N=529
City of Boulder NextDoor neighborhood postings	34%	N=185	22%	N=117	19%	N=100	19%	N=102	6%	N=33	100%	N=537
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	3%	N=17	7%	N=35	22%	N=119	61%	N=325	7%	N=35	100%	N=531
Boulder Daily Camera	44%	N=235	24%	N=127	20%	N=108	12%	N=65	0%	N=1	100%	N=536
The Colorado Daily	6%	N=34	12%	N=63	23%	N=123	55%	N=291	4%	N=22	100%	N=533
BizWest (formerly Boulder County Business Report)	2%	N=13	5%	N=24	13%	N=71	70%	N=373	9%	N=49	100%	N=530
Inserts in the water utility bill	8%	N=41	16%	N=83	25%	N=136	46%	N=245	5%	N=29	100%	N=534
Mailings to your home address	26%	N=137	32%	N=170	25%	N=131	15%	N=81	2%	N=11	100%	N=530
Listservs (where you sign up to be part of a group receiving emails from the city)	17%	N=92	22%	N=119	17%	N=90	37%	N=198	7%	N=35	100%	N=534
Community Newsletter	13%	N=66	25%	N=131	27%	N=144	30%	N=160	5%	N=27	100%	N=528
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	6%	N=34	9%	N=49	25%	N=135	53%	N=283	6%	N=32	100%	N=533

The National Citizen Survey™

Table 47: Question 15

Please rate to what extent you agree or disagree with each of the following statements.	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total	
I feel included in the Boulder community	12%	N=64	34%	N=184	31%	N=167	18%	N=99	4%	N=22	100%	N=536
I inform myself about major issues in the City of Boulder	40%	N=216	51%	N=273	8%	N=42	1%	N=7	0%	N=1	100%	N=539
I take the initiative to share my views with elected officials or city staff	19%	N=100	34%	N=185	23%	N=126	21%	N=114	3%	N=14	100%	N=539
Boulder's City Council implements policies that reflect the values of the Boulder community	2%	N=11	15%	N=83	28%	N=151	38%	N=204	17%	N=91	100%	N=540

Table 48: Question D1

How often, if at all, do you do each of the following, considering all of the times you could?	Never		Rarely		Sometimes		Usually		Always		Total	
Recycle at home	0%	N=2	0%	N=0	1%	N=4	8%	N=42	91%	N=485	100%	N=533
Purchase goods or services from a business located in Boulder	0%	N=1	1%	N=6	19%	N=100	55%	N=294	25%	N=135	100%	N=536
Eat at least 5 portions of fruits and vegetables a day	1%	N=5	5%	N=25	27%	N=146	40%	N=216	27%	N=145	100%	N=537
Participate in moderate or vigorous physical activity	1%	N=4	2%	N=13	17%	N=94	42%	N=227	37%	N=201	100%	N=539
Read or watch local news (via television, paper, computer, etc.)	2%	N=12	5%	N=28	17%	N=91	31%	N=169	44%	N=238	100%	N=538
Vote in local elections	2%	N=9	0%	N=2	3%	N=15	9%	N=51	86%	N=461	100%	N=538

Table 49: Question D2

Would you say that in general your health is:	Percent	Number
Excellent	37%	N=200
Very good	46%	N=250
Good	15%	N=80
Fair	1%	N=8
Poor	0%	N=1
Total	100%	N=539

Table 50: Question D3

What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:	Percent	Number
Very positive	7%	N=38
Somewhat positive	24%	N=129
Neutral	51%	N=273
Somewhat negative	16%	N=87
Very negative	2%	N=13
Total	100%	N=540

The National Citizen Survey™

Table 51: Question D4

What is your employment status?	Percent	Number
Working full time for pay	47%	N=252
Working part time for pay	21%	N=111
Unemployed, looking for paid work	2%	N=12
Unemployed, not looking for paid work	5%	N=25
Fully retired	25%	N=135
Total	100%	N=535

Table 52: Question D5

Do you work inside the boundaries of Boulder?	Percent	Number
Yes, outside the home	32%	N=172
Yes, from home	30%	N=160
No	38%	N=200
Total	100%	N=532

Table 53: Question D6

How many years have you lived in Boulder?	Percent	Number
Less than 2 years	6%	N=33
2 to 5 years	11%	N=60
6 to 10 years	10%	N=56
11 to 20 years	24%	N=129
More than 20 years	48%	N=261
Total	100%	N=539

Table 54: Question D7

Which best describes the building you live in?	Percent	Number
One family house detached from any other houses	79%	N=425
Building with two or more homes (duplex, townhome, apartment or condominium)	19%	N=104
Mobile home	1%	N=6
Other	0%	N=2
Total	100%	N=537

Table 55: Question D8

Is this house, apartment or mobile home...	Percent	Number
Rented	11%	N=57
Owned	89%	N=478
Total	100%	N=535

Table 56: Question D9

About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?	Percent	Number
Less than $300 per month	3%	N=13
$300 to $599 per month	12%	N=60
$600 to $999 per month	8%	N=40
$1,000 to $1,499 per month	18%	N=95
$1,500 to $2,499 per month	36%	N=188
$2,500 or more per month	24%	N=122
Total	100%	N=518

Table 57: Question D10

Do any children 17 or under live in your household?	Percent	Number
No	69%	N=370
Yes	31%	N=166
Total	100%	N=536

Table 58: Question D11

Are you or any other members of your household aged 65 or older?	Percent	Number
No	70%	N=376
Yes	30%	N=160
Total	100%	N=536

Table 59: Question D12

How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)	Percent	Number
Less than $25,000	4%	N=21
$25,000 to $49,999	14%	N=68
$50,000 to $99,999	28%	N=139
$100,000 to $149,999	27%	N=132
$150,000 or more	27%	N=131
Total	100%	N=491

Table 60: Question D13

Are you Spanish, Hispanic or Latino?	Percent	Number
No, not Spanish, Hispanic or Latino	97%	N=511
Yes, I consider myself to be Spanish, Hispanic or Latino	3%	N=16
Total	100%	N=527

The National Citizen Survey™

Table 61: Question D14

What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.)	Percent	Number
American Indian or Alaskan Native	1%	N=5
Asian, Asian Indian or Pacific Islander	1%	N=7
Black or African American	0%	N=1
White	95%	N=494
Other	4%	N=21

Total may exceed 100% as respondents could select more than one option.

Table 62: Question D15

In which category is your age?	Percent	Number
18 to 24 years	0%	N=1
25 to 34 years	9%	N=49
35 to 44 years	14%	N=71
45 to 54 years	24%	N=124
55 to 64 years	28%	N=149
65 to 74 years	20%	N=103
75 years or older	5%	N=26
Total	100%	N=523

Table 63: Question D16

What is your sex?	Percent	Number
Female	63%	N=332
Male	37%	N=196
Total	100%	N=528

Table 64: Question D17

Do you consider a cell phone or landline your primary telephone number?	Percent	Number
Cell	62%	N=331
Land line	16%	N=85
Both	22%	N=116
Total	100%	N=532

THE NCS™
The National Citizen Survey™

Boulder, CO

Comparisons by Geographic Subgroups

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Summary

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The survey and its administration are standardized to assure high quality research methods and directly comparable results across The NCS communities. This report discusses differences in opinion of survey respondents by geographic areas of the City of Boulder.

Responses in the following tables show only the proportion of respondents giving a certain answer; for example, the percent of respondents who rated the quality of life as "excellent" or "good," or the percent of respondents who attended a public meeting more than once a month. ANOVA and chi-square tests of significance were applied to these comparisons of survey questions. A "p-value" of 0.05 or less indicates that there is less than a 5% probability that differences observed between geographic areas are due to chance; or in other words, a greater than 95% probability that the differences observed are "real." Where differences were statistically significant, they have been shaded grey.

The margin of error for this report is generally no greater than plus or minus three percentage points around any given percent reported for the entire sample (1,430 completed surveys). For each geographic area, the margin of error rises to approximately plus or minus 11 percentage points since sample sizes were approximately 257 for Central Boulder North, 86 for Central Boulder South, 137 for Crossroads & CU, 205 for East Boulder & Gunbarrel, 228 for North Boulder & Palo Park, 233 for South Boulder and 283 for Southeast Boulder.

Table 1: Community Characteristics - General

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
The overall quality of life in Boulder	94%	97%	93%	88%	93%	92%	91%	92%
Overall image or reputation of Boulder	88%	92%	90%	77%	85%	88%	85%	86%
Boulder as a place to live	98%	97%	91%	92%	92%	95%	95%	94%
Your neighborhood as a place to live	97%	84%	87%	81%	95%	91%	91%	90%
Boulder as a place to raise children	85%	81%	82%	82%	92%	87%	82%	85%
Boulder as a place to retire	68%	73%	71%	67%	63%	63%	66%	67%
Overall appearance of Boulder	88%	94%	95%	90%	92%	92%	90%	91%

Table 2: Community Characteristics - Safety

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall feeling of safety in Boulder	88%	89%	92%	87%	92%	94%	92%	91%
In your neighborhood during the day	97%	92%	97%	95%	98%	98%	97%	97%
In Boulder's downtown/commercial area during the day	92%	94%	94%	89%	87%	91%	89%	91%

Table 3: Community Characteristics - Mobility

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall ease of getting to the places you usually have to visit	76%	74%	82%	61%	69%	67%	72%	72%
Traffic flow on major streets	32%	33%	38%	31%	29%	21%	31%	30%
Ease of public parking	34%	32%	28%	24%	29%	31%	27%	29%
Ease of travel by car in Boulder	46%	45%	54%	32%	43%	37%	44%	43%
Ease of travel by public transportation in Boulder	71%	74%	76%	57%	62%	77%	65%	69%
Ease of travel by bicycle in Boulder	89%	92%	95%	83%	89%	88%	88%	89%
Ease of walking in Boulder	96%	94%	95%	81%	88%	84%	87%	89%
Availability of paths and walking trails	97%	99%	96%	90%	96%	94%	95%	95%

Table 4: Community Characteristics - Natural Environment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Quality of overall natural environment in Boulder	92%	99%	98%	91%	96%	96%	96%	95%
Air quality	89%	92%	91%	82%	83%	84%	90%	87%
Cleanliness of Boulder	89%	87%	91%	90%	88%	89%	86%	89%

Table 5: Community Characteristics - Built Environment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	72%	77%	88%	60%	72%	77%	73%	74%
Public places where people want to spend time	84%	90%	95%	79%	86%	85%	82%	85%
Variety of housing options	16%	19%	21%	21%	27%	20%	19%	20%
Availability of affordable quality housing	9%	3%	8%	10%	16%	9%	9%	10%
Overall quality of new development in Boulder	51%	55%	63%	48%	44%	54%	57%	53%

Table 6: Community Characteristics - Economy

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall economic health of Boulder	84%	90%	85%	76%	87%	79%	81%	83%
Boulder as a place to work	80%	88%	85%	78%	82%	84%	77%	81%
Boulder as a place to visit	97%	89%	93%	90%	95%	95%	95%	94%
Employment opportunities	64%	53%	65%	54%	61%	61%	58%	60%
Shopping opportunities	86%	83%	92%	77%	79%	88%	85%	85%
Cost of living in Boulder	10%	7%	10%	11%	13%	12%	9%	10%
Overall quality of business and service establishments in Boulder	85%	83%	87%	84%	86%	88%	84%	85%
Vibrant downtown/commercial area	90%	96%	86%	85%	88%	84%	88%	88%

Table 7: Community Characteristics - Recreation and Wellness

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Health and wellness opportunities in Boulder	96%	93%	96%	91%	97%	94%	93%	94%
Fitness opportunities (including exercise classes and paths or trails, etc.)	96%	99%	96%	96%	97%	94%	94%	96%
Recreational opportunities	97%	97%	99%	95%	97%	98%	95%	97%
Availability of affordable quality food	74%	75%	79%	68%	73%	67%	73%	73%
Availability of affordable quality health care	63%	68%	67%	68%	64%	67%	72%	67%
Availability of preventive health services	78%	70%	73%	80%	78%	73%	78%	76%
Availability of affordable quality mental health care	62%	54%	49%	45%	60%	55%	60%	56%

Table 8: Community Characteristics - Education and Enrichment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall opportunities for education and enrichment	97%	94%	96%	86%	93%	94%	97%	94%
Availability of affordable quality child care/preschool	54%	67%	46%	35%	51%	51%	48%	50%
K-12 education	93%	84%	91%	75%	91%	93%	89%	89%
Adult educational opportunities	89%	89%	87%	78%	81%	93%	89%	87%

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Opportunities to attend cultural/arts/music activities	84%	86%	84%	85%	81%	92%	87%	86%
Opportunities to participate in religious or spiritual events and activities	92%	92%	92%	83%	90%	91%	90%	90%

Table 9: Community Characteristics - Community Engagement

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Opportunities to participate in social events and activities	91%	84%	87%	83%	86%	85%	82%	86%
Opportunities to volunteer	89%	91%	97%	90%	91%	91%	86%	90%
Opportunities to participate in community matters	79%	67%	85%	75%	70%	81%	71%	76%
Openness and acceptance of the community toward people of diverse backgrounds	52%	55%	64%	55%	63%	68%	57%	59%
Neighborliness of residents in Boulder	70%	64%	69%	55%	62%	65%	62%	64%

Table 10: Governance - General

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
The City of Boulder	87%	88%	89%	77%	82%	79%	85%	84%
The value of services for the taxes paid to Boulder	70%	63%	64%	56%	62%	64%	65%	64%
The overall direction that Boulder is taking	48%	41%	56%	40%	40%	44%	46%	46%
The job Boulder government does at welcoming citizen involvement	56%	43%	67%	49%	55%	56%	55%	55%
Overall confidence in Boulder government	51%	38%	54%	40%	47%	45%	55%	48%
Generally acting in the best interest of the community	58%	45%	55%	44%	50%	44%	51%	50%
Being honest	62%	54%	58%	43%	51%	54%	61%	56%
Treating all residents fairly	53%	34%	50%	31%	48%	50%	49%	47%
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	81%	79%	88%	73%	84%	85%	84%	83%
The Federal Government	45%	40%	47%	48%	45%	52%	55%	48%

Table 11: Governance - Safety

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Police/Sheriff services	83%	82%	82%	82%	86%	85%	80%	83%
Fire services	98%	98%	98%	94%	98%	99%	96%	97%
Ambulance or emergency medical services	93%	91%	92%	86%	90%	94%	91%	91%
Crime prevention	74%	78%	72%	70%	80%	79%	72%	75%
Fire prevention and education	84%	85%	92%	90%	85%	96%	81%	87%

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Animal control	75%	79%	72%	67%	76%	81%	69%	74%
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	79%	86%	86%	74%	79%	85%	74%	80%

Table 12: Governance - Mobility

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Traffic enforcement	60%	55%	65%	51%	55%	60%	57%	58%
Street repair	48%	49%	47%	39%	45%	46%	50%	47%
Street cleaning	66%	63%	83%	53%	69%	64%	67%	67%
Street lighting	69%	72%	75%	66%	61%	73%	71%	70%
Snow removal	48%	60%	59%	57%	49%	53%	57%	54%
Sidewalk maintenance	59%	67%	69%	60%	62%	57%	65%	62%
Traffic signal timing	54%	63%	59%	38%	49%	50%	52%	52%
Bus or transit services	85%	91%	84%	68%	80%	86%	81%	82%

Table 13: Governance - Natural Environment

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Garbage collection	93%	87%	87%	89%	92%	93%	92%	91%
Recycling	91%	90%	89%	87%	96%	93%	93%	92%
Yard waste pick-up	84%	64%	84%	76%	87%	83%	82%	81%
Drinking water	82%	83%	89%	85%	90%	87%	90%	87%
Preservation of natural areas such as open space, farmlands and greenbelts	91%	92%	91%	78%	88%	94%	85%	88%
Boulder open space	93%	95%	96%	90%	93%	96%	92%	94%

Table 14: Governance - Built Environment

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Storm drainage	76%	83%	77%	62%	82%	77%	75%	76%
Sewer services	89%	83%	92%	84%	93%	90%	86%	88%
Power (electric and/or gas) utility	80%	85%	84%	78%	84%	87%	82%	83%
Water utility billing	83%	86%	85%	70%	83%	83%	83%	82%
Land use, planning and zoning	49%	57%	57%	38%	57%	56%	54%	52%
Code enforcement (weeds, abandoned buildings, etc.)	55%	59%	72%	50%	61%	48%	56%	56%
Cable television	51%	65%	68%	54%	55%	44%	45%	52%

Table 15: Governance - Economy

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Economic development	65%	72%	72%	61%	60%	71%	61%	65%

Table 16: Governance - Recreation and Wellness

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
City parks	96%	98%	99%	91%	94%	96%	94%	95%
Recreation programs or classes	92%	96%	98%	89%	92%	92%	90%	92%
Recreation centers or facilities	90%	97%	97%	90%	90%	92%	89%	92%
Health services	87%	86%	75%	86%	82%	82%	85%	83%

Table 17: Governance - Education and Enrichment

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Public library services	95%	98%	95%	87%	93%	94%	94%	94%
City-sponsored special events	85%	76%	84%	81%	81%	81%	84%	82%

Table 18: Governance - Community Engagement

Percent rating positively (e.g., excellent/good)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Public information services	79%	79%	84%	73%	77%	82%	79%	79%

Table 19: Participation General

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Sense of community	68%	69%	65%	54%	61%	66%	63%	64%
Recommend living in Boulder to someone who asks	85%	84%	81%	71%	83%	82%	80%	81%
Remain in Boulder for the next five years	84%	75%	73%	71%	89%	81%	75%	78%
Contacted the City of Boulder (in-person, phone, email or web) for help or information	46%	52%	29%	36%	53%	51%	36%	43%

Table 20: Participation - Safety

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Was NOT the victim of a crime	94%	96%	86%	92%	92%	95%	95%	93%
Did NOT report a crime	84%	82%	77%	83%	87%	91%	88%	85%
Stocked supplies in preparation for an emergency	19%	19%	19%	23%	19%	16%	19%	19%

Table 21: Participation - Mobility

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Walked or biked instead of driving	98%	92%	95%	84%	89%	90%	87%	91%
Carpooled with other adults or children instead of driving alone	71%	72%	64%	54%	72%	66%	71%	68%

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Used bus, rail, subway or other public transportation instead of driving	75%	83%	83%	56%	70%	83%	72%	74%

Table 22: Participation - Natural Environment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Recycle at home	98%	100%	98%	99%	99%	98%	97%	98%
Made efforts to make your home more energy efficient	82%	77%	66%	70%	77%	74%	73%	74%
Made efforts to conserve water	87%	81%	70%	84%	90%	84%	82%	83%

Table 23: Participation - Built Environment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
NOT under housing cost stress	61%	50%	43%	62%	69%	59%	46%	55%
Did NOT observe a code violation	55%	48%	77%	71%	63%	49%	65%	61%

Table 24: Participation - Economy

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Purchase goods or services from a business located in Boulder	100%	95%	97%	99%	98%	99%	99%	99%
Economy will have positive impact on income	33%	33%	24%	32%	42%	34%	31%	33%
Work in Boulder	74%	70%	83%	66%	69%	68%	63%	70%

Table 25: Participation - Recreation and Wellness

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Used Boulder recreation centers or their services	69%	69%	53%	44%	67%	69%	64%	63%
Visited a neighborhood park or City park	99%	98%	96%	94%	98%	96%	95%	96%
Eat at least 5 portions of fruits and vegetables a day	93%	93%	88%	92%	96%	91%	85%	91%
Participate in moderate or vigorous physical activity	94%	99%	96%	97%	98%	95%	92%	95%
Reported being in "very good" or "excellent" health	83%	88%	76%	84%	85%	81%	75%	81%

Table 26: Participation - Education and Enrichment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Used Boulder public libraries or their services	75%	80%	51%	57%	75%	81%	65%	69%
Participated in religious or spiritual activities in Boulder	36%	35%	24%	28%	36%	36%	37%	33%
Attended a City-sponsored event	80%	79%	61%	66%	73%	75%	68%	72%

Table 27: Participation - Community Engagement

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Campaigned or advocated for an issue, cause or candidate	40%	27%	28%	30%	42%	35%	30%	34%
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	21%	25%	12%	18%	20%	23%	14%	18%
Volunteered your time to some group/activity in Boulder	50%	66%	48%	43%	62%	51%	52%	52%
Participated in a club	32%	58%	39%	34%	39%	39%	37%	38%
Talked to or visited with your immediate neighbors	93%	89%	88%	90%	94%	90%	88%	90%
Done a favor for a neighbor	82%	75%	67%	77%	89%	84%	63%	76%
Attended a local public meeting	22%	27%	19%	29%	38%	24%	22%	25%
Watched (online or on television) a local public meeting	24%	18%	19%	18%	22%	23%	21%	21%
Read or watch local news (via television, paper, computer, etc.)	75%	66%	75%	83%	83%	88%	75%	78%
Vote in local elections	92%	94%	71%	93%	94%	87%	86%	88%

Table 28: Community Focus Areas

Percent rating positively (e.g., essential/very important)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Overall feeling of safety in Boulder	72%	63%	78%	75%	74%	72%	73%	73%
Overall ease of getting to the places you usually have to visit	76%	69%	77%	82%	83%	85%	84%	80%
Quality of overall natural environment in Boulder	88%	83%	89%	83%	86%	84%	86%	86%
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	86%	74%	77%	77%	87%	81%	83%	82%
Health and wellness opportunities in Boulder	62%	66%	67%	62%	60%	60%	68%	64%
Overall opportunities for education and enrichment	68%	70%	72%	72%	70%	70%	70%	70%
Overall economic health of Boulder	86%	77%	88%	87%	86%	87%	84%	85%
Sense of community	75%	67%	65%	70%	79%	78%	67%	72%

Table 29: Boulder Specific Questions

Percent rating positively (e.g., excellent/good, more than once a month, yes)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
Ability to start or grow a business	72%	72%	77%	57%	62%	61%	58%	65%
Made efforts to reduce your energy consumption	92%	93%	77%	88%	93%	89%	88%	89%
Visited open space and mountain parks	97%	99%	95%	95%	99%	96%	96%	96%
Gathering feedback from residents on new policies or projects	55%	41%	59%	35%	48%	54%	51%	50%
Conducting public processes	63%	47%	67%	46%	48%	61%	54%	56%

Table 30: Information Sources

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events? (very likely/likely)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
City of Boulder website (www.bouldercolorado.gov)	62%	53%	44%	50%	63%	61%	56%	57%
City of Boulder Facebook Page	15%	12%	15%	15%	11%	13%	12%	13%
City of Boulder Twitter	9%	13%	4%	6%	12%	8%	10%	9%
City of Boulder NextDoor neighborhood postings	26%	13%	17%	22%	31%	25%	18%	22%
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	11%	2%	11%	12%	7%	8%	13%	10%
Boulder Daily Camera	60%	41%	55%	57%	73%	69%	64%	62%
The Colorado Daily	24%	21%	28%	25%	27%	29%	33%	27%
BizWest (formerly Boulder County Business Report)	7%	4%	6%	3%	7%	5%	8%	6%
Inserts in the water utility bill	21%	21%	9%	16%	21%	35%	31%	23%
Mailings to your home address	63%	46%	40%	52%	57%	66%	65%	58%
Listservs (where you sign up to be part of a group receiving emails from the city)	28%	17%	15%	12%	19%	27%	15%	20%
Community Newsletter	40%	30%	36%	35%	35%	45%	32%	36%
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	9%	13%	7%	6%	8%	9%	4%	8%

Table 31: Community Involvement and Inclusivity

Please rate the extent to which you agree or disagree with the following statements (strongly agree/agree)	Geographic Area							Overall
	Central Boulder North	Central Boulder South	Crossroads & CU	East Boulder & Gunbarrel	North Boulder & Palo Park	South Boulder	Southeast Boulder	
I feel included in the Boulder community	70%	67%	58%	45%	62%	60%	59%	60%
I inform myself about major issues in the City of Boulder	75%	55%	66%	70%	79%	78%	61%	70%
I take the initiative to share my views with elected officials or city staff	24%	26%	12%	20%	27%	24%	13%	20%
Boulder's City Council implements policies that reflect the values of the Boulder community	42%	32%	39%	28%	27%	37%	39%	36%

THE NCS™
The National Citizen Survey™

Boulder, CO

Comparisons by Demographic Subgroups

DRAFT
2016

NRC
National Research Center Inc

ICMA
Leaders at the Core of Better Communities

2955 Valmont Road Suite 300
Boulder, Colorado 80301
n-r-c.com • 303-444-7863

777 North Capitol Street NE Suite 500
Washington, DC 20002
icma.org • 800-745-8780

Summary

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The survey and its administration are standardized to assure high quality research methods and directly comparable results across The NCS communities. This report discusses differences in opinion of survey respondents by length of residency in Boulder, housing tenure, annual household income, race/ethnicity and age of respondent.

Responses in the following tables show only the proportion of respondents giving a certain answer; for example, the percent of respondents who rated the quality of life as "excellent" or "good," or the percent of respondents who attended a public meeting more than once a month. ANOVA and chi-square tests of significance were applied to these comparisons of survey questions. A "p-value" of 0.05 or less indicates that there is less than a 5% probability that differences observed between subgroups are due to chance; or in other words, a greater than 95% probability that the differences observed are "real." Where differences were statistically significant, they have been shaded grey.

The margin of error for this report is generally no greater than plus or minus three percentage points around any given percent reported for the entire sample (1,430 completed surveys). For subgroups of responses, the margin of error increases because the sample size for the subgroup is smaller. For subgroups of approximately 100 respondents, the margin of error is plus or minus 10 percentage points.

The National Citizen Survey™

Table 1: Community Characteristics - General

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
The overall quality of life in Boulder	93%	95%	88%	93%	92%	89%	88%	95%	95%	93%	87%	94%	93%	89%	92%
Overall image or reputation of Boulder	90%	86%	81%	89%	83%	81%	86%	86%	90%	87%	86%	90%	86%	81%	86%
Boulder as a place to live	95%	96%	91%	95%	94%	90%	94%	95%	97%	96%	89%	95%	95%	92%	94%
Your neighborhood as a place to live	90%	90%	90%	89%	92%	82%	90%	89%	94%	90%	92%	90%	92%	90%	90%
Boulder as a place to raise children	85%	89%	83%	82%	87%	70%	80%	88%	91%	87%	76%	82%	91%	84%	85%
Boulder as a place to retire	71%	65%	63%	68%	65%	67%	64%	65%	69%	67%	70%	70%	66%	64%	67%
Overall appearance of Boulder	95%	90%	86%	95%	87%	92%	92%	92%	91%	91%	93%	95%	90%	85%	91%

Table 2: Community Characteristics - Safety

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall feeling of safety in Boulder	91%	92%	89%	92%	90%	89%	90%	93%	91%	91%	90%	92%	90%	90%	91%
In your neighborhood during the day	98%	96%	95%	98%	95%	95%	97%	97%	97%	97%	96%	98%	95%	96%	97%
In Boulder's downtown/commercial area during the day	94%	90%	85%	94%	87%	88%	93%	92%	90%	91%	88%	94%	89%	87%	91%

The National Citizen Survey™

Table 3: Community Characteristics - Mobility

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall ease of getting to the places you usually have to visit	81%	72%	57%	80%	63%	80%	69%	73%	72%	73%	72%	78%	71%	60%	72%
Traffic flow on major streets	39%	26%	19%	36%	24%	28%	32%	31%	31%	29%	37%	32%	31%	24%	30%
Ease of public parking	33%	30%	22%	30%	28%	30%	25%	24%	36%	30%	27%	27%	38%	24%	29%
Ease of travel by car in Boulder	52%	41%	30%	50%	36%	41%	42%	45%	46%	43%	47%	48%	45%	33%	43%
Ease of travel by public transportation in Boulder	77%	70%	54%	75%	62%	81%	66%	73%	65%	70%	67%	75%	67%	58%	69%
Ease of travel by bicycle in Boulder	94%	89%	81%	92%	87%	86%	91%	90%	91%	89%	89%	94%	89%	79%	89%
Ease of walking in Boulder	93%	87%	85%	92%	86%	92%	89%	91%	88%	89%	88%	92%	88%	85%	89%
Availability of paths and walking trails	97%	95%	93%	96%	94%	94%	95%	96%	96%	95%	95%	97%	93%	94%	95%

Table 4: Community Characteristics - Natural Environment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Quality of overall natural environment in Boulder	96%	97%	93%	95%	95%	93%	92%	95%	98%	96%	93%	96%	96%	92%	95%
Air quality	93%	83%	81%	91%	84%	89%	88%	87%	87%	87%	92%	93%	84%	81%	87%
Cleanliness of Boulder	92%	90%	82%	91%	86%	89%	87%	91%	90%	89%	88%	94%	86%	82%	89%

The National Citizen Survey™

Table 5: Community Characteristics - Built Environment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	83%	72%	61%	79%	69%	76%	77%	72%	74%	73%	81%	80%	75%	60%	74%
Public places where people want to spend time	91%	84%	76%	91%	80%	84%	89%	87%	83%	84%	91%	92%	82%	75%	85%
Variety of housing options	18%	18%	25%	16%	25%	17%	18%	16%	26%	19%	24%	16%	23%	24%	20%
Availability of affordable quality housing	4%	13%	15%	5%	15%	11%	6%	7%	12%	8%	13%	3%	16%	12%	10%
Overall quality of new development in Boulder	67%	51%	35%	60%	47%	55%	54%	49%	57%	52%	64%	63%	55%	32%	53%

Table 6: Community Characteristics - Economy

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall economic health of Boulder	81%	85%	84%	80%	86%	70%	78%	80%	91%	83%	84%	81%	87%	83%	83%
Boulder as a place to work	82%	83%	79%	79%	83%	71%	75%	81%	90%	81%	80%	81%	86%	78%	81%
Boulder as a place to visit	93%	98%	93%	94%	94%	93%	93%	94%	96%	96%	85%	93%	96%	94%	94%
Employment opportunities	61%	65%	55%	57%	64%	46%	59%	58%	69%	60%	63%	61%	66%	55%	60%
Shopping opportunities	88%	89%	76%	89%	81%	83%	90%	86%	84%	86%	81%	90%	86%	75%	85%
Cost of living in Boulder	8%	10%	14%	6%	14%	10%	7%	7%	14%	9%	17%	7%	11%	15%	10%
Overall quality of business and service establishments in Boulder	88%	90%	78%	88%	84%	79%	81%	90%	89%	88%	80%	90%	87%	78%	85%
Vibrant downtown/commercial area	91%	93%	79%	92%	84%	88%	88%	91%	89%	90%	81%	92%	88%	82%	88%

The National Citizen Survey™

Table 7: Community Characteristics - Recreation and Wellness

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Health and wellness opportunities in Boulder	95%	97%	92%	94%	95%	84%	96%	97%	96%	96%	88%	96%	96%	91%	94%
Fitness opportunities (including exercise classes and paths or trails, etc.)	96%	96%	94%	96%	96%	92%	94%	96%	98%	96%	95%	96%	97%	94%	96%
Recreational opportunities	97%	97%	95%	97%	96%	93%	96%	97%	98%	97%	94%	97%	97%	95%	97%
Availability of affordable quality food	72%	68%	78%	72%	73%	63%	70%	74%	76%	74%	65%	73%	69%	77%	73%
Availability of affordable quality health care	70%	65%	66%	68%	67%	59%	65%	66%	72%	69%	58%	69%	62%	70%	67%
Availability of preventive health services	76%	76%	77%	75%	77%	65%	71%	78%	81%	79%	64%	75%	76%	79%	76%
Availability of affordable quality mental health care	56%	57%	53%	57%	54%	44%	57%	56%	58%	57%	48%	57%	55%	54%	56%

Table 8: Community Characteristics - Education and Enrichment

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall opportunities for education and enrichment	94%	96%	93%	95%	94%	89%	95%	94%	96%	95%	91%	95%	93%	95%	94%
Availability of affordable quality child care/preschool	49%	50%	49%	42%	53%	41%	46%	36%	56%	49%	50%	47%	53%	48%	50%
K-12 education	81%	92%	90%	82%	91%	70%	88%	89%	92%	89%	82%	83%	92%	90%	89%
Adult educational opportunities	85%	89%	88%	85%	89%	81%	87%	84%	90%	87%	87%	86%	89%	88%	87%
Opportunities to attend cultural/arts/music activities	84%	89%	88%	84%	88%	82%	87%	85%	87%	87%	83%	85%	85%	91%	86%
Opportunities to participate in religious or spiritual events and activities	87%	93%	91%	88%	92%	87%	92%	94%	90%	91%	84%	88%	91%	93%	90%

The National Citizen Survey™

Table 9: Community Characteristics - Community Engagement

Percent rating positively (e.g., excellent/good, very/somewhat safe)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Opportunities to participate in social events and activities	86%	88%	84%	87%	85%	81%	86%	87%	87%	87%	81%	87%	86%	85%	86%
Opportunities to volunteer	90%	91%	91%	89%	92%	91%	85%	92%	92%	92%	83%	90%	92%	92%	90%
Opportunities to participate in community matters	76%	81%	72%	76%	76%	74%	77%	74%	77%	77%	68%	75%	80%	74%	76%
Openness and acceptance of the community toward people of diverse backgrounds	60%	61%	56%	58%	60%	49%	58%	58%	65%	59%	58%	60%	57%	60%	59%
Neighborliness of residents in Boulder	64%	69%	59%	64%	64%	51%	71%	60%	68%	64%	61%	65%	64%	63%	64%

Table 10: Governance - General

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
The City of Boulder	89%	86%	75%	88%	80%	85%	81%	87%	85%	84%	87%	88%	85%	78%	84%
The value of services for the taxes paid to Boulder	68%	73%	52%	72%	58%	55%	67%	65%	69%	67%	58%	69%	66%	57%	64%
The overall direction that Boulder is taking	58%	45%	29%	51%	41%	42%	47%	43%	51%	44%	58%	54%	48%	30%	46%
The job Boulder government does at welcoming citizen involvement	62%	61%	41%	62%	50%	52%	63%	59%	52%	55%	61%	61%	54%	48%	55%
Overall confidence in Boulder government	60%	52%	30%	56%	42%	46%	52%	52%	47%	49%	53%	60%	43%	35%	48%
Generally acting in the best interest of the community	62%	51%	34%	58%	44%	48%	56%	49%	51%	51%	54%	59%	50%	36%	50%
Being honest	68%	55%	41%	64%	49%	60%	58%	56%	56%	56%	62%	64%	55%	44%	56%
Treating all residents fairly	52%	48%	38%	51%	43%	35%	51%	50%	49%	46%	55%	51%	47%	40%	47%

The National Citizen Survey™

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall customer service by Boulder employees (police, receptionists, planners, etc.)	87%	85%	74%	83%	82%	85%	82%	83%	83%	84%	81%	86%	83%	79%	83%
The Federal Government	48%	43%	53%	47%	50%	47%	47%	48%	51%	49%	52%	44%	51%	56%	48%

Table 11: Governance - Safety

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Police/Sheriff services	86%	82%	79%	81%	84%	85%	81%	79%	86%	84%	79%	81%	83%	87%	83%
Fire services	99%	97%	95%	98%	97%	94%	96%	98%	98%	97%	96%	99%	96%	96%	97%
Ambulance or emergency medical services	93%	91%	90%	91%	91%	90%	89%	89%	93%	92%	87%	91%	89%	94%	91%
Crime prevention	78%	72%	71%	75%	74%	76%	73%	75%	76%	76%	67%	75%	72%	77%	75%
Fire prevention and education	90%	86%	84%	89%	85%	83%	84%	89%	89%	87%	86%	89%	85%	88%	87%
Animal control	74%	82%	67%	76%	72%	71%	75%	71%	79%	77%	56%	74%	80%	69%	74%
Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	85%	80%	76%	82%	79%	81%	78%	77%	83%	81%	78%	85%	78%	75%	80%

Table 12: Governance - Mobility

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Traffic enforcement	64%	56%	51%	61%	56%	63%	56%	56%	59%	56%	69%	62%	58%	52%	58%
Street repair	57%	47%	30%	56%	38%	41%	55%	49%	43%	47%	48%	58%	43%	31%	47%
Street cleaning	76%	68%	52%	76%	58%	71%	65%	70%	65%	66%	73%	78%	64%	51%	67%
Street lighting	73%	69%	65%	73%	66%	67%	70%	71%	71%	72%	60%	72%	74%	62%	70%
Snow removal	58%	51%	50%	59%	49%	62%	58%	55%	49%	53%	58%	59%	52%	47%	54%

The National Citizen Survey™

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Sidewalk maintenance	70%	62%	51%	69%	55%	60%	69%	58%	61%	63%	60%	69%	64%	49%	62%
Traffic signal timing	59%	55%	38%	58%	45%	53%	55%	50%	52%	52%	51%	57%	52%	41%	52%
Bus or transit services	86%	85%	74%	86%	78%	88%	80%	85%	81%	83%	81%	86%	82%	76%	82%

Table 13: Governance - Natural Environment

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Garbage collection	90%	92%	92%	89%	93%	87%	87%	94%	94%	93%	83%	90%	91%	94%	91%
Recycling	89%	95%	94%	89%	94%	91%	88%	92%	95%	93%	88%	90%	93%	95%	92%
Yard waste pick-up	82%	84%	78%	81%	82%	79%	79%	80%	83%	82%	78%	81%	83%	80%	81%
Drinking water	87%	88%	87%	84%	90%	88%	80%	85%	92%	87%	87%	86%	86%	90%	87%
Preservation of natural areas such as open space, farmlands and greenbelts	90%	89%	84%	90%	86%	83%	89%	91%	90%	90%	82%	90%	89%	86%	88%
Boulder open space	94%	96%	90%	95%	92%	95%	93%	94%	94%	95%	89%	96%	94%	89%	94%

Table 14: Governance - Built Environment

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Storm drainage	77%	79%	70%	79%	73%	81%	78%	81%	72%	76%	72%	79%	76%	71%	76%
Sewer services	88%	90%	87%	88%	89%	91%	85%	89%	90%	90%	83%	89%	88%	88%	88%
Power (electric and/or gas) utility	80%	83%	86%	81%	84%	81%	81%	81%	85%	82%	83%	81%	82%	87%	83%
Water utility billing	85%	83%	78%	85%	80%	83%	81%	82%	84%	82%	86%	86%	82%	78%	82%
Land use, planning and zoning	66%	51%	34%	60%	45%	48%	59%	49%	54%	50%	66%	61%	52%	36%	52%
Code enforcement (weeds, abandoned buildings, etc.)	63%	60%	44%	67%	47%	61%	66%	60%	50%	56%	60%	64%	56%	47%	56%
Cable television	52%	55%	51%	56%	50%	56%	48%	49%	56%	54%	47%	54%	54%	51%	52%

The National Citizen Survey™

Table 15: Governance - Economy

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Economic development	71%	66%	56%	67%	63%	69%	65%	60%	70%	65%	66%	70%	64%	61%	65%

Table 16: Governance - Recreation and Wellness

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
City parks	98%	96%	91%	98%	93%	96%	97%	96%	94%	96%	94%	99%	95%	91%	95%
Recreation programs or classes	93%	94%	90%	93%	91%	93%	94%	91%	92%	93%	89%	93%	93%	91%	92%
Recreation centers or facilities	94%	91%	91%	93%	91%	91%	94%	89%	93%	92%	91%	93%	93%	90%	92%
Health services	85%	86%	79%	84%	83%	81%	80%	84%	86%	84%	78%	85%	82%	83%	83%

Table 17: Governance - Education and Enrichment

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Public library services	96%	95%	89%	96%	92%	89%	95%	97%	94%	95%	88%	97%	92%	91%	94%
City-sponsored special events	84%	84%	78%	83%	81%	77%	80%	82%	87%	84%	78%	83%	83%	81%	82%

Table 18: Governance - Community Engagement

Percent rating positively (e.g., excellent/good)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Public information services	83%	86%	68%	83%	76%	85%	74%	81%	80%	80%	76%	83%	80%	73%	79%

The National Citizen Survey™

Table 19: Participation General

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Sense of community	64%	70%	56%	64%	63%	53%	64%	65%	66%	64%	62%	66%	64%	59%	64%
Recommend living in Boulder to someone who asks	86%	84%	70%	84%	79%	74%	79%	81%	86%	82%	81%	85%	81%	74%	81%
Remain in Boulder for the next five years	69%	83%	91%	68%	90%	69%	72%	74%	90%	80%	72%	69%	86%	91%	78%
Contacted the City of Boulder (in-person, phone, email or web) for help or information	36%	45%	52%	34%	52%	39%	39%	36%	49%	45%	32%	34%	49%	53%	43%

Table 20: Participation - Safety

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Was NOT the victim of a crime	94%	94%	91%	93%	92%	94%	94%	94%	92%	94%	89%	94%	91%	93%	93%
Did NOT report a crime	85%	87%	84%	85%	86%	87%	85%	85%	85%	86%	78%	86%	82%	86%	85%
Stocked supplies in preparation for an emergency	19%	20%	18%	21%	16%	23%	25%	16%	16%	18%	23%	17%	19%	21%	19%

Table 21: Participation - Mobility

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Walked or biked instead of driving	95%	92%	84%	94%	88%	90%	94%	92%	90%	91%	91%	97%	93%	78%	91%
Carpooled with other adults or children instead of driving alone	67%	72%	64%	68%	67%	64%	69%	68%	68%	68%	65%	72%	70%	57%	68%

The National Citizen Survey™

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	Overall
Used bus, rail, subway or other public transportation instead of driving	82%	70%	67%	81%	68%	78%	76%	80%	69%	73%	84%	83%	72%	60%	74%

Table 22: Participation - Natural Environment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	Overall
Recycle at home	98%	97%	99%	97%	99%	94%	97%	99%	99%	99%	95%	97%	98%	99%	98%
Made efforts to make your home more energy efficient	70%	74%	81%	69%	80%	71%	68%	75%	78%	76%	68%	71%	77%	77%	74%
Made efforts to conserve water	76%	85%	91%	77%	88%	80%	82%	82%	83%	83%	80%	76%	86%	91%	83%

Table 23: Participation - Built Environment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	Overall
NOT under housing cost stress	46%	61%	66%	40%	72%	4%	26%	55%	89%	57%	46%	42%	69%	67%	55%
Did NOT observe a code violation	67%	63%	49%	69%	53%	69%	59%	65%	58%	60%	69%	66%	60%	55%	61%

The National Citizen Survey™

Table 24: Participation - Economy

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Purchase goods or services from a business located in Boulder	98%	99%	98%	98%	99%	96%	100%	100%	99%	99%	97%	99%	99%	98%	99%
Economy will have positive impact on income	30%	41%	30%	29%	37%	12%	25%	31%	46%	34%	28%	29%	45%	26%	33%
Work in Boulder	74%	74%	60%	75%	65%	68%	75%	66%	72%	70%	73%	76%	80%	45%	70%

Table 25: Participation - Recreation and Wellness

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Used Boulder recreation centers or their services	62%	68%	60%	59%	67%	52%	64%	60%	67%	63%	64%	61%	73%	56%	63%
Visited a neighborhood park or City park	99%	97%	94%	98%	95%	93%	98%	97%	97%	97%	97%	99%	99%	91%	96%
Eat at least 5 portions of fruits and vegetables a day	90%	92%	91%	89%	93%	73%	92%	94%	94%	91%	89%	89%	93%	92%	91%
Participate in moderate or vigorous physical activity	94%	96%	95%	93%	97%	86%	97%	95%	97%	95%	93%	95%	97%	94%	95%
Reported being in "very good" or "excellent" health	81%	84%	79%	78%	84%	55%	82%	85%	86%	82%	72%	82%	83%	77%	81%

Table 26: Participation - Education and Enrichment

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Used Boulder public libraries or their services	67%	74%	71%	65%	74%	71%	74%	65%	69%	70%	65%	64%	79%	71%	69%
Participated in religious or spiritual activities in Boulder	26%	38%	40%	29%	38%	34%	35%	31%	31%	33%	31%	25%	40%	42%	33%

The National Citizen Survey™

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	Overall
Attended a City-sponsored event	74%	74%	67%	72%	72%	66%	73%	73%	74%	75%	59%	76%	75%	63%	72%

Table 27: Participation - Community Engagement

Percent rating positively (e.g., always/sometimes, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	Overall
Campaigned or advocated for an issue, cause or candidate	26%	39%	41%	30%	38%	31%	26%	33%	38%	34%	34%	28%	34%	45%	34%
Contacted Boulder elected officials (in-person, phone, email or web) to express your opinion	11%	20%	28%	11%	25%	13%	13%	16%	22%	18%	17%	11%	21%	28%	18%
Volunteered your time to some group/activity in Boulder	48%	54%	58%	48%	56%	48%	53%	49%	53%	51%	54%	47%	56%	57%	52%
Participated in a club	36%	38%	40%	35%	41%	37%	41%	32%	40%	39%	34%	35%	40%	42%	38%
Talked to or visited with your immediate neighbors	84%	96%	96%	85%	96%	76%	86%	93%	95%	91%	84%	83%	96%	98%	90%
Done a favor for a neighbor	62%	87%	90%	63%	89%	56%	72%	76%	84%	78%	63%	61%	88%	93%	76%
Attended a local public meeting	16%	28%	37%	15%	35%	13%	21%	25%	29%	24%	27%	18%	27%	36%	25%
Watched (online or on television) a local public meeting	13%	24%	32%	16%	26%	17%	20%	19%	25%	21%	22%	14%	21%	34%	21%
Read or watch local news (via television, paper, computer, etc.)	68%	85%	89%	69%	88%	64%	76%	78%	86%	80%	71%	68%	83%	94%	78%
Vote in local elections	79%	92%	98%	80%	96%	84%	85%	85%	92%	91%	71%	81%	91%	97%	88%

The National Citizen Survey™

Table 28: Community Focus Areas

Percent rating positively (e.g., essential/very important)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Overall feeling of safety in Boulder	72%	75%	72%	70%	76%	75%	74%	66%	76%	72%	78%	69%	75%	78%	73%
Overall ease of getting to the places you usually have to visit	78%	82%	83%	79%	82%	75%	81%	82%	80%	80%	83%	77%	83%	82%	80%
Quality of overall natural environment in Boulder	86%	87%	85%	85%	87%	80%	86%	86%	87%	86%	85%	85%	86%	87%	86%
Overall "built environment" of Boulder (including overall design, buildings, parks and transportation systems)	76%	89%	85%	79%	85%	71%	80%	84%	85%	83%	78%	77%	86%	87%	82%
Health and wellness opportunities in Boulder	66%	62%	61%	66%	61%	70%	68%	64%	59%	62%	76%	62%	61%	71%	64%
Overall opportunities for education and enrichment	74%	69%	66%	73%	68%	77%	76%	72%	64%	68%	85%	72%	70%	69%	70%
Overall economic health of Boulder	90%	84%	79%	87%	83%	85%	87%	85%	86%	85%	89%	87%	85%	81%	85%
Sense of community	69%	76%	73%	68%	76%	71%	71%	73%	70%	71%	77%	67%	79%	73%	72%

Table 29: Boulder Specific Questions

Percent rating positively (e.g., excellent/good, more than once a month, yes)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
Ability to start or grow a business	70%	67%	56%	67%	62%	54%	56%	62%	73%	65%	64%	67%	69%	57%	65%
Made efforts to reduce your energy consumption	87%	91%	90%	89%	90%	87%	92%	89%	88%	90%	85%	89%	89%	89%	89%
Visited open space and mountain parks	98%	98%	93%	97%	96%	91%	97%	97%	98%	97%	96%	99%	98%	91%	96%
Gathering feedback from residents on new policies or projects	63%	50%	32%	58%	43%	42%	57%	51%	49%	49%	60%	58%	47%	38%	50%
Conducting public processes	66%	61%	38%	66%	48%	55%	62%	55%	55%	57%	55%	65%	55%	42%	56%

The National Citizen Survey™

Table 30: Information Sources

How likely, if at all, are you to use one of the following information channels to obtain information about community events such as City Council meetings, community meetings and upcoming events? (very likely/likely)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
City of Boulder website (www.bouldercolorado.gov)	57%	66%	47%	57%	56%	42%	64%	53%	60%	55%	67%	58%	65%	43%	57%
City of Boulder Facebook Page	19%	12%	5%	17%	9%	15%	15%	15%	11%	12%	25%	17%	15%	4%	13%
City of Boulder Twitter	11%	9%	5%	10%	8%	2%	8%	8%	10%	9%	9%	10%	13%	2%	9%
City of Boulder NextDoor neighborhood postings	21%	27%	21%	14%	30%	7%	17%	18%	31%	23%	20%	14%	37%	21%	22%
City of Boulder online video (e.g. YouTube, Vimeo, webstreaming)	10%	10%	10%	10%	10%	9%	10%	10%	10%	9%	18%	9%	12%	8%	10%
Boulder Daily Camera	55%	69%	66%	54%	69%	63%	55%	59%	67%	63%	59%	57%	61%	72%	62%
The Colorado Daily	28%	28%	25%	30%	25%	32%	33%	30%	21%	27%	29%	30%	23%	24%	27%
BizWest (formerly Boulder County Business Report)	6%	4%	8%	3%	8%	1%	4%	6%	8%	6%	6%	4%	9%	6%	6%
Inserts in the water utility bill	18%	21%	33%	14%	31%	15%	19%	23%	27%	23%	24%	16%	27%	33%	23%
Mailings to your home address	53%	60%	64%	51%	65%	54%	56%	58%	61%	58%	58%	53%	59%	68%	58%
Listservs (where you sign up to be part of a group receiving emails from the city)	18%	21%	22%	14%	26%	14%	16%	21%	23%	21%	13%	17%	20%	26%	20%
Community Newsletter	39%	38%	31%	36%	37%	35%	42%	37%	35%	37%	35%	38%	36%	35%	36%
Watch city meetings or events online through cable TV Channel 8 (including webstreaming, HD880 and BoulderChannel8.com)	5%	7%	12%	6%	9%	11%	6%	9%	7%	8%	7%	3%	8%	15%	8%

Table 31: Community Involvement and Inclusivity

Please rate the extent to which you agree or disagree with the following statements (strongly agree/agree)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
I feel included in the Boulder community	59%	68%	55%	61%	60%	43%	64%	62%	64%	61%	60%	63%	64%	52%	60%
I inform myself about major issues in the City of Boulder	58%	76%	83%	60%	80%	66%	63%	68%	76%	70%	66%	61%	74%	83%	70%

The National Citizen Survey™

Please rate the extent to which you agree or disagree with the following statements (strongly agree/agree)	Number of years in Boulder			Housing tenure		Annual household income				Race/ethnicity		Age			Overall
	5 years or less	6 to 20 years	More than 20 years	Rent	Own	Less than $25,000	$25,000 to $49,999	$50,000 to $99,9999	$100,000 or more	White alone, not Hispanic	Hispanic and/or other race	18-34	35-54	55+	
I take the initiative to share my views with elected officials or city staff	11%	23%	32%	12%	28%	16%	16%	16%	24%	21%	17%	12%	24%	30%	20%
Boulder's City Council implements policies that reflect the values of the Boulder community	42%	34%	26%	40%	31%	33%	39%	35%	36%	35%	40%	41%	34%	29%	36%

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of Council

From: Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Kathy Haddock, Senior Assistant City Attorney
Bob Eichem, Chief Financial Advisor

Date: December 6, 2016

Subject: Annual Continuing Disclosure Requirements for Council and Staff Regarding Debt and Certificates of Participation

---

EXECUTIVE SUMMARY

Local governments, such as the City of Boulder, accept definite obligations when they issue Debt or Certificates of Participation (COPs), which are long term lease purchase obligations. Numerous specific requirements and guidelines are set out by the Internal Revenue Service (IRS) and the Security and Exchange Commission (SEC). While the former has direct authority over the municipal issuer in regards to tax exempt status of the bonds and arbitrage compliance, the latter controls their requirements by placing the burden of compliance on the underwriters that buy the city's bonds or COPs.

Therefore, if a local government wants to use such financial vehicles, they have to follow the SEC requirements placed on the underwriters to gain access to the financial markets and the investors who will buy the bonds or long term leases. The ongoing compliance and disclosure must occur during the entire time the debt or COPs are outstanding, and a final report must be filed five years after the final maturity. Ignoring or not complying with the requirements, even if it was done unknowingly, can cause severe ramifications for individuals involved with the issuance or the city as an entity.

Both IRS and SEC compliance is required and documented anytime a debt or lease issue is done by the City. The SEC has been especially aggressive in the past five years as they have

increased their compliance and enforcement operations over municipal bonds and long term leases. To ensure compliance with both IRS and SEC laws, code and regulations best practices recommend that local governments adopt ongoing disclosure policies and procedures. The City of Boulder has done so **(Attachment A)**. Nearly all of the requirements are internal requirements that must be followed by city staff.

Article IV of **Attachment A** pertains to all council members and staff and is of extreme importance given enforcement actions that have been taken by the SEC in the recent past.

Article IV
Public Statements Regarding Financial Information

Section 4.01. Financial Information. Whenever the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets (including, without limitation, all Listed Event Notices, statements in the audited Financial Statements, and other financial reports and statements of the City), the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects. At least once a year, the CFO will communicate in writing (the "Annual Communication") to the senior City staff and elected officials the City's responsibilities for primary and continuing disclosure under the federal securities laws. The Annual Communication will also remind senior City staff and elected officials that whenever the City makes statements or releases information relating to its finances to the public that is reasonably expected to reach investors and the trading markets (including, without limitation, all material event notices, statements in the CAFR, and other financial reports and statements of the City), the City is obligated to ensure that such statements and information are complete, true, and accurate in all material aspects. The CFO, DOF, the City Manager, the Mayor, and the City Attorney will work together to ensure that all such public statements and information released by the City are accurate and non-misleading in all material aspects."

BACKGROUND AND ANALYSIS

The City of Boulder, like many local governments in the United States, utilizes bonds or COPs to fund large long term capital needs of the city that cannot be met by using pay as you go financing. Over the last decade, the total amount of outstanding bonds or COPs in any one year has ranged between $175 to $250 million.

When municipal bonds or COPs are issued, the city must comply with numerous laws, rules and regulations. Two of the most important areas are those set out by the Internal Revenue Service and the Security Exchange Commission. Up until the 1970s, municipal or local government bonds were perceived by investors to be risk free. The bonds that were issued were normally general obligation bonds that had the full faith and credit of the entity supporting the repayment of the bonds. That changed in the 1970s when the City of New York defaulted on their bonds. In addition, the use of revenue bonds (the bond payments came from fees instead of taxes) became more popular. In 1983, the default on $2.45 billion of revenue bonds by Washing Public Power Supply System led to congress becoming involved in the aftermath of the default and an

investigation by the SEC. The result was the continuing disclosure requirements that became effective January 1, 1990.

Compliance with IRS requirements for using tax exempt bonds are lengthy and complex, especially in the areas regarding what the borrowed proceeds can be used for, how much time can elapse before the proceeds must be spent, and the limits on the amount of arbitrage that can be earned once the proceeds of the issue are received by the borrower. Arbitrage occurs when tax exempt bonds are sold and the proceeds are received and invested in taxable securities that earn more than the interest earned on the borrowed money.

Though the SEC guidelines have been in effect since the 1990s, they were not enforced on a regular basis and there was no viable national repository for posting the annual information. Attempts were made in the late 1990s and early 2000s to create a better national repository, but the attempt suffered from a lack of continuity and a lack of access in being able to post the information annually. There continued to be concerns expressed by the SEC and investors that the continuing disclosure requirements were not being adhered to by issuers of municipal bonds across the United States. The requirement for annual updates to a central repository occurred in 2009 when the SEC designated that the Electronic Municipal Market Access system would be used by all issuers.

In 2012, the SEC published their Municipal Market Report in which they raised the level of concern even higher. This resulted in their announcement in March of 2014 that an initiative called the Municipalities Continuing Disclosure Cooperation would be implemented. The main emphasis was to gain voluntary compliance with the reporting requirements for continuing disclosure for bonds issued in the past five years. At the November 18, 2014 council meeting City Council discussed and considered the impacts of this initiative and what a review of the city's compliance found. The agenda memo can be found at the following link: https://documents.bouldercolorado.gov/weblink8/0/doc/126951/Electronic.aspx

The conclusion reached at the council meeting was the City had no material violations and would not have any items to report for the initiative.

One of the methods now required by the SEC is the city must have a continuing disclosure policies and procedures document. **Attachment A** is the document used by the city. The document was written by staff with support from the city's outside bond disclosure counsel. Each year city staff reviews the document and signs off that each procedure and internal policy has been met. While most of the document is for staff, there is one extremely important section that must be included. It applies to all council members and any city staff. As far as the SEC is concerned any information that can be used by investors has to be factual so it cannot mislead investors. The consequences are not minor. In actions taken by the SEC it has become very clear they will target individuals who they believe made any misleading statements.

The enforcement aspects utilized by SEC for cases regarding continuing disclosure was recently verified by Andrew J. Ceresney, Director, Division of Enforcement of the SEC in his speech at

the Securities Enforcement Forum 2016. An excerpt of his speech regarding personal liability follows:

"Another area where we have changed the landscape involves penalties against issuers of municipal bonds. Although the Commission historically has not sought penalties against municipal issuers, that has changed in recent years. Let me discuss the three cases to date where we determined that civil penalties were appropriate.

The first instance involved settled charges against a public facilities district in the state of Washington.[37] In November 2013, the Commission found the issuer had misled investors in an offering to finance the construction of a regional events center by, among other things, falsely stating that there had been no independent reviews of the financial projections for the events center. In fact, an independent consultant twice had examined the projections and raised questions about the center's economic viability.[38] In a "first" for the Commission, a civil penalty was imposed against the issuer, which due to the nature of that issuer, could be paid from the user fees generated by the event center rather than taxpayer funds.[39]

Then, in March 2016, the Commission charged California's largest agricultural water district for misleading investors about its financial condition in connection with a $77 million bond offering in 2012.[40] In a settled order, the Commission found that the district engaged in extraordinary accounting transactions which masked a decrease in revenue caused by the drought, and which were designed to avoid the negative consequences of failing to meet its debt coverage ratio.[41] In that settled matter, the district agreed to pay a civil penalty of $125,000, which also could be paid from user fees without directly impacting taxpayers.[42]

And finally, in the recent City of Miami matter, we are seeking a substantial civil penalty against the City after prevailing in a federal jury trial against it and its former budget director.[43] The jury in that case found that the defendants engaged in fraud in connection with three bond offerings totaling more than $150 million. The defendants failed to disclose that they had engaged in a shell game by using certain funds from restricted and other funds to inflate the general fund. I note that the conduct at issue in this matter includes an egregious violation and the City is a recidivist violator whose conduct violated a prior cease-and-desist order issued by the Commission in 2003 for similar violations.[44]

These cases demonstrate that municipal issuers should not expect a pass on civil penalties. Enforcement will scrutinize the nature of the issuer and the sources of funds available to pay a penalty and, with Commission approval, seek penalties where appropriate. And in particularly egregious cases, we will pursue penalties even when the source of those funds is the taxpayer base.

Controlling Person Liability and Conduct-Based Injunctions Against Public Officials

Another area where Enforcement has increased its focus is on municipal issuer officials. Today we are increasingly holding those people accountable where they engage in violations, and where necessary, we are using new approaches and remedies to do so.

For example, controlling person liability under Section 20(a) of the Exchange Act can be used to hold public officials responsible based on their control of the municipal entity that engaged in the fraud. While the Commission has used controlling person liability for many years in the

corporate context, it was used for the first time in the municipal securities context against the former mayor of the City of Allen Park, Michigan.[45] In that matter, the Commission charged the City and two former city leaders – the City's former mayor and former city administrator – in connection with a municipal bond offering to support a movie studio project within the city. The Commission alleged that the former city administrator had full knowledge of the negative undisclosed information and prepared, reviewed, and approved the misleading offering documents. But, as to the former mayor, who had the authority to direct the management and policies of the City and its administrator, the Commission alleged only that he was a champion of the project and knew some of the negative information. Notably, the Commission alleged that the former mayor was liable as a controlling person under Section 20(a) of the Exchange Act, based on his authority and control over the municipality.

More recently, we alleged controlling person liability as the sole theory of liability against a sitting mayor. In the City of Harvey matter, the Commission alleged that the mayor of Harvey was liable as a controlling person based on his control over the City's operations and his role in signing the allegedly fraudulent bond offering documents.[46] I expect that the Enforcement Division will seek to continue using this theory of liability in appropriate cases.

The Enforcement Division has also been tailoring the remedies sought against municipal issuer executives to increase their effectiveness. So, in addition to seeking the standard "obey the law" injunction, the Division is increasingly seeking Commission authority to seek injunctions that specifically prevent issuer officials from participating in future municipal bond offerings. In the City of Harvey case I just mentioned, the sitting mayor agreed to a consent order enjoining him from participating in any municipal bond offerings in the future.[47] In a recent action involving the operator of a charter school, the Commission obtained a settlement with the former president of the issuer in which he was enjoined from future participation in any municipal bond offering.[48] And in an action against a Rhode Island economic development agency, the Commission obtained injunctions against two former executives of that agency to prohibit them from participating in future bond offerings.[49] This is a strong remedy that I believe the Division will continue to seek in appropriate cases and that should serve as a significant deterrent to state and local officials and other executives at municipal issuers."

A copy of the full speech can be found at the following link
https://www.sec.gov/news/speech/speech-ceresney-10132016.html

NEXT STEPS
This 2016 information packet memo is one of the annual requirements needed to meet continuing education requirements for continuing disclosure of the city's outstanding bonds and COPs.

If any council member has questions please contact the City's Chief Financial Advisor, Bob Eichem at eichemb@boudlercolorado.gov (303-441-1819), or Chief Financial Officer, Cheryl Pattelli at pattellic@bouldercolorado.gov (303-441-3246).

ATTACHMENT
A. City of Boulder – Disclosure Policies and Procedures

City of Boulder, Colorado
Municipal Bond
Disclosure Policies and Procedures

Article I
General

Section 1.01 Purpose. These Debt Disclosure Policies and Procedures (the "**Disclosure Procedures**") of the City of Boulder, CO (as further defined below, the "**City**") are intended to ensure that the City's Disclosure Documents are accurate and comply with all applicable federal and state securities laws.

Section 1.02 Definition of City. For purposes of these Disclosure Procedures, the "City" shall mean the City of Boulder, CO and its blended component units including the *Downtown Commercial District and University Hill Commercial District*, *Boulder Municipal Property Authority, and the Boulder Junction Access General Improvement District – Travel Demand Management, Boulder Junction Access General Improvement District - Parking*.

Article II
Key Participants and Responsibilities

Section 2.01. Disclosure Working Group.

(A) *Composition.* By adoption of these Disclosure Procedures, the City hereby establishes a disclosure working group (the "**Disclosure Working Group**"). The members of the Disclosure Working Group shall be the Chief Financial Advisor (CFA) and the Chief Financial Officer (CFO). They may appoint other staff members of the City as they deem necessary.

(B) *Responsibilities.* The Disclosure Working Group shall consult with whomever the CFA and CFO determine are responsible for all disclosure issues and practices. The Disclosure Working Group shall meet as often as necessary to fulfill its obligations, but not less than once per calendar year.

The Disclosure Working Group is responsible for:

i. Reviewing and approving all preliminary and final official statements together with any supplements, before such documents are released.

ii. Reviewing and approving any City financial information released in support of any debt issue.

iii. Reviewing and approving any other Disclosure Documents (as determined pursuant to 2.01(C)) before such documents are released.

iv. Reviewing annually the City's compliance with its continuing disclosure undertakings entered into pursuant to S.E.C. Rule 15C2-12 as described in Article III below and compliance with these Disclosure Procedures.

v. Reviewing any other items referred to the Disclosure Working Group.

vi. Evaluating annually the effectiveness of these Disclosure Procedures and approving changes to these Disclosure Procedures.

(C) *Determination of Disclosure Document Status*. Whether or not a particular document or other communication is a Disclosure Document shall be determined by the CFA and CFO. The CFA and CFO may add to the City's recurring Disclosure Documents that are found in Exhibit A. The Disclosure Working Group shall continue to update Exhibit A to these Disclosure Procedures when appropriate.

(D) *Review and Approval*. Following receipt of a Disclosure Document, the Disclosure Working Group shall evaluate the Disclosure Document for accuracy and compliance with federal and state securities laws. If additional information is needed appropriate information shall be gathered and documented as needed.

The CFA and CFO or a person designated by them shall consult with the City's bond and disclosure counsel as needed.

Section 2.02. Disclosure Coordination.

(A) *Appointment*. The CFA and CFO shall select and appoint the members of the Disclosure Working Group who will be responsible for the responsibilities set forth in 2.02(B), and any other responsibilities that may be needed to ensure compliance with these Disclosure Procedures. Due to turnover and changes that can occur over time, it is felt that these duties should not be vested in one person.

(B) Ongoing *Responsibilities*.

i. Research and communicate any new issues that should be considered or information that should be or may need to be included in any current or future Disclosure Documents.

ii. Monitor compliance by the City with Disclosure Procedures, including timely dissemination of the annual report and Listed Event filings.

iii. Recommend changes to these Disclosure Procedures to the Disclosure Working Group as necessary or appropriate.

iv. Communicate with third parties, including coordination with outside consultants assisting the City, in the preparation and dissemination of Disclosure Documents to make sure that assigned tasks have been completed on a timely basis and making sure that the filings are made on a timely basis and are accurate.

v. Prepare Disclosure Documents, soliciting "material" information from City departments as needed.

vi. Maintain records that document the City's compliance with these Disclosure Procedures.

vii. Determine when Disclosure Documents are final and ready for review by the Disclosure Working Group to the extent required by these Disclosure Procedures.

viii. Ensure compliance with training procedures as described below.

The CFA and CFO may request Disclosure Working Group members to file the following documents with the Municipal Securities Rulemaking Board (the "**MSRB"**) without prior review and approval of the Disclosure Working Group: those Disclosure Documents that (i) the City is contractually obligated to file with the MSRB as a result of the occurrence of a Listed Event (as defined in Section 3.03) or as a result of the timely failure to file the required annual report and (ii) contain no discretionary content.

(C) *Training.* Members of the Disclosure Working Group will receive periodic training regarding disclosure requirements and what is required to meet necessary compliance. Such training will cover the purposes and importance of these procedures. Members of the Disclosure Working Group will also interact with and train or provide information about training to applicable representatives of the City.

Section 2.03. Financing Group.

General. The CFA and CFO shall identify a Financing Group (the "**Financing Group**") for each financing (the composition of which may differ for each financing), which shall include, at a minimum, the following individuals:

i. Chief Financial Advisor

ii. Director of Finance

iii. Appointed staff from City Attorney's office

iv. Other staff from the Finance Department of the City and the department involved in the issuance of any debt that falls under these policies

v. The City's outside bond counsel and disclosure counsel

vi. The City's financial advisor

vii. The City's underwriter if it is a negotiated bond sale; and

viii. Such other members that the CFA and CFO determines to be appropriate.

Article III
Continuing Disclosure Filings

Section 3.01. Overview. Under the continuing disclosure undertakings the City has entered into in connection with its debt offerings, the City is required each year to file annual reports with the MSRB's Electronic Municipal Market Access ("**EMMA**") system in accordance with such undertakings. Such annual reports are required to include certain updated financial and operating information, and the City's audited financial statements.

The City is also required under its continuing disclosure undertakings to file notices of certain events with EMMA.

Section 3.02. Financial Statements. The CFA or CFO shall file on EMMA the audited financial statements ("**Financial Statements**") meaning the City's Comprehensive Annual Financial Report (the "**CAFR**"), as they are available and no later than required in the documents of the debt that was issued and is being reported on.

Section 3.03. Disclosure of Listed Events. Pursuant to Rule 15c2-12(b)(5)(i)(C), the City is obligated to disclose to the MSRB notice of certain specified events with respect to the City's securities (a "**Listed Event**. If such a filing is deemed necessary, CFA and CFO shall cause a notice of the Listed Event (a "**Listed Event Notice**") that complies with Rule 15c2-12 to be prepared, and shall see that it is filed as required under the Listed Event Notice as required by Rule 15c2-12.

Section 3.04. Annual Compliance Checklists. As soon as practical following the adoption of this compliance procedure, the Disclosure Working Group will work with Bond Counsel to the City and cause Annual Compliance Checklists (Exhibit D) to be completed for all outstanding Tax-Exempts Bonds and will follow the procedures specified in Article V to complete the Annual Compliance Checklists and thereafter include each completed Annual Compliance Checklist in the applicable Tax-Exempt Bond File.

Article IV
Public Statements Regarding Financial Information

Section 4.01. Financial Information. Whenever the City makes statements or releases information relating to its finances to the public that are reasonably expected to reach investors and the trading markets (including, without limitation, all Listed Event Notices, statements in the audited Financial Statements, and other financial reports and statements of the City), the City is obligated to ensure that such statements and information are complete, true, and accurate in all material respects. At least once a year, the CFA will communicate in writing (the "Annual Communication") to the senior City staff and elected officials the City's responsibilities for primary and continuing disclosure under the federal securities laws. The Annual Communication will also remind senior City staff and elected officials that whenever the City makes statements or releases information relating to its finances to the public that is reasonably expected to reach investors and the trading markets (including, without limitation, all material event notices, statements in the CAFR, and other financial reports and statements of the City), the City is obligated to ensure that such statements and information are complete, true, and accurate in all material aspects. The CFA, CFO, the City Manager, the Mayor, and the City Attorney will work together to ensure that

all such public statements and information released by the City are accurate and non-misleading in all material aspects."

Article V
Miscellaneous

Section 5.01. Documents to be Retained. The CFA, CFO or the appointed individual shall be responsible for retaining records demonstrating compliance with these Disclosure Procedures. They shall retain an electronic or paper file for each continuing disclosure annual report that the City completes.

Section 5.02. Amendments. Any provision of these Disclosure Procedures may be waived or amended at any time by written confirmation of the CFA and CFO.

EXHIBIT A

LIST OF DISCLOSURE DOCUMENTS, TO BE AMENDED BY CITY AS NECESSARY

1. Preliminary and final official statements, private placement memoranda and remarketing memoranda relating to the City's securities, together with any supplements.

2. Financial Statements.

3. Filings made by the City with the MSRB, whether made pursuant to a continuing disclosure undertaking to which the City is a party or otherwise.

4. Rating agency presentations.

5. Any other communications reasonably expected to reach investors and the trading markets for municipal securities.

EXHIBIT B

The CFA and CFO, or their designee, the Assistant Controller should review this list at least once each week to determine whether any event has occurred that may require a filing with EMMA.

For securities (subject to Rule 15c2-12) issued on or after December 1, 2010, or for variable rate demand bonds that are converted from a mode currently exempted from rule 15c2-12 to a mode not so exempted on or after December 1, 2010, the following events automatically trigger a requirement to file on EMMA within ten (10) business days of their occurrence, without regards to the materiality of the event:

1. Principal and interest payment delinquencies

2. Unscheduled draws on debt service reserves reflecting financial difficulty

3. Unscheduled draws on credit enhancements reflecting financial difficulty

4. Substitution of credit or liquidity providers, or their failure to perform

5. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security

6. Tender offers

7. Defeasances

8. Rating changes up or down

9. Bankruptcy, insolvency, receivership or similar event of the obligated person

10. Failure to provide in a timely manner notice to provide required annual financial information by the date specified in any continuing disclosure undertaking

The following events trigger a requirement to file notice of their occurrence on EMMA within a reasonable period of time after their occurrence, once they are determined to be material by the Disclosure Working Group:

1. Non-payment related defaults

2. Modifications to the rights of security holders

3. Bond calls

4. Release, substitution or sale of property securing repayments of the securities

5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms

6. Appointment of a successor or additional trustee or the change of name of a trustee

EXHIBIT C

Cover Sheet Documenting Approval of Disclosure Document By Disclosure Working Group

Date:_____

The attached Disclosure Document has been reviewed and approved by the Disclosure Working Group pursuant to the City's Disclosure Policies and Procedures.

_____
Chief Financial Advisor

_____
Director of Finance

EXHIBIT D

Annual Compliance Checklist

This document is located in the Office of the Chief Financial Advisor or the Chief Financial Officer for the city of Boulder.

INFORMATION PACKET
MEMORANDUM

To: Mayor and Members of City Council

From: Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Molly Winter, Executive Director, Community Vitality

Date: December 6, 2016

Subject: Boulder Convention and Visitors' Bureau (BCVB) 3rd Quarter Update

---

Please find attached the 3rd Quarter Update from the Boulder Convention and Visitors' Bureau (BCVB). In addition to providing an update on the status of their programs, Executive Director Mary Ann Mahoney has also included responses to inquiries posed by the City Council during the September 20 BCVB presentation. One item of note is that in response to Council's request, the 2017 BCVB contract will be updated to include a new board position of a resident of Boulder. Also representatives from Community Vitality, Finance, Open Space and Mountain Parks, Parks and Recreation, Special Events and Communications continue to meet with Mahoney on a quarterly basis to maximize coordination and collaboration.

Please contact Molly Winter if you have any questions or would like additional information, winterm@bouldercolorado.gov.

BOULDER
colorado • usa
BOULDER CONVENTION AND VISITORS BUREAU

October 31, 2016

To: Mayor Suzanne Jones
Boulder City Council members
City Manager, Jane Brautigam
City Liaison, Molly Winter

From: Mary Ann Mahoney, Executive Director Boulder Convention and Visitors Bureau

RE: Boulder Convention and Visitors Bureau 2016 Third Quarter Report

Once again it is our pleasure to submit the Boulder Convention and Visitors Bureau (CVB) 2016 Third Quarter Report.

It was our pleasure to have the CVB update to City Council on September 20th Council meeting. The dialogue was great and hopes this would be an annual opportunity. There were questions from Council they were:

- How much does the CVB emphasize to reach the regional visitor?
  - As addressed at the Council meeting, the CVB does not do any regional marketing. The strategy is to promote multiple day experiences for a longer stay, more time than a day visitor would spend.
- What is the medium wage for of the 6,200 hospitality workers referenced in the quarterly report?
  - There is not a study providing this information, the information is segmented by sector verses an aggregated industry study. Since the industry is so diverse, the CVB has not found a research company that has studied this question.
  - Looking at visitor balance, what does this look like? The CVB and other destinations within 1-2 hours of Denver are trying to understand what this balance looks like. The intent is to continue to market Boulder as a destination for a multiple day experience. A number of the destinations around the state are starting this dialogue as to how and what to message. We will report as we make progress.
- How can the CVB mitigate the impact of visitors, including the outcome of Chautauqua Access Management Plan to reach a balance?
  - The CVB is partnering with the City to study bus service to Chautauqua.
- The make-up of the Board is made up of people that benefit from tourism. Since there is a resident component and potential impact, should the CVB look at adding a resident's voice on the Board.
  - The City staff and CVB are addressing this by adding it into the annual City Contract for Services.

The CVB continues to study the monthly lodging reports year to date. The CVB is watching the trend of Boulder is selling fewer rooms year-over-year, at a higher average room rate, while the hotel occupancy remains strong. Even though fewer rooms are being sold, the higher room rate translates into higher accommodations taxes collected. Over the last 12 months, excluding two, Boulder has sold fewer

commercial hotel rooms each month. Group bookings are on the rise again as transient (non-group rooms) business declines.

The report the CVB received from Airbnb aggregated a 12 month period of time, proceeding July 2016, with 1,000 active listings and 43,000 arrivals. Taking the average length of stay (3.8nights), this would add 163,000 room nights during that time. Is that a lot of rooms? Yes, a 200 room hotel selling every room 7 nights a week would generate 73,000 room nights. Airbnb offered an annual snapshot, and monthly detailed reports are not available at this time. The CVB encourages the city staff to work with Airbnb to collect as much data on all the properties listed for Boulder and to use the legal tools available to obtain monthly information.

Highlights of current programs:

Group Sales Department:

- Meetings and Sports and Events group nights increased by 41% over last year. This was primarily due to:
    - Just 12 months ago, the CVB reorganized the sales efforts for the primary focus to concentrate on corporate and high-end association meetings, as these markets better align with the hotels price point.
    - Prospecting calls are up 77% (843)
- Meeting incentive funds are available November – April continues to be important to planners as the average hotel room rate is higher in Boulder in comparison to the hotels along US36.
- The CVB staff attended five tradeshows during the third quarter. Boulder continues these tradeshows as a very important source for new contacts to prospect.

Marketing and Communications Department:

- During the third quarter, the CVB was featured in:
    - Two New York Times – Sunday Travel sections (print value of $85,000 each)
    - EnCompass – Colorado AAA magazine
    - Sunset Magazine
    - Fodor.com –"...Boulder Coolest City"
- This quarter the CVB hosted three travel writers, one international tour operator and the Colorado Tourism Office director of marketing and sales for France.
- Online and print brochures:
    - Boulder County Farm Trails was created and printed. This provides a visitor places to go to experience where our food comes from which is within minutes of the city limits and also provides great content for the website to tie the natural foods and culinary scene back to the agricultural heritage.
    - Sliced and Diced – Chef's Guide to Boulder was revised for both the web and print. The revised guide featured 24 chefs and what they do for their perfect day off in Boulder.
- Website:
    - There were 20 pages of new content created including Boulder neighborhoods – three top thins to see in each
    - 20 new pages of content for TripAdvisor Boulder articles.

Visitor and Conference Services Department:

- VW Visitor Info and Photo Booth Bus on the move
    - IRONMAN Village, 3 days providing the participants and their families' information of what to do during their 3-4 days in Boulder.

- CU Move-in
  - Greeting parents across from Williams Village
  - Hosted a Boulder information table at CU parents registration room
- Chautauqua – OSMP
  - As a pilot project the CVB worked with Open Space Mountain Parks Rangers to assist with the volume of visitors across from the Ranger Cottage providing information about access to other areas of Boulder to visit.
  - The CVB staffed this location, four days a week until the end of October

- Eldora Mountain Resort
  - The CVB hosted a kick off event for the Boulder Ski Escape to introduce the new ownership's philosophy
- Hosted two Colorado State Welcome Centers for a 24 hour exploration day in Boulder
- Provided 19 meeting and social groups with visitor info
  - Facilitated group dining options for conference attendee
  - Meeting VIP bags distributed

Community Programs:

- The CVB Event Grant Program sponsored two Boulder events during the third quarter:
  - Jaipur Literary Festival
    - The public relations contractor did an amazing job in securing Peter Greenberg, Travel Detective. While promoting Jaipur festival Peter talked about 7 other cultural organizations.
  - History of Boulder Visual Arts, running through December

2016 through September	**Average Hotel Occupancy**		**Average Room Rate**	
Denver (includes Boulder and Hwy 36)	77.9%	down 1.25%	$142.29	up 5.8%
Highway 36 Corridor	77.2%	flat	$130.54	up 6.%
Boulder	76.4%	down 2.2%	$173.14	up 6.7%
Sources: Rocky Mountain Lodging Report and STR				
US – National Smith Travel Research (STR)	67.1%	flat	$124.53	up 3.2%

Boulder City Tax, August 2016 year to date:		
Accommodations Tax	$4,800,221	up 7.38%
Food Service Tax	$ 457,633	up 5.19%
Short Term Rentals	$ 98,220	n/a

As always, if you have any questions or suggestions regarding the programs for the Boulder Convention and Visitors Bureau, please feel free to contact me at 303-442-2911.

Encl: Exhibit C, 2016 Third Quarter Matrix

Boulder Convention and Visitors Bureau
2440 Pearl Street • Boulder, CO 80302

BOULDER colorado • usa
BOULDER CONVENTION AND VISITORS BUREAU

EXHIBIT C

BOULDER CONVENTION AND VISITORS BUREAU
PERFORMANCE INDICATORS

Reporting Period: 2016 Third Quarter	2016 Third Quarter	Increase / Decrease YOY	2016 Total
Meetings and Conferences			
Tradeshows attended	4	0%	12
Prospecting communications	843	77%	2627
Site visits	7	17%	25
Request for Proposals (RFP)	70	25%	240
Number of groups booked	23	28%	85
Meeting web page unique visitors	2,699	-16%	9,802
Meetings and Conference room nights booked	**3,071**	**41%**	**9,000**
Sports			
Request for Proposals (RFP)	3	-25%	8
Number of groups booked	3	0%	8
Sports and Events room nights booked	**1,780**	**-14%**	**5,615**
Total Group Sales room nights booked	**4,851**	**15%**	**14,615**

Website			
Website Sessions	178,006	-10%	431,307
Website Page views	465,713	-8%	1,170,897
Average Time on Site (*Industry Average: 0:02:00)	0:02:26*	2%	0:02:29

Visitor Guides			
Virtual Guide Website Views	2,295	68%	4,731
Visitor Guides - 3rd Party Leads Mailed	8,441	3%	15,810
Visitor Guides - Website Requests Mailed	1,458	12%	5,497
Total Mailed and View Visitor Guides	**12,194**		**26,038**

The website vendor expected to see a decrease in sessions and page views after the launch of our website in November 2015. Since the launch, traffic new responsive site is increasing each month. As of September 2016, organic traffic is up 10% over last year. Organic entries to our events page have increased by 41% and organic traffic to our restaurants page has increased 800 sessions year over year.
Traffic to our virtual guide increased 68% year over year.

Accommodation Tax Collection Figures	**Through Aug 2016**	**Increase / Decrease YOY**
Hotel / Motel Association Occupancy	73.70%	down 3.%
Accommodations Tax Collection Figures	$4,800,221	up 7.38%
Restaurant Tax Collection Figures	$457,633	up 5.19%
Downtown Boulder Tax Collection Figures	$9,357,410	up 6.3%
Twenty Ninth Street Tax Collection Figures	$5,698,629	down 2.92%
Short Term Rental Tax Collection Figures (326 units)	$98,220	n/a

Services/programs provided to the cultural arts in Boulder:
Final reports to receive the grant final payment were received and payments were distributed to:
2016 Boulder Arts Week, Boulder International Film Festival, Boulder Jewish Film Festival and MediaLive
New grant requests were made for 2017 events however the Board Grant Committee postponed any 2017 commitments.
The CVB purchased an enhanced version of the destination page on TripAdvisor (TA) to provide fresh content to entice and engage visitors. The build out of these pages took place during the third quarter, as new content must be written verses content repurposed from the CVB site, as to not be penalized by Google-bots. This was not planned for in the budget but we wanted to take advantage of additional traffic to TA.

Articles Page of Creative Places along with additional events listing.

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works
Michael Gardner-Sweeney, Director of Public Works for Transportation
Tim Head, Airport Manager

Date: December 6, 2016

Subject: Information Item: Denver International Airport (DIA) Flights Over South Boulder

---

EXECUTIVE SUMMARY

The purpose of this information item is to update council about ongoing city staff discussions with representatives from the Federal Aviation Administration (FAA) and Denver International Airport (DIA) regarding aircraft departure routes over south Boulder.

Between 1995, when DIA opened, and early 2013, planes departing DIA used a route that passed a few miles south of Boulder. In 2013, the FAA changed the route as part of the agency's NextGen program. While the new route takes advantage of better technology to minimize delays and fuel waste, it also now passes directly over Table Mesa, in south Boulder. Prior to implementing the changes, the FAA conducted an environmental assessment and held public meetings, but apparently did not conduct additional public outreach, such as meeting with Boulder leadership or advertising in Boulder newspapers.

The FAA is currently in the process of examining Denver's flight routes as part of its Denver-area Metroplex study, a component of the NextGen program. To this point, the analysis has largely focused on routes east of Denver, but FAA representatives have said they will consider the city's concerns at upcoming internal study meetings. There will also be opportunities for the Boulder community to provide feedback at several public meetings scheduled for 2017.

Staff will provide an update to council when the 2017 meeting schedule is confirmed.

FISCAL IMPACT

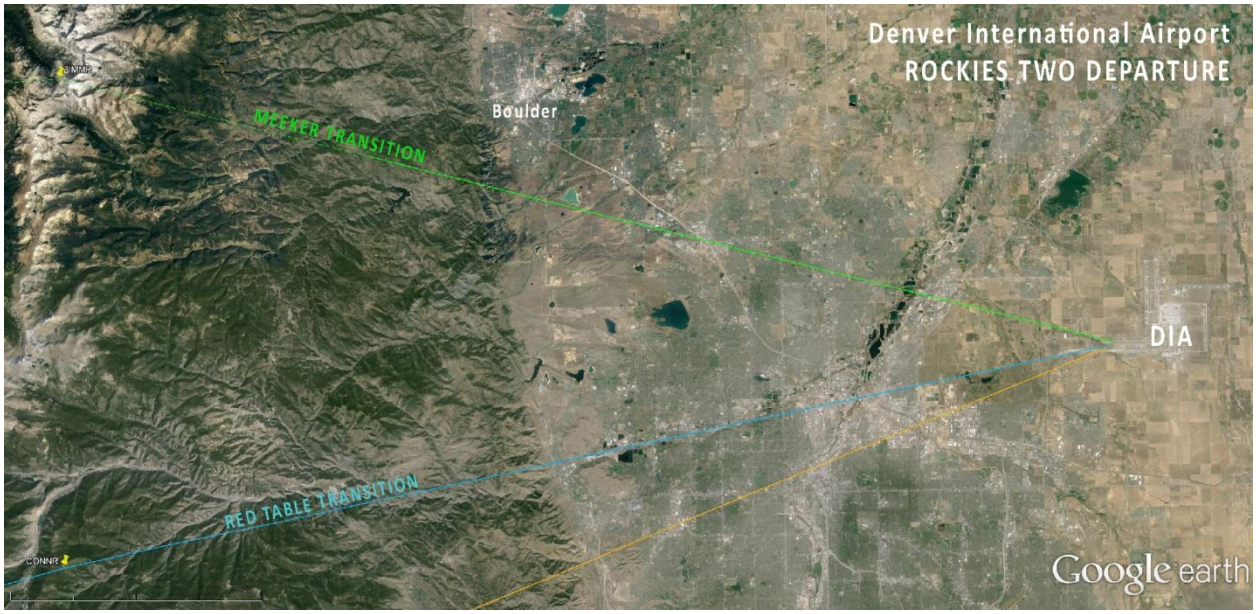
No impacts have been identified at this time.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

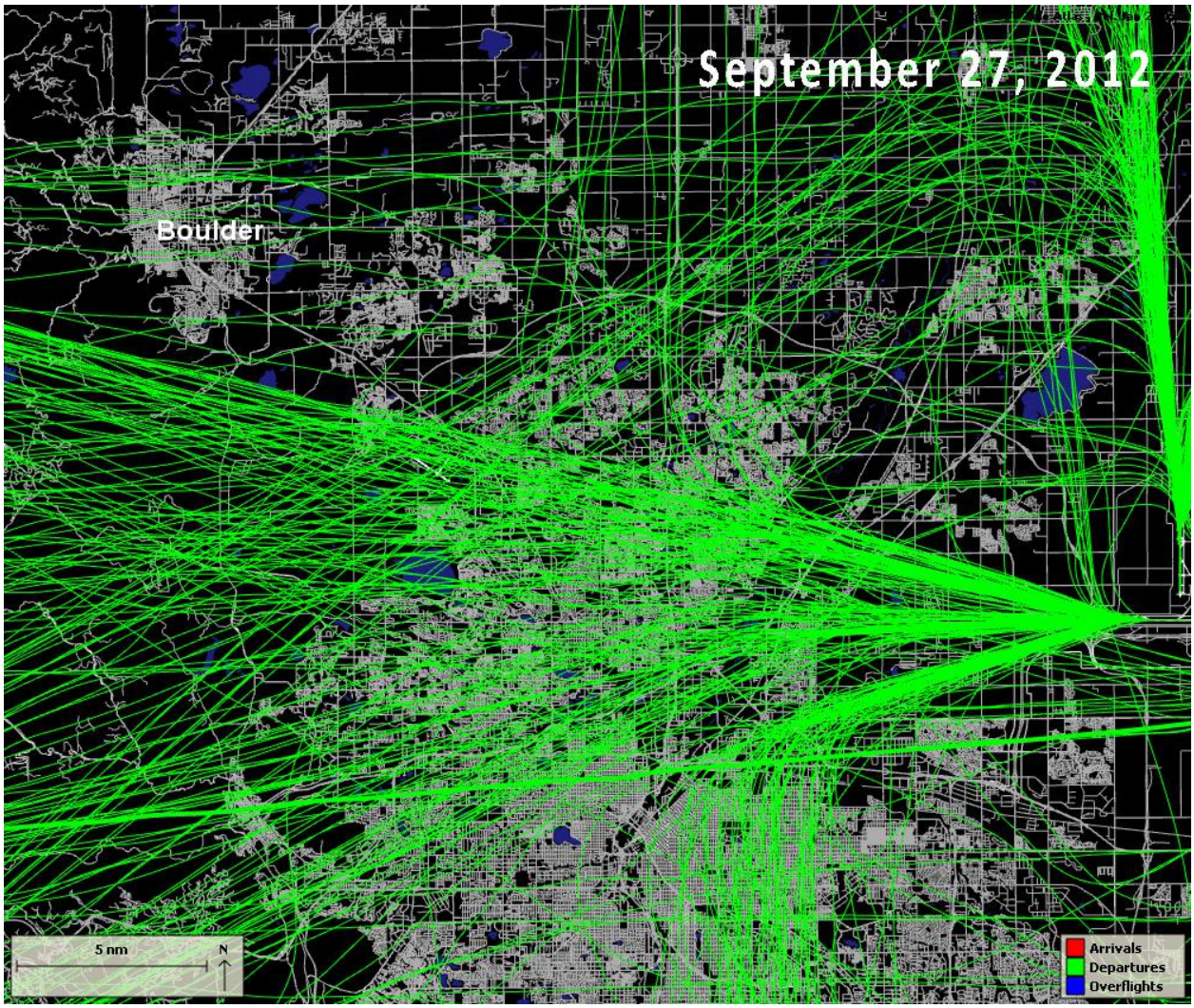
- *Economic:* No impacts have been identified at this time.
- *Environmental:* The DIA noise abatement manager has stated that the noise levels created by aircraft on this route are in compliance with the Environmental Protection Agency and FAA standard of Day-Night Levels (DNL), which is set below 65 decibels for residential areas. Past monitoring in the south Boulder area has indicated that the sound level from DIA flights is no higher than 20-25 DNL. That is significantly lower than typical suburban background levels due to other noise sources which tend to average 50-55 during the day and around 45 at night.
- *Social:* No impacts have been identified at this time.

BACKGROUND

From 1995 to 2013, aircraft departing DIA to the west used one departure route, called the ROCKIES TWO Departure, which had three "transitions" that enabled aircraft to diverge depending on the destination. One of the three transitions, called the Meeker Transition, passed just south of Boulder and can be seen in the diagram below in green.



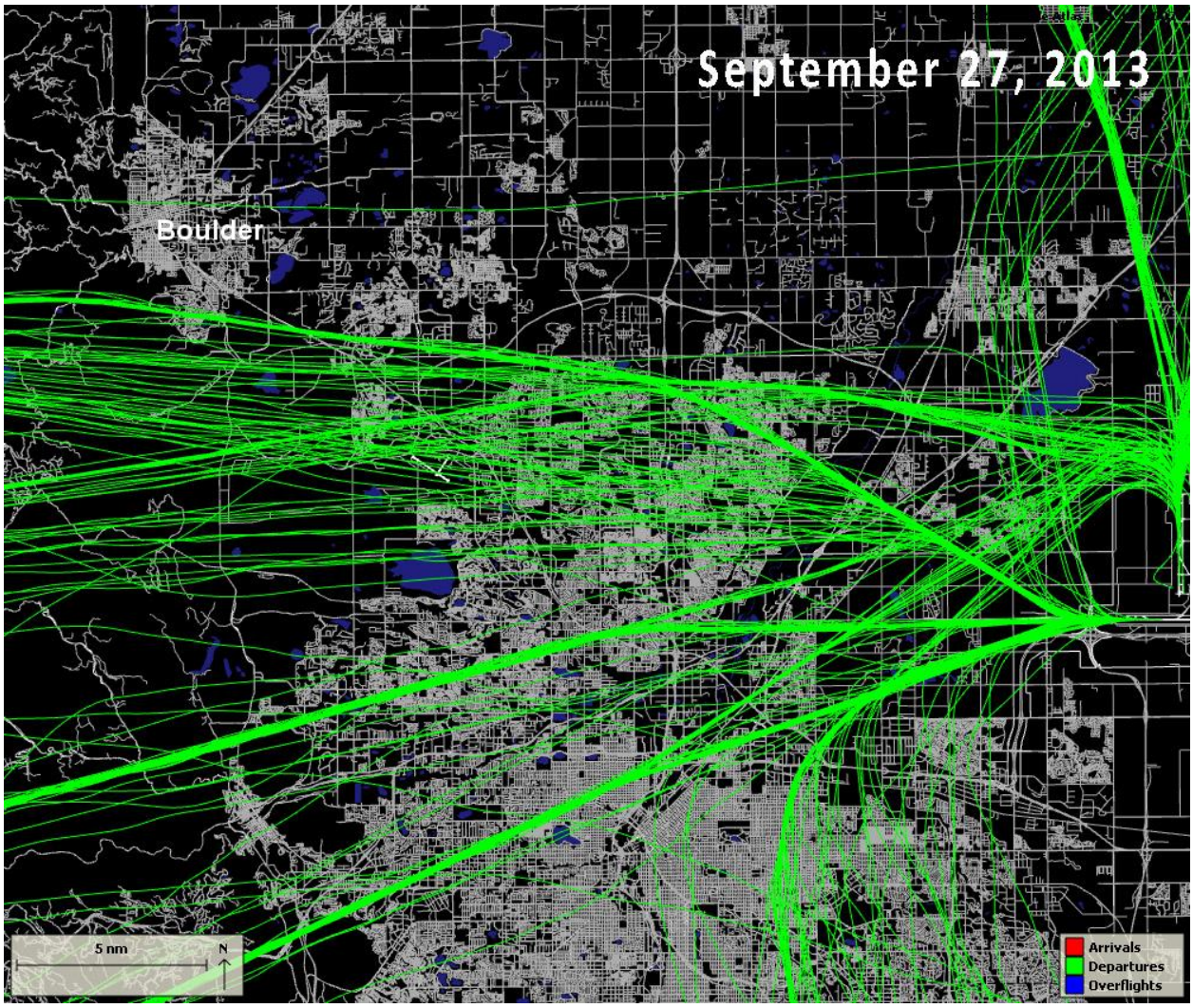
The limited number of transitions was due to reliance on ground-based navigational aids that forced aircraft onto a limited number of routes. In addition, the use of less-accurate cockpit technology resulted in variations on where planes actually flew. This is illustrated below in a 2012 snapshot of flights using the ROCKIES TWO Departure.



As technology improved, the FAA upgraded aerial navigation routes across the country as part of the Congressionally mandated NextGen program. The new routes rely on more precise cockpit equipment and are less reliant on (and limited by) ground-based navigational aids. The changes mean that aircraft now have more routes available to reach destinations more efficiently, which reduces delays and saves fuel.

In Denver, the FAA implemented these new departure routes (called RNAV routes) in March2013, which resulted in a route, called the "FOOOT Departure," that passes more directly over south Boulder.

The Sept. 2013 radar snapshot below depicts one of the transitions passing over south Boulder. One can also see the increased precision, with more flights directly on the route.

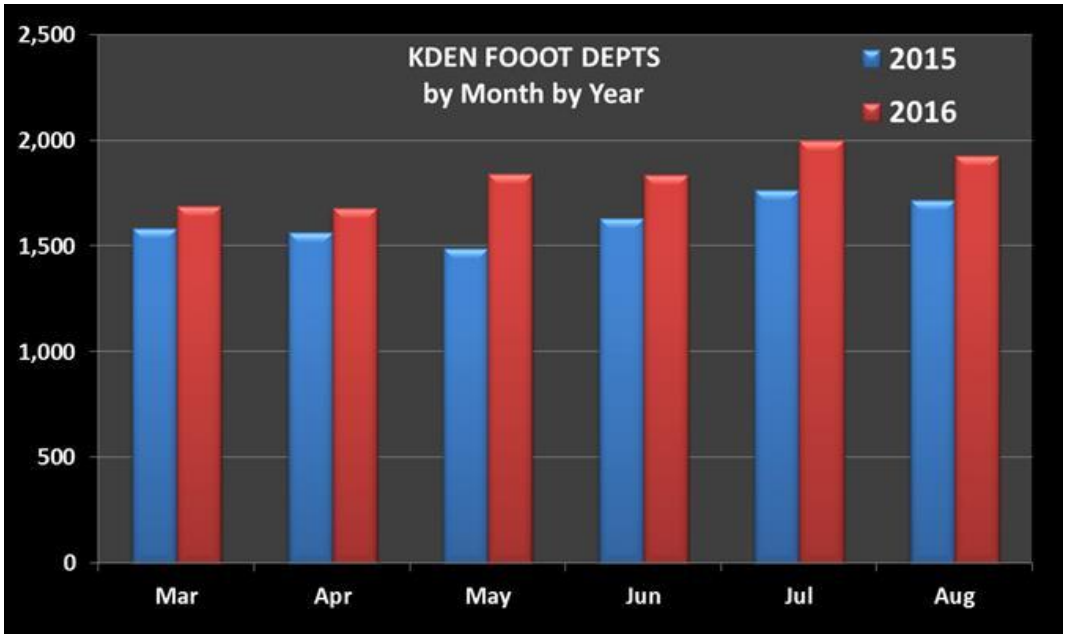


ANALYSIS

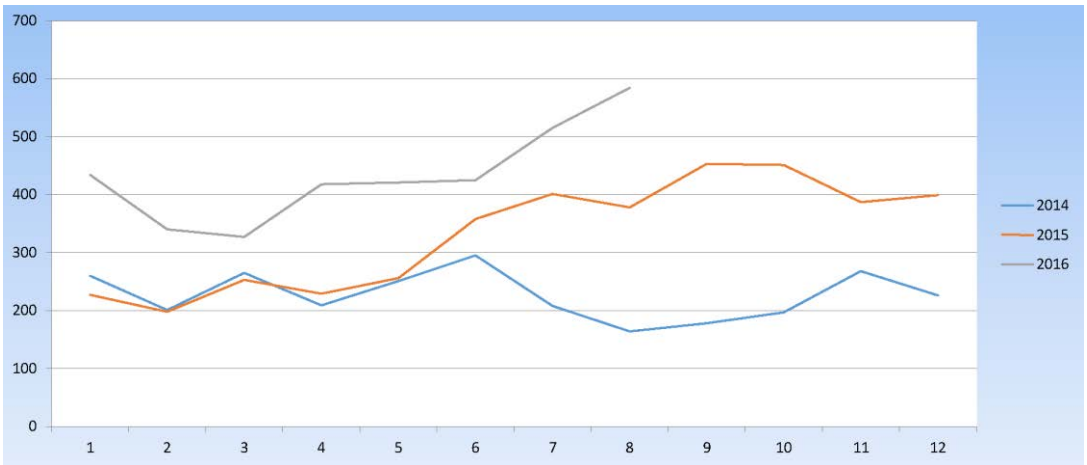
Staff corresponded with DIA Noise Abatement Manager Mike McKee about the flight routes over Boulder. What follows is Mr. McKee's verbatim response:

> I've attached a series of single-day samples for the same day (September 27th) in every year since we implemented the NextGen departure procedures (March 2013), as well as for several years prior to that scattered back to 2005. Since these are individual days, the tracks will vary somewhat since traffic flows vary day to day for a variety of reasons. I think they provide a good general illustration, though, of what typically happens. *See attached PDF entitled, "DEN Jet Departures – September 27 2005-2016."*
>
> If you look at the attached maps, you will see that there is a distinct path over south Boulder that many aircraft follow, and also many more aircraft that head west several miles farther to the south (and more dispersed).

When the FAA counted traffic on the FOOOT departure route [See chart below], I believe they counted all aircraft heading to that waypoint, even though many of them farther south don't pass over Boulder.



In order to get a more accurate count of the aircraft that those in the south Boulder area may be noticing, we created a "gate" within our noise monitoring system that only counted aircraft on that more concentrated route to the north. The [chart below and the attached spreadsheet entitled, "*South Boulder Overflight Counts*"] contains those counts.



Based upon all of this data, as well as the data previously provided by [the FAA], I think it's reasonable to reach two conclusions:

1) It does not appear that the RNAV route over south Boulder (which has existed since early 2013) has moved at all since it was implemented. Also, although traffic on that route certainly follows the prescribed path more consistently now

(due to the greater accuracy of RNAV), there has been westbound departure traffic over the south Boulder area for many years (in fact, it has occurred since DEN opened in 1995). By the way, in case anyone is curious about aircraft altitudes, departures pass over south Boulder at approximately 18,000' above sea level (and of course they are climbing higher as they continue to the west). This is consistent with overflight altitudes that have occurred for many years.

2) Traffic has increased over the route since about mid-2015. This is likely due to increased traffic in general, airline schedule changes/additions to certain destinations and FAA efforts to enable aircraft to use the RNAV route more often (rather than being vectored, as you can see still occurs to the south at times). For the months studied in 2016, there was an average of about 14.2 departures per day over south Boulder, while for the same months in 2015 it was approximately 9.5 per day.

DIA representatives acknowledge that when the FOOOT Departure was moved north toward Boulder, an oversight by DIA's environmental consultant resulted in a lack of communication to Boulder leadership or the Boulder Municipal Airport about the change, and no advertisement in Boulder newspapers.

When asked to elaborate on the process that went into the RNAV route creation, Mr. McKee responded as follows:

> I have not heard back from HNTB yet [the contractor that conducted the environmental assessment (EA) and public feedback sessions]. They are still checking their files to verify why Boulder appears to have not been included on the NextGen EA distribution list back during the original NextGen implementation. One possibility is that they only singled out cities (beyond the more general notifications) that would experience aircraft noise levels exceeding 45 DNL. FAA's noise analysis, as conducted by HNTB, examined areas that were exposed to noise meeting or exceeding 45 DNL due to then-existing traffic, or that were projected to experience at least 45 DNL due to noise forecast to occur due to the proposed action. The City of Boulder was not, nor was projected to be exposed to noise above 45 DNL.
>
> All of the areas that experienced 45 DNL+ levels were located in relatively close proximity to one of the three airports in the study (DEN, Centennial, and Rocky Mountain Metro). Also, while there were some areas immediately to the east of Boulder that did experience noise in the 45 to 50 DNL range, these levels were due to traffic from Rocky Mountain Metro and not from DEN. DEN's traffic at the distance from DEN that Boulder is located generates noise that is significantly lower than 45 DNL.
>
> Please keep in mind that my recollection here is not definitive, as we were not in charge of this project and I would want to wait for HNTB's response to be sure. It is also important to note that both U.S. senators as well as Congressman Jared Polis did receive distribution packages. Additionally, aside from the requisite legal notice, FAA/HNTB

> published a half-page advertisement in the Denver Post, kept updated information regarding the project on the websites of all three involved airports, and the Post as well as several other smaller newspapers published news stories on the project. I don't know if the Daily Camera was one of those papers, however.

When asked what Boulder residents can do to provide feedback or request a modification to the FOOOT Departure, Mr. McKee provided staff the following response:

> It would probably have to be considered via the Metroplex process at this time. Even if the FAA were open to a recommendation for changes on the merits of the specific situation at the moment, I highly doubt they would be willing to do anything right now since Metroplex is in the process of recommending changes that could conflict, or at least that would take precedence since there is an ongoing design and implementation process.
>
> As the Metroplex team has said that they plan to hold a series of public meetings in January, February, and March at which they will reveal the draft design, it would be a good idea for anyone concerned to attend those meetings and discuss the issue with the Metroplex leaders. In the meantime, I will certainly make them aware of the issue so that they are prepared to address it.
>
> I hope this information is helpful. Please let me know if there is anything additional you need or that anyone else would like to see. I am also happy to come out and meet personally with anyone who wishes to discuss this issue further.

NEXT STEPS

On Dec. 6, 2016, Boulder Municipal Airport Manager Tim Head is scheduled to discuss the matter in more detail with Mark Phipps, the FAA's lead for the Denver Metroplex study, and Mike McKee. He will keep council appraised of developments and the initial findings of the Metroplex study and will request that the FAA hold at least one public meeting in the Boulder area in 2017 to provide a venue for the community to ask questions and provide comments.

Once the FAA finalizes the schedule of public meetings, city staff will distribute that information to the community through a variety of online and traditional communications channels.

Staff will also provide an update to council about this topic when the 2017 meeting schedule is confirmed.

MORE INFORMATION:

The following websites can be accessed for addition information regarding
NextGen: http://www.faa.gov/nextgen
Denver Metroplex study: https://www.faa.gov/nextgen/snapshots/metroplexes/?locationId=8

CITY OF BOULDER
BOARD OF ZONING ADJUSTMENT
ACTION MINUTES
October 13, 2016, 5 p.m.
Main Library, 1001 Arapahoe Ave., Flatirons Conference Room

Board Members Present:	David Schafer (Chair), Jill Lester, Michael Hirsch, Ellen McCready
Board Members Absent:	Jill Grano (V. Chair),
City Attorney Representing Board:	Erin Poe
Staff Members Present:	Robbie Wyler, Cindy Spence, Carolyn Fahey

1. CALL TO ORDER:

D. Schafer called the meeting to order at 5:01 p.m.

2. BOARD HEARINGS:

A. Docket No.: BOZ2016-18
Address: 1701 Mariposa Avenue
Applicant: James A. & Lynda D. McNeil
Setback Variance: As part of a proposal to construct a new entry porch over a new primary entrance to the non-standard house, the applicant is requesting a variance to the side adjacent to street (west) yard setback in order to meet minimum setback requirements of the RL-1 zoning district. The resulting side adjacent to street setback will be 6.25 feet where 12.5 feet is required and approximately 12.1 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Ellen McCready disclosed that she lives one block away from the home in questions, just outside the 600-foot public notice buffer and that she can remain impartial for this item.

Staff Presentation:
R. Wyler presented the item to the board.

Board Questions:
R. Wyler answered questions from the board.

Applicant's Presentation:
John Guilliams, representing the applicant, presented the item to the board.

Board Questions:
John Guilliams, with KGA Studio Architects, answered questions from the Board.

Public Hearing:
No one from the public addressed the board.

Board Discussion:

- **M. Hirsch** stated that a double burden does exist. He would be in support of the application.
- **J. Lester** agreed with **M. Hirsch**. The proposal would cause no harm to anyone and makes the entry clear.
- **E. McCready** agreed. This will define the entry and be a positive improvement while being very modest and minimal. She supports the application.
- **D. Schafer** would be in support.

Motion:
On a motion by **M. Hirsch**, seconded by **D. Schafer**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application **(Docket 2016-18)** as submitted.

B. Docket No.: BOZ2016-19
Address: 470 Japonica Way
Applicant: Timothy Ryan
Setback Variance: As part of a proposal to enclose an existing non-standard attached single-space carport and convert it to a garage, the applicant is requesting a variance to the side (north) yard setback in order to meet both the minimum and combined side yard setback requirements of the RR-2 zoning district. The resulting side yard setback will be 8 feet where approximately 20.17 feet is required and 8 feet exists today. Section of the Land Use Code to be modified: Section 9-7-1, BRC 1981.

Staff Presentation:
R. Wyler presented the item to the board.

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
Tim Ryan, the applicant, presented the item to the board.

Board Questions:
Tim Ryan, the applicant, answered questions from the board.

Public Hearing:

1. **Benita Duran**, spoke in support of the project.

Board Discussion:

- **J. Lester** would support of the application.
- **M. Hirsch** stated that the proposal would be appropriate for a garage.

- **E. McCready** agreed. The lot has a unique circumstance. The RR2 classification meets the criteria. She would support the application.
- **D. Schafer** agreed.

Motion:
On a motion by **J. Lester**, seconded by **E. McCready**, the Board of Zoning Adjustment approved (4-0, **J. Grano** absent) the application (**Docket 2016-19**) as submitted.

C. Docket No.: BOZ2016-20
Address: 2028 18th Street
Applicant: Bob Baca
Setback & Parking within Landscape Setback Variances: As part of a proposal to add a 2nd floor to an existing non-standard single-story house as well as attach an existing detached single-story structure to the house through a 1st floor addition, the applicant is requesting a variance to the front (west) yard setback and rear (east) yard setback in order to meet the minimum setback requirements of the RMX-1 zoning district. The resulting front yard setback will be 13 feet where 25 feet is required and where approximately 2.3 feet exists today. The resulting rear yard setback will be 1.16 feet (taken from the existing detached structure) where 25 feet is required and approximately 7.45 feet (taken from the existing house) exists today. Additionally, the applicant is requesting a variance to the parking requirements with regards to parking in landscaped front yard setbacks. The proposed 9-foot by 19-foot parking space will be located entirely within the 25-foot front (west) yard landscape setback where no compliant on-site parking exists today. Sections of the Land Use Code to be modified: Sections 9-7-1 & 9-9-6, BRC 1981.

Staff Presentation:
R. Wyler presented the item to the board.

Board Questions:
R. Wyler answered questions from the Board.

Applicant's Presentation:
Gary Pritchard and **Robert Boca**, the applicant, presented the item to the board.

Board Questions:
Gary Pritchard and **Robert Boca**, the applicant, answered questions from the board.

Public Hearing:
1. **Meredith Harmon** spoke in support of the smaller addition proposed for the project rather than the larger proposed addition.
2. **John Severson** spoke in opposition of the project.
3. **Diane Krensky** spoke in opposition of the project.

Board Discussion:

- **M. Hirsch** stated that small lots can be difficult. The city is often against parking in the right-of-way and he supports that. The applicant is proposing a tall structure on small lot. He stated that attaching the accessory building makes it spread out too much on the lot.
- **J. Lester** agreed. She has concerns with the existing house connecting to the existing accessory structure. In addition, she is concerned that this would place the primary structure along the fence line and not provide any separation. Mass is a concern on tiny lots. The loss of green space is troubling.
- **D. Schafer** reminded the board that they need to consider impact on neighbors. They are not a design board.
- **M. Hirsch** stated that it is a mass issue and that is the board's charge. We need to consider the mass and where placed.
- The board agreed to support the parking on site.
- **E. McCready** stated that the data makes if obvious that the request is minimal. The existing house is modest in size. She believes the issue is that the proposed plans are contemporary. She agreed that the accessory structures could be attached later on. If tear the accessory building down, the square footage will be applied elsewhere. Attaching it seems a less impactful way to get what they want. She is not against the attachment in this case. Regarding the parking spot, her concern is pedestrian traffic on sidewalk and having a car crossing it. However, parking on site is important. She stated that with the proposed plans, the mass appears more than it actually is, especially on the west elevation.
- **J. Lester** agreed that the addition would be less impactful with regard to the massing of the neighbor's carriage house to the north.
- Board recommended continuance to the applicant.
- **D. Schafer** recommended the applicant return with 3D views and solar impact studies to prove the impact on the neighbors.
- **E. McCready** recommended the applicant show how the addition would relate to neighboring properties.

Motion:

On a motion by **M. Hirsch**, seconded by **D. Schafer**, the Board of Zoning Adjustment voted (4-0, **J. Grano** absent) to continue the application (**Docket 2016-20**) to be presented at the next Board of Zoning Adjustments meeting, November 10, 2016.

3. GENERAL DISCUSSION:

A. Approval of Minutes

On a motion by **D. Schafer**, seconded by **J. Lester**, the Board of Zoning Adjustments voted 4-0 (**J. Grano** absent) to approve the September 8, 2016 minutes.

B. Matters from the Board

There were no matters from the Board.

C. Matters from the City Attorney

There were no matters from the City Attorney.

D. Matters from Planning and Development Services

4. ADJOURNMENT:

There being no further business to come before the board at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 6:34 P.M

APPROVED BY

Board Chair

11/10/16

DATE

CITY OF BOULDER
DESIGN ADVISORY BOARD MINUTES
October 12, 2016
1777 Broadway, 1777 West Conference Room

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

DAB MEMBERS PRESENT:
Jamison Brown, Chair
David McInerney
Jeff Dawson
Jim Baily
Bryan Bowen, Planning Board Ex-Officio Member

DAB MEMBERS ABSENT:
Michelle Lee

STAFF PRESENT:
Jim Robertson, Senior Urban Designer
Kalani Pahoa, Urban Designer
Cindy Spence, Administrative Assistant III
Karl Guiler, Senior Planner

1. **CALL TO ORDER**
   Chair, **J. Brown**, declared a quorum at 4:04 p.m. and the following business was conducted.

2. **APPROVAL OF MINUTES**
   The board approved the September 14, 2016 Design Advisory Board minutes.

3. **3200 BLUFF PROJECT REVIEW**
   K. Guiler provided a brief summary of the 3200 Bluff project. He informed the board that this project would be the first to be reviewed using Form Based Code (FBC). The FBC requires that the project come before DAB and they applicant would like for DAB's input on how they are meeting or how they may better meet the requirements of FBC. The project requires that it meet TVAP guidelines. He informed the board that the area is MU-2, the FAR is at 2.0, and the project is proposed to be three to four stories. The location would be the Rail Plaza which would be a high density area. He stated that FBC has detailed requirements and exceptions within this project were identified. If there are exception to be made, there are criteria within the FBC. He reminded the board that the criteria of FBC are discretionary and can be identified and subject to Call Up by Planning Board. The applicant would like to receive more information regarding revisions, exceptions or possible revisions. Specifically, the applicant would like to receive feedback from the board regarding the following:
   - The paseo regs

- Rear setback from east side of 25 feet
- 150-foot building length maximum
- Maximum building site impervious of 60%
- Refuse utilities not located in the parking yard
- Entrance configurations
- Expression lines
- Lintels

Applicant Presentation:
Bill Holicky, **Will Faber**, and **Andy Bush**, with Coburn Architecture, presented the item to the board.

Board Comments:
- **J. Dawson** would like to ask staff to review the details of the window material. He stated that lintels do not make sense when masonry is not present.
- **J. Brown** added that in contemporary development, there often are no structural elements to express. Traditional structural elements are purposefully in the Code to define what architectural details people want to see and how are they can be expressed in a contemporary way.
- **J. Dawson** stated that in contemporary architecture the idea is to provide interest and detail and to give scale and visual interest without losing the contemporary nature of building. He would like to see little detail at the windows at this point. They could use better treatment and expression.
- **J. Baily** highlighted what he found most problematic was the northeast façade. This façade is in danger of becoming a large flat wall and could cast a large shadow. He suggested relieving the solar condition and the flatness of the wall and to not worry about the details of the lintels.
- **B. Bowen** gave suggestions regarding window detailing he had observed in other buildings.
- **J. Dawson** stated that the northeast façade is small in regards to the entire surface area of the building. Rather than the applicant adding lintels for the sake of the FBC, he recommended they take the design concept and evolve it to the level of a masonry building. The windows should be consistent with the overall façade. The window detail is the lintel.
- **J. Brown** said that the FBC would need to be evaluated outside of this meeting.
- **D. McInerney** agreed with **J. Baily** regarding the flatness of the northeast elevation. In addition, the north façade of the southern building (in the courtyard), he suggested the applicant consider bringing the wood material into the reveal.
- **J. Brown** questioned why the façade is changing so much, creating individual buildings. He asked the applicant if this was in response to the FBC.
- **J. Dawson** suggested the proposal could express the walkups more along the west and north facades. The corner of the northwest elevation is not successful in terms of the pedestrian nature and walkups. He was hoping more residential would come to the ground level because it appears lots of office and retail are on the ground level and it is unclear how much they will get utilized. He has concern that this project does not feel

like it has a strong urban residential base. The buildings are not welcoming with the entries at the ground level. Finally, he is not sure the garden walls are necessary. He said that a celebration of the entry should be done.

- **B. Bowen** agreed. The bottom does not appear fully developed. He suggested changing materials, trellises and shade structures.
- **J. Dawson** said that you need to be able to see an entry vs. a patio.
- **B. Bowen** stated, regarding the restaurant area, what happens on the first floor in that area is very important.
- **J. Brown** stated that he was struggling with the composition. In regards to the overhang, he wondered if the north side was the best location. He asked the applicant to reconsider this.
- **J. Baily** said, in regards to the parking garage, he does not like the pedestrian experience with the ramp going underground as you walk by. In addition, the proposed two ramps for a small garage would use a lot of space. He suggested one ramp to allow more space.
- **J. Dawson** suggested carrying the residential base down to the edge on the south edge.
- **J. Brown** said, in regards to the Junction Place elevations, that he approves of the bridge and truces. He suggested adding natural elements.
- **D. McInerney** asked for a description of the wood composite material proposed for the west façade and inquired about its durability on a sunny exposure. Suggested as a potential alternative the terra cotta fins presented as a design precedent in the plans.
- **B. Bowen** suggested that the material behind the posts should be well considered as this will be an important element. The material should be simple with texture and appropriately scaled.
- **J. Brown** suggested that the north façade of the north building perhaps resemble a four-story version of the Junction Place façade with the restaurant on the ground floor.
- **J. Dawson** added that on the north façade, the proposal is not expressing the metal panel roof. It may help express the PV panels.
- **J. Brown** approved of the saw tooth of the panels.
- **J. Dawson** stated that part of the issue regarding the entry driveway on the north façade is the gray wall. He suggested pulling it back may help. If you can't get rid of it, make it as part of the pedestrian experience.
- **D. McInerney** offered the idea of a vertical expression on the ramp walls to create shadowing effects.
- **J. Dawson** suggested that operable windows could add another texture.

4. BOARD MATTERS

K. Pahoa updated the board regarding the following items:

- FBC and How It Is Working – The board discussed having a joint session with Planning Board regarding FBC. Discussion topics could center around the FBC's process, is it working, procedure for review, what qualifies for an exemption, how does one demonstrate a hardship and it needs to be rooted in the real-world design process. There were questions surrounding the process regarding the FBC review process. The board questioned if the Site Review process would not occur or would it simply be called up by Planning Board. The board agreed that the structural process needs to be reviewed and

determined quickly.

- Letter to Council – The board will discuss at the next scheduled DAB meeting for November 9, 2016.
- Comp Plan Scenarios – Staff may present at the next scheduled DAB meeting for November 9, 2016.

5. ADJOURNMENT

The Design Advisory Board adjourned the meeting at 6:14 p.m.

APPROVED BY:

Board Chair

11.9.16

DATE

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission

DATE OF MEETING: Nov. 21, 2016

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Linda Gelhaar 303-441-1911.

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Commissioners –José Beteta, L. Gifford, Nikhil Mankekar, Emilia Pollauf, Shirly White
Staff –Karen Rahn, Carmen Atilano, Linda Gelhaar
Commissioners absent – None.

WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]

AGENDA ITEM 1 – **CALL TO ORDER –** The Nov. 21, 2016 HRC meeting was called to order by S. White at 6:02 p.m.

AGENDA ITEM 2 – AGENDA ADJUSTMENTS
None.

AGENDA ITEM 3 – APPROVAL OF MINUTES
Oct. 17, 2016 – E. Pollauf moved to approve Oct. 17, 2016 minutes. **J. Beteta seconded. Motion carries 5-0.**

AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items) –

A. Four YOAB members gave a presentation to lower the voting age in local elections to 16 years of age.

B. Members of the community spoke about:

- Fear after elections
- Government responsibility for keeping people safe
- Rapid response taskforce
- Web site record of what is happening in community
- Promotion of safety and crime prevention
- Protection of rights to peaceful assembly-and civil liberties
- Importance of Sanctuary City , especially for DACA
- Concern of suppression of voice and civil liberties
- Need an official message from City of Boulder
- Identify a symbol people can wear
- Need to feel safe from bullying in schools—students need a safe place to study

AGENDA ITEM 5 – ACTION ITEMS

A. Resolution Declaring the City of Boulder's Support for the Standing Rock Sioux Tribe's Opposition to the Construction of the Dakota Access Pipeline – Representative gave a presentation on the issues surrounding the construction of the pipeline on native lands. Staff recommends that HRC not move forward on a recommendation to City Council on a resolution at this time without City Council direction for staff to devote time and resources for a full analysis of this issue. **N. Mankekar** moved to approve bringing resolution forward to council. **E. Pollauf** seconded. **Motion carries 5-0.**

B. CoIH Fund Reports

1. **Boulder School for German Language and Culture – Germany's Reunification Day –** Representative gave a presentation and details of the event. **N. Mankekar** moved to approve report. **L. Gifford** seconded. **Motion carries 5-0.**
2. **KGNU and Motus Theater – Immigrant Stories –** Representatives gave a presentation and details of event. **N. Mankekar** moved to approve report. **J. Beteta** seconded. **Motion carries 5-0**.
3. **Playback Theater West – Sharing Our Immigration Stories –** Representative gave a report on the event. **L. Gifford** moved to approve report. **N. Mankekar** seconded. **Motion carries 5-0.**

C. CEF Reports

1. **Postoley – Folk Dancing on the Plaza –** Representative gave a presentation of event, reviewed budget and showed pictures of participants dancing on the new portable floor in front of the Tea House. **J. Beteta** moved to approve report. **L. Gifford** seconded. **Motion carries 5-0.**

D. CIF – Application

1. **El Centro AMISTAD – Justicia Refrescante –** Representative gave an overview of the project and played a video about the benefits of healthy food. **E. Pollauf** moved to approve a grant for $1500. **N. Mankekar** seconded. **Motion carries 3-2.**
2. **BMoCA – The Studio Project-** Representatives gave an overview of the recurring project that creates safe spaces for teens, including low-income teens, to enjoy their community and express themselves through art. **E. Pollauf** moved to approve a grant for $1500. **N. Mankekar** seconded. **Motion carries 3-2.**

AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS

A. Employers Promoting Citizenship, Bob Norris – Gave presentation. Staff will follow-up with questions to council for January 2017 retreat.

B. December HRC Meeting Date (Dec 12) – The December meeting will be moved from Dec. 19 to Dec. 12, 2016.

C. January HRC Meeting Date (Jan 4, 5 or 9) The January meeting will be moved from Jan. 23 to Jan. 9, 2016.

D. Living Wage Update – C. Atilano gave update on issues.

E. Safe and Welcoming Community Update C. Atilano provided update and gave clarification of HRC's role in advising council on a Safe and Welcoming Community. The HRC would like an update from the Boulder PD at December meeting.

1. **Community Informational Meeting –** Meeting date is Dec. 5, 2016 from 6 – 8 p.m. with the location TBD.

F. Welcoming and Inclusive Work Plan Update – Staff gave an update about the Community Perceptions Assessment, which is going to council on Feb. 14, 2016.

G. City Policy and Representing HRC -

H. **Council Pre-Retreat (Jan. 10) Questions –** Commissioners to provide staff with questions in next two-three weeks. Staff will provide a draft response at December meeting. 1. **October 10, 2016 Letter to City Council re: Human Services Budget** **I.** **Event Reports –** HRC members gave updates on community activities they attended in November. **J.** **Follow Up Items –** Staff will follow-up on items identified in the meeting.
AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.
AGENDA ITEM 8 – Adjournment – **J. Beteta moved** to adjourn the Nov. 21, 2016 meeting**. N. Mankekar** seconded. **Motion carries 5-0.** The meeting was adjourned at 10:08 p.m.

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Library Commission

Date of Meeting: October 5, 2016 at the Main Boulder Public Library, 1001 Arapahoe Ave.

Contact information preparing summary: Maureen Malone, 303-441-3106

Commission members present: Joni Teter, Juana Gomez, Joel Koenig, Tim O'Shea
Commission members absent: Alicia Gibb

Library staff present:
David Farnan, Director of Library & Arts (remote)
Jennifer Phares, Deputy Library Director
Erica Segraves, Youth Services Manager
Jane Sykes Wilson, Community Partnership Manager
Linda Cumming, Reynolds Branch Manager
Maureen Malone, Administrative Specialist II

Members of the public present:
None

Type of Meeting: Regular

Agenda Item 1: Call to order and approval of agenda **[6:01 p.m., 0:00:00 Audio min.]**
The meeting was called to order at 6:01 p.m.

Agenda Item 2: Public comment **[6:01 p.m., 0:00:22 Audio min.]**
None

Agenda Item 3: Consent agenda **[6:01 p.m., 0:00:48 Audio min.]**
Gibb emailed her comments on the October packet ahead of the meeting as she was unable to attend. See handouts.

Item 3A, Approval of September 7, 2016 Meeting Minutes
No changes. O'Shea moved to approve the minutes, and Koenig seconded. Vote 4-0, unanimous.

Agenda Item 4: Presentation: 2016 Summer Reading Program recap and community partnerships – Erica Segraves, Youth Services Manager and Linda Cumming, Reynolds Branch Manager [6:02 p.m., 0:01:03 Audio min.]

See handouts for presentation.

Commission discussion, questions, and comments included:

- In response to the statistic that the Reynolds branch exceeded Summer Reading projections for teen enrollment by 73%, Koenig asked how the branch was able to attract more teens than at the other locations. Cumming replied that the staff has built relationships with the parents and teens that frequent the branch over the past few years, and added that the branch is in close proximity to Fairview, Summit and Southern Hills schools.
- O'Shea asked for more information on the Summer Reading partnership with Whole Foods. Cumming explained that the library raised around $5,010 through the bag donation program, which ran for three months at each store.
- Gomez shared feedback from families hoping that the program could overlap with the schoolyear. Segraves responded the budget cannot withstand a longer program, but that staff does make an effort to accommodate participants that are out of town at the beginning or end of the program.
- Koenig wondered whether it's feasible to do a mini version of the Summer Reading program over Christmas break. Segraves said that staff can explore this idea. Cumming expressed her concern that a program during the December holiday break would be less sustainable since many library employees take vacation during this time.
- O'Shea asked how the businesses that provide incentives for Summer Reading get involved. Segraves replied that staff reaches out to local businesses, and the library provides the partners with a letter to use for their tax records. Cumming added that she maintains relationships with ongoing partners from year to year.
- Teter suggested finding a way for the library to highlight the partners for the Summer Reading Program.

- Koenig asked whether staff has considered a community partnership with the mobile home parks in town. Segraves responded that they have not yet, but agreed that it's a good idea.

Agenda Item 5: Presentation: Boulder Library Foundation initiatives – Jane Sykes Wilson, Community Partnership Manager [6:34 p.m., 0:34:22 Audio min.]

See handouts for presentation.

Commission discussion, questions, and comments included:

- The commission reviewed the original concept for this presentation, which was to create an outreach tool that would introduce the library to the community, and discussed who the target audience would be.
  - Wilson suggested that she could create multiple versions depending on the level of understanding a particular audience has of the library and its programs.
  - Koenig questioned whether the historical aspects of the Foundation are important to the message, and Wilson replied that it depends on the audience. Teter commented that the fundamental purpose was to have a presentation that introduces the library, and that it should focus less on the Foundation alone, and more on the Foundation in the context of BPL programming.
  - Wilson explained that she is working on producing a 2- and 5-minute promotional video for the Foundation, which could be used in conjunction with the revised presentation.
- O'Shea offered to connect Wilson to some resources to help translate the data into a compelling story and asked whether the library is in a position to enlist outside help with this project, considering the small marketing budget. Farnan replied that the time is right to look at potential partners and the library could potentially use some of the money allocated for the Master Plan to help pay for the service.

Agenda Item 6: Preparation for Council member Jan Burton's attendance at the Nov.2, 2016 Library Commission meeting and the Library Commission's annual letter to City Council [7:09 p.m., 1:08:17 Audio min.]

- In addition to the topics for discussion with council member Burton identified at previous meetings (page #16 of packet), commissioners suggested the following:
  - BLDG 61 successes and materials budget question
  - Involving the library in discussions around the City's homeless strategy
  - Civic Area planning
  - Need for curation and City support for community events
  - Other boards and commissions the Library Commission would like to meet with
  - The issues and concerns regarding the north building
  - Continued support for the Jaipur Literature Festival
  - Building advocacy for the library
  - The library's role in helping the city identify and engage with upcoming issues
- Gomez and O'Shea volunteered to work on a first draft of the annual letter to City Council. O'Shea commented that Jan's feedback at the November commission meeting would likely help shape the letter.

Agenda Item 7: Colorado Cultural Resource Survey Historic Architectural Inventory of the Main Library north building [7:44 p.m., 1:43:35 Audio min.]

See handouts for presentation.

Commission discussion, questions, and comments included:

- Teter asked what the implications of a historic district would be. Gomez replied that design guidelines are written when a district is established, and new buildings must conform to these; the Landmarks Board and Design Review Committee determine whether new buildings in a historic district should be an imitation of a period building or have enough contrast to distinguish it from a period building.
- Gomez recommended that staff hire a consultant to research the restrictions on the site, such as flood, landmarks, zoning, max height, and then determine what can be done with the building and the associated cost.
- Teter asked whether it's the City of Boulder or FEMA maps that establish the flood elevation requirements. Gomez responded that the city adopts the FEMA maps, which complicates matters because FEMA has been slow to produce the maps that show the new elevations.
- The commissioners discussed how to align the discussion around the north building with the Master Plan process. Teter stated that it would be ideal for the two to move forward along a parallel path. O'Shea suggested that the square footage the library stands to gain or lose when determining what to do with the north building may impact the Master Plan conversation, especially as library services continue to expand. Farnan agreed and

added that the square footage we have specifically within the Civic Area will be an important piece of the Master Plan process.

- O'Shea commented that that the Civic Area bookends are being looked at with great enthusiasm for meeting unmet goals for arts and culture or future development and there is a push/pull of what benefits the library vs. the community. O'Shea suggested getting feedback from the community about whether it's the library as an idea or the library as it currently stands, in terms of the space and history, that is important to them. Farnan replied that the buildings are not a core part of our service, but agreed that it is important to explore community support for the north building.
- Koenig asked what it would cost to get historic designation and Gomez replied that the cost is minimal.
- Teter commented that historic designation might give the library some relief in terms of elevation-related issues with the flood level and shouldn't entirely limit the option to remodel since the only physical aspects of the building that have historical value are the exterior look and one interior staircase.
- O'Shea asked how much ownership the library has over its own future. Farnan replied that the north building is library property and Library Commission has a powerful voice with regards to how library property is used. Teter commented that ultimately it is City Council's decision whether the library receives landmark designation. Farnan added that the commission had expressed an interest in seeing whether or not it's possible to challenge the landmarking of a building.
- Teter stated that a better understanding of how historic designation interplays with the flood regulations would help inform discussions about what to do with the north building.
- O'Shea asked whether there is there a sense that the library could be completely displaced through this potential redevelopment of the west bookend. Farnan replied that the south building has never been in question with regards to the flood plain.
- Teter suggested discussing whether to go forward with an analysis on the relationship between historic designation and flood elevations at the November 14th study session.
- The Commission discussed the scheduling of a joint meeting with the Landmarks Board in November to open a conversation about future of the north building. Teter recommended that Farnan outline for the Landmarks Board the ways in which the north building does and does not work for the library and how we can improve upon the uses.

Agenda Item 8: Jaipur Literature Festival review **[8:49 p.m., 2:48:25 Audio min.]**

Farnan commented that the festival was a great success and has received positive feedback from the community. The main library door count for the weekend was around 12,000, which is roughly 8,000 more than a typical weekend.

Agenda Item 9: Review of annual Library Commission recruitment application **[7:28 p.m., 1:27:22 Audio min.]**

O'Shea suggested changing question 4 of the application (page #52 of packet) to the following:
The Boulder Public Library balances traditional definitions of library services with innovation around informal learning, collaboration, literacy and 21st century skills. What's your vision for the future of our library?

Gomez motioned to amend question 4 as stated above, and O'Shea seconded. Vote 3-0, unanimous (Koenig abstained).

Agenda Item 10: Library Commission Update **[8:51 p.m., 2:50:50 Audio min.]**

A. Matters from the Commission
   i. Coordinating travel and attendance for the 2016 Colorado Association of Libraries Annual Conference.
   ii. Teter announced that Boulder Public Library was named Colorado Library of the Year, which will be announced officially at the Colorado Association of Libraries Conference on Friday, October 21.
B. Boulder Library Foundation update
C. City project representative update
   i. Boulder Valley Comprehensive Plan
   ii. Master Plan for Boulder's Civic Area
   iii. Canyon Boulevard Complete Street Study
   iv. Eco-district
D. Responses to patron emails from the Library Commission

Agenda Item 11: Library and Arts Director's Report **[9:04 p.m., 3:03:25 Audio min.]**

A. Library cards for Boulder's unhoused residents
B. Flatirons Library Consortium history and update
   Gomez asked why staff decided to increase the checkout limit on books from 40 to 99. Farnan replied that this number is more consistent with other libraries in the Flatirons Library Consortium. Farnan added that there is a correlation between young people's reading habits and the number of books in the household, so this allows less affluent families to keep more books on the shelves.
C. Library League update
D. So now for a little history…
E. Update on holds analysis and email option for self-checkout receipt
F. Boulder Civic Area Parking Survey Results
   Teter commented that the commission is due a report on the quantitative usage of the parking lots. Farnan responded that the report has not been issued, but the data collected with regards to the library and children and families is consistent with the data collected in 2014; the basic assumption is that the needs of library patrons are being met with the new parking configuration.

Koenig asked whether there us a way to better publicize Carnegie as an asset to the community. Farnan replied that the library is taking great strides to make Carnegie's content available to the public 24/7, but agreed that there are opportunities to bring this asset to the forefront.

Agenda Item 12: Adjournment **[9:15 p.m., 3:14:19 Audio min.]**

There being no further business to come before the commission at this time, the meeting was adjourned at 9:15 p.m.

Date, time, and location of next meeting:

The next Library Commission meeting will be at 6 p.m. on Wednesday, November 2, 2016, at the Meadows Branch Library, 4800 Baseline Rd., Boulder, CO 80303.

Commissioner Teter approved these minutes on November 14, 2016; and Maureen Malone attested to it.

An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at http://boulderlibrary.org/about/commission.html

CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees
DATE OF MEETING: November 9, 2016
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: MEMBERS: Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson, Curt Brown STAFF: Tracy Winfree, John Potter, Jim Reeder, Brian Anacker, Steve Armstead, Mark Gershman, Keri Davies, Leah Case, Alycia Alexander GUESTS: Lesli Ellis, Comprehensive Planning Manager, PHS
TYPE OF MEETING: **REGULAR** CONTINUATION SPECIAL

SUMMATION:

AGENDA ITEM 1 **- Approval of the Minutes**
Tom Isaacson moved that the Open Space Board of Trustees approve the minutes from Oct. 26, 2016. Curt Brown seconded. This motion passed unanimously.

AGENDA ITEM 2 – **Public Participation for Items not Identified for Public Hearing**
Karen Hollweg, Friends of Boulder Open Space (FOBOS), asked if the 2010 maps shown in the Boulder Valley Comprehensive Plan (BVCP) will be updated in the final plan.

AGENDA ITEM **3 – Matters from Staff**
Jim Reeder, Trails and Facilities Manager, gave an update on the 2013 Flood Recovery.

Mark Gershman, Environmental Planning Supervisor, gave an update on the Boulder Valley Comprehensive Plan: Proposed updates to the Land Use and Planning Area Maps reflecting Open Space Board of Trustees and City Council approved changes from 2011 to the present.

AGENDA ITEM 4 **- Matters from the Board**
Curt Brown gave a presentation on the Chautauqua Access Management Plan (CAMP) Update.

ADJOURNMENT: The meeting adjourned at 8:17 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:
None.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:
The next OSBT meeting will be Wed. Dec. 14 at 6 p.m. at 1777 Broadway in the Council Chambers

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 20, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
John Putnam
Leonard May
Crystal Gray

PLANNING BOARD MEMBERS ABSENT:
Bryan Bowen
Harmon Zuckerman

STAFF PRESENT:
Susan Richstone, Deputy Director of Planning
David Driskell, Executive Director, PH&S
Kurt Firnhaber, Deputy Director of Housing
Lesli Ellis, Comprehensive Planning Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jean Gatza, Senior Planner
Kalani Pahoa, Urban Designer
Jim Robertson, Chief Urban Designer
Philip Kleisler, Planner II

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:09 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **L. Payton** the Planning Board voted 5-0 (**B. Bowen** and **H. Zuckerman** absent) to approve the October 6, 2016 and October 13, 2016 minutes as amended.

3. PUBLIC PARTICIPATION

1. **Davis Bacher** expressed concerns regarding bicycle safety and access in the city.
2. **Stephanie Minutillo** suggested amending the draft of Section 4.03 of the Boulder Valley Comp Plan Update to include the creation of a Renewable Energy Generation Plan to foster community solar garden development in the city and county.

3. **Laura Tyler** spoke on behalf of the South Boulder Creek Action Group which supports the annexation of CU South for flood mitigation.
4. **M. L. Robles** spoke regarding Middle Income Housing Strategy specifically the prioritization of the Neighborhood Innovative Pilot Program implementation in 2017.
5. **David Adamson** spoke in support of Middle Income Housing Strategy on behalf of Goose Creek Neighborhoods.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

5. DISCUSSION ITEMS

A. AGENDA ITEM: Middle Income Housing Strategy - update on the draft middle income goal and strategy components

Staff Presentation:
K. Firnhaber and **J. Sugnet** presented the item to the board.

Board Questions:
K. Firnhaber, **J. Sugnet**, and **S. Richstone** answered questions from the board.

Board Comments:
Key Issue #1: Proposed middle income housing goal?

- **C. Gray** said that she did not believe that the proposed strategy was "bold" enough. She encouraged the staff to be "bolder" if they want to be serious, given that out of the 3500 proposed units, 2500 would be market rate. She disagreed that was "bold" since there needs to be more certainty surrounding the market.
- **J. Putnam** agreed but added that staff needs to be realistic. He stated that unless the city were to contribute money, buy properties and build structures, he was not sure how to stretch the numbers as proposed.
- **L. May** stated the strategy is a good start but not a comprehensive approach. It falls short due to too much focus on market rate. In addition, it needs analysis to achieve higher levels of permanent affordability. He proposed incentive based zoning. The strategy will not preserve rental and ownership affordability. He would like to see a policy with no net loss at either an absolute number or a percentage.
- **L. Payton** agreed with **L. May**. She questioned if the goal was a percentage of total housing or an absolute number. It seemed unclear. She suggested that the city investigate tools (e.g. a new demolition ordinance) that keep existing affordable housing stock from being lost and replaced with housing that is only affordable for high income households.
- **L. May** said that the approach and mix of unit types in the strategy are correct. He is concerned with affordability in the next 20 years. He suggested the "for sale" units be deed restricted so they can be held onto in the future. Therefore, what may be affordable today will not become unaffordable in the future.
- **J. Gerstle** agreed with **L. May** regarding the permanent affordable housing. He stated that we should be proactive by looking at significant changes in the demo ordinances to maintain the existing facilities. He encouraged the City of Boulder to be an active player

financially to ensure that existing homes remain affordable and not demolished and that new affordable housing is established.

- **J. Putnam** added that before a goal is set, it would be helpful for City Council to see not the one number (the goal), but rather what it would look like from financial and other perspectives.

Key Issue #2: Proposed policies and tools to preserve and create middle income housing?

- **C. Gray** proposed that annexations should be 50% lower to moderate income. The other 50% should be maintaining the middle.
- **L. Payton** supports polices #1, #2, #3, and #4. She has concern prioritizing the middle-income goal over other community goals such as climate change. She would like to add a policy regarding demolition.
- **J. Gerstle** agreed that revising the demolition regulation would be appropriate.
- **J. Putnam** agreed that demolitions, additions and expansions need review.
- **C. Gray** agreed. She suggested incorporating land use policies such as expanding the use of OAUs. ADUs could be reviewed as well.
- **L. Payton** supports the idea of funding for building or buying existing middle income housing so it can be permanently affordable deed restricted. It will keep things affordable in the future, unlike having them at market rate.
- **J. Gerstle** stated that the city needs to become an active player in obtaining these houses and placing deed restrictions.
- **J. Putnam** explained that that approach would be more expensive per unit than affordable housing and the city may need to balance between affordable and middle income housing.
- **L. May** added that cost would not be the only factor but where we would end up in future. Regarding incentive zoning, he stated that height falls along with FAR. If entitlements are expanded to build more, then possibly 100%, up to 150% AMI, should fall within the affordable category.
- **J. Putnam** disagreed regarding height and that it would fall in that category requiring mandatory additional housing requirements.
- **C. Gray** appreciated secondary middle income housing tools.
- **L. Payton** did not see equity co-ops as a housing type for middle income. She suggested that if new construction were proposed, equity co-ops should be a possibility under this goal.

Key Issue #3: Proposed next steps and timeline?

- **J. Putnam** stated the Next Steps are general which is appropriate. It would be helpful to think about a neighborhood based pilot sooner than later. Smaller based areas to test ideas with community engagement would be a good start.
- **L. May** agreed that it would need to be on a smaller scale to receive support.
- **L. Payton** stated the need to address the shift, which is occurring, of market rate family housing becoming investment properties.
- **J. Gerstle** stated that this situation is why he is skeptical to rely on market rate housing and feels the city should be more active with deed restricted housing. He proposed the

city look at financial options to becoming more active in the market itself and the implications of revising the demolition rules to review the economic consequences.

- **L. Payton** asked that public outreach be more explicit.
- **C. Gray** agreed with **L. Payton**.

Key Issue #4: Updating the inclusionary housing ordinance to include a middle-income requirement?

- **C. Gray** and **J. Gerstle** agreed with staff recommendation.
- **L. May** stated that in terms of the commercial linkage fees, it would be good to have scenarios to entertain the higher range in the fees. He said that there should be a cost benefit comparison. He agreed with the inclusionary housing.

B. AGENDA ITEM: Update on 30th and Pearl Redevelopment Scenario Analysis

Staff Presentation:
D. Driskell and consultants **John Koval** and **Peter Weber**, with Coburn Partners, presented the item to the board.

Board Questions:
D. Driskell, **K. Firnhaber**, **John Koval** and **Peter Weber** answered questions from the board.

Board Comments:
Key Issue #1: Proposed Scenarios

- **L. Payton** stated that for commercial spaces, it would be good to have locally owned businesses located on site. Other cities use various tools to encourage and keep local businesses. Perhaps that could be done through land use regulations (such as is done elsewhere) and avoid subsidies.
- **J. Putnam** stated that, given the goals of TVAP, if there is a development of an RFP, there may be some weight given to different proposals that may have creative ideas. He suggested that it may be worth looking at a component to encourage creativity to obtain other goals for the city. It may help encourage street activation in that area. It may be difficult to have community industrial use in the area.
- **L. May** agreed with **L. Payton** and **J. Putnam**. He said that Scenario #4 would meet the range and goals. He suggested having another analysis done to increase flats and decrease townhouse. It would be consistent where housing needs are in the center and expensive. He would also like to see an analysis that if market rate units were deed restricted, so that over time they fell into the affordable category (150% AMI), how would that change the money that the city would need to contribute.
- **L. Payton** disagreed. When you build flats, you're spawning sprawl. Families will choose to live in Erie rather than Boulder. Townhomes need to be retained, especially in Boulder Junction. She encouraged on-site affordable daycare.
- **L. May** said that this would be a good place for density.
- **J. Gerstle** agreed with providing family services and that family friendly stacked apartments would be a great addition. In Scenario #4, he remarked that the available yard space would be small. He asked to consider the stacked flats alternative.

- **L. May** suggested increasing the number of units at this site.
- **L. Payton** disagreed with the notion of stacked apartments as it would not be ideal for raising children and families that could use the bit of outdoor space afforded by townhomes to put a sandbox for example.

Key Issue #2: Staff Recommendation

- **J. Putman** stated that the staff recommendation of Scenario #4 would be a good place to start. He suggested finding ways to create more commercial in the plan to enrich the community. Perhaps the introduction of a co-op housing element or daycare for examples. The core for Scenario #4 in terms of balance is heading in the right direction.
- **L. Payton** agreed. She supports townhome units on-site to assist with the missing middle income housing.
- **J. Gerstle** agreed. It would be essential to have mix of market rate and subsidized housing on-site. Scenario #4 makes sense, but implies a contribution from the city.
- **C. Gray** supports the staff recommendation and suggested pushing harder for commercial diversity. She would Like to see more affordability on-site. She would suggest increasing the city subsidy.
- **L. May** agreed with most of the board's comments. He suggested enhancing focus on neighborhood services for families. He questioned if row houses would be an essential part of the mix of homes at this location and would like to see more analysis on that. Ultimately he would like to see the number of units increased and the amount of money that the city would need to subsidize decreased. In addition, he would like to see a study performed regarding less parking provided. Finally, he would like to see if more market rate units were provided at the start as deed restricted but built to sell as market rate now and what that would do for sale price of the units over time.
- **L. Payton** and **C. Gray** disagreed with **L. May** regarding the row houses.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. BVCP Update

Staff Presentation:
L. Ellis and **J. Gatza** presented the item to the board.

Board Comments:
BVCP Future Forums – Community Engagement

- **L. Payton** suggested answering public's questions prior to the general breakouts.
- **L. May** suggested letting the public know if board members will be attending.

December 15, 2016 Planning Board Meeting Agenda Topics

- **L. Payton** would like to discuss the Governance Policy at the meeting. She would like a copy of the resilience report prior to the meeting.
- **J. Gerstle** would like someone from CU at the meeting.
- Board members agreed with the proposed agenda.

B. Debrief of Community Benefit Subcommittee Meeting

- **L. May** and **J. Putnam** gave a review of topics discussed to the board.

C. Scheduling of Affordable Housing Review for Planning Board

- **L. Payton** requested that a review of how affordable housing is financed, especially how low income tax credits work and their constraints be offered to the board at an upcoming meeting.
- This has been scheduled for the January 19, 2017 Planning Board meeting.

D. **C. Gray** requested for the board to have a follow up review regarding "Right of Way Dedication".

E. **L. May** requested for the boar to have a follow up review regarding Attention Homes density across several sites.

7. DEBRIEF MEETING/CALENDAR CHECK

A. Change Start Time for Planning Board Meeting – December 15, 2016

- Due to the full agenda scheduled for the December 15, 2016 Planning Board meeting, it was agreed by all board members to convene at 5:00 p.m. rather than 6:00 p.m.

B. Schedule Planning Board Meeting – January 12, 2017

- **C. Spence** polled the board regarding the availability of members for the addition of a Planning Board meeting on January 12, 2017. All board members, except **J. Putnam**, could attend. The meeting will be scheduled.

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:33 p.m.

APPROVED BY

Board Chair

17 Nov 2016

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
November 3, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: http://www.bouldercolorado.gov/

PLANNING BOARD MEMBERS PRESENT:
John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:
John Putnam

STAFF PRESENT:
Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Elaine McLaughlin, Senior Planner
Shannon Moeller, Planner II
Sloane Walbert, Planner II
David Thompson, Civil Engineer II
Katie Knapp, Engineering Project Manager

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:03 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

1. **Trevor Lowenthal** expressed concerns regarding multi-purpose path safety in the city, especially at Baseline Road and Moorehead and Baseline Road and 30th Street.
2. **Jaclyn Brass** proposed adding language to the Boulder Valley Comprehensive Plan (BVCP) showing a willingness to pursue geothermal energy.
3. **David McGuire** spoke regarding the proposed BVCP amendment regarding the CU South annexation and the proposed flood mitigation on behalf of the Frasier Meadows Steering Committee.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. Call Up Items: Highland School Bridge Replacement; Floodplain Development Permit (LUR2016-00067); Wetland Permit (LUR2016-00068). This decision may be called up before Planning Board on or before November 4, 2016.

B. Call-Up Item: SITE REVIEW AMENDMENT: To amend the approved plans for Block 3 within the Dakota Ridge Village Subdivision for a 2,513-square foot community center with a community pool and 16 condominium units in two buildings. A similar proposal was approved in 2007 but the approval has since expired. Case no. LUR2015-00113. This approval is subject to potential call-up on or before November 4, 2016.

- **B. Bowen** recused himself during this discussion.
- **C. Gray** questioned staff regarding the presence of inclusionary housing in the project.
- **Jason Markel**, the Applicant, answered questions from the board.

C. Call Up Item: Use Review for a residential use in an industrial zoning district. Proposed are a total of 70 residential units along with on-site amenities at 3289 Airport Road, VeloPark Apartments, LUR2016-00020. This approval is subject to potential call-up on or before November 4, 2016.

J. Gerstle called up Item 4C, 3289 Airport Road, VeloPark Apartments, LUR2016-00020. The remaining two items were not called up by the Planning Board.

5. PUBLIC HEARING ITEMS

A. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00070) to redevelop the site at 1600 Broadway, an approximate 0.54 acre-property, involving removal of two commercial buildings, development of a new 41,606 square-foot hotel building with approximately 73 hotel rooms, and installation of an underground parking structure. Preliminary consideration of a rezoning from Business – Transitional 2 (BT-2) to Downtown – 3 (DT-3) is also proposed.

Applicant: Julie Eck, Davis Partnership Architects
Property Owner: Stephen D. Tebo

Staff Presentation:
C. Ferro introduced the item.
S. Moeller presented the item to the board.

Board Questions:
S. Moeller, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Joe Lear, the applicant's representative, presented the item to the board.

Board Questions:
Joe Lear, with Davis Partnership Architects, answered questions from the board.

Public Hearing:
No one spoke.

Board Comments:

- **L. May** agreed with the staff analysis. Currently there is no underlying flaw in the current zoning or land use. If a reconsideration of zoning were to be done, it should be done within an entire corridor redevelopment and not just this project. In regards to the height issue, the moratorium is in place to guide modifications. It would be premature to start creating special ordinances to circumvent the moratorium until the board has the policy discussions around community benefit.
- **C. Gray** stated that the proposal is consistent with BVCP Policy *2.03 Compact Development Pattern*, but it does not meet many other BVCP policies. She agreed with **L. May's** comments regarding height and with keeping the same zoning as stated in the staff analysis.
- **L. Payton** agreed with the previous comments from board members and staff. She stated that this project may be working again the BVCP and specifically Policy *2.21 Commitment to a Walkable & Accessible City*, by replacing small local businesses with a hotel. She appreciated the efforts by the architect to combine elements of the nearby existing buildings, but stated the proposal is not successful. In regards to the height modification, she did not see a reason to proceed. The topography exception which was cited would be used for building on slopes. This lot is not extreme enough. She agreed with the previous rezoning comments.
- **H. Zuckerman** stated that the proposed massing appears to be maxing out the site with no articulation to the building. He suggested stepping the building down with the topography which could provide for rooftop outdoor patio space. With some of these, he may be inclined to grant a smaller height modification. This is an area that could use more pedestrian amenities. Perhaps by pulling the building back from the setback and having retail on the first floor, it would create some interest within the neighborhood. He stated that he is not sure how the current zoning is appropriate today. The Business-Transitional 2 (BT-2) zoning does not fit. Perhaps more density of uses would help create a pedestrian amenity and create a walkable experience.
- **B. Bowen** mentioned that the current strip of Broadway is disjointed. It is a cross axis to downtown. He agreed that rezoning lot by lot is not a good idea. It would make sense to rethink the Business-Transitional 2 (BT-2) zoning in that area. In addition, a 0.5 FAR in that area does not make sense, since that is driven more towards an area of surface parking lots, which is not something that should be in this location. Therefore, rezoning does make sense, but it should be done along with other parcels. He would accept some level of height exception. He stated that if the urban realm were well developed, it could add to that corridor. In terms of building design, it should be more sculpted and have a logical massing.
- **J. Gerstle** agreed with **H. Zuckerman** that the existing zoning may not be appropriate, but it should not be changed for individual lots. The entire area should be considered. The

athletic fields and bike path on the east side of the lot are a tremendous amenity. He suggested taking advantage of these in the building itself. He said that perhaps the east side and the Broadway street side of the building could be made more interesting.

- **C. Gray** stated that it would be nice if the board looked at the BT-2 zone in relation to other goals, such as housing.
- **L. Payton** commented that as this corridor and University Hill are being redeveloped, local student eating areas will be leaving. There will be a gap in providing this and questioned if there is a plan to bring them back.
- **L. May** added that it is not only the loss of business, but as that area is redeveloped, there will not be any street level activity and a dead zone is created when you remove the commercial space.
- **H. Zuckerman** stated that it is important to energize the streetscape for locals and visitors.
- **B. Bowen** suggested to staff that if the applicant returns, they should look at what zone would make sense along that corridor. The key factors will be height, FAR and open space requirements. He suggested that this project go to the Design Advisory Board (DAB) to look at the concept design.
- **L. May** stated that this project would be a gateway to downtown, there the it is important that the building be of high quality. Currently, the proposed building appears generic. He would like to see this proposal come back as a concept plan again to Planning Board and see more interesting architecture reflective of the gateway characteristic.

Motion:

Since this is a Concept Review, no action is required on behalf of the Planning Board. **J. Gerstle** summarized that the board would like to see this proposal as a concept plan again before it was to move forward.

B. AGENDA TITLE: Consideration of the following items relating to the properties located at 2010 Upland Avenue and 4270 19th Street

1) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the Crestview East Neighborhood, in particular for the property located at 2010 Upland Avenue, to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
2) Recommendation to City Council on a proposed amendment to the Annexation Agreement for the property located at 4270 19th Street to remove the requirement to dedicate and construct N. 20th Street (LUR2016-00081);
3) Motion to amend the North Boulder Subcommunity Plan to delete the N. 20th Street connection between Upland Avenue and Tamarack Avenue; and
4) Official notice of vacation of public right-of-way for N. 20th Street adjacent to the properties at 2010 Upland Avenue and 4270 19th Street as required by Section 79 of the City of Boulder Charter (LUR2016-00073).

Applicants: Anne Hockmeyer, Ellen Stark and City of Boulder Public Works
Owner: Anne Hockmeyer and Ellen Stark

Staff Presentation:
C. Ferro introduced the item.
S. Walbert presented the item to the board.

Board Questions:
S. Walbert, C. Ferro and **D. Thompson** answered questions from the board.

Applicant Presentation:
Anne Hockmeyer, the applicant and owner, presented the item to the board.

Board Questions:
Anne Hockmeyer, the applicant and owner, answered questions from the board.

Public Hearing:

1. **Jan Morzel** spoke in support to the project.

Board Comments:

- **J. Gerstle** stated that he was opposed to the proposals because he felt that the removal of the connection conflicted with the North Boulder Subcommunity Plan (NBSP). He indicated that there was no compelling argument to make a change. He stated that CEAP has excellent recommendations and the connection between Tamarack Avenue and 19th Street is good. However, the new connection should not be viewed as a substitute for N. 20th Street.
- **H. Zuckerman** stated that he would be in favor of a motion to approve because the NBSP is meant to properly mirror our local priorities. It meets the needs of the community. The Planning Board will bring the NBSP back into consistency by approving the proposals.
- **L. Payton** stated that she will support a motion to approve because the Planning Board modifies connection plans regularly. Also, it will be easier to subdivide the lot in question and build two homes, rather than one large home. The results of the CEAP will provide a new connection which was not originally planned. This property has been burdened by dedications on the north and south sides, therefore it makes sense to eliminate the connection.
- **C. Gray** agreed.

Motion:
On a motion by **C. Gray**, seconded by **B. Bowen**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) to recommend to City Council approval of the Annexation Agreement Amendments as they are consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original annexation terms.

On a motion by **C. Gray**, seconded by **H. Zuckerman**, the Planning Board voted 5-1 (**J. Gerstle** opposed; **J. Putnam** absent) find the proposed deletion of the N. 20th Street connection is consistent with the NBSP's intent and goals as identified in the plan and approve this amendment to the North Boulder Right-of-Way Plan.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Progress on the Public Notification Issue

- **L. Payton** questioned staff as to the progress of notifying tenants as well as property owners.
- **C. Ferro** informed the board that while the city knows they can perform this function, they are still working through the resource function of the process, as the city uses a third party for resources.

B. Annual Letter to City Council

- The board ask **C. Spence** to group the last 3-4 years of Planning Board Letters to Council for their review.
- Board members will send ideas to **C. Spence** and she will compile them.
- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

C. Debrief of Community Benefit Subcommittee Meeting

- The board asked to schedule a full discussion at the next Planning Board meeting on November 17, 2016.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 8:23 p.m.

APPROVED BY

Board Chair

17 Nov 2016

DATE

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: September 12, 2016

Contact Information Preparing Summary: Meredith Schleske 303.441.3204

Board Members Present:, Bill Rigler, Chair; Dom Nozzi, Anna Reid
Board Members Absent: Jennifer Nicoll; Zane Selvans

Staff Present: Michael Gardner-Sweeney, Director of Public Works for Transportation
Kathleen Bracke, GO Boulder Manager
Bill Cowern, Acting Principal Traffic Engineer
Shannon Young, Civil Engineer
Joe Paulson, Transportation Engineer
Gerrit Slatter, Principal Transportation Projects Engineer
Bryant Gonsalves, Transportation Project Manager
Melanie Sloan, Transportation Planner
Lesli Ellis, Comprehensive Planning Manager, Planning, Housing & Sustainability (PH&S)
Meredith Schleske, Board Secretary

Type of Meeting: Advisory/ Regular

Agenda Item 1: Call to Order **[6:02 p.m.]**
The meeting was called to order at 6:02 p.m.

Agenda Item 2: Approval of minutes from August.
Move to approve 8 August, 2016 minutes as presented.
Motion: Nozzi Second: Reid
3:0:0 Motion Passes

Agenda Item 3: Public Participation **[6:03 p.m.]**

- Jay Prassl stated that both traffic and speeds have increased on Grape Avenue over past ten years.
- Tim Hattrup spoke about speed mitigation on Grape Avenue from 19th Street to Folsom including by the elementary school and efforts residents have made, such as traffic cones in the street.
- Bridgette Braig observed that there are no natural mitigating features on Grape Avenue, such as dips.
- Neal McBurnett expressed concern that autonomous cars are not addressed in the Boulder Valley Comprehensive Plan (BVCP).
- Alex Hyde-Wright has concerns and suggestions regarding configuration options for the 13th Street and Arapahoe Underpass project.

Agenda Item 4: Safe Streets Boulder – Toward Vision Zero Implementation **[6:24 p.m.]**
Kathleen Bracke and Bill Cowern made the report to the board.

Board feedback:

- Suggestion to partner with community bike shops for the Lighten-Up Boulder campaign.
- Request for data to support a potential safety op-ed in the newspaper.
- Questions regarding budget allocation and reallocation.

Agenda Item 5: Staff briefing and TAB discussion regarding the Boulder Valley Comprehensive Plan (BVCP) Update including scenario analysis (Ellis) **[6:48 p.m.]**

Lesli Ellis made the presentation to the board.

Board Action Requested: The Board is asked to provide comments and suggestions on the draft revised Transportation Policies for the BVCP, keeping in mind that these policies reflect the policies of the 2014 Transportation Master Plan (TMP).
The Board is also asked to provide feedback or questions on the BVCP trails map and the preliminary scenarios.

Board feedback:

There was detailed discussion regarding various sections of the TMP as well as consistency with the BVCP, including suggestions for more specific language regarding autonomous vehicles and other forms of transportation. Additional Board comments may be emailed to staff.

Agenda Item 6: Staff briefing and TAB discussion regarding the Boulder Creek Arapahoe Underpass Project (Arapahoe & 13th) **[7:39 p.m.]**

Melanie Sloan made the presentation to the board.

Executive Session:

The City of Boulder has initiated planning and design for the Boulder Creek & Arapahoe Underpass (Arapahoe & 13th) project to provide a safer, more accessible and less flood prone underpass along the Boulder Creek Path at Arapahoe Avenue, near 13th Street. The planning and design process began in early 2016 and is anticipated to continue through Fall/Winter, 2016. This project is utilizing the city's Community and Environmental Assessment Process (CEAP) to select the preferred design alternative.

The purpose of this memo is to introduce to and receive feedback from the board on the planning and design process, current proposed design alternatives and proposed evaluation characteristics, which will be used to identify the preferred design alternative. Because this project impacts both transportation and parks and recreation facilities, the project CEAP requires public hearing and approval by both TAB and PRAB in a joint board hearing and so we invite the board to participate in a joint TAB-PRAB meeting (date to be determined) for official review and recommendation of the CEAP process and preferred alternative selection. Additional detail on the project background, planning and design status, timeline, community involvement role and opportunities and current proposed design alternatives are included below.

Request to the Board

The project team requests feedback from TAB on (1) the planning and design process, (2) the current proposed design options and (3) the proposed evaluation characteristics. Feedback received from TAB and PRAB will inform the selection of the preferred alternative through combination of the presented options, the next step in the CEAP. This is also the opportunity for the board to request additional information from the project team.

Additionally, we ask for the board to participate in a joint TAB-PRAB meeting (November, 2016--date to be determined) for official review and recommendation of the CEAP process and preferred alternative selection.

Board Discussion:

- Concern expressed to enhance pedestrian comfort with cyclists on the same path and suggestion that pedestrian path lights be considered.
- Request made for a walking tour to better visualize the design options.
- Support expressed for the "face on" crossing design.
- Inquiry made regarding crash data for the underpass.

Agenda Item 7: The role of electric vehicles in meeting Boulder's climate goals – Will Toor, Southwest Energy Efficiency Project (SWEEP) **[8:34 p.m.]**

Board Discussion:

- Questions asked whether less expensive electric cars will result in more miles traveled and other consequences.
- Inquiry made whether TAB could be helpful in encouraging the city to pursue funds allocated to the state due to the VW settlement and apply to transportation electrification.

Agenda Item 8: Matters **[9:25 p.m.]**

A. Matters from the Board

- Op-ed – Bill Rigler and Dom Nozzi will co-author a timely article regarding street safety and calming; Anna Reid will write one subsequently regarding the East Arapahoe Avenue project.
- Board Retreat follow up – deferred to October 2016.
- Dom Nozzi transportation safety presentation – deferred to October 2016.
- Updates re: sub-committees and working groups
  - HOP Working Group – member Bill Rigler reported that several reconfigured options were discussed at the third stakeholder meeting including spurs up Folsom and 9th Street and possibly to Chautauqua. A presentation will be made to TAB in November 2016.
  - A PRAB/TAB joint board meeting will be scheduled in November 2016.

B. Matters from the Staff/ Non-Agenda **[9:50 p.m.]**

- RTD/Regional studies update - Bus to Work Day will be October 5, 2016. The communications plan will be forwarded to TAB.

- Other matters – there were none.

Agenda Item 9: Future Schedule Discussion – there was none. **[9:54 p.m.]**

Agenda Item 10: Adjournment **[9:54 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 9:54 p.m.

Motion: moved to adjourn: Nozzi **Seconded by: Reid**

Motion passes 3:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 10 October 2016 in the 1777 West Conference Room, 1st floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Board Chair

14 Nov 2016

Date

ATTESTED:

Board Secretary

11/14/16

Date

An audio recording of the full meeting for which these minutes are a summary is available on the Transportation Advisory Board web page.

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: October 10, 2016

Contact Information Preparing Summary: Meredith Schleske 303.441.3204

Board Members Present:, Bill Rigler, Chair; Jennifer Nicoll; Dom Nozzi, Anna Reid; Zane Selvans
Board Members Absent:

Staff Present: Michael Gardner-Sweeney, Director of Public Works for Transportation
Kathleen Bracke, GO Boulder Manager
Bill Cowern, Acting Principal Traffic Engineer
David "DK" Kemp, Senior Transportation Planner
Randall Rutsch, Senior Transportation Planner
Brett KenCairn, Senior Environmental Planner
Meredith Schleske, Board Secretary

Type of Meeting: Advisory/ Regular

Agenda Item 1: Call to Order **[6:03 p.m.]**
The meeting was called to order at 6:03 p.m.

Agenda Item 2: Approval of minutes from September - tabled to November TAB agenda. **[6:03 p.m.]**

Agenda Item 3: Public Participation – addressed below. **[6:05 p.m.]**

Agenda Item 4: Safe Streets Boulder – Toward Vision Zero Implementation **[6:11 p.m.]**
Kathleen Bracke and Bill Cowern made the report to the board.

Board feedback: no questions or comments.

Agenda Item 5: Public hearing and consideration of a recommendation regarding safety and Neighborhood Traffic Mitigation Program (NTMP) options for City Council consideration as part of the 2017 budget (Gardner-Sweeney, Cowern) **[6:18 p.m.]**

Bill Cowern made the presentation to the board.

Executive Summary:

The City of Boulder seeks to mitigate speeding traffic on residential streets through the Neighborhood Traffic Mitigation Program (NTMP). This program was created in the early 1990's and used a combination of education, enforcement and engineering treatments to mitigate speeding traffic. During the economic downturn of the early 2000's, funding for the program management and engineering treatments in the NTMP were eliminated from the city budget.

Each year the City Council approves a budget for the upcoming year. This year, the City Council asked staff for a recommendation concerning potential 2017 funding for engineering treatments on residential streets. City staff did not recommend reallocating funding to the NTMP in 2017, as this funding would need to come from higher priorities as defined in the City's Transportation Master Plan. This recommendation was discussed during the May 9, 2016 and June 13, 2016 TAB meetings as part of the 2017 – 2022 Transportation Capital Improvements Program (CIP) agenda items. At their June 13, 2016 meeting, the TAB made the recommendation to City Council not to reallocate funds in the 2017 budget to restore previously eliminated engineering treatment NTMP funding.

At the September 13, 2016 City Council budget study session, City Council was provided with the city staff and the TAB recommendations. The City Council asked for staff to return to them at the first reading of the 2017 budget at their October 4, 2016 council meeting with options for restoring the engineering treatments to the NTMP. Staff has developed several potential options, outlined in this memorandum and is requesting TAB's recommendation for City Council consideration at the Second Reading of the 2017 Budget at their October 18, 2016 meeting.

Board questions:

- Speed on Grape and Palo Parkway is not high enough to qualify for option two treatments.
- No options that call for increased funding are presented due to no anticipation of further availability.
- Emergency response – most mitigation efforts slow speed, especially for fire engines.
- City staff has had numerous conversations re traffic calming with national resources.
- Adding stop signs and speed limit changes are omitted because they are not effective mitigating treatments and are not in accordance with national standards. Stop signs do not reduce overall speed. Steady slow consistent speed throughout corridor is most effective and desirable.
- Lowering speed limit in several specific areas did not impact speed at all.
- Public education could include yard signage and neighborhood education and alliance coupled with enforcement.

Public Participation

- Ann Haebig – Toward Vision Zero - South 30th Street.
- Jeff Pedelty – Toward Vision Zero – discouraged, education not going to solve it. Going to keep cycling.
- Hollie Rogin – 21st Street danger on Edgewood. Resident loses fence every year at 23rd. Future redevelopment of the hospital site likely to negatively impact Edgewood. 21st Street is a direct route to Columbine Elementary.
- Sue Prant – supports traffic calming, don't dive in, don't go too slowly on development of program. Change signs as interim measure. Revised design standards and signal policies. Address system major arterials.
- Charles Brock – supports traffic mitigation.
- Carmen Baron – 2430 Grape, redo traffic data (not on Labor Day). Reconsider reduced speed and volume.
- Daniel Jubelirer – Naropa student. Recent moved to Boulder. Peace studies, street murals. Paint the pavement.
- Tim Hattrup – 2070 Grape, Traffic speed data should be re-collected.
- Mike Marsh – doesn't feel there's a problem. People that show up at meetings think there is a problem but that is not everyone - most think things are fine. Need to survey residents– democracy. Humps on Moorhead are bad for people with disabilities, need rigor and discipline.
- Diane Curlette – 530 Harvard Drive, option #1 and #3, Speed trailers, police department (PD) involvement, PD working with neighbors. Boulder has changed a great deal. Future is decreasing auto travel, more bikes and pedestrians.
- Aaron Johnson – 6264 Simmons Drive, citations given to pedestrians, cyclists, motorists? Strongly agrees with use of engineering. In the ideas of many, bikes and pedestrians don't belong in the street. Enforcement potential racial issues.
- Michael Friesen – South 45th Street, drop speed limit to 20 miles per hour (mph), people always drive five mph over the speed limit. Enforcement can be the bad guy.
- Scott Hatfield – 2845 Broadway, bikes everywhere, Vision Zero, get cars off the road. People won't ride because they are afraid. Carbon budget, education effort would be important. Transportation demand management (TDM) ordinance for businesses.
- Maegan McCardle – Gordon Drive - would like speed mitigation, has made homemade signs. Lots of kids. People whip around the corner. Speed humps, Paint the Pavement is a great idea.
- Brook Stableford – Folsom Street. Cyclist feel unsafe. Photo tickets on left-turn arrows, Flatiron Flyer, convert Tahle Mesa and Broadway to Bus Rapid Transit (BRT).

Bill Cowern noted that Edgewood and 21st Street was identified as a dangerous intersection and is working with the fire department to mitigate. The city also coordinates with the PD on mitigation and enforcement.

Board feedback: **[7:30 p.m.]**

- Inquiry about if options 1 and 3 are mutually exclusive.
- Question of whether better street redesign can be achieved in the longer range capital plan.
- Observation that option 2 is very contentious.
- Discussion about other cities and different models with comment that Boulder is considered the gold standard along the Front Range.
- Concern expressed about vertical treatments like speed humps and impact on emergency response.
- Comment that the public is terming the issue as safety, which could be combined into a systemic approach including Vision Zero.

Following extensive discussion including the concept of "soon" for meaningful progress, and including a motion to recommend option 1 near-term plus option 3 long-term made and rescinded by Nozzi.

Motion: Motion to recommend to City Council development of an updated Neighborhood Traffic Mitigation Program (NTMP) as part of the 2017 Budget, which would initiate a public engagement process to develop new NTMP guidelines which would include consideration of the appropriate use of engineering treatments, engaging the public and adding one fixed term full-time position (1 FTE) to coordinate the program development.

Motion: Nozzi Seconded: Rigler
Vote: 5-0

Motion: Motion to convey to City Council the public sentiment that safety and quality of life in neighborhoods is important and the need to implement appropriate measures in a timely fashion.

Motion: Rigler Seconded: Nozzi
Vote: 5-0

Agenda Item 6: Public hearing regarding Climate Commitment Strategy Document **[8:30 p.m.]**
Brett KenCairn and Randall Rutsch made the presentation to the board.

Executive Summary:

This item provides the Transportation Advisory Board (TAB) with the Mobility section of the *Climate Commitment* strategy document for review and recommendation to City Council. Transportation is one of the three target categories under the Energy Action Area of the *Climate Commitment* strategy document. As part of the *2014 Transportation Master Plan* (TMP) update, staff and consultants conducted extensive analysis of the transportation sector related greenhouse gas (GhG) emissions and evaluated strategies for achieving deep greenhouse gas emissions in transportation over the next twenty years. This effort resulted in new measurable objectives for the TMP and informed the Mobility Section of the *Climate Commitment* strategy document. The primary goal of the *Climate Commitment* is to develop strategies capable of achieving a minimum 80% reduction in GhG emissions below 2005 levels by 2050.

As part of the TMP process, vehicle miles travelled (VMT), VMT per capita and single occupant vehicle (SOV) mode share targets were updated in coordination with the city's new GhG goal. These targets are reflected in the Mobility Section of the *Climate Commitment* strategy document. During this process, it was also recognized that fundamental system change was needed such as transportation energy source change strategies, and that additional innovations where needed to meet the 80 percent reduction goal in the transportation sector.

The full *Climate Commitment* strategy document is available on the city's website.

Question for the TAB: Does the Board have comments and suggestions on the draft Mobility section of the Climate Commitment Strategy document and a recommendation for consideration to City Council?

Board Discussion:

- Thoughts concerning shared facilities, electronic vehicles and autonomous vehicles – GO Boulder should think boldly.
- Several editorial proposals to add items such as shared electronic vehicles and autonomous vehicles and changing "reduce percentage of car ownership" to "shared ownership" in the Transportation Master Plan (TMP) key objectives and measures.
- Observations concerning public support of land use change and "e free" trips.
- Simplify the summary.
- Dom – clearly specify land use patterns and comparative forecasted climate commitment results with and without change.
- Questions concerning veracity of transportation data and whether "congestion" should be a strategy as it doesn't contribute to climate commitment.
- TAB members should email suggestions to Brett Ken-Cairn.

Motion: Motion that TAB supports and recommends adoption of the *Climate Commitment* strategy document by City Council.

Motion: Selvan Seconded: Nicoll

Vote: 5-0

Agenda Item 7: Matters **[9:12 p.m.]**

A. Matters from the Board

- Dom Nozzi transportation safety presentation
- Board Retreat follow up – Rigler and Nicoll will recommend priorities to TAB.
- Review TAB board member application – TAB members should email any comments to Mike Sweeney.
- Updates re: collaboration with other city boards -
- Updates re: sub-committees and working groups
  - HOP Study Working Group met October 27th. An update will be provided to TAB at their November 14th meeting preceding the City Council Study Session November 29th.
  - East Arapahoe Transportation Working Group met recently, defining character districts and specific needs. A public engagement meeting will be conducted mid-December. Group member Anna Reid will wait to author an op-ed.
  - 36 Commuting Solutions - TAB is encouraged to attend a legislative forum October 11th.

B. Matters from the Staff/ Non-Agenda **[9:56 p.m.]**

- Chautauqua Access Management Plan (CAMP) update – Bill Cowern briefed TAB. There will be a joint boards meeting in January.
- Neighborhood Access Management Plans (AMPs) are multi–faceted and time-consuming; an update on TDM for new development will be presented next month and a strategy document developed early in 2017. A Complete Streets event October 19th features a national practitioners panel at CU.
- RTD/Regional studies update – The RTD Board is doing a roadshow to discuss their future financial condition and FastTracks will significantly impact transit expansion.
- Other matters – TAB meetings will be conducted in Council Chambers.

Agenda Item 8: Future Schedule Discussion – there was none. **[10:12 p.m.]**

Agenda Item 9: Adjournment **[10:12 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 10:12 p.m.

Motion: moved to adjourn: Selvan Seconded by: Nozzi

Motion passes 5:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 14 November 2016 in the Council Chambers, 2nd floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Board Chair

14 Nov. 2016

Date

ATTESTED:

Board Secretary

11/14/16

Date

An audio recording of the full meeting for which these minutes are a summary is available on the Transportation Advisory Board web page.

2016 NATIONAL HUNGER AND HOMELESSNESS AWARENESS

The City of Boulder is committed to ensuring every member of our community is able to achieve their full potential, because our well-being, as individuals and as a community, is built on this premise over time.

National Hunger and Homelessness Awareness week is held each year the week before Thanksgiving, serving as an important reminder that for many children, families, seniors, veterans and others in our community lack of food or a safe, stable place to call home, are preventing them from reaching their full potential.

The City of Boulder recognizes that if we work together, hunger and homelessness are solvable.

In 2016, Hunger and Homelessness week is focused on steps that individuals and local governments can take to prevent our residents from experiencing homelessness and hunger.

In partnership with the City of Boulder, many individuals, local and regional organizations, nonprofits, governments, business and faith communities are committed to building community well-being by connecting residents to services and housing, implementing public policy initiatives and encouraging all community members to lend a hand so Boulder can be a city where everyone has a safe place to call home and enough food to eat.

The City of Boulder has committed significant resources to accomplish this community vision with our community partners.

The City Council of the city of Boulder, Colorado, declares that November 12-20 is

NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK

and encourage all residents to speak up, take action and to ask their leaders to commit to making homelessness and hunger history within our community.

Suzanne Jones, Mayor

National Homeless Persons' Memorial Day
December 21, 2016

The winter poses extreme hardship for inadequately housed low-income men, women and children in Boulder.

The spirit of the holiday season of giving provides an opportunity for affirmation and renewal regarding the commitment to end homelessness.

December 21 has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Health Care for the Homeless Council, and is so recognized by cities nationwide.

In this season of generosity and sharing, citizens of Boulder are encouraged to commit themselves to promoting compassion and concern for all brothers and sisters, especially those who are poor and homeless.

In remembering those who have died on the streets, the cause of ending homelessness is kept urgent as is the city's commitment to preventing such deaths in the future.

The City Council of the City of Boulder, Colorado declares that December 21, 2016 is

National Homeless Persons' Memorial Day

Suzanne Jones, Mayor