

# Regional, State and Federal Policy Agenda **2020**



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## DEVELOPMENT AND USE OF THE POLICY AGENDA

The purpose of the City of Boulder’s 2020 Regional, State and Federal Policy Agenda (the “Policy Agenda”) is to inform city advocacy on policy decisions that, while made outside the city’s jurisdictional authority, nevertheless have potential to significantly impact the city. This includes legislative decisions by the Colorado General Assembly or the U.S. Congress. It also includes the non-legislative decisions made at the federal, state and regional levels, including those of Colorado agencies (e.g., Air Quality Control Commission, Public Utilities Commission, Department of Transportation, Department of Regulatory Affairs); federal agencies (e.g., Environmental Protection Agency, Department of Transportation, the Federal Communications Commission); regional governments (e.g., Regional Transportation District); and intergovernmental coalitions (e.g., Rocky Flats Stewardship Council, Colorado Municipal League, Metro Mayors Caucus, US36 Mayors and Commissioners Coalition, Colorado Communities for Climate Action). The Policy Agenda is also used to inform decisions on judicial cases the city should participate in as an amicus curia, including whether to sign on to an amicus brief.

The city offers the Policy Agenda to regional, state and federal policy leaders for reference when considering decisions impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of this information will also be created throughout the year for use in specific communications.

The Policy Agenda was developed in advance of the convening of the 2020 Colorado General Assembly and the Second Session of the 116<sup>th</sup> U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the city’s goals on various policy matters as well as examples of specific approaches it would support or oppose to achieve those policy goals. With the coordination of the city’s Policy Advisor, it will be used by city officials to inform communication of city positions on proposed bills and non-legislative regional, state and federal policy decisions.

Council may revisit the Policy Agenda at any point. Before doing so, council will normally refer proposed changes to its Intergovernmental Affairs Committee to deliberate on the pros and cons of each change and make a recommendation for the full council informed by a staff analysis. Council created this committee for the purpose of convening on an ad hoc basis with the Policy Advisor and other city staff as necessary when one or more of the following circumstances exist:

1. There is an immediate need for council members to participate with staff to develop a strategy to advance or defeat a proposed policy that is clearly addressed by the city’s Policy Agenda or other council-approved policy documents; or
2. A decision is expected to be made on regional, state or federal policy that affects a matter which council has previously provided general direction on and that could significantly impact the city, but which council did not provide sufficient specific direction on and with timing that will not allow for council direction to be obtained. In these limited situations, the Policy Advisor may turn to the committee for direction on such policy proposals so

that the city can advocate accordingly. Council is to be informed whenever such committee direction has been provided and council may choose to subsequently revisit such direction.

Council's Intergovernmental Affairs Committee is also turned to for input on revisions to the Policy Agenda and to plan agendas for meetings with regional, state and federal policy makers.

Council will consider adopting comprehensive revisions to the Policy Agenda once a year, typically no later than October. The Intergovernmental Affairs Committee will also regularly meet in December in odd-numbered years (after new council members have had the ability to be appointed to the committee) to determine whether further revisions are necessary. Council will then consider such additional changes in January, soon after the Colorado General Assembly has convened.

When adopting the Policy Agenda, council members may vote to support the agenda in its entirety and commit to supporting all of its positions when speaking on behalf of the city. In doing so, however, council members are still encouraged to express any reservations or personal opposition they have to one or more positions.

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

1. Uniformity with current city council goals;
2. Expected relevance in the upcoming year;
3. Uniqueness of issue or impact to the City of Boulder;
4. Viability or likelihood of achieving the policy goal;
5. Opportunity for providing funding for the City of Boulder; and
6. Availability of metrics of success that would allow the position to be deleted from future agendas if achieved.

Departures from these criteria are made in unique circumstances as determined by council, such as when adoption of a city position is important to support regional partners, even while the policy in question is otherwise of limited consequence to the city.

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

## **2020 STATE LEGISLATIVE PRIORITIES AT A GLANCE**

The city expects to adopt and communicate positions on dozens of state bills during the 2020 state legislative session. The positions listed below, however, address the bills on which the city expects to focus the bulk of its limited resources and political capital. These priorities are selected not only due to their importance to the city, but because related legislation is expected to be introduced in 2020 and involvement of the city and its legislative delegation could be determinative to their outcome. The priorities take into account the expected political realities of the upcoming session and accordingly are first and foremost pragmatic. Nevertheless, they are considered important and are also considered incremental steps that will create support in future years for some of the city's more ambitious legislative goals.

1. Support changes to state policy that enhance and preserve the rights and interests of residents of manufactured home communities as well as the continued availability of manufactured housing, as described in position 21 on page 23
2. Repeal the prohibition on local government bans on the use or sale of specific types of plastic materials or products or restrictions on containers for consumer products, as described in position 12 on page 16.
3. Support restoration of local government authority to regulate certain pesticide uses and for additional protections for pollinators, human health and the environment, as described in position 41 on page 34.
4. Discourage e-cigarette and tobacco use, especially among youth, as described in position 43 on page 35.
5. Allow inclusionary zoning to include rental housing development, as described in position 22 on page 24.
6. Prohibit use of driving with a mobile electronic device unless through a hands-free device, as described in position 63 on page 48.

## **2020 FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE**

1. Seek federal support for Boulder's federally funded labs and the University of Colorado Boulder as described in position 17 on page 20 and position 64 on page 48 of the agenda.
2. End the mistreatment of migrants in U.S. Immigration and Customs Enforcement detention facilities as well as in Alternatives to Detention programs as described in position 25 on page 26.
3. Promote a greater understanding of the nexus between pesticide use and climate change mitigation and adaptation, particularly the ability of regenerative organic agriculture to reduce emissions of carbon dioxide and nitrous oxide and to sequester carbon, as described in position 41 on page 34.

# **CLIMATE CHANGE AND COMMUNITY RESILIENCE**

## **1. REDUCE STATEWIDE GREENHOUSE EMISSIONS CONSISTENT WITH OR GREATER THAN THE STATE OF COLORADO’S 2019 CODIFIED GOALS**

Reducing greenhouse gas emissions is at the heart of the city’s Climate Mobilization Action Plan and guides many of the city’s decisions. During the 2019 legislative session, several bills were passed and signed into law that further specify the greenhouse gas emissions reduction goals in Colorado. For example, House Bill 19-1261 establishes state-wide greenhouse gas emissions reduction goals aimed at limiting the increase in the global average temperature. The bill sets statewide goals to reduce greenhouse gas emissions by at least 26 percent in 2025, 50 percent in 2030, and 90 percent in 2050 compared to 2005 levels. The Air Quality Control Commission (AQCC) is authorized to promulgate rules and regulations to achieve these emissions reduction goals, accounting for the costs and benefits of compliance, equitable distribution of reductions, clean energy incentives, and climate resiliency in Colorado’s communities. Simultaneously, the Public Utilities Commission (PUC) is focused on a comprehensive regulatory update to rules related to the acquisition of utility-scale power plants, community solar gardens and other resources that may accelerate emissions reduction in the electricity sector; the benefits of which will compound as the transportation and buildings sectors transition to electricity as the primary source of fuel.

The 2019 session produced an extensive slate of legislation that will not only help Boulder achieve its local Climate Commitment targets but reflects the successful influence of Boulder’s two decades of work on statewide policy related to climate and energy. The city supports the state goals and will work to support actions by the PUC, the Colorado Department of Public Health and Environment, the AQCC, and other state agencies and entities to ensure that Colorado achieves or exceeds these emission reductions.

## **2. PRESERVE AND EXPAND THE ABILITY OF LOCAL GOVERNMENTS TO ENGAGE IN CLIMATE ACTION EFFORTS**

Preserve and expand the ability of local governments to develop and implement emissions-related strategies to reach their climate action and resilience goals, including their ability to:

- a) Form their own retail energy utilities through a process that is predictable, equitable, safe, reliable and cost-effective;
- b) Exercise their constitutional right to condemn and acquire electric assets at fair market value, without having to pay utility lost revenues;
- c) Purchase street lighting through cost-effective, transparent and reasonable means to maximize the efficiency of such lighting;
- d) Maximize the deployment of local clean energy generation and storage options;
- e) Create new financing and ownership structures for clean energy technologies; and

- f) Benefit from state or federal facilities, programs, funding or requirements relied on by cities to reduce greenhouse gas emissions;
- g) Develop enforceable partnerships between local governments and energy utilities that allow for the deployment of innovative energy solutions and investment in local energy systems;
- h) Optimize the potential for carbon sequestration through regenerative agriculture, improved soil health, and ecosystem management; and
- i) Incorporate equity, accessibility, and just transition considerations into climate policies and actions.

### **3. BAN OR ACCELERATE THE PHASE-OUT OF HYDROFLUOROCARBONS (HFCs) AND OTHER CLIMATE-WARMING REFRIGERANTS**

HFCs are used as refrigerants and in air conditioning, foams, aerosols, and other applications. They are the fastest growing source of greenhouse gas emissions in the U.S. and globally are thousands of times more potent than CO<sub>2</sub>. Coupled with efficiency opportunities in refrigeration and cooling, phasing down the use of HFCs could deliver significant climate and energy efficiency benefits.

### **4. SUPPORT CREATION OF A CARBON CAP AND ANY MARKET-BASED MECHANISMS NECESSARY TO DECREASE CARBON EMISSIONS**

The city supports adoption of state and federal limits on greenhouse gases, sometimes referred to as carbon caps, that increase over time as necessary to reach state greenhouse reduction goals. Operationalizing such limits in different sectors often requires market-based policies that can create financial incentives for GHG emitters to emit less. The city supports both carbon caps and market-based mechanisms as necessary, including approaches that:

- a) Establish a state level carbon tax with proceeds used to fund renewable and energy efficiency projects as well as transmission and distribution system improvements that enable additional deployment of renewables and energy efficiency measures; and
- b) Create a national revenue-neutral carbon fee and dividend to significantly reduce U.S. carbon emissions while simultaneously maintaining robust economic growth.

### **5. FACILITATE THE BENEFICIAL ELECTRIFICATION OF BUILDINGS**

The city supports accelerating the transition from natural gas (the major component of which is methane) and propane to electricity for residential and commercial building applications,

including space and hot water heating, cooking and laundry. It supports development of a statewide policy framework and set of actions that promotes the adoption of high efficiency and low emission renewable heating and cooling (RH&C) technologies such as electric-driven heat pumps (air and ground source), sustainable biomass energy systems, anaerobic digestion, solar thermal and other renewable energy driven systems. The city would support approaches to achieving these goals that:

- a) Direct the Public Utilities Commission (PUC) to set demand side management (DSM) mandates for both electric and natural gas utilities to encourage switching from natural gas to electric.
- b) Direct the PUC to require that natural gas utilities incorporate the social cost of carbon in cost-effective tests in their ongoing investment decisions.
- c) Develop renewable heating and energy requirements that must be met by natural gas and electric utilities;
- d) Direct the PUC to require utilities to develop incentives and rate structures that support RH&C systems and reflect the value provided to the electric grid;
- e) Direct the PUC to require natural gas utilities to only allow new natural gas infrastructure development when it is demonstrated to be the least cost alternative (accounting for the social cost of carbon) against comparable investments in RH&C systems;
- f) Direct the state to include RH&C mandates into energy objectives for state-owned buildings;
- g) Direct the PUC to require electric utilities to upgrade electrical infrastructure, including customer-side requirements, to support conversion of existing building stock to RH&C systems;
- h) Direct the PUC to require natural gas utilities to develop and revise natural gas infrastructure safety plans to incorporate electrification strategies as a means of addressing deficiencies in aged infrastructure; and
- i) Direct the PUC to require utilities to invest through low-income DSM programs in RH&C systems.

## **6. ENHANCE CUSTOMER ELECTRICITY CHOICE**

The city supports new financing business models, products, technologies and efforts that enhance energy choices through means that:

- a) Advance open, competitive retail energy markets in Colorado through such means as eliminating legal energy monopolies, allowing for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation), or by otherwise increasing options for customer electricity choice;
- b) Expand distributed generation, energy storage, high-levels of renewable energy generation (distributed and utility-scale), and appropriate technologies through grid modernization;

- c) Allow for new and creative customer options such as peer-to-peer sharing of electricity generation, virtual net metering or microgrid development;
- d) Allow customer access to diverse energy options through a variety of policies (including net metering, feed-in-tariffs, “value of solar” tariffs) that fully recognize the value of local solar;
- e) Direct the PUC to develop value of solar and value of storage tariffs, either through the distribution system planning process or standalone proceedings;
- f) Streamline interconnection requirements for customer-sited energy options such as distributed generation and storage technologies;
- g) Allow mobile homeowners to receive the same rebates, incentives and interconnection options associated with the installation of solar panels as are available to other homeowners;
- h) Increase or remove the 120 percent cap on net metered generation;
- i) Allow qualified facilities larger than 100 kW to interconnect and sell output to a utility at the utility’s avoided cost outside of the competitive solicitation during an Electric Resource Plan proceeding pursuant to the Public Utilities Policies Act of 1978 (PURPA);
- j) Changes to the Renewable Energy Standard (RES) to allow communities to develop, interconnect and own new shared renewable generation to meet their energy goals and enable local ownership of clean energy generation above and beyond RES requirements and without incentives, if a community chooses; and
- k) Modernize the Colorado Solar Gardens (CSG) statute by incentivizing the development of smaller and more locally-based CSGs that serve individual customers and that are suitably sited to support community-based resilience goals.

## **7. INCREASE PUBLIC ACCESS TO ENERGY DATA**

The city supports increasing the public’s access to energy data through means that:

- a) Standardize regulated utility filings to increase transparency at the PUC and requiring all PUC discovery to be publicly available and filed in machine-readable formats;
- b) Facilitate the development of a third-party demand-side management program implementer, including energy efficiency and distributed generation programs;
- c) Facilitate the development of an energy data center or energy statistics branch within a state energy agency to produce data sets related to research and policymaking;
- d) Enable regulated utilities to provide aggregated whole-building data to building owners and property managers for use in building benchmarking and energy efficiency improvements; and,
- e) Create an exception to the Colorado Open Records Act that confirms the ability of local governments to protect customers’ energy data when they participate in local energy efficiency programs and greenhouse gas emissions reporting initiatives.

## **8. REDUCE EMISSIONS FROM THE ELECTRICITY SECTOR**

The city supports reducing emissions from the electricity sector through means that:

- a) Increase the retail distributed generation “carve-out” for investor-owned utilities and cooperatives;
- b) Encourage investments in conservation that focus on load management aligned with better utilization of renewable resources and minimize the consumer’s total energy bill;
- c) Clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order;
- d) Require the discontinued use of coal-fired or natural gas (methane) power plants when more economic renewable energy options are available;
- e) Encourage and incentivize energy storage technologies as an alternative to investments in fossil fuel based generating facilities;
- f) Support legislation that would assist and expedite Colorado’s implementation of the federal Clean Power Plan, which although suspended by the current administration is still under judicial review. These rules are designed to reduce carbon emissions from coal-fired power plants across the country. Conversely, opposing any legislation that would delay or prevent the implementation of either the federal rule or prevent Colorado’s implementation of the rule; and,
- g) Increase the state’s Renewable Energy Standard to at least 50 percent by 2025 and 100 percent by 2040 and applying that standard to all retail utilities in Colorado.

## **9. INCREASE ENERGY EFFICIENCY**

- a) Increase energy efficiency by establishing high performance residential and commercial building codes;
- b) Allow local governments to develop regional energy networks that implement energy efficiency programs;
- c) Facilitate community-specific program implementation by distributing demand-side management program dollars to local governments.
- d) Facilitate the development of net zero and outcome-based construction through demand side management programs;
- e) Reinstate the energy-efficient commercial and residential buildings federal tax deductions that expired at the end of 2013;
- f) Support continued and expanded funding for programs that help low-income Coloradoans meet their energy needs such as the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program;
- g) Eliminate federal preemptions prohibiting states and local governments from exceeding the federal lighting, appliance and other equipment efficiency standards; and

- h) Direct the PUC to require utilities to revise and implement DSM programs that facilitate the construction of affordable and multi-housing net-zero energy homes.

## **10. ENCOURAGE WIDESPREAD ADOPTION OF ELECTRIC AND EFFICIENT MOTORIZED VEHICLES AND ADOPTION OF A LOW-CARBON FUEL STANDARD**

Ground transportation in the city accounts for 21 percent of greenhouse gas emissions. Increasing marketplace uptake of electric vehicles (EVs) can provide reductions in both GHG emissions and other pollutants. While the primary approach will always be to encourage modes of transportation that reduce vehicle miles travelled, the city will also support policy change that reduces energy use and emissions of air pollutants from vehicles, specifically through means that:

- a) Prevent the proposed rolling back of existing federal vehicle efficiency standards and supports the adoption of the next phase (post-2025) of standards for light duty vehicles and of the next phase of standards for medium and heavy-duty vehicles;
- b) Modify current “HOV Exemption Program,” which provides owners of 2,000 low-emission and energy efficient vehicles free access to high-occupancy-toll lanes, to limit the exemption to three years per vehicles and to allocate the new permits to only the owners of zero emission vehicles;
- c) Require the state’s vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction;
- d) Provide Colorado counties the option to implement emission fees on the purchase of less efficient vehicles and to offer rebates on the purchase of more efficient vehicles, with social equity concerns addressed by setting the fee as a percentage of the value of the vehicle and creating a minimum value below which the fee would not apply;
- e) Adopt a low carbon fuel standard similar to the policy in place in California which reduces the carbon intensity of the transportation fuel pool by 10 percent by 2020;
- f) Encourage the proliferation of public charging infrastructure that allows for the measurement and verification of the charge provided; and
- g) Extend the federal tax credits for electric vehicles at least until 2025.

## **11. SUPPORT REFORM OF RESIDENTIAL PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCE STATUTES TO ALLOW FOR RESUMPTION OF BOULDER COUNTY’S RESIDENTIAL PACE PROGRAM**

The city has been an active supporter of Boulder County’s PACE finance program, formerly known as the Climate Smart Loan Program. Many city residents have taken advantage of residential PACE to secure low-interest loans to make energy efficiency and renewable energy upgrades to their homes. However, actions taken in 2010 by Fannie Mae, Freddie Mac, and the Federal Housing Finance Agency have forced local governments across the

country, including Boulder County, to suspend their residential PACE financing programs. The city supports reversal or resolution of these federal actions, either through legislation or regulation, to allow residential PACE programs to again move forward. If such federal action is taken, the city would also urge the Colorado General Assembly to quickly take any action necessary to conform Colorado's PACE enabling statutes to the new federal requirements.

## **12. PROMOTE WASTE REDUCTION AND DIVERSION EFFORTS**

The city has a vision of Zero Waste aimed at increasing waste reduction and diversion rates community-wide. Beginning in 2019, the city is identifying high-impact initiatives to move Boulder toward a more "circular" economy, where material use is minimized, products are kept in use for as long as possible and regenerative systems are established. Changes at the state level are necessary in light of Colorado's low 12 percent diversion rate, which lags far behind the national average of 34 percent. Part of the reason for this low rate is Colorado's existing inexpensive landfill tip fees, the lack of recycling markets in Colorado which results in materials being shipped long distances to be recycled, and lack of convenient curbside recycling and composting programs for all residents and businesses, particularly along the Front Range. Taken together, low landfill fees and low demand for recyclable materials feedstock, often make the most environmentally responsible material management choices cost-prohibitive. To address these challenges, the city supports state policy changes that would:

- a) Repeal or narrow the state prohibition (C.R.S. Section 25-17-104) on local government bans on local retail distribution of certain types of plastics or containers to end-use consumers;
- b) Ban or restrict the use of disposable, single-use plastics and/or polystyrene containers statewide, without limiting the ability of local governments to enact further restrictions;
- c) Incentivize the creation or expansion of Colorado-based end-market businesses which source recycled materials for their products using options like tax credits or other approaches to encourage source-reduction, recycling, composting and markets for recycled materials;
- d) Develop a statewide plan to sequester carbon in agricultural soils using compost, biochar and other regenerative techniques, in order to both reduce state carbon emissions and build markets for finished compost;
- e) Support the implementation of the Colorado Integrated Solid Waste and Materials Management Plan, including the expanded authority of the Colorado Department of Public Health and Environment to execute the actions in the plan;
- f) Encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility" or "EPR") whereby manufacturers are held accountable to manage their non-recyclable products after consumers are done with them, prioritizing electronics, pharmaceuticals and packaging;
- g) Ban specific materials from landfills or incineration, such as cardboard, organics and beverage containers or lithium ion batteries;
- h) Require post-consumer minimum content standards for product manufactures;

- i) Implement statewide landfill tip fee surcharges to be used for waste reduction;
- j) Develop data reporting mechanisms to better estimate the state’s recycling rate and support data reporting at the municipal and county level;
- k) Strengthen and enforce Governor Hickenlooper’s “Greening of State Government” Executive Order D2015-013, which requires all state agencies and departments to develop waste prevention and diversion efforts by requiring all government buildings to have recycling and composting service (where available) and adding quantifiable goals and metrics, including ensuring that by 2020, 90 percent of paper purchases contain a minimum 30 percent post-consumer waste content;
- l) Prevent "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation;
- m) Support energy capture from anaerobic digestive technologies at composting and wastewater treatment plants; and
- n) Support energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy products. Examples of this type of beneficial use include woody construction and demolition waste and yard or food waste that is not able to be otherwise diverted from landfills and could be used to produce electricity or liquid fuel components.

**13.SUPPORT STRICTER REGULATION OF THE OIL AND GAS INDUSTRY AND CONTINUED IMPROVEMENTS TO THE COLORADO OIL AND GAS CONSERVATION COMMISSION’S OVERSIGHT OF OIL AND GAS OPERATIONS**

2019 saw the passage of SB19-181, sweeping oil and gas reform that increased oil and gas regulation, revamped the make-up of the Colorado Oil and Gas Conservation Commission (“COGCC”), shifted the COGCC’s mission from “fostering” growth of the oil and gas sector to “regulating” it and prioritizing the protection of public safety, health, welfare, and the environment and provided more regulatory power to local governments. While this law addressed many of the city’s policy goals, there are still additional protections needed.

The city supports changes to state or federal policy that would address specific oil and gas drilling impacts, including changes to:

- a) Eliminate fracking as an exempted activity under the Clean Water Act, Safe Drinking Water Act and other federal environmental laws;
- b) Provide statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; adopting a rebuttable presumption that allows water rights owners within a certain distance of an oil/gas well to recoup repair costs if their water supply is contaminated, diminished, or disrupted; requiring operators to formulate a water management plan including planned source of water and substitute water supply plans; and recycling wastewater before acquiring new supplies;

- c) Better protect air quality at and near oil and gas operations, decrease emissions of volatile organic compounds and other ozone precursors, and decrease methane and other greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair;
- d) Study air, water, seismic, noise and public health impacts from oil and gas operations and ways to mitigate or avoid impacts;
- e) Require higher bonds and stricter regulations to decrease the problem of “orphan wells” in Colorado;
- f) Provide aggrieved landowners standing to require a hearing before the COGCC on applications that will impact public health, safety, or welfare. Also extend standing to affected local governments even if the propose wells or facilities are outside their jurisdiction; and
- g) Require consent from governmental bodies before an operator may locate oil and gas facilities on government property, such as open space lands.

## **14.SUPPORT FOR BUILDING COMMUNITY RESILIENCE**

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, and 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.

The city will support the following policy changes to help build community resilience:

- a) Study the structural and economic impacts of climate resiliency at the Federal Emergency Management Agency (FEMA), including recommendations on how to improve the Agency’s use of building codes and standards to prepare for climate

change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges.

- b) Expand opportunities for communities to engage in key decisions related to siting and management of local and regional energy assets and the ability to participate in driving investments towards climate resilience efforts and the mitigation of vulnerabilities.
- c) Expand existing state and federal safety requirements as well as the frequency of vulnerability and risk assessments of electric transmission systems and critical transmission assets.
- d) Provide adequate funding for the Corporation for National and Community Service (CNCS), the federal agency that administers national service programs, including AmeriCorps VISTA. The city has in the past relied on AmeriCorps VISTA volunteers in support of its resilience programming.

## **DEMOCRACY AND GOVERNANCE**

### **15.SUPPORT AN AMENDMENT TO THE U.S. CONSTITUTION ABOLISHING CORPORATE PERSONHOOD**

On November 1, 2011, the residents of Boulder voted, by a 73 percent majority, to approve Ballot Question No. 2H which called for “reclaiming democracy from the corrupting effects of corporate influence by amending the United States Constitution to establish that: 1) Only human beings, not corporations, are entitled to constitutional rights; and 2) Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.” The City of Boulder will support state and federal legislation that furthers efforts to amend the U.S. Constitution with language that captures the sentiment, if not the exact language, expressed by Ballot Question No. 2H.

## **ECONOMIC VITALITY**

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

Unlike many communities that contain vast areas of undeveloped land planned for future commercial and residential use, Boulder's future economic sustainability will depend on effective and ongoing re-use of existing developed property. The majority of future redevelopment in Boulder will be completed by private entities and through private investment. However, in rare circumstances, and based on the requirements of the urban renewal law, projects that demonstrate a compelling community need may only be achievable through a public/private urban renewal partnership. Consequently, city will support

protecting options to facilitate revitalization of their urbanized areas, including through the use of tax increment financing and eminent domain.

## **17.SUPPORT CONTINUED FUNDING AND SUPPORT FOR THE FEDERALLY FUNDED LABS LOCATED IN BOULDER**

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

- a) Cooperative Institute for Research in Environmental Sciences (CIRES), a partnership of NOAA and CU Boulder
- b) Institute of Arctic and Alpine Research (INSTAAR), CU Boulder's oldest institute
- c) JILA, a joint institute of CU Boulder and NIST
- d) Laboratory for Atmospheric and Space Physics (LASP) at CU Boulder
- e) National Ecological Observatory Network (NEON)
- f) National Institute of Standards and Technology (NIST)
- g) National Oceanic and Atmospheric Administration (NOAA)
  - o Earth System Research Laboratory (ESRL)
  - o National Centers for Environmental Information (NCEI)
  - o National Weather Service (NWS)
  - o National Environmental Satellite, Data and Information Service (NESDIS)
  - o Space Weather Prediction Center (SWPC)
- h) National Solar Observatory (NSO)
- i) National Telecommunications and Information Administration (NTIA)
- j) University Corporation for Atmospheric Research (UCAR)
  - o National Center for Atmospheric Research (NCAR)
- k) UNAVCO
- l) United States Geological Survey (USGS)

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state and the nation.

In March 2017, CU's Leeds School of Business released a study entitled, "Economic Contribution of Federally Funded Research Facilities in Colorado, FY2013-FY2015". According to the report, in FY2015 the total number of federal lab jobs located in Boulder County was 3,883. Salaries and benefits of workers at labs in Boulder totaled of \$388 million. The economic impact of the federal labs on Boulder County totaled \$1.1 billion, led to \$689 million in value added, and supported 7,627 jobs. The study showed a \$2.6B impact on Colorado's economy, nearly 18,000 direct and indirect jobs and a wide range of positive financial and intellectual impacts. In Sept. 2017, CU's Leeds School of Business released a study specifically focused on NIST operations. The study found that NIST's Boulder campus contributed \$319 million to the Colorado economy in 2016, largely through employment impacts and purchase in the local supply chain and supported the equivalent of 2,823 jobs

during FY2016. The lab is among the largest employers in the Boulder area, employing a highly educated staff with wages exceeding the national average compared to all industries.

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

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

## **18.SUPPORT REFORMS OF THE FEDERAL OPPORTUNITY ZONE INCENTIVE RESULTING IN INCREASED TRANSPARENCY AND LOCAL GOVERNMENT INVOLVEMENT**

Qualified Opportunity Zones (OZ) were created by the 2017 federal Tax Cuts and Jobs Act. These zones are designed to spur economic development and job creation in distressed communities by providing tax benefits to investors who invest eligible capital into these communities. Taxpayers may defer tax on eligible capital gains by making an appropriate investment in a Qualified Opportunity Fund and meeting other requirements. The city understands the good intentions behind the creation of the program. Unfortunately, it has become apparent that in many cases the program's goal of accelerating development in underserved areas is being undercut because of the location of some OZs in areas that do not appear to qualify as high need. The city supports increased transparency and mechanisms to allow for more local government involvement in OZs. Legislative efforts, like H.R. 5042, the Opportunity Zone Reform Act, and S. 2787, Opportunity Zone Reporting and Reform Act, are steps in the right direction, especially related to transparency, as they require the Government Accountability Office (GAO) to provide a comprehensive examination of the OZ program, require a public listing of all qualified opportunity zone funds and relevant information about those funds and increase reporting requirements for parties involved in OZs to the federal government.

## **HOUSING**

### **19. PRESERVE AND EXPAND FEDERAL AFFORDABLE HOUSING FUNDING**

Federal tax code provisions and budget appropriations provide much of the financial support for affordable housing projects in Boulder. These sources include:

- a) Low Income Housing Tax Credits (LIHTC), both 9 percent and 4 percent, administered through the Colorado Housing Finance Authority which serve as the primary source of equity for affordable rental housing.
- b) Section 8 rental programs, both housing choice vouchers and project-based, which serve the lowest income families in Boulder, 95 percent of whom have incomes below \$14,000 annually and pay an average of less than \$300 per month in rent.
- c) Public housing and other direct support of the city's housing authority, Boulder Housing Partners.
- d) HOME Investment Partnerships (HOME) and Community Development Block Grant (CDBG) programs, which provided \$1,103,782 and \$794,190 in 2019 respectively, to invest in expanding affordable housing, strengthening public infrastructure, and improving the quality of life for the city's low and moderate-income residents.
- e) Private Activity Bonds (PAB), which are tax exempt and enable projects to receive non-competitive 4 percent LIHTC.

Proposals to reduce or eliminate one or more of these sources have been made year after year. Without continuation of these subsidies used to leverage other sources of funds the city's efforts to provide permanently affordable housing for low and moderate-income residents would be substantially diminished. Accordingly, the city opposes attempts to eliminate the federal tax exemption for PABs and 4 percent LIHTC, reduce HUD HOME and CDBG grant funds and supports legislation to expand the LIHTC programs.

### **20. PRESERVE AND EXPAND STATE AND LOCAL GOVERNMENT AFFORDABLE HOUSING FUNDING**

The city supports legislative efforts to create, expand and preserve state and local government affordable housing funding options, including through means that:

- a) Allow local governments to impose a real estate transfer tax or document recording fee;
- b) Fund the state affordable housing trust fund;
- c) Protect and expand the state low income housing tax credit operated through the Colorado Housing and Finance Authority; and,
- d) Create new state affordable housing tax credits for homeownership, employer assisted housing, and other activities.

Funding for affordable housing provided by the state leverages the city's own investments and enhances efforts by neighboring communities to meet regional affordable housing goals.

## **21. ENHANCE AND PRESERVE THE RIGHTS AND INTERESTS OF RESIDENTS OF MANUFACTURED HOME COMMUNITIES**

Mobile and manufactured homes offer the most affordable market-rate option homeownership opportunity in Boulder. There are five mobile home parks located within the city, all in areas zoned exclusively for mobile home use. These parks contain approximately 1,350 homes and house approximately 3,000 residents. While these homes generally provide relatively affordable housing options, residents are nonetheless subject to unique vulnerabilities inherent in the divided ownership of the home and the lot it sits on. For these reasons, the city will support the below changes to state policy, most of which were specifically identified in the city's Manufacturing Housing Strategy and 2019-2021 Action Plan.

- a) **Enforcement** – Rulemaking to implement HB19-1309, a bill which directed the creation of an enforcement program within the Colorado Department of Local Affairs, Division of Housing, and which provides a dispute resolution option for residents of these communities and community owners.
- b) **Opportunity to Purchase Parks** – Increased opportunities for residents or non-profit organizations to purchase mobile home parks through means such as: early provision of notice of sale of the park; tax credit incentives for sale to residents or non-profits; state funding for resident purchase of parks; obligations to consider bona fide resident offers, and/or; resident rights of first refusal.
- c) **Adequate Infrastructure** – Amendments to the Colorado Mobile Home Park Act that clarify community owner responsibilities related to the provision of infrastructure and that impose minimum performance and reliability standards for privately-owned water and sewer infrastructure, inclusive of a requirement that park owners pay an alternative allowance for each resident whose home experiences a prolonged service interruption.
- d) **Clarification of Park Owner Responsibilities and Resident Protections** – Amendments to the Colorado Mobile Home Park Act that clarify park owner responsibilities and resident protections, including those that: expand notification of park closures; specify responsibility for common area maintenance (e.g., tree removal); and prevent overly punitive management practices such as denying resident use of common areas as a penalty without compensation.
- e) **Rent Stabilization** – Authority for local governments to impose limits on rent increases for mobile home pads.
- f) **Lease Stability** - Require a minimum one-year lease.

## **22.ALLOW INCLUSIONARY ZONING TO INCLUDE RENTAL HOUSING DEVELOPMENT**

In 1981, the General Assembly enacted legislation that prohibits counties and municipalities from enacting any ordinance “that would control rent on private residential property or a private residential housing unit.” In 2000, the Colorado Supreme Court prohibited the application of local land use authority for inclusionary zoning for new rental housing development, holding that requiring a set aside for affordable units by the Town of Telluride was a form of “rent control,” which is prohibited the 1981 state law. Subsequent legislation in 2010 created an exception for new rental developments when developers voluntarily agree to inclusionary zoning, but such voluntary agreements are rare. The city will support legislation to clarify that inclusionary zoning for new rental housing developments is not a form of rent control otherwise prohibited by state law.

## **23.ALLOW COLORADO LOCAL GOVERNMENTS TO IMPLEMENT RENT CONTROL MEASURES**

Boulder supports the repeal of a 1981 state law that prevents cities and counties from controlling rent on private houses and housing units, such as apartments. This would provide give local governments a tool to rein in skyrocketing rents.

## **HUMAN SERVICES/HUMAN RIGHTS**

### **24.SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM AND ASSOCIATED STATE LEVEL REFORMS**

As detailed in council Ordinance 8162, Boulder is a sanctuary city committed to fostering and ensuring equity, social justice and freedom from persecution and the protection of civil and human rights for all people. It believes in the dignity of all its residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city. Many undocumented persons contribute taxes and are entitled to access city services and all city facilities.

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

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

- a) Enforceable immigration laws;
- b) A rational and humane approach to the undocumented population;
- c) A simplified visa system which allows for family unification of those who have been separated by the legal immigration backlog process and which provides for legal status for the existing immigrant workforce;
- d) A new immigration status, sometimes referred to as a Purple Card, identical to the Green Card except that it would not be a path to U.S. citizenship (but neither would it preclude the possibility of eventual citizenship). This would meet the humanitarian imperative to keep families together, to work legally and to travel internationally without threat of deportation. The city's support for this approach is conditioned on ensuring that such status would not further nor create an underclass status of people subject to exploitation;
- e) A rate and system of controlled immigration that matches the needs of our economy;
- f) Social integration for our existing immigrant workforce and their families;
- g) Unaccompanied minors to receive appropriate child welfare services, legal support and expeditious reunification with their families already in the United States;
- h) Recognition of employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
- i) A system which ultimately aids in border control; and
- j) Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants.

Conversely, the city will oppose the adoption of any federal or state policies that penalize non-citizens who have used public benefits, including services provided by the city (e.g., the U.S. Citizenship and Immigration Services' Final Rule on Public Charge Ground of Inadmissibility) or that does not provide due process or implicitly discriminates based on economic status, with requirements that exclude those without significant financial resources.

The city also supports federal legislation, such as the often-introduced Development, Relief, and Education for Alien Minors Act (The "DREAM Act"), that would qualify students for immigration relief if they have resided in the United States for several consecutive years, arrived in the U.S. as young children and demonstrated good moral character. It would put such students on a pathway to citizenship if they graduate from high school or obtain a GED and complete at least two years towards a four year degree or serve in the U.S. military for at least two years, and; eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees. Until and unless such legislation is passed, the city, consistent with council Resolution 1215, will support the continuation of the federal program that permits these DREAMERS to request consideration of deferred action for a period of two years, subject to renewal, and eligibility for work authorization (i.e., Deferred Action for Childhood Arrivals or DACA).

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

## **25. END THE MISTREATMENT OF MIGRANTS IN U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DETENTION FACILITIES AS WELL AS IN ALTERNATIVES TO DETENTION PROGRAMS**

U.S. Immigration and Customs Enforcement (ICE) operates a network of more than 200 jails and detention facilities. Some facilities and detention services are contracted out to for-profit, private prison operators. The poor and often times deplorable treatment of immigrants in these detention centers reflects a fundamental failure of our government's obligation to protect the dignity of all human beings in its custody. Many immigrants report disgraceful living conditions, including assault, limited access to medical care, scarce and low-quality food, and undue forms of punishment. The Southern Poverty Law Center reports that at least 27 people have died in immigration detention facilities since 2017. The Department of Homeland Security's Office of Inspector General issued a report on June 3, 2019 which detailed "unaddressed risks or egregious violations of the PBNDS (2011 Performance-Based National Detention Standards)." It further found that inspections of four ICE detention facilities "revealed violation of ICE's detention standards and raised concerns about the environment in which detainees are held."

The city supports congressional action to address these concerns, specifically action that:

- a) Provides stricter oversight and inspection requirements of ICE detention facilities, and all necessary funding to ensure transparency, such as would result by the passage of HR 2842, the Public Oversight of Detention Centers Act of 2019, which would prohibit any limitation on the entry of a member of congress to any facility for the detention of aliens, and for other purposes;
- b) Fully implements and enforces the 2011 Performance-Based National Detention Standards (2011 PBNDS) at all facilities that hold immigrant detainees, as recommended by the American Bar Association, and;
- c) Ends the practice of contracting with for-profit prisons and paying them based on minimum bed quotas.

The city also has concerns with the treatment that immigrants in ICE's Alternatives to Detention (ATD) programs suffer, that there is insufficient transparency about these programs and that they are largely implemented by for-profit entities. These programs should be reformed to enhance respect for human rights to provide for greater support for the immigrants through community engagement, legal services, and increased transparency. Moreover, ATD programs should be required to be operated by non-profit community organizations, rather than for-profit private prison corporations. This is essential since

enhancing ATDs can better serve the government by leading to lower costs, resulting in less trauma, and allowing families to be kept together.

## **26. REPEAL THE “SECURE AND VERIFIABLE IDENTITY DOCUMENT ACT” WHICH PROHIBITS MUNICIPALITIES FROM DETERMINING WHICH FORMS OF IDENTIFICATION TO ACCEPT IN THE PROVISION OF PURELY MUNICIPAL SERVICES**

C.R.S. Section 24-72.1, enacted in 2003 as HB-1224, prohibits public entities that provide services from accepting or relying on any identification other than those issued by state or federal jurisdictions or ones recognized by the U.S. government as verifiable by law enforcement. Allowed identification includes driver licenses, passports, immigration papers, birth certificates and US military IDs. All non-listed documents, including library cards, school IDs and community ID card, are excluded. Even so-called “Black Banner” driver’s licenses, which are issued by Colorado to foreign nationals, including undocumented individuals or those with temporary legal status, are excluded (excepting for services offered by peace officers or emergency personnel). The penalty for violating this statute is the stripping of governmental immunity from public servants that provide services without relying on the appropriate identification, thus opening them to suit in civil court.

The implications to the city are the creation of a cloud of potential liability for front-line staff working in the Library, Parks and Recreation and Utilities departments or the interagency staff that provide coordinated entry for homeless services. It has also prevented the city from moving forward with a 2018 Human Relations Commission recommendation to create a Community ID Card program in conjunction with local non-profit organizations. Such Community ID would aid in the provision of various community services while making it easier for police officers to issue tickets to individuals that have engaged in minor offenses rather than having to make an arrest because the identity of the individual is not known. Consideration of such program has been put on hold due to the perilous results that C.R.S. 24-72.1 could visit upon municipal employees relying on such identification.

Counter to its messaging, this law adds no measure of security to the nation. The federal REAL ID Act controls which documents can be used for federal purposes that create actual risks, such as the boarding of an airplane or the crossing of national borders. Instead, the impact of this law is solely to discourage the provision of public services to undocumented immigrants. As such, the law is inconsistent with the city’s values. In order to remove the cloud of unfair liability from municipal employees, and to promote the city’s values, the city supports repeal of C.R.S. 24-72.1.

## **27. SUPPORT THE INDIGENOUS PEOPLE OF COLORADO**

In 2016, Boulder passed Resolution No. 1190 declaring the second Monday of October of each year to be Indigenous People’s Day. In it, the city resolved, among other things, that “those now living on these ancestral lands recognize 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,” and, “. . . in the pursuit of shared responsibility and of promoting knowledge about Indigenous Peoples, unifying communities, combating prejudice and eliminating discrimination against Indigenous Peoples, the City of Boulder does hereby resolve the second Monday in October of each year to be Indigenous Peoples' Day.”

In furtherance of this resolution, the city supports state legislation that would:

- a) Declare an Indigenousness People's Day at the state level; and
- b) Allow instate tuition for American Indian Tribe members with ties to Colorado, as had been proposed by HB14-1124.

**28. FURTHER THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS**

Consistent with the city's long history of support for the equal rights of all people regardless of their actual or perceived sexual orientation or gender variance status, the city supports legislation that would amend the Civil Rights Act of 1964 to include protections that ban discrimination on the basis of gender identity and sexual orientation in the areas of employment, housing, public accommodations, public education, federal funding, credit and the jury system.

**29. OPPOSE FURTHER CUTS OR POLICY CHANGES TO STATE AND FEDERALLY FUNDED HEALTH AND HUMAN SERVICE PROGRAMS THAT NEGATIVELY IMPACT ACCESSIBILITY, AVAILABILITY, OR COST OF BASIC HEALTH AND HUMAN SERVICE NEEDS**

In recent years, the state and federal government made drastic cuts to services that help provide a safety net to thousands of city residents. This includes services to low-income residents, children and families, and older adults. The city urges Congress and the General Assembly to expand resources for those essential services that serve the city's most vulnerable, including childcare assistance, access to affordable health care, mental health and addiction services, and food assistance.

**30. SUPPORT CRIMINAL JUSTICE REFORM THAT INCLUDES, BUT IS NOT LIMITED TO, SENTENCING AND BOND REFORM, MENTAL HEALTH CARE, ADDICTION RECOVERY AND DISMANTLING OF INSTITUTIONAL AND SYSTEMATIC BIASES**

Mass incarceration has a disproportionate impact on communities of color, particularly African American males who are significantly over-represented in prison populations. The city supports initiatives that emphasize treatment over incarceration. Prisoners also need to be better integrated into the community upon release. Newly released individuals looking to change their lives face significant barriers to employment and housing. The city supports initiatives to support re-entry for released felons. Criminal behavior often can be the result of mental health conditions. Jails and prisons are not appropriate forums for treatment of mental illness. The city supports initiatives to provide better residential and out-patient treatment for the mentally ill.

### **31. REQUIRE INSURANCE COMPANIES CONTRACTED BY “HEALTH FIRST COLORADO” TO PAY QUALIFIED BEHAVIORAL HEALTH PROVIDERS AT AN AMOUNT EQUAL TO THE MEDICAID FEE SCHEDULE DEVELOPED BY COLORADO’S DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

Colorado Department of Health Care Policy and Financing (HCPF) offers mental health care coverage through “Health First Colorado,” Colorado’s Medicaid Program. Colorado Community Health Alliance (CCHA) administers these services to over 300,000 Medicaid recipients in Boulder County as well as seven other neighboring counties. CCHA, in term, contracts with Anthem Insurance for support in providing these services.

Up until recently, Anthem paid independent mental health providers at 100 percent of the HCPF Medicaid fee schedule. Recently, CCHA announced that as of January 2020, providers will see a 20 percent reduction in reimbursements. This reduction seriously jeopardizes the continued provision of essential services to hundreds of vulnerable individuals in Boulder.

To address this concern, the city supports a change to state law that would require the payment of qualified Medicaid behavioral health providers according to HCPF’s Medicaid fee schedule. This would properly place the responsibility to set required rates with HCPF, not with unaccountable managed care organizations.

### **32. ABOLISH CAPITAL PUNISHMENT IN COLORADO**

Colorado is a member of the world community and has a responsibility to promote and protect human rights. The death penalty undermines human dignity, and its abolition in the State of Colorado would contribute to the enhancement and progressive development of human rights both nationally and internationally. According to the United Nations, approximately 170 countries with a variety of legal systems, traditions, cultures and religious backgrounds, have either abolished the death penalty or do not practice it. The death penalty presents the unacceptable risk of executing innocent people. Additionally, there is no proof that the death penalty serves as a deterrent to crime. The process devours millions of law enforcement dollars that would be better invested where they could actually protect the public. A death penalty trial costs Colorado taxpayer about 15 times the amount of a life-without-parole trial, and it requires over six times more days in court. More

important than its cost, the death penalty is imposed disproportionately upon people of color convicted of murder, people convicted of murdering a white victim, and people convicted in certain geographic regions of the state. On top of this, our criminal justice system fails to protect the innocent from execution. By retaining the death penalty in Colorado, we undermine the progressive development of human rights and risk the execution of innocent people.

## **INTERNAL ADMINISTRATIVE MATTERS**

### **33. PROTECT WORKERS' COMPENSATION SYSTEM**

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

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

The city also opposes efforts to expand "presumptive disease" claims associated with workers' compensation insurance. Presumptive disease claims are a change in the philosophy guiding workers' compensation insurance. They presume an existing or previous employee obtained the disease from work associated with that person's employer unless the employer can prove otherwise. In recent year, legislation has been passed that requires the employer to prove that an illness did not occur within the scope of employment. This is a particularly difficult proposition for employers as many diseases have a genetic component and cannot be definitively detected in baseline (time of hiring or imposition of new law) testing. These bills have led to significant increases in premiums for some employee classes. The city opposes any effort to further shift the burden of proof for workers' compensation claims.

### **34. PROTECT GOVERNMENTAL IMMUNITY**

The complexity and diversity of city operations and services required to meet the needs of the residents of Boulder may expose the city and its officers and employees to liability for damage and injury. City officers and employees must be confident that they have the city's support in the lawful and proper performance of their assigned duties and responsibilities. Consequently, the city will support legislation that provides immunity to municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities and that discourages baseless and frivolous claims against the same.

Conversely, the city will oppose legislation that expands or increases municipal liability or further limits municipal immunity beyond current law.

### **35. ALLOW LOCAL GOVERNMENTS INCREASED OPTIONS FOR BANKING, INCLUDING THE OPTION TO CREATE A PUBLIC BANK OR TO INVEST WITH, AND RECEIVE OTHER BANKING SERVICES FROM, NCUA-INSURED CREDIT UNIONS**

The city banks with a large American bank that provides a wide-range of complex services, including: holding city operating accounts; facilitating electronic fund transfers, wires, checks, and deposits; providing lockbox services; facilitating credit card processing; administering the city's Purchasing-card program; providing imaging services for various departments, and; providing safekeeping services for all investments made by the city's investment advisor. Not included among these services are receipt of city savings, which are invested separately by the city.

While the city has been generally satisfied with how these services have been provided, it has begun to consider the disadvantages of continuing to invest with financial institutions that do not always align with the city's values and priorities. It has also begun to consider the possibility of creating a public bank that provides investment and lending opportunities that would align with city values and priorities. It is in the early phase of exploring this possibility and has not yet dedicated the necessary resources to fully explore the desirability or viability of creating a Boulder public bank, nor those necessary to identify the various state and federal statutory, and possibly constitutional, impediments that exist. Nevertheless, it supports any state or federal changes necessary to remove those impediments.

The city also supports having the option to bank with credit unions. Credit unions, as local banking entities, may provide better options for local governments by keeping funds invested within the community. Consequently, the city supports changes in state law to allow credit unions that meet certain requirements (e.g., adequate reporting, National Credit Union Association (NCUA) insurance equal to FDIC rates that are required of private banks, pledging requirements for collateral on investments placed with the credit union) to be used by home rule cities in Colorado.

## **LOCAL CONTROL**

### **36. OPPOSE THREATS TO LOCAL CONTROL AND HOME RULE AUTHORITY**

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current authority and powers of municipal governments to make decisions on matters related to land

use, zoning, personnel, municipal courts, fees and sales tax, should not be further eroded. Legislation threatening local control that does not further interests otherwise specified in this Legislative Agenda or recognized by City Council will be opposed by the city.

## **MUNICIPAL COURTS**

### **37. PROTECT THE INSTITUTION AND AUTONOMY OF THE MUNICIPAL COURTS WHILE ACCEPTING NECESSARY STATE OVERSIGHT THAT ENSURES CONSISTENT PROTECTION OF THE CONSTITUTIONAL RIGHTS OF DEFENDANTS**

Municipal courts play a vital role in creating safe and welcoming communities. Municipal laws can be uniquely crafted to address criminal behaviors impacting the local quality of life. Municipal courts can, in turn, reinforce societal expectations using sanctions that reflect local community values. In Boulder, these sanctions often take a restorative, problem-solving approach (i.e., they seek to address the root cause(s) of the criminal behavior).

Boulder's Municipal Court has been a state leader in providing innovative and restorative justice sentencing alternatives. The city consequently will oppose legislation that threatens the ability for its city municipal court to maintain adequate autonomy to continue to function at the highest levels. It will, however, support changes to state laws that provide fair and necessary oversight that ensure that the constitutional rights of defendants are protected statewide. Recent examples of added state oversight that the city has considered appropriate include reforms to guarantee that indigent defendants have access to independent defense counsel, that municipal defendants are not held in jail for longer than is reasonably necessary before seeing a judge, and that indigent defendants are not jailed for the inability to pay monetary fines and fees.

### **38. FUND AND PROTECT THE MUNICIPAL JUSTICE SYSTEM'S ABILITY TO COMBAT HOMELESSNESS**

In 2017, the City of Boulder approved a comprehensive Homelessness Strategy with a focus on long-term housing solutions, coordinated entry, assessment and placement based on individual needs into the system of services. A small percentage of people experiencing homelessness in Boulder have frequent interactions with the city's police department and municipal court, resulting in multiple tickets and arrests and a heavy burden on the city. The Boulder Police Department and Municipal Court have been very aware of the system of services available to help the homeless and have worked to build referrals and connections through the officers on the street, probation officers, and now the Homeless Outreach Team, Court Navigator and through the sentencing alternatives that have been traditionally provided by the court. The city supports state legislation that funds and facilitates such efforts. At the same time, the city opposes legislation that would diminish its local control and authority to address homelessness in the manner best suited for community needs.

In recent years, legislation has been introduced aimed at protecting people experiencing homelessness by, among other things, prohibiting local governments from banning camping in public spaces. These efforts, while well intentioned, are ineffective responses to the challenges presented by homelessness. If enacted, it would turn public property into residential areas without the proper facilities and ultimately make Boulder less safe and less desirable for everyone. Moreover, it would seriously undermine municipal home rule authority and basic principles of local control. Accordingly, the city will oppose this type of legislation if introduced again.

In an effort to ensure that public property is available, welcoming and safe for all users, Boulder prohibits camping on public property. It does so while simultaneously working with partners across the county and region to coordinate and develop successful permanent solutions to homelessness, such as permanent and transitional housing programs, emergency and day shelter services, case management and assessment, landlord recruitment and regional housing placement for those who want to get off the streets. In all, the city spends over \$7,000,000 per year to assist people experiencing homelessness in Boulder; more than any other Front Range city on a per capita basis. If the state were to limit the city's ability to ban camping in public spaces, the availability and public support for such funding would likely diminish as a result of the inevitable expenses associated with the litigation, monitoring, clean up and public health and safety concerns that would arise.

## **NATURAL RESOURCES, WILDLIFE AND PARKS**

### **39. PROTECT THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE**

Colorado voters provided for a statewide lottery, and in a subsequent election adopted the Great Outdoors Colorado (GOCO) amendment to the state constitution, which directs that lottery profits be used for parks, open space, wildlife, and outdoor recreation purposes. The city supports preservation of the current lottery distribution formula and will oppose legislation that would change that allocation or create new lottery scratch tickets for other purposes that would decrease demand for the existing lottery tickets.

### **40. SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S ECOLOGICAL CONSERVATION EFFORTS, INCLUDING THE URBAN WILDLIFE MANAGEMENT PLAN AS WELL AS THE FOREST AND GRASSLAND ECOSYSTEM PLANS**

The Urban Wildlife Management Plan (UWMP) was developed to provide guidance on how Boulder's urban areas will provide diverse, self-sustaining, native wildlife populations in a manner compatible with basic human needs, social and economic values and long-term

ecological sustainability. The plan also seeks to reduce conflicts between humans and wildlife in the urban core. Management of the city's lands outside of the urban core such as Open Space and Mountain Parks lands and utilities lands (Silver Lake Watershed, Boulder Reservoir) are covered by the plans of the appropriate managing department.

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

There are sometime opportunities on a species-specific level to support state or federal legislation to complement our conservation and conflict management efforts. Examples include: support of funding for mosquito management to address state or federal public health issues/mandates; support for laws that encourage the evaluation of relocation opportunities for prairie dogs and modifications of laws to allow prairie dog relocation to willing landowners in other counties without commissioner approval; in cases where lethal control becomes necessary on land development sites, support of laws that encourage humane methods (e.g., restriction of anti-coagulant bait products that cause poisoning of pets and wildlife); and, modifications to in-stream flow legislation that would allow the city to retain the value of its water rights while simultaneously conserving native and sport fisheries.

#### **41. SUPPORT RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES AND FOR ADDITIONAL PROTECTIONS FOR POLLINATORS, HUMAN HEALTH AND THE ENVIRONMENT**

Prior to 1996, the Colorado Pesticide Applicators' Act (PAA) allowed local governments to regulate the use and application of pesticides on agricultural, private or public property. This authority was first limited to non-commercial applicators as a result of SB96-086 and then entirely eliminated by HB06-1274. The Colorado Department of Agriculture (CDA) now has exclusive authority to implement all of Colorado's pesticide laws. Such exclusive authority makes sense for certain matters, such as registration, labeling, transportation, distribution, and storage. It does not make sense, however, to deny local decision makers the option to adopt better protections when they decide that minimum standards set by state and federal law are insufficient.

Our food system, urban landscaping practices and mosquito and pest management approaches are all heavily pesticide reliant. While pesticides can be effective in killing insects or weeds, there is now overwhelming evidence that some pesticides pose a significant

risk to people, particularly children and other non-target organisms such as pollinators, birds and other wildlife. These pesticides can disrupt ecosystems, contribute to biodiversity loss, degrade soil health and destroy habitat. There is also a nexus between pesticide use and climate change. In nonorganic, chemical-intensive agriculture, greenhouse gas emissions result from the use of nitrogen fertilizer, synthetic herbicides and insecticides, fossil fuel consumption associated with farm equipment, and the transportation of materials and products to and from the farm. Moreover, organic agriculture produces farms resilient to climate change because high soil organic matter content and mulching help to prevent nutrient and water loss.

Accordingly, the city supports state and federal policy changes that:

- a) Authorize local governments with the ability to regulate pesticide uses and applications;
- b) Protect human health and the environment, including impacts to children, pollinators and water quality, from the potential adverse effects of pesticides;
- c) Fund increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity; and.
- d) Provide pollinator protections, including federal legislation such as the Saving America’s Pollinators Act.

#### **42.SUPPORT EFFORTS THAT PROTECT THE BOULDER COMMUNITY FROM WILDFIRE AND PROMOTE ECOLOGICAL FOREST HEALTH**

The city owns and manages 10,000 acres of forested open space and mountain parks land, almost all outside the boundaries of the city but immediately adjacent to residential areas. The health of these forests is critical to preventing catastrophic fires and to supporting biodiversity and creating resiliency. Historic fire suppression has led to overly dense forest conditions around Boulder that can have a direct impact on wildfire intensity and frequency, habitat function, water quality and recreational values. The city is dedicated to protecting these natural resource values by implementing vegetation management activities that improve the overall ecological health of our forests, decrease the risk of high intensity wildfires, maintain and improve habitat for fish, wildlife, and plants and protect public and private resources. Accordingly, the city will support federal and state legislation that promotes wildfire mitigation and forest restoration efforts in the wildland/urban interface.

### **PUBLIC HEALTH AND SAFETY**

#### **43.DISCOURAGE E-CIGARETTE AND TOBACCO USE, PARTICULARLY AMONG YOUTH**

In the past few years, a public health crisis has emerged with regard to vaping and nicotine addiction among youth across the United States. Colorado and Boulder County youth have been hit particularly hard. High school youth in the Boulder Valley School District are using

e-cigarettes at rates higher than the state and national average (33 percent compared to 26 percent and 13 percent respectively) according to data from the 2017 Healthy Kids Colorado Survey. Far more alarming trends have begun to emerge since the summer of 2019, where several hundred cases of a vaping-related illness have been reported across the nation, with 33 fatal cases as of October 1, 2019. The city has taken steps to ban flavored vapor products and increase the sales age for tobacco and nicotine-containing products to 21 years. In addition, the city referred a tax measure on vaping products to the voters in 2019 which passed by a 60 percent margin, demonstrating clear public support for policies to reduce youth vaping. However, to truly tackle this health crisis, it will require the support of the state and federal government. Therefore, with acknowledgement given that some individuals turn to vaping as a smoking cessation device, the city supports changes at the state and federal level that would:

- a) Increase the age to buy tobacco and nicotine-containing products to 21;
- b) Ban flavored tobacco products; and
- c) Tax vaping devices and increase the tax on all other tobacco products.

#### **44.SUPPORT SAFE USE AND COMMERCIAL REGULATION OF MARIJUANA**

The city will support or oppose state and federal policy in furtherance of the following goals:

- a) Create and maintain mechanisms to ensure marijuana is appropriately regulated so that only adults intentionally choosing to use marijuana are exposed to it, that such users receive a safe product in a well-run and compliant licensed premise, and that these substances are kept away from children;
- b) Maintain a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities;
- c) Allow local governments to recover the full costs of any commercial licenses they choose to allow;
- d) Remove legal and administrative barriers to standard business infrastructure for marijuana businesses, such as banking and auditable records;
- e) Maintain the creation of overall safety requirements, in consultation with the state, related to recreational marijuana while reserving to local governments specific abilities, but not mandate, to adopt additional requirements and monitor and enforce those rules; and
- f) Implement a state-administered organic certification program for marijuana, modeled on the existing USDA organic certification program administered by the Colorado Department of Agriculture.

#### **45.PROMOTE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY**

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

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

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

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

#### **46.SUPPORT EFFORTS TO PREVENT GUN VIOLENCE**

In May of 2018 Boulder City Council adopted an ordinance to ban the sale and possession of assault weapons, large-capacity magazines, and multi-burst trigger activators in the city. To achieve the goal of this ordinance, the city will also require the increased support of the state and federal government. Toward that end, the city supports measures to prevent gun violence that:

- a) Require universal background checks on all sales of firearms, including private sales. Current federal law allows individuals not "engaged in the business" of selling firearms to sell guns without a license—and without processing any paperwork. Sometimes referred to as the "Gun Show Loophole," the sales excluded from the federal background check requirement include firearms sold at gun shows and through classified newspaper ads, the Internet and between individuals virtually anywhere. While criminal background checks are currently required for almost all firearm transfers in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals in Colorado, a change to federal law is necessary;
- b) Require a firearm owner to keep his or her firearm in a locked container or secured with a locking device;
- c) Ban assault weapons;
- d) Repeal state law purporting to limit local gun regulations;
- e) Require a waiting period for purchase of a firearm; and
- f) Increase the minimum age to purchase and possess firearms.

The city will oppose any policy changes that:

- a) Expand the immunity given to homeowners if they shoot and kill intruders, also known as the “make my day” law, beyond personal residences, and
- b) Limit the state’s ability to regulate concealed weapons or local government’s ability to restrict possession of weapons in public facilities. The city will oppose federal legislation that would require Colorado to honor concealed carry permits granted by other states, even when those permit holders could not meet the standards required by Colorado law. Boulder also has concerns with regard to the open carrying of guns. While cities are prevented from restricting permitted holders of concealed weapons, Boulder wants to make sure it maintains the ability to prevent the open carrying of guns in its public facilities. The open carrying of weapons is alarming to many people and can create logistical issues for the police department.

#### **47. OPPOSE MANDATES FOR LOCAL GOVERNMENT ENFORCEMENT OF FEDERAL IMMIGRATION LAWS**

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

#### **48. OPPOSE INFRINGEMENTS ON EMPLOYMENT AND PERSONNEL DECISIONS MADE BY MUNICIPAL POLICE AND FIRE DEPARTMENTS**

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

#### **49. OPPOSE IMPOSITION OF ONEROUS INFORMATION GATHERING AND REPORTING REQUIREMENTS ON PUBLIC SAFETY, ESPECIALLY WHEN THOSE REQUIREMENTS COME WITH SUBSTANTIAL COSTS THAT ARE NOT SUPPORTED BY ADEQUATE FUNDING**

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

## **50. INCREASE THE FINANCIAL THRESHOLD OF PROPERTY DAMAGE THAT TRIGGERS A POLICE INVESTIGATION OF NON-INJURY TRAFFIC ACCIDENTS**

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

## **51. EXPAND MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY AND OPPOSE ANY NEW LIMITATIONS**

State law permits local governments to use photo traffic enforcement cameras to catch individuals crossing red lights and to use photo radar cameras to identify speeders. However, this authority comes with several limitations. For example, photo radar cameras can only be used on streets within a residential neighborhood, that are in a school or construction zone, or that are adjacent to a municipal park. Moreover, the photo radar equipment must be observed by an operator, which effectively limits enforcement to streets with on-street parking or space to park the photo enforcement van. And there is a limitation on the penalties that may be issued (monetary fines only of \$40 for speeding/\$80 for school zone speeding, \$75 for red-light running) which limits the deterrent value of the enforcement.

Boulder would support expanding these authorities, particularly by allowing the use of photo radar camera on any street. This is particularly important since recent data from Boulder's Vision Zero Program indicates that most severe injury crashes occur from vehicles speeding on arterial roadways. There are not many tools to mitigate speeding traffic on arterial roadways. Having the ability to use photo radar enforcement on arterial streets would help.

The city will also oppose the addition of any addition of unreasonable limitations to its photo enforcement authorities. Boulder is one of nine cities in Colorado that use photo enforcement to enhance the safety of its streets. The red-light locations in Boulder were carefully selected due to a historic rate of higher accidents over other locations. Use of photo enforcement at these red-light locations has yielded significant safety benefits and reduced red light running accidents by 68 percent. Moreover, fewer and fewer red-light tickets are issued at these locations each year due to increased compliance. Removal of these cameras could result in accident rates and non-compliance returning to pre-enforcement levels.

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

neighborhood streets and school zones by reducing speeding.

Between 1998, when Boulder first introduced photo enforcement, and 2018, fines associated with violations of the city's photo enforcement program and red-light violations generated \$25,948,245 in revenue at a direct cost to the city of \$21,840,647. When soft costs of overseeing the program are factored in, the costs of running the program essentially run even to the revenue it generates.

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

## ROCKY FLATS

### **52.SUPPORT CONTINUED FUNDING FOR THE DEPARTMENT OF ENERGY'S OFFICE OF LEGACY MANAGEMENT, AND U.S. FISH AND WILDLIFE SERVICE AS NECESSARY TO ALLOW FOR MONITORING AND LONG-TERM STEWARDSHIP OF BOTH THE ROCKY FLATS' CENTRAL OPERABLE UNIT AND THE ROCKY FLATS NATIONAL WILDLIFE REFUGE**

In February of 2006, the Rocky Flats Stewardship Council (RFSC) was formed to focus on the post-closure management of Rocky Flats, the former nuclear weapons plant south of Boulder. Cleanup was completed in 2005, and federal management was divided between the Department of Energy (DOE) and the US Fish and Wildlife Service (USFWS). Ongoing monitoring of the cleanup remedies and groundwater remediation by DOE continues.

The city's supports the following:

- a) **Legacy Management Funding:** DOE's Office of Legacy Management (LM) must be fully funded. LM is charged with conducting ongoing monitoring and maintenance, critical steps to ensuring the \$7.5 billion cleanup remains protective of human health and the environment. The city is particularly interested in ensuring continued robust monitoring by DOE for potential surface and subsurface migration of radioactive contaminants, toxic metals, and volatile organic compounds. As needed, funding must be available for additional monitoring and sampling above today's baseline.
- b) **Refuge Funding:** USFWS' Rocky Flats program, which is charged with managing the Rocky Flats National Wildlife Refuge, must be fully funded. The Refuge is a critical, central piece of land in over approximately 80,000 acres of publicly owned, permanently conserved land. The city strongly supports continued community

dialogue that promotes landscape and collaborative species conservation in the Refuge.

- c) **RFSC Funding:** The city strongly supports ongoing DOE funding for RFSC. RFSC provides critical local government and community oversight of Rocky Flats and helps ensure community confidence in the ongoing protectiveness of the cleanup remedies.
- d) **Land Management:** The city remains strongly supportive of the Rocky Flats National Wildlife Refuge Act of 2001, the federal legislation designating Rocky Flats as a national wildlife refuge. Among other requirements, the Refuge Act protects Rocky Flats for its abundant natural resources, while allowing community members at their choosing to recreate on portions of the Rocky Flats National Wildlife Refuge. The Refuge Act also ensures continued federal ownership and ongoing federal management of the historic Rocky Flats site.
- e) **Federal Responsibilities:** The city supports maintaining in perpetuity the current boundaries between the DOE-managed lands and the Rocky Flats National Wildlife Refuge. The DOE lands, called the Central Operable Unit (COU), include the former nuclear weapons manufacturing areas, two landfills, settling ponds, groundwater treatment systems, and water monitoring systems. Maintaining these boundaries helps ensure that the COU, the area of greatest historic contamination, remains separate from the Rocky Flats National Wildlife Refuge.
- f) **Federal Minerals—Retirement:** In the 1950s and in recent years, the federal government has acquired for fair market value various minerals underlying Rocky Flats. Acquisition does not de facto mean that the federal minerals cannot be developed. Accordingly, as provided for under federal law, Congress must pass legislation authorizing DOE to retire its minerals, thereby ensuring they can never be developed.
- g) **Federal Minerals—Acquisition:** The “Rocky Flats Environmental Technology Act of 2005” authorized DOE to acquire “essential minerals.” The November 2018 filing with the COGCC by Highlands Natural Resource Corporation to develop oil and gas resources under the COU and Rocky Flats National Wildlife Refuge brings to light that with new technologies not all of the essential minerals were acquired, thereby leaving Rocky Flats susceptible to future development activities. Congress must provide additional funding for acquisition of essential minerals.
- h) **Regional Trails:** It remains imperative that the development of the Rocky Mountain Greenway comply with all applicable federal and state health and environmental standards.

## TAX POLICY

### 53.SUPPORT STATE ACTION TO PRESERVE AND EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO AUDIT AND COLLECT TAXES AND TO ISSUE SALES TAX LICENSES

The city has an interest in legislative proposals that result from the General Assembly’s Sales and Use Tax Simplification Task Force which has met for three years and will likely continue to meet through 2025. The Task Force is expected to address matters related to

definitions, exemptions, collection and auditing, all with the eye toward increasing uniformity and thus reducing the burden on businesses. The city will support and help inform the development of reasonable recommendations, while seeking to ensure that any changes allow cities to at least remain revenue neutral in terms of the revenue they already collect.

Below are the city's positions regarding the various policies expected to be considered by the Task Force and the Colorado General Assembly:

- a) **GIS-Based Sourcing System for Tax Determination** – The city supports the implementation of SB19-006 which requires creation of a Geographic Information System (GIS) database and software to assist vendors in remitting sales and use taxes to Colorado local governments.
- b) **File-and-Pay Portal for Remote Sellers** – SB19-006 also authorized the state to explore the development of a one-stop file-and-pay portal that remote sellers could use to file and pay any jurisdiction's taxes, including taxes of local-collected home-rule jurisdictions, like Boulder. The city will oppose such development if it results in the state collecting and remitting tax revenues based on anything other than each municipality's individual sales tax rate (e.g., the city opposes use of a blended tax rate) and base, or if it would dictate the tax base or allow the state to assume authority to collect revenues on sales which the city already has the authority to tax and collect.
- c) **Uniform Economic Nexus Standard for Home-Rule Municipalities** – The passage of HB19-1240 resulted in a new economic nexus standard for state-collected sales taxes on remote sellers that have customers in the state and make more than \$100,000 in sales per year to those customers, and new destination-based tax collection responsibilities on all Colorado businesses except for very small businesses. Home rule cities, however, are not subject to this standard and are left with the option of either adopting their own standard or having the state adopt a uniform standard. The city could consider supporting a uniform standard so long as it would not negatively impact our sales tax revenue or provoke a challenge of the Supreme Court's decision in *South Dakota v. Wayfair*, which struck down the requirement that a retailer have a physical presence in a state in order to be required to collect and remit sales tax.
- d) **Single Point of Tax Collection** – The city opposes any proposal to allow a single point of tax collection for all sales. Invariably taxpayers file returns with errors or send payments in without any returns. As a result, the city must conduct research to resolve these issues. If there was a single point of collection, the city's ability to conduct follow-up could disappear and not be replaced by an adequately-staffed or motivated entity. Moreover, a single point of collection could remove the checks and balances that currently exist. Currently if a taxpayer sends their Boulder sales tax to the Department of Revenue (DOR), DOR deposits the check and leaves it that. If Boulder gets a check for state taxes, it sends it back to the taxpayer. For the city to get the money from the DOR it must assess the taxpayer and the taxpayer has to file a refund to get their money back from the DOR. In a single point of collection, it is not clear who would be looking out for Boulder's interest.

- e) **Single Point for Licensing** – The city would oppose a single point of licensing. Such change would be very challenging because each municipality has its own zoning laws and thus unique criteria for determining whether licenses should be approved. A centralized entity, with less experience and connection to the community, is not likely to effectively license businesses. Of particular concern is the nexus to the city’s liquor and marijuana licensing.
- f) **Centralized Auditing** – The city opposes and proposal to require centralized auditing. The city currently conducts approximately 70 to 80 audits per year, yielding revenues between \$2 to \$4 million dollars annually. Centralized auditing could result in a significant loss of revenue. By way of example, the city already allows a “Coordinated Audit” by taxpayers licensed in the city and holding a similar sales tax license in at least four other Colorado municipalities that administer their own sales tax collection. These audits are almost never requested, partly because it is difficult to find anyone with experience to audit different municipalities each with different laws.

#### **54. PRESERVE THE MUNICIPAL BOND FEDERAL INCOME TAX EXEMPTION**

Municipal bonds are the primary way local governments finance infrastructure and have been for over a century. Eliminating the tax exemption would increase the cost to taxpayers for schools, water treatment facilities, libraries, bridges, and many other public projects. The exemption benefits all Americans. It is not a special interest loophole and should not be treated as such.

Boulder has used both tax exempt and taxable bonds or long-term leases. Tax exempt financial instruments are used when the project will be for public purposes and taxable instruments are used if there will be private benefit from the financial transaction. Consequently, the benefit of tax-exempt financing accrues directly to the city’s tax or rate payers.

Currently, the city has approximately \$180 million outstanding in tax exempt bonds. Of this, \$116 million have been issued for water, sewer and flood improvements. The rest are for general governmental purposes. If the ability to sell tax-exempt bonds was eliminated the city would have to pay an average of over \$800,000 per year in additional interest income, or \$16 million over the 20-year life of the outstanding bonds rather than continue to channel these savings to pay for other city operating costs. It would also result in the annual interest rates for our water utilities going up one to two percent, with the lost savings coming at the expense of paying for general services such as paying the salaries of police and fire protection personnel and the purchase and replacement of vehicles associated with the position.

## TELECOMMUNICATIONS

### **55. EXPAND OR PRESERVE THE AUTHORITY OF MUNICIPALITIES TO PROVIDE BROADBAND SERVICES SUCH AS CITYWIDE FIBER-TO-THE-PREMISE NETWORKS**

The provision of broadband access to ensure every member of the Boulder community has effective access to educational, healthcare and city resources and engagement opportunities is a core service that government must ensure in today's society. Utilizing existing city infrastructure or expanding that infrastructure and making it available for new internet service providers, be they public or private, can create the necessary competition to bring low-cost, high-speed access to our residents, regardless of economic status.

The authorities that exist to provide these options should not be diminished, including the option to allow a publicly-supported utility to receive the advantages that any other public program or service may receive, including taxpayer funding, expedited permitting or exemption from taxes.

## TRANSPORTATION

### **56. SUPPORT NEW TRANSPORTATION FUNDING FOR PROJECTS THAT MAINTAIN EXISTING INFRASTRUCTURE AND THAT ARE MULTIMODAL IN DESIGN**

The city and the entire Denver metropolitan area need new funding to maintain existing infrastructure and transit services, for multi-modal transportation improvements related to roadway, bicycle, pedestrian, carpool/vanpool and for travel demand management activities that would increase the efficiency of the existing system. There is a critical need for federal and state funds to ensure completion of the US 36 Bus Rapid Transit (BRT) project, including funding to acquire the best vehicles and BRT amenities possible and first and final mile connections to that corridor. Funding is also necessary for implementation of the recommendations of the Northwest Area Mobility Study (NAMS); specifically, North I-25 bi-directional HOV/Transit lanes and development of an arterial BRT system, including managed lanes, and commuter bikeways, along SH119, US287, 120<sup>th</sup> Ave, South Boulder Road, Arapahoe/SH7, and SH 42, as well as Broadway/SH93 and 28<sup>th</sup> Street/US 36 to support local and regional transit.

The city supports the following approaches to increase transportation funding, to ensure appropriate allocation of existing funds and to promote effective decisions by transportation-funding bodies:

- a) **Funding Tied to Road Use** - Turn to funding sources tied to road use, including vehicle registration, car rentals, gasoline consumption or vehicle miles traveled.

- b) **Managed Lanes** - Codify CDOT's Policy Directive 1603.0 which requires that managed lanes be strongly considered during the planning and development of capacity improvements on state highways. Any significant new lane capacity built with state funds should be required to be managed. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage corridor performance, such as dynamic, variable-priced tolls linked to congestion.
- c) **Public Private Partnerships** - Turn to public-private partnerships (PPPs) to identify funding to construct managed lanes when necessary and when agreements are appropriately structured. The city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city would support legislation that would prohibit the use of so called "non-compete" clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) to increase travel demand on new tolled lanes.
- d) **MPOs** - Allocate new or existing funding for regional priorities as determined by the area Metropolitan Organization (MPO), or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. The city also believes that state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.
- e) **Allocations for Local Governments and Multimodal Use** - Ensure that new funding streams result in a significant share of such new funding (25% or greater) directed to municipalities for local transportation needs and priorities and that an even greater percentage (33% was agreed to as part of earlier MPACT 64 statewide effort) of the remaining state share of new funding be directed to operational and capital transit, bike and pedestrian needs.
- f) **Regional Transportation Authorities** – The city supports to continued option to partner with other governments to create RTAs to help fund regional transportation needs. It, however, opposes any modification to the RTA statute that would allow it to be involuntarily included into an RTA.
- g) **CDOT Governance** - Reform the governance boards of both the Colorado Department of Transportation and the Regional Transportation District, so as to promote increased effectiveness and efficiency in operations and decision-making. This could include changing the district lines to ensure more equitable representation of the metropolitan region.

## **57.SUPPORT POLICIES AND FUNDING MECHANISMS THAT WOULD INCREASE TRANSPORTATION ACCESS FOR VULNERABLE**

## **POPULATIONS, INCLUDING YOUTH, OLDER ADULTS, THOSE WITH LOWER INCOME AND PEOPLE WITH DISABILITIES**

The city supports policies and funding mechanisms that make transportation more accessible for vulnerable populations, specifically through making it more; affordable; available (e.g., more frequent options that are closer to the user) and; capable of accommodating people with disabilities.

### **58. PROMOTE LEGISLATION THAT ENCOURAGES “COMPLETE STREETS” THAT ACCOMMODATE PEOPLE USING ALL MODES OF TRAVEL**

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

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

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

### **60. OPPOSE TRANSFERRING THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS**

In past years, the Colorado General Assembly has been asked to consider legislation that would lead to the unilateral transfer to local governments of state highways. Boulder has several state highways that would be subject to such “devolution,” including U.S. 36 and Highways 93, 7 and 119. The city believes that, absent local government decisions to the

contrary, these types of regional highways, which service multiple communities and counties, need to remain the responsibility of the state government.

### **61.SUPPORT FLEXIBLE SOLUTIONS AND NEW FUNDING OPPORTUNITIES TO ADDRESS IMPACTS OF TRAIN HORN NOISE AND SUPPORT IMPLEMENTATION OF QUIET ZONES**

The city supports more flexible and affordable options that work within the context of the local communities and support the safety goals of the Federal Railroad Administration (FRA) as well as the sustainability goals of EPA, HUD, DOT (FTA & FHWA). Addressing train horn noise and quiet zones is important to achieve local, regional and national goals for multimodal transportation options, safety, housing, jobs and the environment. Opportunities to amend the FRA train horn rules and quiet zone requirements, as well as identify funding sources for implementation, can address existing community concerns caused by train horn noise and support transportation options and mixed use, transit-oriented development areas within the core areas of the city and other communities located along the Burlington Northern Santa Fe railroad corridor.

### **62.SUPPORT STATE AND FEDERAL LEGISLATION THAT ENCOURAGES AUTOMATED VEHICLE DEPLOYMENT IN FURTHERANCE OF BOULDER’S SUSTAINABILITY GOALS WHILE RETAINING LOCAL AUTHORITY TO ADDRESS COMMUNITY-SPECIFIC POLICY OBJECTIVES THAT CANNOT OTHERWISE BE MET**

A range of connected and automated vehicles (AVs) are expected to soon be available to the public. While this raises the prospect for new and exciting mobility options, it also means that once these vehicles become commonplace, they will dramatically transform every aspect of livability in the communities in which they are driven – for better or for worse. While AVs bring the possibility of improved safety, reduced congestion, reduced parking demand and a route to faster adoption of electric vehicles, recent studies have suggested that these benefits could be undermined by widespread individual ownership of AVs and dramatic increases in vehicle miles travelled.

While Boulder has a long history of planning and establishing community goals and objectives, it is only in the very early stages of evaluating how to plan for and manage this breakthrough technology. At the same time, legislation is already being considered at the state and federal levels that will set in motion a series of decisions that will difficult to later revisit. Unfortunately, these bills are being shaped almost exclusively by the future manufacturers and commercial users of these vehicles. It is essential that local government voices influence these discussions.

Boulder will take a lead role in advocating for legislation that encourages the deployment of AVs in Colorado while simultaneously insisting that such deployment promotes clean-fueled and safe vehicles that do not sacrifice the safety of other modes of travel, that are pooled/shared and accessible and that lead to a decrease in parking demand and vehicle miles driven when compared to conventional vehicles. Moreover, the city will support legislation requiring data sharing between local governments and AV companies in an aggregated and anonymized format that protects consumer privacy and safeguards competitive concerns. Whether the data is shared directly or through a third-party intermediary platform, its sharing is necessary so that local governments can safely integrate these vehicles onto their roadways. Conversely, the city will oppose legislation that either does not further these goals or that denies local government regulatory authority to pursue these goals on its own.

### **63.SUPPORT MEASURES THAT FURTHER THE CITY’S TRAVEL VISION ZERO SAFETY OBJECTIVE**

The city’s Vision Zero policy and travel safety objective aims to eliminate serious injuries and fatalities resulting from traffic collisions. It reflects a national and worldwide approach to innovate and use a data driven, interdisciplinary approach to improving safety for people using all forms of transportation throughout the community. The city would support state or federal policy changes in furtherance of this objective, including ones that:

- a) Prohibit use while driving of mobile electronic devices unless through a hands-free device (e.g., as was proposed by SB19-012); and
- b) Require mobile phone manufacturers or carriers to offer technologies that reduce inappropriate use while driving.

### **64.SUPPORT CHANGES THAT INCREASE THE FUNCTIONING, OVERSIGHT AND GOVERNANCE OF THE REGIONAL TRANSPORTATION DISTRICT**

The city supports changes that would improve RTD’s effectiveness in delivering transit services and that would require it to coordinate more closely with local governments in the process. This includes proposals to create a special commission to diagnose current challenges and an accountability committee to provide recommendations for a period of time. The city, however, would oppose measures that would increase the number of voting RTD board members or that would significantly increase RTD’s liabilities.

## **UNIVERSITY OF COLORADO**

### **65.SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF**

## COLORADO AND ITS CAPITAL PROGRAMS AND STUDENT FINANCIAL AID

The City of Boulder has been the proud home to the flagship campus of the University of Colorado since 1876. CU Boulder brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, CU on the Weekends, Science Discovery camps, access to libraries, museums, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city’s economic vitality and cultural vibrancy.

CU Boulder directly employed more than 18,900 people in fiscal year (FY) 2018-19. More than 10,000 of these were non-students, comprising 5.5 percent of total county employment, and earning on average \$81,000 annually, 20 percent above the county average.

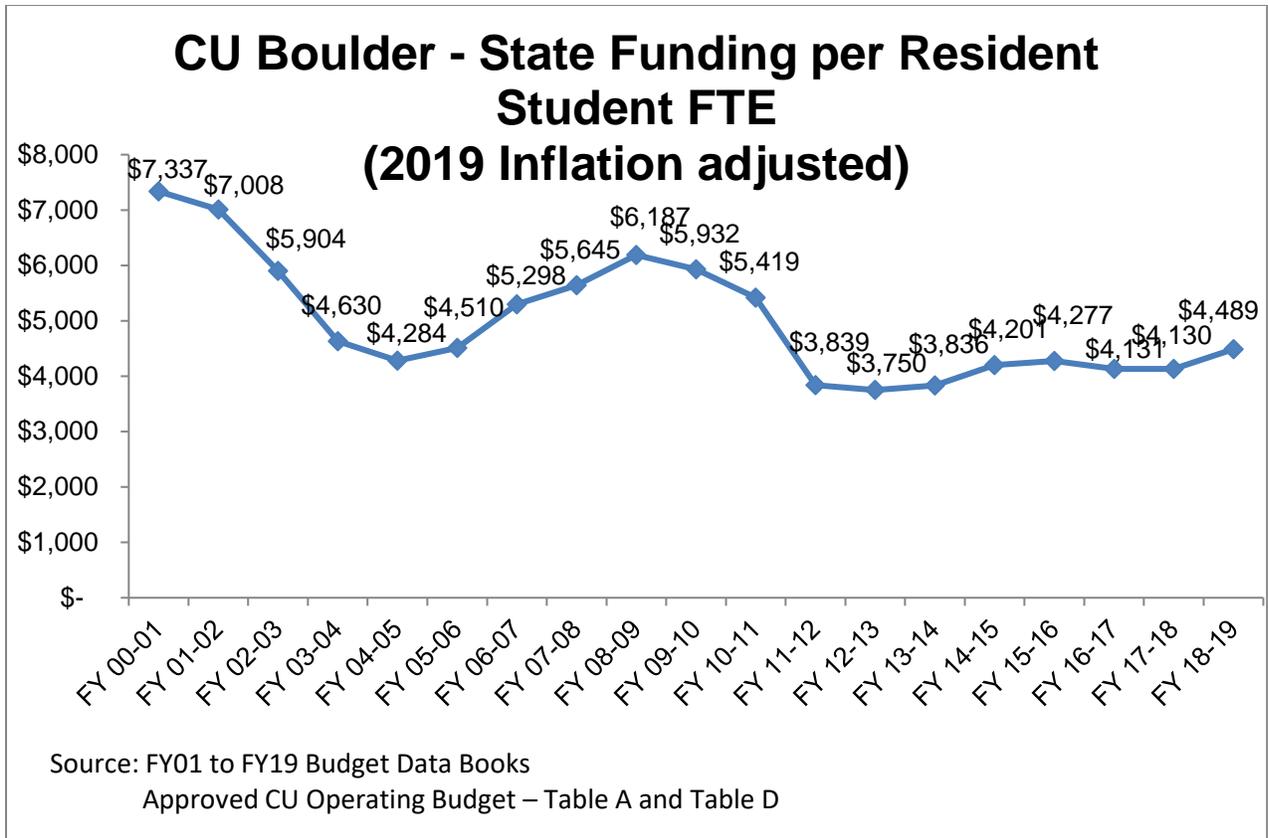
	<b>Boulder County<sup>a</sup></b>	<b>University of Colorado Boulder<sup>b</sup></b>
Employment	183,466	10,000
Average Wages	\$67,672	\$81,000

Sources: <sup>a</sup>Bureau of Labor Statistics, Current Employment Statistics;  
<sup>b</sup>University of Colorado Boulder.

The CU Boulder FY 2018-19 budget was \$1.79 billion, and the FY 2019-20 budget is \$1.9 billion. The university is not only a local institution, but much of the supply chain is also largely local since the primary services delivered include classroom instruction and research. Additional investments in the local economy include operations, construction, student spending and visitation.

Through research, teaching, operations, construction, student spending, and visitation, CU Boulder is an economic driver in Boulder County, contributing nearly \$2.6 billion in local economic activity driven off direct expenditures in the Boulder MSA in FY2016. University funding is largely nonlocal, thus leveraging outside investment for the local economy. Further, the economic contribution of CU Boulder to the State of Colorado totaled nearly \$3.9 billion in FY2016. This includes \$181M in construction activity for the year.

The presence of CU Boulder’s research facilities and the highly skilled labor force that the university produces compliment the major federal facilities, support satellite institutions, and attract private firms to the city. The university is also deeply connected to and supportive of the broader Boulder business and entrepreneurial community.



Yet, as reflected in the above graph, state funding for CU Boulder has seen more than a 38.8 percent decline in inflation-adjusted state funding for resident students since FY2001. In light of the extraordinary importance of CU Boulder to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (facing a deferred maintenance backlog of approximately \$558 million as of July 2019), and legislation that supports student financial aid.

## WATER

### 66. PROMOTE THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER, AND PRESERVATION OF WATER QUALITY

Boulder is on the forefront of support for municipal water conservation, efficient utilization of water, and preservation and improvement of water quality. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has adopted water conservation goals for build-out that will help meet the city's adopted reliability criteria for municipal water supplies without significant new water acquisitions when fully using water sources already owned by the city. Water conservation can be an important public outreach and educational tool and can help to maximize reservoir storage levels and water use reductions needed during drought periods for municipal water service.

Although the first priority for conserved water is drought protection and the extent to which the city can direct conserved water to any particular use is limited, when reservoirs are full, some conserved water can be provided for non-permanent uses such as annual agricultural leasing or instream flow enhancement. Accordingly, Boulder will support legislation that promotes water conservation, instream flow enhancement and the efficient utilization of water when such legislation is structured to also be protective of the city's water rights. By way of example, the city would support legislation that would phase in a requirement that new indoor water fixtures (including toilets, urinals, showers and faucets) sold in Colorado meet reduced flush volume requirements consistent with the US Environmental Protection Agencies WaterSense guidelines, provided that the legislation would not mandate retrofitting nor require local governments to assure compliance. Water quality is critical to the city's water supplies and municipal water system, and as such, Boulder will support legislation that promotes the preservation of water quality in a manner that is not unduly burdensome on the operation of the municipal water system.

## **67. OPPOSE SIGNIFICANT THREATS TO THE CITY'S WATER RIGHTS**

In prior years, Boulder has lost thousands of acre-feet of the city's water, mainly water attributable to storage rights in mountain reservoirs, due to the inadequate replacement of depletions associated with junior water rights on the South Platte River. Loss of this reservoir water increases Boulder's risk of severe water shortage during drought years. In non-drought years, the city supports Boulder Creek basin farmers through annual leases of any water in excess of the city's short-term and long-term municipal needs. Un-augmented water use in the South Platte basin can result in a direct loss or injury to the city by decreasing the firm yield supplies available during a drought or by decreasing the city's leasable supplies of water, including those available for Boulder Creek farmers. If other water users with junior water rights were to operate without proper augmentation and cause Boulder to need to permanently replace the water rights for 4,000 acre-feet of municipal water to protect the city against drought and any negative effects of climate change that might occur, it would cost \$48,000,000 or more.

Colorado Supreme Court decisions and state law require that junior water rights owners, including well owners, must file in water court for augmentation plans that require the replacement of depletions to prevent injury to other water rights prior to operating. To protect the yield of its existing water rights, Boulder has coordinated with other water users owning senior surface water rights, including many farmers and other municipalities, to participate in water court cases and monitor legislative actions regarding water rights. Many of the underlying disputes have been addressed. Nevertheless, some issues remain that may result in the General Assembly becoming the arena for water bills that attempt to incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

Bills that may be introduced include attempts to reduce the amount of augmentation water that junior diverters are required to return to the river to an amount less than their impact on more senior water rights. Other bills may attempt to replace the jurisdiction of water

courts with state engineer authority such that decisions on the adequacy of augmentation plans would be less transparent and subject to political influence. The city is committed to the legal principle of maximum utilization of both surface water and groundwater and believes this can best be achieved through water court-approved augmentation plans rather than the political process. To the extent that future bills significantly threaten the city's water rights, both municipal water supplies and water rights held for open space purposes, including but not limited to bills that attempt to shift responsibility for augmentation from junior water users to senior water rights owners, increase the reliability for junior water rights by decreasing reliability for senior water rights, or threaten the continued historical use of water and irrigation practices on open space properties, they will be opposed. Similarly, the city will oppose legislation that threatens the city's water supply infrastructure, such as future bills that place undue burdens on the operation and/or maintenance of irrigation ditches.