

**Mayor**  
Aaron Brockett

**Council Members**  
Taishya Adams  
Matt Benjamin  
Lauren Folkerts  
Tina Marquis  
Ryan Schuchard  
Nicole Speer  
Mark Wallach  
Tara Winer



Council Chambers  
1777 Broadway  
Boulder, CO 80302  
August 1, 2024  
6:00 PM

**City Manager**  
Nuria Rivera-Vandermyde

**City Attorney**  
Teresa Taylor Tate

**City Clerk**  
Elesha Johnson

## AGENDA FOR THE REGULAR MEETING OF THE BOULDER CITY COUNCIL

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1. **Call to Order and Roll Call**
  - A. **Jenifer Bough Housing Legacy Day Declaration presented by Mayor Brockett** **10 Min**
2. **Open Comment**
3. **Consent Agenda**
  - A. **Consideration of a motion to approve a request from Public Service Company of Colorado (dba Xcel Energy) for a permanent utility easement of approximately 0.1 acres to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter**
  - B. **Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8642 amending Section 1-2-1, "Definitions," Title 2, "Government Organization," Title 4, "Licenses and Permits," Title 7, "Vehicles, Pedestrians, and Parking," and Section 8-5-4, "Permit Application," B.R.C. 1981, to modernize terminology to be consistent with new parking management technology; and setting forth related details**
  - C. **Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8639 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 130 of the Boulder Home Rule Charter to authorize City Council to set by ordinance the terms and criteria of board and commission members and amend the language regarding removal of board and commission members; specifying the form of the ballot and other election procedures; and setting forth related**

details

- D. Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8640 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the amount of mayor and council member compensation; specifying the form of the ballot and other election procedures; and setting forth related details
  - E. Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8641 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as provided by state law; specifying the form of the ballot and other election procedures; and setting forth related details
  - F. (1) Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8638 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether or not to adopt Section 11-4-8, “Decommissioning the Airport,” B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and prohibit acceptance of state or federal funding which comes with obligations that would delay decommissioning of the Airport; specifying the form of the ballot and other election procedures; and setting forth related details AND (conditional upon voter approval of “Repurpose Our Runways”)  
(2) Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of, if Ballot Measure “Repurpose Our Runways” is passed, whether or not to adopt Section 11-4-8(e), “Decommissioning the Airport,” B.R.C. 1981, to repurpose the decommissioned airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details
- 4. Call-Up Check-In
  - 5. Public Hearings
  - 6. Matters from the City Manager
- A. Discussion and feedback on a potential approach to local zoning regulations and licensing regime in response to the Natural **60 min**  
**- 15**

Medicine Health Act of 2022, as amended by Colorado Senate Bill 23-290 and state regulations

*min  
presentat  
/ 45 min  
council  
discussio*

- B. Update on Community & Council Forums Pilot (formerly Community Study Sessions Pilot) *10 min*
  - C. Council Process Improvement Working Group Update *15 min*
  - 7. Matters from the City Attorney
  - 8. Matters from the Mayor and Members of Council
    - A. DRCOG Draft Regional Housing Needs Assessment process discussion *15 min*
  - 9. Discussion Items
  - 10. Debrief
  - 11. Adjournment
- 2:35 hrs*
- 

### **Additional Materials**

#### **Presentations**

#### **Item Updates**

#### **Information Items**

- A. Update on City participation at the Public Utilities Commission
- B. Update on Fort Chambers/Poor Farm Planning
- C. Civic Area Phase 1: Window 1 Engagement Summary
- D. Update on June 23rd Chat with Council

#### **Boards and Commissions**

- A. 05.20.24 WRAB Signed Minutes

#### **Declarations**

- A. International Youth Day Declaration

#### **Heads Up! Email**

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

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

The council chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado at 711 or 1-800-659-3656.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at 303-441-4222, 8 a.m. - 5 p.m. Monday through Friday. Please request special packet preparation no later than 48 hours prior to the meeting.

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

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



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Jenifer Bough Housing Legacy Day Declaration presented by Mayor Brockett

**PRIMARY STAFF CONTACT**

Megan Valliere, Assistant to City Council

**ATTACHMENTS:**

**Description**

- ▣ **Jenifer Bough Housing Legacy Day Declaration**

## Jenifer Bough Housing Legacy Day

August 1, 2024

Jenifer Bough has generously decided to donate her home to benefit affordable homeownership through the city's Housing Legacy Program. Her legacy will grow and endure through her contribution to affordable housing in Boulder.

The Housing Legacy Program facilitates the donation or bequest of homes by Boulder homeowners wishing to leave a legacy of affordable homeownership for future generations. Although Jenifer is not donating her home entirely to the program, she has identified a new path forward that allows Boulder residents to leave to their estate some proceeds from the sale while ensuring the home is affordable to future generations.

Jeni moved to Colorado in the late 1970s and after a few years in the mountains, she set down roots in Boulder because of the proximity to the mountains and Denver, and the vibrant atmosphere. But over the years, she became increasingly concerned about housing affordability in Boulder.

She first learned about the city's [Affordable Homeownership Programs](#) when she was looking to purchase a home fifteen years ago and she even toured a few affordable options during her search but settled on a market rate townhome.

"I wish Boulder was more affordable and [donating my townhome to this program] is a way I feel like I can make an impact to help with that," said Jeni. "It's important to me that people with a range of incomes can live in Boulder."

Jenifer Bough should be recognized and celebrated for her contribution to the community, as well as her ongoing support and dedication to permanently affordable homeownership in Boulder.

We, the City Council of the City of Boulder, Colorado, declare August 1, 2024, as

## Jenifer Bough Housing Legacy Day

And urge all members of our community to recognize this special occasion.



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Aaron Brockett, Mayor





**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Consideration of a motion to approve a request from Public Service Company of Colorado (dba Xcel Energy) for a permanent utility easement of approximately 0.1 acres to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter

**PRIMARY STAFF CONTACT**

Dan Burke, Director, Open Space and Mountain Parks  
Lauren Kilcoyne, Deputy Director  
Bethany Collins, Real Estate Sr. Manager  
Marc Pedrucci, Sr. Property Agent

**REQUESTED ACTION OR MOTION LANGUAGE**

Motion to approve a request from Public Service Company of Colorado (dba Xcel Energy) for a permanent utility easement of approximately 0.1 acres to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter

**ATTACHMENTS:**

**Description**

- ▣ **Item 3A - Xcel Gas Line Easement**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Consideration of a motion to approve a request from Public Service Company of Colorado (dba Xcel Energy) for a permanent utility easement of approximately 0.1 acres to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter.

**PRESENTER(S)**

Nuria Rivera-Vandermyde, City Manager  
Dan Burke, Director, Open Space and Mountain Parks  
Lauren Kilcoyne, Deputy Director  
Bethany Collins, Real Estate Senior Manager  
Marc Pedrucci, Senior Property Agent

**EXECUTIVE SUMMARY**

This agenda item is the consideration of a request received by the Open Space and Mountain Parks Department (OSMP) from Public Service Company of Colorado (dba Xcel Energy) to approve an ~0.1-acre permanent utility easement for installation of an 8" natural gas pipeline within a portion of the city-owned William Arnold Open Space property shown on **Attachment A** (OSMP Property). The pipeline will replace a segment of an existing gas line that has become exposed where it passes under Boulder Creek.

The existing gas line is within the right-of-way (ROW) for the Burlington Northern Santa Fe (BNSF) railroad and close to and parallel with a 12" gas line. Due to Xcel's Pipeline Compliance & Standards spacing requirements for existing and new gas pipelines, there is not adequate space in the BNSF ROW for the replacement section of the 8" gas line. Therefore, Xcel Energy is proposing to construct the new gas pipeline segment directly south of the BNSF ROW on the OSMP Property within a ~42'-wide permanent easement.

Construction of the new 8" gas pipeline will be done by means of horizontal directional boring at a depth of 30' to 50' below grade within the easement alignment shown on **Attachments A and**



**B**, and there will be no surface impacts to the OSMP Property. The entry and exit boreholes and connection points will be within the adjacent private property and BNSF ROW.

The replacement project will also cross the Boulder Community Hospital Conservation Easement property as well as city's 48<sup>th</sup> Street ROW.

The OSMP Property was acquired by the city as open space in 1977 via donation primarily to preserve this portion of Boulder Creek and its floodplain and for development of the Boulder Creek Trail which is managed by Transportation and Mobility. Authorizing the conveyance of a utility easement through the OSMP Property must be consistent with Article XII, sections 175(a) and 177 which require an approval and recommendation to City Council by the Open Space Board of Trustees (OSBT) and approval by City Council. If approved by City Council, OSMP staff will work with the City Attorney's Office (CAO) and Xcel Energy to draft and execute the permanent utility easement.

### **STAFF RECOMMENDATION**

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

Motion to approve the conveyance of a permanent utility easement of approximately 0.1 acres to Public Service Company of Colorado (dba Xcel Energy) to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter.

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

- **Economic** – If approved, Xcel Energy will bear all costs related to the gas line replacement and no economic impacts to the city or open space program are anticipated.
- **Environmental** – The gas line replacement will not have surface impacts to city-owned land and will mitigate any hazard associated with the existing line currently exposed within Boulder Creek.
- **Social** – Approval of this proposed easement ensures Xcel Energy will have the rights necessary to continue to operate and maintain reliable gas services to City of Boulder residences and businesses.

### **OTHER IMPACTS**

- **Fiscal** – Xcel Energy has offered to provide compensation in the amount of \$2,091.00 for the permanent utility easement based on market valuation which will be deposited in the open space fund for use towards open space acquisition and stewardship needs.
- **Staff time** – Staff time towards this project is part of the normal 2024 work plan for the OSMP Real Estate Services workgroup.

### **BOARD AND COMMISSION FEEDBACK**

This item was presented to the OSBT at their June 12, 2024, meeting. Harmon Zuckerman moved the Open Space Board of Trustees to approve and recommend that City Council approve

the conveyance of a permanent utility easement of approximately 0.1 acres to Public Service Company of Colorado (dba Xcel Energy) to install and maintain a buried natural gas line within the City of Boulder's William Arnold Open Space property pursuant to the disposal procedures of Article XII, Section 177 of the City of Boulder Charter. Jon Carroll seconded. This motion passed four to zero; Sarah Glynn was absent.

**PUBLIC FEEDBACK**

This item was heard as part of the June 12, 2024, OSBT public meeting advertised in the Daily Camera on June 9, 2024.

A Notice of Disposal of Open Space Lands was published in the Daily Camera on May 31 and June 1, 2024, pursuant to Article XII, Section 177 of the Boulder City Charter.

There was no public comment on this item.

**ANALYSIS**

OSMP staff has reviewed and supports Xcel Energy's easement request. The gas line segment will be installed via boring, with excavation on adjacent, impacted properties and will not impact the OSMP Property or resources. The replacement section will also mitigate any environmental or safety hazards that may exist with the aging, exposed existing line in Boulder Creek. City staff will work to determine if wetland and floodplain permitting are required for the project as well as whether the existing line will be required to be removed or abandoned in place.

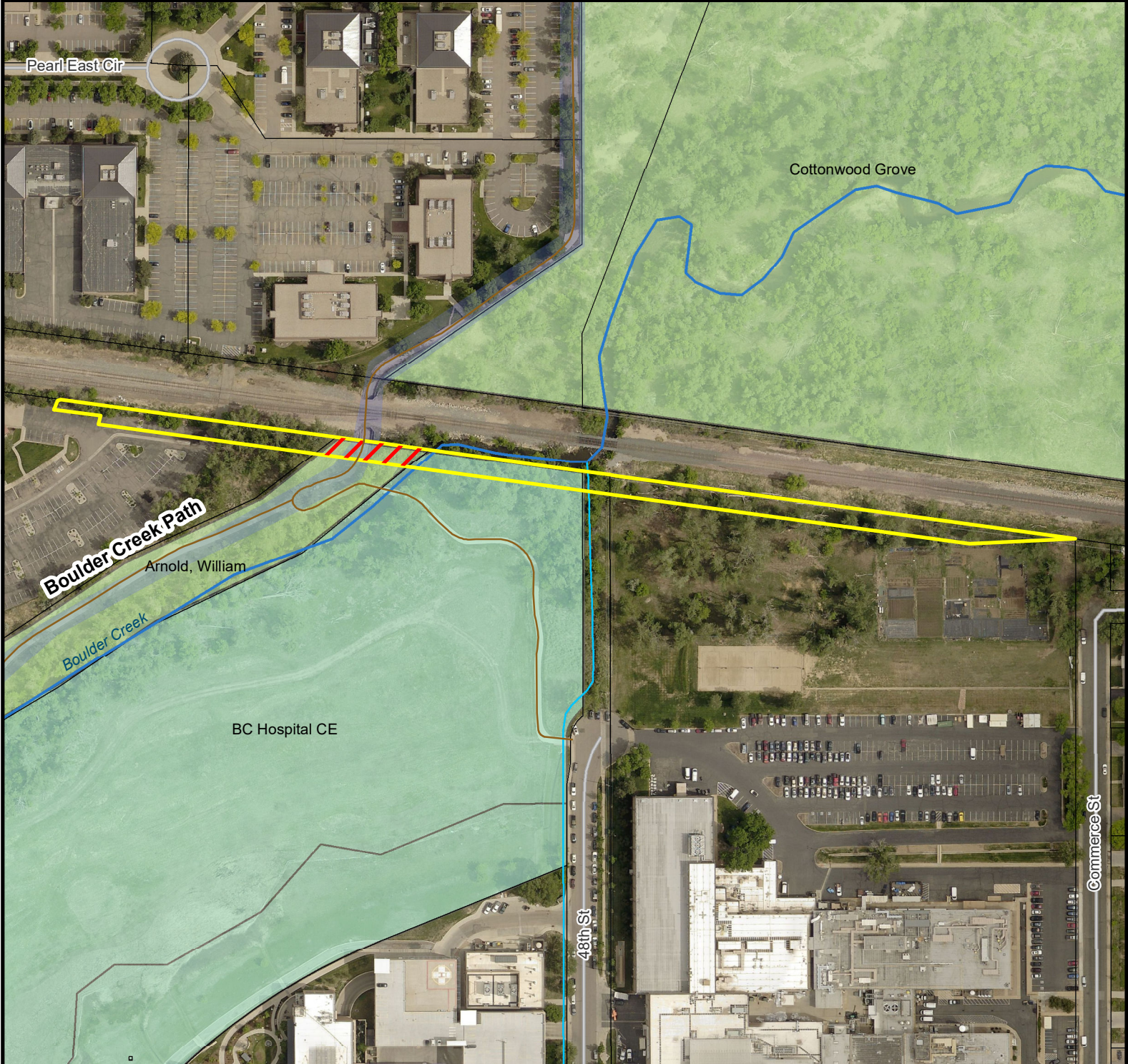
**CONCLUSION**

If this request is approved, OSMP staff will work with CAO to draft and execute the permanent utility easement. The easement will also include provisions for reversion and termination if the infrastructure is abandoned or no longer used.

**ATTACHMENT(S)**

- **Attachment A:** Property Map with Gas Line Corridor
- **Attachment B:** Gas Line Easement Exhibit

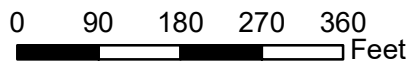
# Property Map and Gas Line Corridor



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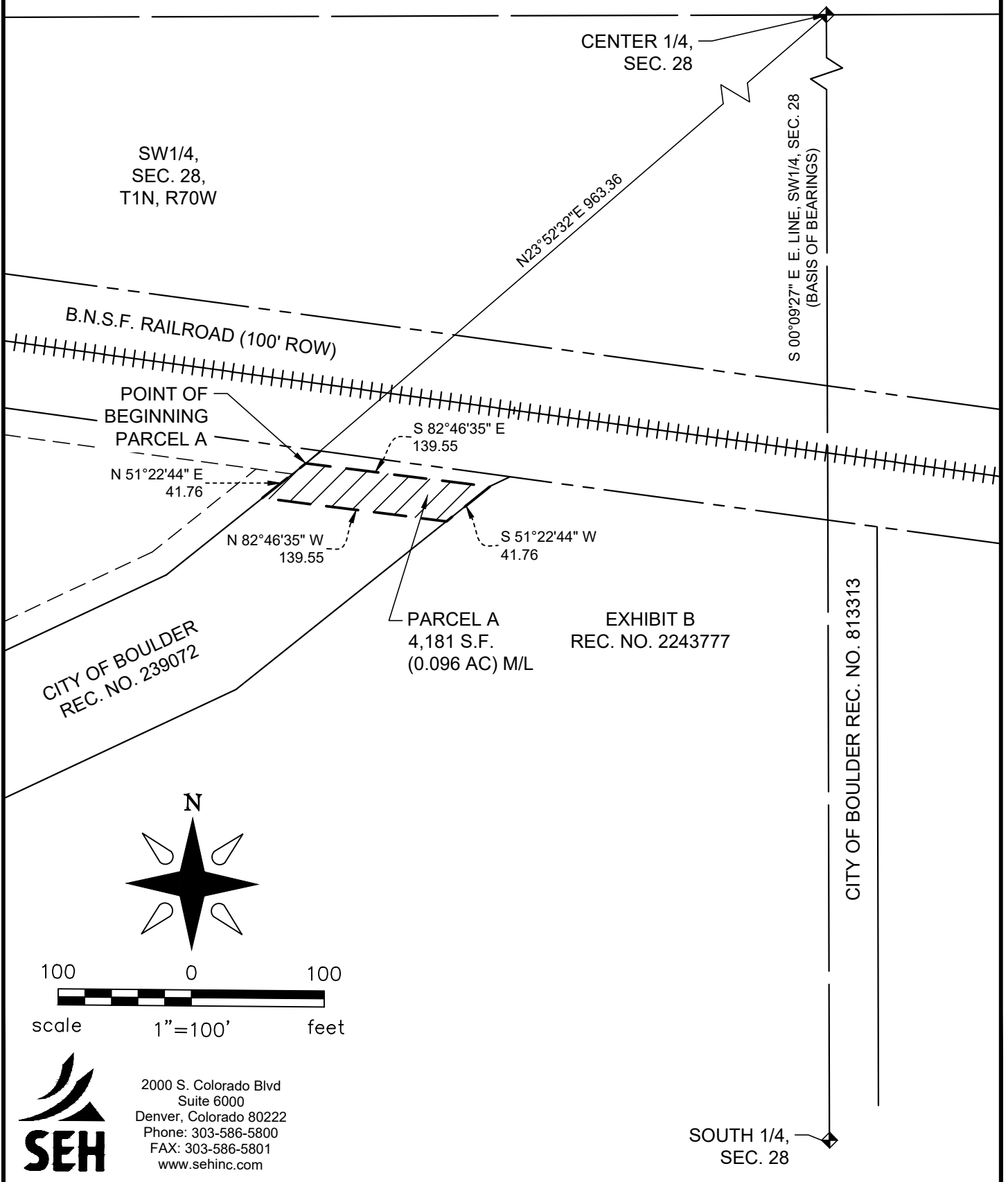


### Legend

- Easement Intersecting William Arnold Open Space
- Gas Pipeline Replacement Corridor
- Properties Managed by COB Parks and Recreation
- OSMP Ownership
- OSMP Easement
- Trail, Hard Surface

# EXHIBIT A - CITY OF BOULDER PARCEL A - PERMANENT EASEMENT

SHEET 2 OF 2



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## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **AGENDA ITEM**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8642 amending Section 1-2-1, "Definitions," Title 2, "Government Organization," Title 4, "Licenses and Permits," Title 7, "Vehicles, Pedestrians, and Parking," and Section 8-5-4, "Permit Application," B.R.C. 1981, to modernize terminology to be consistent with new parking management technology; and setting forth related details

### **PRIMARY STAFF CONTACT**

Cris Jones, Community Vitality

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to introduce and order published by title only Ordinance 8642 amending Section 1-2-1, "Definitions," Title 2, "Government Organization," Title 4, "Licenses and Permits," Title 7, "Vehicles, Pedestrians, and Parking," and Section 8-5-4, "Permit Application," B.R.C. 1981, to modernize terminology to be consistent with new parking management technology; and setting forth related details.

### **ATTACHMENTS:**

#### **Description**

- ▣ **Item 3B - 1st Rdg Ord 8642 New Parking Management Technology**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8642 amending Section 1-2-1, “Definitions,” Title 2, “Government Organization,” Title 4, “Licenses and Permits,” Title 7, “Vehicles, Pedestrians, and Parking,” and Section 8-5-4, “Permit Application,” B.R.C. 1981, to modernize terminology to be consistent with new parking management technology; and setting forth related details.

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Mark Woulf, Assistant City Manager  
Cris Jones, Director, Community Vitality  
Christiana McCormick, Assistant City Attorney III  
Kristine Edwards, Maintenance and Operations Senior Manager, Community Vitality  
Samantha Bromberg, Senior Project Manager, Community Vitality

**EXECUTIVE SUMMARY**

Proposed Ordinance 8642 has two primary goals: (1) modernize the Boulder Revised Code by updating outdated language concerning paid parking devices, and (2) streamline certain aspects of parking permit administration enabled by the upcoming launch of a new parking management information system (PMIS).

Proposed Ordinance 8642 therefore replaces terms such as “parking meter,” “pay station,” and “parking kiosk” with a single, more widely applicable term, “parking payment apparatus or technology.” The new term refers to all paid parking devices,

including current and future parking permit technology. Proposed Ordinance 8642 also proposes to update some of the administrative references to physical permits, when the permit year should begin for each Neighborhood Parking Program (NPP) zone, and the permit term length for commuter and contractor permits. These proposed amendments aim to enhance flexibility and streamline the administration of parking permits by allowing for digital permits, rolling expiration dates, and the purchase of monthly commuter permits.

### **STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Motion to introduce and order published by title only Ordinance 8642 amending Section 1-2-1, “Definitions,” Title 2, “Government Organization,” Title 4, “Licenses and Permits,” Title 7, “Vehicles, Pedestrians, and Parking,” and Section 8-5-4, “Permit Application,” B.R.C. 1981, to modernize terminology to be consistent with new parking management technology; and setting forth related details.

### **BACKGROUND**

Boulder’s Neighborhood Permit Parking (NPP) Program was formally adopted by City Council in 1997 to improve the balance between preserving neighborhood character and providing public access to major activity centers (the University of Colorado, downtown, etc.). Today, 13 NPP zones exist. The provisions for the city’s NPP zone program are set forth in Section 2-2-15, “Neighborhood Permit Parking Zones,” B.R.C. 1981.

Community Vitality administers and enforces the permits for the NPP zones. Currently, certain details for the administration of such permits are set forth in Chapter 4-23, “Neighborhood Parking Zone Permits,” B.R.C. 1981, while other details for the administration of NPP zone permits are set forth in City Manager Rule 2-2-15.A(22). Some administrative regulations for the NPP zone parking permits have been constrained by the limitations of the city’s existing PMIS software.

Since the beginning of 2023, staff have been working to replace the existing legacy PMIS with a new, more user-friendly platform. This updated system will maintain all existing permit and citation management functionalities while introducing new features to address current and future community needs. The city envisions a transformative and fully integrated system that is customizable and adaptable to changing conditions. This new software presents multiple opportunities to enhance the customer experience and reduce

the staff time required for managing parking permits. Consequently, it allows for the modernization of outdated operational regulations that were constrained by the limitations of the old software.

Community Vitality staff also administer and enforce the on-street paid parking program in Boulder's downtown and in the University Hill and Boulder Junction districts. As a part of this program, staff have been replacing old single-head meters with solar powered, touch screen, parking pay stations and mobile pay-to-park options to create a consistent parking experience for visitors.

## **ANALYSIS**

Adopting this ordinance will modernize the Boulder Revised Code by updating obsolete language and updating operational details for administration of NPP zone permits (such as permit expiration dates) and ensuring operational relevancy as new technologies emerge. By updating the existing applicable city manager rule in conjunction with adopting the proposed revisions to the Boulder Revised Code, staff will improve efficiency and customer service and support environmental sustainability by facilitating the transition to digital permits and reducing paper and plastic waste.

In reviewing and updating the Boulder Revised Code sections related to parking permit and citation management, staff are attempting to future-proof these sections by revising outdated language and removing redundancies.

The following is an overview of the changes set forth in Proposed Ordinance 8642 and what staff hope to achieve by making these changes.

## **Updates to Terminology**

The great majority of changes in Proposed Ordinance 8642 ordinance reflect updates to and modernization of certain terminology related to paid parking devices. These changes are intended to account for both physical and digital permits and the removal and replacement of parking meters or other coin-operated parking management devices with newer parking payment devices or technology. In some cases, these updates allow for the removal of redundancies in certain sections. Proposed Ordinance 8642 revises the following sections of the Boulder Revised Code to update terminology and remove redundancies only:

- Section 1-2-1, "Definitions," B.R.C. 1981
- Certain sections in Title 2, "Government and Organization," B.R.C. 1981
- Certain sections in Chapter 4-18, "Street, Sidewalk, and Public Property Use Permits," B.R.C 1981
- Section 4-20-35, "Parking Meter Hood Permit Fees and Deposit," B.R.C. 1981
- Certain sections in Chapter 4-27, "News Box Leases and Regulation," B.R.C. 1981



- Certain sections in Title 7, “Vehicles, Pedestrians, and Parking,” B.R.C. 1981 (except Section 7-6-11, see below)
- Section 8-5-4, “Permit Application,” B.R.C. 1981

### **Permit Administration Updates**

With the implementation of the new PMIS system, the city will be able to make certain administrative changes that were not previously available. Such changes will achieve the goal of streamlining parking permit issuance to enhance the customer experience. Such changes include removing references to fixed expiration dates for permit zones to move to rolling expiration dates, allowing permits to be transferred in circumstances specified by city manager rule (vehicle owner getting new license plate, using rental car temporarily, purchasing new vehicle), allowing for a change in permit duration for commuter permits, and allowing NPP zone residents to purchase guest and visitor permits even if the residents do not own a vehicle. Parallel changes to the existing related city manager rule will allow for limited renewals of residential permits without the need for a new application every year. These enhancements will improve customer service to the community and reduce staff time in the administration and enforcement of permits.

The sections of the Boulder Revised Code shown in Proposed Ordinance 8642 that reflect these permit administration updates are the following:

- Section 4-20-49, “Neighborhood Parking Permit Fee,” B.R.C. 1981
- Certain sections of Chapter 4-23, “Neighborhood Parking Zone Permits,” B.R.C. 1981

In addition, the proposed updates to the related city manager rule are shown in the attached redline of City Manager Rule 2-2-15.A(22).

One final administrative update is being proposed to Section 7-6-11, “Right Angle Parking Permit,” B.R.C. 1981. The minor change proposed in this section is to clarify that this type of permit is available only if it is provided for by city manager rule. At this time, this permit is not available because no city manager rule sets forth the details for this permit’s administration and no city department issues or administers this type of permit.

### **NEXT STEPS**

Community Vitality staff are currently supporting the Parking Code Update work being led by Planning & Development Services with additional support from Transportation and Mobility. This project will entail potential changes to the Residential Access Management Program (RAMP), including the NPP program, and more information will be provided for the upcoming August 8<sup>th</sup> Study Session.

Staff are preparing for a 2<sup>nd</sup> reading on proposed Ordinance 8642. The proposed City Manager Rule will be submitted for public comment should Council adopt Proposed

Ordinance 8642. Full implementation of the new PMIS software including potential modifications to operational policies as outlined by this memorandum is planned for November 2024.

**ATTACHMENTS**

A – Proposed Ordinance 8642

B – Proposed City Manager Rule (Redline Version)

ORDINANCE 8642

AN ORDINANCE AMENDING SECTION 1-2-1, "DEFINITIONS," TITLE 2, "GOVERNMENT ORGANIZATION," TITLE 4, "LICENSES AND PERMITS," TITLE 7, "VEHICLES, PEDESTRIANS, AND PARKING," AND SECTION 8-5-4, "PERMIT APPLICATION," B.R.C. 1981, TO MODERNIZE TERMINOLOGY TO BE CONSISTENT WITH NEW PARKING MANAGEMENT TECHNOLOGY; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 1-2-1, "Definitions," B.R.C. 1981, is amended to read as follows:

**1-2-1. Definitions.**

- (a) The definitions in this chapter apply throughout this code unless a term is defined differently in a specific title, chapter or section.
- (b) The following words used in this code and other ordinances of the city have the following meanings unless the context clearly indicates otherwise:

*Abandoned motor vehicle* means any motor vehicle that is left in one location on public property or on private property without the consent of the owner thereof for twenty-four hours or more than the time limited by any signs, ~~meters, pay stations~~ parking payment apparatus or technology, or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location.

...

~~*Pay station*~~ *Parking payment apparatus or technology* has the meaning given in Section 7-1-1, "Definitions," B.R.C. 1981. References to *parking meter, pay station, or parking kiosk*, if any, shall mean parking payment apparatus or technology.

...

*Time* means, whenever certain hours are named in this code or on any traffic control sign or parking ~~meter~~ payment apparatus or technology, Mountain Standard Time or mountain

daylight time, depending on the date, as prescribed by state law. Mountain Standard Time is Coordinated Universal Time minus seven hours. Mountain daylight time is Coordinated Universal Time minus six hours.

...

Section 2. Section 2-2-11, "Traffic Engineering," B.R.C. 1981, is amended to read as

follows:

**2-2-11. Traffic Engineering.**

...

(f) The city manager is authorized to produce or acquire and sell to the public handicapped parking permits which will serve in lieu of ~~depositing money or tokens in parking meters, or purchasing time in a parking space in a pay station regulated by a parking payment apparatus or technology,~~ on city streets and city parking lots by vehicles eligible to park in spaces designated for parking by the handicapped. If the Central Area General Improvement District or the University Hill General Improvement District determines to extend use of these permits to ~~meters or pay stations~~ any parking payment apparatus or technology on lots owned or leased by the district, or to attended parking on such lots, the general manager of the district shall enter into a written agreement with the city manager specifying how to divide the permit revenues equitably between the general fund and the district in proportion to the division which would occur were no permits sold. If the manager determines to institute such a program, the manager shall, by regulation, specify the form of the permit, the method of its use and display, the method of application and purchase, the cost of the permit and any restrictions on its use.

(g) Parking exemptions.

(1) The city manager is authorized to specify the circumstances under which authorized emergency vehicles of the city police and city fire departments, of the Boulder County Sheriff's Department, the University of Colorado Police Department and the Colorado State Patrol may park in ~~metered~~ parking spaces ~~or spaces~~ regulated by ~~pay stations~~ parking payment apparatus or technology on city streets, alleys or parking lots for investigative and administrative purposes not rising to the level of an emergency governed by the parking exemption of Section 7-2-12, "Exemptions for Authorized Emergency Vehicles," B.R.C. 1981, without paying the fees specified and in excess of the time limit. With respect to city vehicles covered by this policy, the manager shall estimate the annual parking revenue loss occasioned thereby, and cause such an amount to be transferred from the amount appropriated for each such department into the paid parking ~~meter~~ revenue account.

- (2) The city manager is authorized to issue ~~meter~~ parking permits to public utility companies for display on marked service vehicles of such utility companies in lieu of ~~depositing money in meters or pay stations~~ paying the rates for parking regulated by a parking payment apparatus or technology on city streets, alleys or parking lots in return for prepayment of the paid parking ~~meter~~ revenue loss occasioned thereby, as estimated by the manager. Such permits may only be displayed or, for digital permits, valid and in effect when the service vehicle is parked in a ~~metered space or~~ space regulated by a ~~pay station~~ parking payment apparatus or technology in response to a bona fide utility service necessity.

Section 3. The following sections in Chapter 2-3, "Boards and Commissions," B.R.C.

1981, are amended to read as follows:

**2-3-5. Downtown Management Commission.**

...

(d) The functions of the commission are to:

- (1) Exercise, subject to call up by the city council acting as the Board of Directors of the Central Area General Improvement District as provided in Subsection (e) of this section, and subject to the limitations of Subsection (f) of this section, the following powers of said Board of Directors in furthering the purposes specified in Ordinance No. 3644 (1970), as amended, to provide parking and related improvements for CAGID:

...

- (C) Determination, imposition, redetermination and revision of a schedule of user charges for the use of the parking facilities provided or furnished by CAGID, as well as the determination of reasonable penalties, interest, collection costs and other charges for delinquencies in payment of such charges, following the procedures of Subsections 8-4-15(c), (e) and (f), B.R.C. 1981, in so doing, but nothing in this section shall authorize the commission to set the times or rates for on-street ~~metered~~ paid parking, or the fines or penalties for parking infractions specified in Chapter 7-6, "Parking Infractions," B.R.C. 1981;

...

**2-3-20. University Hill Commercial Area Management Commission.**

...

(d) The functions of the Commission are to:

- (1) City council acting as the Board of Directors of the UHGID in furthering the purposes specified in Section 8-4-11, "Powers of the District," B.R.C. 1981, Ordinance Numbers 3638, 4299 and 4958, as amended, to provide parking and related improvements for UHGID as follows:

...

- (C) Determination, imposition, re-determination and revision of a schedule of user charges for the use of the parking facilities provided or furnished by UHGID, as well as the determination of reasonable penalties, interest, collection costs and other charges for delinquencies in payment of such charges, following the procedures of Subsections 8-4-15(c), (e) and (f), B.R.C. 1981, in so doing, but nothing in this section shall authorize the Commission to set the times or rates for on-street ~~metered~~ paid parking, or the fines or penalties for parking infractions specified in Chapter 7-6, "Parking Infractions," B.R.C. 1981;

...

**2-3-21. Boulder Junction TDM Commission.**

...

- (e) The functions of the commission are to make decisions or provide recommendations of said board of directors in furthering the purposes of the District, as specified herein and in the petition to provide alternative modes of transportation related services and improvements for the District, including, without limitation, the following:

- (1) Exercise, subject to call up by the city council acting as the board of directors of the District, the following functions:

...

- (B) To determine, impose, re-determine and revise a schedule of user charges for the use of the services and improvements provided or furnished by the District, as well as the determination of reasonable penalties, interest, collection costs and other charges for delinquencies in payment of such charges, following the procedures of Subsections 8-4-15(c), (e) and (f), B.R.C. 1981. Nothing in this section shall authorize the commission to set the times or rates for on-street ~~metered~~ paid parking, or the fines or penalties for parking infractions specified in Chapter 7-6, "Parking Infractions," B.R.C. 1981;

...

**2-3-22. Boulder Junction Parking Commission.**

...

(e) The functions of the commission are to make decisions or provide recommendations to the board of directors in furthering the purposes of the District as specified herein and in the petition to provide alternative modes of transportation and parking related services and improvements for the District, including, without limitation, the following:

(1) Exercise, subject to call up by the city council acting as the board of directors of the District, the following functions:

...

(B) To determine, impose, re-determine and revise a schedule of user charges for the use of the services and improvements provided or furnished by the District, as well as the determination of reasonable penalties, interest, collection costs and other charges for delinquencies in payment of such charges, following the procedures of Subsections 8-4-15(c), (e) and (f), B.R.C. 1981. Nothing in this section shall authorize the commission to set the times or rates for on-street ~~metered~~ paid parking, or the fines or penalties for parking infractions specified in Chapter 7-6, "Parking Infractions," B.R.C. 1981;

...

Section 4. The following sections of Chapter 4-18, "Street, Sidewalk and Public Property Use Permits," B.R.C. 1981, are amended to read as follows:

**4-18-2. Public Property Use Permits.**

...

(c) Before issuing a permit under this section the city manager shall:

...

(3) Consult with the Downtown and University Hill management division and parking services to determine the appropriateness of sales activities within commercial districts based on the impact to the economic viability of existing businesses, the public's use and enjoyment of sidewalks and other public areas for patio and cafe seating, amenities, including and not limited to benches, trees, trash receptacles, any parking kiosks payment apparatus or technology, bicycle parking, events and the mobility of pedestrians; and

...

**4-18-8. Parking ~~Meter~~ Payment Apparatus Hood and Sign Permits.**

(a) The city manager may issue revocable permits for the use of ~~meter parking payment apparatus~~ hoods or ~~meter~~ signs to persons upon application under this section and prepayment of the fees and deposits prescribed by Section 4-20-35, "Parking ~~Meter Payment Apparatus~~ Hood Permit Fees and Deposit," B.R.C. 1981. ~~Meter Parking payment apparatus~~ hoods or ~~meter~~ sign permits may be issued for:

...

(b) A permittee may cover with a hood or attach a sign to a ~~meter parking payment apparatus~~ or technology only:

(1) Construction ~~meter parking payment apparatus~~ hoods or ~~meter~~ signs:

...

(2) Special activity ~~meter parking payment apparatus~~ hoods or ~~meter~~ signs:

...

(3) Media event ~~meter parking payment apparatus~~ hoods or ~~meter~~ signs:

...

(d) The city manager may place such additional restrictions on eligibility for ~~meter parking payment apparatus~~ hood and ~~meter~~ sign permits, and may place such additional conditions on the use of such permits, as will, in the manager's opinion, best preserve the balance between keeping ~~metered paid~~ parking on public streets available to the general public and serve the needs of persons who have no practical alternative in carrying out activities without the capacity to reserve a particular parking space or spaces, and which are reasonable and in the public interest. Such additional restrictions shall be applied evenly to all persons similarly situated.

(e) The city manager may revoke a permit issued under this section for:

(1) Abusing a ~~meter parking payment apparatus~~ hood or ~~meter~~ sign;

(2) Any use that violates any provision of this section;

(3) Authorizing or acquiescing in the use of a ~~meter parking payment apparatus~~ hood or ~~meter~~ sign by another person who is not permitted to use a parking ~~meter payment apparatus~~ hood or ~~meter~~ sign;

(4) The use of a ~~meter parking payment apparatus~~ hood or ~~meter~~ sign without payment of the required fee and deposit; or



- (5) Violation of any condition, limitation or restriction placed on the use of the ~~meter~~ parking payment apparatus hood by the city manager at the time it is issued.
- (f) Before revoking a permit under this section, the city manager shall follow the procedure prescribed by section 4-1-10, "Revocation of Licenses," B.R.C. 1981.
- (g) If the city manager revokes a permit under this section, the manager may impound the ~~meter~~ parking payment apparatus hood or ~~meter~~ sign.

Section 5. The following sections in Chapter 4-20, "Fees," B.R.C. 1981, are amended to read as follows:

**4-20-35. Parking ~~Meter~~ Payment Apparatus Hood Permit Fees and Deposit.**

- (a) An applicant for a parking ~~meter~~ payment apparatus hood or dash permit shall pay a fee calculated as follows for a daily, weekly, monthly, or annual permit:
  - (1) Daily: The maximum hourly ~~street meter~~ paid parking rate anywhere in the city is multiplied by the maximum number of hours any ~~street meter~~ parking payment apparatus or technology is in operation.
  - (2) Weekly: The daily rate times the maximum number of days any ~~street meter~~ parking payment apparatus or technology is in operation.
  - (3) Monthly: The weekly rate times four.
  - (4) Annual: The weekly rate times fifty-two.
- (b) An applicant for a parking ~~meter~~ payment apparatus hood permit shall pay a deposit of \$50 per hood or sign, refundable if the hood is returned in substantially the same condition of its issue within five business days after expiration of the permit.

**4-20-49. Neighborhood Parking Permit Fee.**

- (a) A zone resident applying for a neighborhood parking permit shall pay \$50.00 for each permit or renewal thereof, except that a resident of the Chautauqua North neighborhood zone shall instead pay \$10.00.
- (b) A resident of a neighborhood permit parking zone ~~permit holder~~ may purchase up to two annual visitor permits at \$5 for each permit ~~with the purchase of a neighborhood parking permit~~. ~~Visitor permits are valid during the resident's annual permit period.~~
- (c) A business applying for a neighborhood parking permit for employees shall pay \$75.00 for each permit or renewal thereof.

- (d) An individual who does not reside within the zone applying for a neighborhood parking permit, if permitted in the zone, shall pay ~~\$115.00~~38.33 for each ~~quarterly~~monthly commuter permit or renewal thereof.
- (e) A contractor applying for a temporary permit shall pay \$5 for each permit and such permit(s) shall be valid for one month.
- (f) A contractor applying for a mobile vendor permit shall pay \$75 for each annual permit or renewal thereof.

Section 6. The following sections of Chapter 4-23, "Neighborhood Parking Zone

Permits," B.R.C. 1981, are amended to read as follows:

...

**4-23-2. Permit Issuance.**

...

- (b) A vehicle displaying a valid permit or, for digital permits, with a valid permit in effect issued pursuant to this section may be parked in the zone specified in the permit without regard to the time limits prescribed for the zone.

...

- (d) Resident permits issued under this section shall be specific for a single vehicle, shall not be transferred except as provided by city manager rule or regulation, and shall be displayed thereon or, for digital permits, valid and in effect only as the manager by regulation may prescribe. The permittee shall remove the permit from the vehicle or otherwise cancel the permit if the vehicle is sold, leased or no longer in the custody of the permittee.

...

- (f) The manager shall by regulation set forth how long permits issued under this section are valid and when they must be renewed. ~~declare when the permit year shall begin for each neighborhood parking permit zone. Permits issued based on new applications submitted during the last month of a permit year shall also be valid for the succeeding permit year. Otherwise there shall be no proration of the fee.~~

...

- (h) ~~If the~~ a physical permit or the portion of the vehicle to which a resident permit has been affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall be issued a replacement at a prorated cost. The manager may require display of the damaged permit before a new permit is issued.

...

**4-23-3. Guest Permits.**

Residents issued a permit pursuant to this chapter may obtain two two-week permits per year at no cost for use by houseguests of the permittee. The permit shall be indelibly marked in the space provided thereon with, or for digital permits shall indicate, the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days. The manager may by regulation define the circumstances under which additional guest permits may be issued in cases of reasonable need consistent with residential use of the dwelling. Provided, however, that no more than a total of six two-week guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.

...

**4-23-6. Visitor Permits.**

(a) ~~Upon the annual purchase of a resident permit, t~~Two annual visitor's passes may be issued to ~~the permit holder a resident of a neighborhood permit parking zone~~ to be used on a temporary and transferable basis to accommodate visitors, including without limitation health care workers, repairmen, and babysitters, who need access to the residence of the ~~permit holder resident~~. Use of this pass is limited to those visitors whose stay will last longer than the time limit posted within the permit zone for parking by the general public but shall not exceed twenty-four consecutive hours.

...

(c) It is the responsibility of the ~~permittee resident~~ to ensure that this pass never leaves the zone, and that it is returned to the ~~permittee resident~~ at the end of each day of use. Use of this pass also falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and in these regulations.

...

Section 7. The following sections of Chapter 4-27, "News Box Leases and Regulation,"

B.R.C. 1981, are amended to read as follows:

**4-27-1. - Legislative Intent.**

...

(b) The city has carefully regulated the placement and form of newspaper distribution machines on its downtown mall since its inception in 1977 by providing news box banks onto which publishers of newspapers and other periodicals may install an openable face plate and their periodicals. These serve to group the machines in a few orderly and carefully chosen locations, and this has struck an appropriate balance between the competing needs for use of mall space and has allowed mall visitors and those who would serve them with publications reasonable opportunities to receive and give information. However, the mall contains significantly more pedestrian space than do the

other streets and sidewalks in the downtown area of the city. The continued vitality of the city's downtown area has made downtown sidewalks increasingly congested, and thus, attractive locations for those who wish to disseminate information through newspaper distribution machines. The legislative record is replete with instances where unregulated placement of these machines, whether individually or in long phalanxes, have interfered with access to fire hydrants and parking ~~meters-payment apparatus or technology~~, blocked access from vehicle parking to the sidewalk, interfered with bus stops, obstructed views in the corner sight triangle, and most poignantly have added to the difficulties that persons with mobility problems face in navigating the sidewalk. Further, significant portions of the downtown are within an historic district, and the unregulated placement and appearance of proprietary newspaper distribution machines interferes with the historic appearance of the area and the purposes of the district.

...

**4-27-4. - Location of News Box Banks.**

- (a) The city council finds that the city manager has surveyed the news box district to determine the locations of existing proprietary newspaper distribution machines, the locations which are suitable for news box banks, and the appropriate size of each bank. The manager has used, in evaluating each location, general criteria to determine the effect on pedestrian and emergency services access on, to and from streets and sidewalks and public transportation, required maintenance of public facility infrastructure, vehicular safety and the effect of the location, mass and bulk of news box banks on the streetscape aesthetics of each block face, and has specifically considered sidewalk width, parking ~~meter-payment apparatus or technology~~ access, including access by persons with disabilities, access to bicycle parking, access to fire hydrants, access to bus stops, access to benches and trash receptacles, maintenance access to street trees, planters, utility and signal poles, access generally from the street to the sidewalk and the sidewalk to the street, blocking of views at intersections, alleys and driveways, distance from intersections and driveways and alleys, distance from buildings and the visibility of public art and has determined the appropriate location for news box banks on each block face after taking into consideration the current locations and numbers of proprietary newspaper vending machines. The council has, after holding a public hearing, considered these determinations of the manager, and hereby ratifies them and adopts them as reasonable place and manner regulations of news box bank locations which reasonably reflect the carrying capacity of the news box district for news boxes within the right-of-way. These determinations are included in appendix A of this chapter.

...

Section 8. Section 7-1-1, "Definitions," B.R.C. 1981, is amended to read as follows:

**7-1-1. Definitions.**

- (a) The following words and phrases used in this title have the following meanings unless the context clearly indicates otherwise:

*Abandoned vehicle* means any vehicle other than a bicycle that is left in one location on public property or on private property without the consent of the owner thereof for twenty-four hours more than the time limited by any signs, ~~meters, pay stations parking payment apparatus or technology,~~ or pavement markings that apply to that location, or a continuous period of more than seventy-two hours at any other unregulated location.

...

*Parking payment apparatus or technology* means any device or technology used to accept payment for parking, such as parking meters, pay stations, mobile devices, or other methods approved by the city manager. ~~meter means a timing device that is used for the purpose of collecting a fee for parking in a parking space and regulating the time of parking therein, is activated by the insertion of a coin or token, and such other action as the device requires, and indicates how much purchased parking time remains.~~

...

*Pay station* means a device other than a parking meter that is used for the purpose of collection of a fee for parking in a parking space and regulating the time of parking therein, ~~is activated by the insertion of a coin, currency, token, key, or payment card, depending on the type of device, and such other action as the device requires for activation. A pay station differs from a parking meter in that it governs more than two parking spaces, including spaces which are not adjacent to the station, requires the user to indicate the space for which payment is being made or to display a printed receipt from the pay station on the dash of the user's vehicle, and does not necessarily indicate to the user or the public whether or not payment is current for a particular space.~~

...

*Time* means, whenever certain hours are named herein or on any traffic control sign or parking ~~meter payment apparatus or technology,~~ mountain standard time or mountain daylight time, depending on the date, as prescribed by state law. Mountain standard time is coordinated universal time minus seven hours. Mountain daylight time is coordinated universal time minus six hours.

...

Section 9. The following sections in Chapter 7-2, "General Provisions," B.R.C. 1981, are amended as follows:

**7-2-26. - Display of Unauthorized Sign, Signal or Marking Prohibited.**

...

- (b) No person shall place or maintain upon any traffic control sign or signal or parking ~~meter~~ payment apparatus or technology any advertising.

...

**7-2-29. ~~Meter~~Parking Payment Apparatus Tampering Prohibited.**

- (a) No person shall:

- (1) Deposit in any parking ~~meter~~ payment apparatus or technology anything other than a ~~token~~ form of payment approved by the city manager or a lawful ~~coin~~ form of payment of the United States accepted by the parking payment apparatus or technology;
- (2) Deposit in any parking ~~meter~~ payment apparatus or technology any ~~token or coin~~ physical form of payment that is bent, torn, cut, battered or otherwise misshapen;
- (3) Tamper with or open a parking ~~meter~~ payment apparatus or technology; or
- (4) Knowingly manipulate a parking ~~meter~~ payment apparatus or technology in such a way as to cause it to fail to show the correct amount of unexpired time.

- (b) The provisions of this section do not apply to public employees on official business repairing or maintaining the ~~meters~~ parking payment apparatus or technology.

...

Section 10. The following sections in Chapter 7-6, "Parking Infractions," B.R.C. 1981, are amended to read as follows:

...

**7-6-2. Parking Penalties.**

Violations of any of the provisions of this chapter are traffic infractions. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for such a traffic infraction shall be fined or penalized according to the following schedule:

...

- (f) Sections 7-6-16, "Overtime Parking, ~~Meters Payment Required,~~" 7-6-17, "Time Limit, ~~Meter Parking Payment Required,~~" and 7-6-20, "Parking for More Than Seventy-Two Hours Prohibited," B.R.C. 1981: \$30 for a first violation; \$45 for a second violation within a year, based on date of violation, and \$60 for a third violation within a year, based on date of first violation.

...

**7-6-11. Right Angle Parking Permit.**

Notwithstanding the provisions of this chapter, vehicles may be parked at right angles to the curb for the purpose of loading or unloading merchandise if in accordance with a permit issued by the city manager. If the city manager provides for such permits by rule or regulation and upon ~~Upon~~ application therefor in such reasonable form as the manager requires, the manager shall issue such a permit if the manager finds that no reasonable alternative exists and that traffic on the street, including sidewalks, will not be unreasonably obstructed considering the frequency, duration and nature of the parking and of the traffic in the area. The manager may place such reasonable restrictions on the permit as in the manager's discretion are deemed appropriate to minimize interference with traffic.

...

**7-6-13. Stopping or Parking Prohibited in Specified Places.**

...

- (b) No vehicle may be parked:

...

- (8) In a manner that obstructs the commencement or ongoing operation of a public construction, maintenance, or repair project, or a street closure, after twenty-four hours' advance notice of the parking prohibition (i) in any location where permitted parking time is limited by any signs, ~~meters, pay stations~~ parking payment apparatus or technology, or pavement markings that apply to that location, or (ii) after seventy-two hours' advance notice of the parking prohibition at any otherwise unregulated location, and the time the parking prohibition is effective has been conspicuously posted and reasonable efforts have been made to maintain notice on the site.
- (c) The provisions of this section are limited or modified by and are expressly subject to any payment apparatus or technology, ~~parking meter, pay station~~ or traffic control device regulating payment, stopping, or parking a vehicle.

**7-6-14. Unauthorized Parking Prohibited.**

...

- (b) For the purposes of this section, there is an implied consent to park in areas set aside for parking on any private or public property except on property used as a single-family residence, but such implied consent is deemed revoked with respect to any person who has parked a vehicle or has allowed a vehicle to remain parked in disregard of or contrary to the direction or intended function of any of the following:
  - (1) A parking attendant, ~~a card or coin-operated gate access control device or technology~~, or any other means calculated to bar or otherwise control entrance onto or use of the property by unauthorized vehicles;
  - (2) Parking ~~meters or pay stations located on payment apparatus or technology~~ limiting access to the property;

...

- (d) This section does not apply to parking on public streets or to parking regulated by Sections 7-6-13, "Stopping or Parking Prohibited in Specified Places," 7-6-15, "Overtime Parking, Signs," 7-6-16, "Overtime Parking, ~~Meters Payment Required~~," 7-6-17, "Time Limit, ~~Meter Parking Payment Required~~," 7-6-18, "Parking in Space Required," 7-6-22, "Parking in Handicapped Space Prohibited," or 7-6-25, "Parking in City Employee Lot Prohibited," B.R.C. 1981, unless located in the Chautauqua leasehold area as defined in Section 4-30-2, "Definitions," B.R.C. 1981.

**7-6-15. Overtime Parking, Signs.**

- (a) When a traffic control sign is in place giving notice thereof, or a parking attendant, ~~a card or coin-operated gate access control device or technology~~, or any other means calculated to bar or otherwise control entrance onto or use of the property by unauthorized vehicles is in place with a sign giving notice thereof, no vehicle shall remain parked for longer than the time designated thereon on any day except Sundays and holidays unless Sunday and holiday restrictions are required by regulation promulgated by the city manager pursuant to Chapter 1-4, "Rulemaking," B.R.C. 1981.
- (b) When a traffic control sign is in place giving notice thereof, or a parking attendant, ~~a card or coin-operated gate access control device or technology~~, or any other means calculated to bar or otherwise control entrance onto or use of the property by unauthorized vehicles is in place with a sign giving notice thereof, within a neighborhood permit parking zone established pursuant to Sections 2-2-15, "Neighborhood Permit Parking Zones," or 2-2-21 "Chautauqua Parking Management Plan," B.R.C. 1981, no vehicle shall remain parked for longer than the time specified unless a valid permit for that zone, has been issued pursuant to Chapter 4-23, "Neighborhood Parking Zone Permits," or 4-30, "Chautauqua Parking Zone Permits" B.R.C. 1981, and such permit is either displayed continuously and properly on the vehicle or, for digital permits, is otherwise valid and in effect. ~~is continuously displayed in the proper position on such vehicle. In addition:~~



- (1) ~~If the notice limits parking within the zone to no more than a specified length of time within the zone during any specified period of time, then no vehicle shall be parked anywhere within the zone in violation of that restriction without a proper permit properly displayed.~~
- (2) ~~If the notice prohibits parking within the zone, then no vehicle shall be parked within the zone without a proper permit properly displayed.~~
- (e) ~~Notwithstanding Subsection (b), the city manager may provide for the enforcement of overtime parking and permits with technology that does not require the display of a permit.~~

**7-6-16. Overtime Parking, Meters Payment Required.**

- (a) ~~No vehicle shall be parked in a space regulated by a parking meter when no unexpired time is displayed on the meter except during those times indicated on the meter when no time need be displayed or when the vehicle is displaying a valid handicapped parking permit in accordance with subsection 2-2-11(f), B.R.C. 1981, and regulations issued thereunder.~~
- (b) No vehicle shall be parked in a space regulated by a pay station parking payment apparatus or technology except during the time purchased from the pay station, except during those times indicated on the pay station when no time need be displayed when the parking payment apparatus or technology indicates no time needs to be displayed, or when the vehicle is displaying a valid handicapped parking permit in accordance with subsection 2-2-11(f), B.R.C. 1981, and regulations issued thereunder. If the pay station parking payment apparatus or technology requires that a receipt be displayed on the vehicle, no vehicle shall be parked in a space regulated by a pay station parking payment apparatus or technology without displaying a receipt showing unexpired time on the dashboard of the vehicle, face up, in a position where it may readily be read from outside the vehicle.

**7-6-17. Time Limit, Meter Parking Payment Required.**

- (a) No vehicle shall remain parked in a space regulated by a parking meter parking payment apparatus or technology for longer than the maximum time that can be purchased ~~on the meter~~ at one time, except during those times indicated on the meter parking payment apparatus or technology when no time need be displayed or when payment is not required.
- (b) ~~No vehicle shall remain parked in a space regulated by a pay station for longer than the maximum time that can be purchased from the station at one time, except during those times indicated on the station for which payment is not required.~~

**7-6-18. Parking in Space Required.**

Every vehicle parked in a ~~metered-paid~~ parking zone, a parking space governed by a ~~pay station parking payment apparatus or technology~~, or in a parking lot of a public authority shall be parked entirely within one individual parking space as indicated by traffic control markings.

**7-6-19. Applicability of Certain Parking Limits.**

The provisions of Sections 7-6-15, "Overtime Parking, Signs," 7-6-16, "Overtime Parking, ~~Meters Payment Required~~," 7-6-17, "Time Limit, ~~Meter Parking Payment Required~~," and 7-6-18, "Parking in Space Required," B.R.C. 1981, apply to parking in lots owned or operated by the City, including those of any general improvement district established pursuant to Chapter 8-4, "General Improvement Districts," B.R.C. 1981, and to ~~metered parking, pay station regulated~~ parking regulated by payment apparatus or technology and free but time-limited parking on streets.

...

**7-6-25. Parking in City Employee Lot Prohibited.**

- (a) No vehicle shall be parked in a city employee parking lot except one ~~bearing a valid parking sticker or parking tag displaying a valid permit or, for digital permits, with a valid permit in effect that has been~~ issued by the city manager and in accordance with the manager's administrative instructions or one owned by the city.
- (b) *City employee parking lot* means any lot designated by sign as city employee parking.

**7-6-26. Hooded Parking ~~Meter~~ Apparatus.**

- (a) No person shall place any hood, sack, or covering or any sign restricting use of any parking ~~meter head-payment apparatus or technology~~ over, upon, or around any parking ~~meter head-payment apparatus or technology~~, remove any parking ~~meter-payment apparatus~~ hood or sign or otherwise indicate or show that the parking regulations of the city are suspended, without first obtaining a permit therefor from the city manager under Section 4-18-8, "Parking ~~Meter Payment Apparatus~~ Hood and Sign Permits," B.R.C. 1981. The penalty for violation of any provision of this subsection is a fine of not less than \$10 nor more than \$100.
- (b) No vehicle shall be parked ~~at~~ in a space regulated by a hooded or signed parking ~~meter payment apparatus or technology~~ except one authorized under a permit issued under Section 4-18-8, "Parking ~~Meter Payment Apparatus~~ Hood and Sign Permits," B.R.C. 1981.

...

**7-6-28. Bicycle Parking.**

(a) No person shall park a bicycle or electric assisted bicycle in such a way as to:

...

(3) Lock the bicycle to a tree, parking ~~meter post~~ payment apparatus or technology, ~~or pay station serving a space designated for handicapped parking~~, or fire hydrant;

...

Section 11. The following sections in Chapter 7-7, "Towing and Impoundment," B.R.C.

1981, are amended to read as follows:

...

**7-7-2. Authority of City to Impound Vehicle.**

(a) A peace officer is authorized to remove or cause to be removed a vehicle from any public or private property when:

...

(3) A vehicle is found unattended and situated in a manner that obstructs the commencement or ongoing operation of a public construction, maintenance, or repair project, or street closure and:

(A) In any location where permitted parking time is limited by any signs, ~~meters, pay stations~~ parking payment apparatus or technology, or pavement markings that apply to that location, twenty-four hours' advance notice of the parking prohibition, the time the parking prohibition is effective has been conspicuously posted and reasonable efforts have been made to maintain notice on the site; or

(B) In any otherwise unregulated location, seventy-two hours' advance notice of the parking prohibition, the time it is effective, and that the vehicle will be towed away at the owner's expense has been conspicuously posted and reasonable efforts have been made to maintain notice on the site;

...

(9) Parking on public property.

...

- (B) A vehicle has been found parked at a ~~metered~~ parking space for which payment is required on a street or a ~~metered~~ parking space for which payment is required in a public parking lot for twenty-four hours or more than the time limited by any signs, ~~meters, pay stations~~ parking payment apparatus or technology, or pavement markings that apply to that location, or for seventy-two or more hours at any otherwise unregulated location without being moved, there is a warning on the parking ~~meter~~ payment apparatus or technology or a sign which indicates that such a vehicle may be towed, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

...

**7-7-3. Abandoned and Inoperable Vehicle.**

- (a) Any vehicle left in one location upon any public property or on any private property, without the consent of the property owner, for twenty-four hours or more than the time limited by any signs, ~~meters, pay stations~~ payment apparatus or technology, or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location, constitutes an abandoned vehicle, which is a public nuisance. Proof that the vehicle's odometer shows movement of no more than two-tenths of a mile during a period of at least twenty-four hours after the time limited by any signs, ~~meters, pay stations~~ parking payment apparatus or technology, or pavement markings that apply to that location, or at least seventy-two hours at any otherwise unregulated location, shall constitute prima facie evidence that the vehicle was left in one location.

...

Section 12. Section 8-5-4, "Permit Application," B.R.C. 1981, is amended to read as

follows:

**8-5-4. Permit Application.**

An applicant for a permit to work in the public right-of-way or public easement under this section shall file a written application on a form provided by the city manager that includes the following:

- (a) The date of application; the name and address of the applicant; the name and address of the developer, contractor, or subcontractor licensed to perform work in the public right-of-way; the exact location of the proposed work; the type of existing public infrastructure, including, without limitation, street pavement, curb and gutter, sidewalks, bicycle facilities, transit facilities, parking ~~meters or kiosks~~ payment apparatus or technology, traffic signs, or pavement markings or utilities impacted by the work; the purpose of the proposed work; the dates for beginning and ending the proposed work; the measurements, quantities, itemization and total cost, including labor and materials, of the

construction improvements and excavations for improvements that are to be owned and operated by the City of Boulder; and type of work proposed.

...

Section 13. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 14. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 1<sup>st</sup> day of August 2024.

---

Aaron Brockett,  
Mayor

Attest:

---

Elesha Johnson,  
City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 15<sup>th</sup> day of August  
2024.

---

Aaron Brockett,  
Mayor

Attest:

---

Elesha Johnson,  
City Clerk

STANDARD (NON-EMERGENCY) REGULATION/RULE

RULE ESTABLISHING NEIGHBORHOOD PERMIT PARKING ZONE REGULATIONS

BRC Sections that are the subject of this Rule: 2-2-15, “Neighborhood Permit Parking Zones,” 2-2-21, “Chautauqua Parking Management Plan,” and Chapter 4-23, “Neighborhood Parking Zone Permits” B.R.C. 1981

1. This Rule is effective on November 1, 2024.
2. This Rule incorporates the guidance, requirements, rules and regulations shown in **Attachment A**.
3. These regulations implement the Neighborhood Permit Parking Zones provisions of Sections 2-2-21 and 2-2-15 and Chapter 4-23, B.R.C. 1981.
4. To the extent only of any conflict, this Rule repeals any conflicting Rules or parts of Rules, including, without limitation, Rule 2-2-15.A.(22).

\*\*\* NOTICE TO THE PUBLIC \*\*\*

**Rule** \_\_\_\_\_

As adopting authority, on \_\_\_\_\_ the Boulder City Manager, filed with the city clerk a Rule proposing to amend the Neighborhood Permit Parking Zone Regulations to update certain administrative references to physical permits, when the permit year should begin for each Neighborhood Parking Program (NPP) zone, and the permit term length for commuter and contractor permits. These proposed amendments aim to enhance flexibility and streamline the administration of parking permits by allowing for digital permits, rolling expiration dates, and the purchase of monthly commuter permits.

Copies of the Rule are available for public review in Central Records at the Penfield Tate II Municipal Building, 1777 Broadway, 2nd floor. You must contact Central Records at [CentralRecords@BoulderColorado.gov](mailto:CentralRecords@BoulderColorado.gov), or 303-441-3043, to make an appointment to review this Rule or to have a copy sent to you.

The public has a right to submit written comments on the proposed rule for 15 days from the date of this publication (\_\_\_\_\_). Please direct written comments to:

Samantha Bromberg  
Community Vitality Department  
1500 Pearl Street, Suite 302  
Boulder, CO 80302  
[brombergs@bouldercolorado.gov](mailto:brombergs@bouldercolorado.gov)

For more information, visit <https://www.access4boulder.com/learn-more>.

If no written comments are received, the Rule will become final when the time for comments has passed.



**STANDARD (NON-EMERGENCY) RULE SIGNATURE PAGE**

RULE ESTABLISHING NEIGHBORHOOD PERMIT PARKING ZONE REGULATIONS

**Originating Department – B.R.C. Section Granting Rulemaking Authority:**

Sections 2-2-15(e), 4-1-12, 4-23-2(f), and 4-23-3, B.R.C. 1981

**City Attorney’s Office – Approval as to form and legality:**

The proposed Rule was approved as to form and legality for adoption on \_\_\_\_\_  
(date).

Signature: \_\_\_\_\_

**City Manager / Adopting Authority – Approval as to substance**

The proposed Rule was approved as to substance prior to publication and three copies were filed with the City Clerk on \_\_\_\_\_ (date).

Adopting Authority Signature: \_\_\_\_\_

**City Clerk Publication:**

The public notice will be published in the Daily Camera on \_\_\_\_\_ (date), starting a 15-day written comment period ending on \_\_\_\_\_.

\_\_\_No comments were received. The proposed Rule is in effect as of November 1, 2024.

City Clerk Signature: \_\_\_\_\_

**City Manager / Adopting Authority - Comment Review/Effective Date:**

\_\_\_ Written comments were received for this Rule, and no change has been made. The Rule is in effect as of \_\_\_\_\_.

\_\_\_ Written comments were received for this Rule. The Rule was amended and returned to the City Attorney’s Office for review on \_\_\_\_\_. The Rule is effective on \_\_\_\_\_ following approval of the City Attorney.

City Attorney approval                      Date: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_ Written comments were received for this Rule. The Rule has been amended and will be republished.

Adopting Authority Signature: \_\_\_\_\_

## ATTACHMENT A

### NEIGHBORHOOD PERMIT PARKING ZONES REGULATIONS

These regulations implement the Neighborhood Permit Parking Zones provisions of Section 2-2-15, Section 2-2-21, and Chapter 4-23, B.R.C. 1981.

#### I. General Guidelines

- (a) The Neighborhood Permit Parking (NPP) Program restrictions are primarily intended to address issues of resident access and use of street parking in residential areas. Parking restrictions are not considered an effective or primary means of addressing other types of neighborhood issues.
- (b) Permit parking restrictions should not be applied if cheaper, simpler solutions are found.
- (c) Permit parking restrictions will only be implemented if the residents affected support the proposed zone.
- (d) The baseline restrictions on parking without a permit in an NPP zone will be no more than two hours without moving the vehicle from 9:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. Departures from this baseline may include:
  - (1) Nighttime restrictions which limit all parking to permit holders only during evening hours.
  - (2) Saturday restrictions which extend the basic parking restrictions for the zone to Saturdays.
  - (3) Sunday restrictions which extend the basic parking restrictions for the zone to Sundays.
  - (4) Extending nighttime restrictions beyond 5:00 p.m.
  - (5) Holiday restrictions when indicated in the particular NPP zone.
  - (6) “Color Code” restrictions. This restriction prohibits a vehicle without a permit from being parked within such a zone at more than one place and for more than one allowed period of time. For instance, if a zone allowed two hours of parking, a vehicle which had been parked for two hours or any fraction of two hours could not be parked again anywhere within that zone during the times that restrictions are in effect on that day. This option might be used if people were using the zone for long term parking by moving the vehicle every two hours.
  - (7) The beginning and ending time for this restriction may be varied.

- (8) Paid parking may be implemented in an NPP, which would require payment for parking during the enforced hours for all except NPP permit holders of the particular NPP zone.
- (9) Paid parking may be implemented in addition to “color code” restrictions in the case of severe residential access issues. This restriction would require payment for parking up to the allowed period of time and would prohibit a vehicle without a permit from being parked within such a zone at more than one place and for more than the allowed period of time.
- (10) Seasonal restrictions when indicated in the particular NPP zone.
- (11) The length of time a vehicle without a permit may be parked within a zone may be decreased or increased from two hours.

## **II. Criteria for Assessing Proposed Zone**

- (a) Priority Based Neighborhood Access Management Strategy, also known as Residential Access Management Program (RAMP): The city manager, through the Director of Community Vitality and the Director of Transportation & Mobility will conduct an annual study of the entire city by zone or neighborhood based on Key Metrics such as parking occupancy, trip generation, and access to other modes of transportation to determine if a neighborhood permit parking zone should be established, altered, or deleted in a neighborhood and what it’s boundaries should be. Key Metrics will be evaluated, to assess the need for a zone, the type of restrictions that should be applied, the number of commuter permits to be sold, if any, the zone boundaries, and other details of zone design including, but not limited, to altering or deleting a zone, and a customized management approach will be implemented based on the individual characteristics of the neighborhood and spillover generator.

The city manager may accept eligible applications year-round and evaluate them on an annual basis subsequent to completion of the study. Threshold eligibility for applications is determined by whether the location falls within an approved location based on the Priority Based Neighborhood Access Management analysis and signed by 25 adult residents of a neighborhood proposing a neighborhood permit parking zone. The study will be conducted annually throughout the calendar year, and petitions will be accepted during the fourth quarter of the calendar year for consideration of implementation the following year.

- (b) The following general factors may be considered by the city manager in the analysis of whether to pursue creation, alteration, and removal of a zone.
  - (1) The city manager may consider the cost and availability of alternative parking (within the immediate vicinity of the proposed zone,) and the availability, proximity, and convenience of transit service.

- (2) The city manager may consider the extent to which a zone may impact adjacent neighborhoods and areas and may recommend implementation of additional measures to mitigate these spillover parking or displaced parker impacts.
  - (3) A petition signed by no less than 25 adult residents from no less than five households has been received and the addresses of those adult residents verified. To verify the addresses of the residents, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted to verify addresses.
- (c) In addition to the factors specified above and in subsection 2-2-15(b), B.R.C. 1981, the following are considerations to be used in determining whether to designate an area as a neighborhood permit parking zone and what its boundaries shall be, or alter an existing neighborhood permit parking zone:
- (1) At least one block face with some residential street frontage should meet these criteria:
    - (A) For the purposes of the City of Boulder Neighborhood Permit Parking program, a block-face shall be defined in one of the following three manners, governed by the location of addresses relevant to the boundaries of each parking zone:
      - (i) 100 block includes all lots on a full or partial block in which all addresses orient to the same street and share a numeric sequence.
      - (ii) corner to corner includes those lots oriented to the same street and sharing a numeric sequence when either or both of the corner lots orient to a crossing street. For example, if 15<sup>th</sup> street is an NPP block, and there is a corner lot which faces both 15<sup>th</sup> street and Baseline Road, and Baseline Road is not an NPP block, that corner property would be eligible to be part of the NPP program even if their address was listed on Baseline Road.
      - (iii) One side of a street between two adjacent perpendicular roadways, or a dead-end street or cul-de-sac broken up based on the city addressing system and numerical progression of the lots as if they were on traditional blocks.
    - (B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 85% occupancy during at least eight sampled times between 9:00 a.m. and 5:00 p.m. of a weekday selected by the traffic engineer. Departures from the baseline include:
      - (i) Weekend days when occupancy regularly exceeds 85% based on the determined data sampling schedule.

- (ii) Nighttime beyond 7:00 p.m. when occupancy regularly exceeds 85% based on the determined data sampling schedule.
  - (iii) Seasonal trends where in select seasons occupancy regularly exceeds 85% based on the determined sampling schedule.
  - (C) At least 25% of on-street parked vehicles during a period selected by the traffic engineer for study are determined to belong to registered owners who reside outside of the study area.
- (2) If determining which other block faces may be included in the zone, staff may consider if the following criteria are met:
- (A) They are directly contiguous to the area at (1) above or are indirectly contiguous through each other, and
  - (B) The number of legal on-street parking spaces occupied by parked vehicles on each block face exceeds a 60% occupancy during at least three hours between 9:00 a.m. and 5:00 p.m. on a weekday selected by the traffic engineer, and
  - (C) The requirements of (1)(C) above are met, or
  - (D) If, in the opinion of the traffic engineer, posted legal restrictions on parking, including without limitation prohibitions on parking, on any block face render these survey methods invalid as indicators of the extent of the parking problems faced by residents or businesses located on such a block face, the traffic engineer may deem such block face to have met these criteria if the block face immediately across the street meets the criteria.
- (3) The zone as a whole is:
- (A) Primarily zoned RH, RM, RL, or MU or a combination thereof, and block faces or areas to be included which are not so zoned are predominantly residential in nature.
  - (B) Not located across a geographic barrier of a type which would serve to limit pedestrian movement, including, but not limited to, four lane arterial streets, major arterial streets which server as a pedestrian barrier, major drainage ways, and major ridges.
- (d) Criteria for adding block faces to an existing zone:
- (1) Each block face should be contiguous to the existing zone directly or through other added block faces.
  - (2) Each added block face should meet the criteria of (c)(2) above.

- (3) Addition of the block face will not violate the criteria of (c)(3).
- (4) The procedure for adding block faces to an existing zone shall be the same as the procedure for creating a zone but the request need contain at a minimum 25 signatures from no less than five individual households per block face or 100% resident consent, whichever is the lesser amount. To verify the addresses of the residents, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone if the document so indicates. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted to verify addresses.
- (e) If it appears from public testimony at the Transportation Advisory Board meeting or council meeting where the zone is under consideration, that there is no consensus on neighborhood support for a proposed zone, the city manager may require further evaluation aimed at determining whether resident support for the proposed zone exists.
- (f) Removal of zone. The city manager shall monitor the program on a regular basis and annually provide City Council with a report on the Residential Access Management Program. If any established Neighborhood Permit Parking Zone in the program does not meet the approved Key Metrics for three consecutive years, it may be identified by staff for termination. If a block face has been removed, it may not be reintegrated in a zone for two years. The city manager is not required to remove any part of a zone if it is not in the public interest to do so. The city manager may remove any part of a zone by following the zone creation process without the requirement of a petition.

### **III. Criteria for Applying Parking Restrictions within Zones**

- (a) NPP restrictions will be applied area by area and tailored to the particular needs and attributes of each zone.
- (b) A color-code restriction may be applied in residential areas if the city manager believes that a traditional time limit will not effectively limit long term parking in that area.
- (c) The following guidelines apply to use of nighttime, holiday, Saturday, and Sunday parking restrictions:
  - (1) The city manager may exempt certain short term or once a year civic events from nighttime/Saturday or Sunday restrictions, including but not limited to events such as the December Lights Parade, Fall Festival, and the Boulder Creek Festival.
  - (2) Weekend or seasonal restrictions may be enacted in residential areas abutting or adjacent to certain public and community uses, including but not limited to public parks, and other large site parks and Open Space lands (including trail access points) with considerations for public access accounted for in a corresponding Transportation Demand Management ("TDM") plan. These restrictions may be

seasonal in nature, based on access needs. Nighttime restrictions may be imposed in residential areas as determined based on access needs.

Pursuant to Section 2-2-21, B.R.C. 1981, a Chautauqua Parking Management Plan shall control the Chautauqua leasehold area and adjacent areas.

- (3) TDM Plan - Staff should undertake a full assessment of potential impacts on affected nonresident users, including but not limited to an assessment of the availability of alternative parking and the availability of transit and other multimodal service (proximity, hours and frequency of operation) before the decision to implement nighttime or weekend restrictions. The restrictions should be reconsidered in circumstances where such impacts cannot be remedied by any reasonable means or at a reasonable cost.
- (4) Nighttime and weekend restrictions proposed for block faces where daytime commuter permits are also available will specifically exempt commuter permits from the posted restriction.
- (5) Residential areas abutting or adjacent to public and community uses will be studied by a cross-departmental team with representatives from Transportation & Mobility, Community Vitality, and the corresponding city department (for example, Open Space & Mountain Parks department) to recommend appropriate TDM strategies in concert with any parking restrictions. Recommended strategies will be presented to the Transportation Advisory Board for feedback, along with the corresponding board or commission associated with the relevant department (for example, Open Space Board of Trustees).

#### **IV. Permits**

- (a) Applications for neighborhood parking permits shall be made through the City of Boulder parking services website.
- (b) Residential Permit.
  - (1) Unless there is evidence to the contrary, the city manager will accept a lease, a vehicle registration, or a voter registration naming the applicant as proof of residence within the zone if the document so indicates. Subject to the city manager's discretion, other documents of equivalent reliability may be accepted. If the vehicle registration is not under the applicant's name, a notarized statement from the registered owner of the vehicle stating that the applicant is using the vehicle with the permission of the registered owner, together with a copy of proof of ownership in the person claiming to be the registered owner, as proof that the vehicle is lawfully in the custody and control of the applicant. The city manager may accept other documents of equivalent reliability. If voter registration is provided, then the vehicle registration address must match the address from the voter registration.
  - (2) Permits are valid for one calendar year from the purchase date. Residential permits may be renewed once without providing the required documentation for a new permit so long as payment has been received, the applicant has not moved, and the

vehicle continues to be registered in good standing with the Colorado Department of Motor Vehicles.

- (3) A residential permit can be transferred only in the case of a new vehicle purchase, temporary use of a rental car, or when the same vehicle has a new license plate. These transfers must be updated by the permittee and approved by the City.
  - (4) The permittee shall relinquish the permit by providing written notification to the city manager, or returning the physical permit if applicable, if the vehicle is sold, leased or no longer in the custody of the permittee.
  - (5) Qualified low-income residents can apply for a discounted rate of 50% off the residential parking permit cost. Unless there is evidence to the contrary, the city manager will accept as proof of low-income eligibility, a County of Boulder explanation of benefits letter detailing enrollment within the most recent calendar year in one the following income- based programs: the Child Care Assistance Program (CCAP), Health First Colorado, and the Supplemental Nutrition Assistance Program (SNAP); or proof of enrollment within the most recent calendar year in a City of Boulder income-based program such as the Child Care Subsidy (CCS) program, Family Resource Schools (FRS), or the Food Tax Rebate program.
- (c) Nonresidential Permits.
- (1) Commuter Permits. Commuter permits, if available within an NPP zone, are issued on a first come first served basis. Renewals of commuter permits occur monthly. If a permit is not renewed one week after its expiration, it will be released for purchase by another applicant. This process will be followed unless some other fair and equitable method of allocation is specified for a specific zone as part of the zone creation process. No individual shall have more than one commuter permit anywhere in the city at any one time. No one who resides within a zone may receive a commuter permit within that zone.
  - (2) Business Employee Neighborhood Parking Permit. Unless there is evidence to the contrary, the city manager will accept a current lease or Boulder County Ownership tax report as proof of address within the zone. Additionally, the city manager requires a current City of Boulder Sales Tax License, the most recent Colorado Unemployment Report, and the vehicle registration of those vehicles to be included on the business permit. Permits are valid for one calendar year from the purchase date.
  - (3) Mobile Vendor Permit. Unless there is evidence to the contrary, the city manager will accept a current lease or Boulder County Ownership Tax report. The city manager requires the City of Boulder Sales Tax license, the most recent Colorado Unemployment Report, and the vehicle registration. Permits are valid for one calendar year from the purchase date.
  - (4) Contractor Permits. Upon the purchase of a temporary permit by a contractor, such permit(s) shall be valid for one month. Unless there is evidence to the contrary, the manager will accept a copy of the Building Permit, Right of Way Permit (ROW), or Contract on business letterhead signed by all parties if there is no requirement for a Building or ROW Permit. In determining whether to issue additional contractor permits the city manager shall consider the purposes of the permit system



in determining whether or not granting the permit will be detrimental to the goals of the permit system.

- (d) Applicants with vehicles that have parking ticket(s) older than 14 days from the violation date set forth on the ticket must pay the violation fees prior to being issued any parking permit.

#### **V. Display of Permit**

- (a) Any permit issued by the city manager must be displayed or, for digital permits, valid and in effect per guidelines addressed in the permit application.
- (b) Enforcement staff may utilize License Plate Recognition technology to verify vehicles permitted or payment status.

#### **VI. Additional Guest Permits**

- (a) Upon special application the city manager may issue two two-week guest permits to residents of a zone. The applicant shall affirm that the house guest is temporarily residing in the applicant's home as a guest and is not paying rent.
- (b) Additional guest permits, beyond the two included permits, may be purchased for use by guests at social gatherings at the applicant's home. Such gatherings must be entirely unrelated to a home occupation and must be of the sort normally associated with residential use. Permits will not be issued for more than 12 such gatherings in any permit year. Additional guest permits will have an associated cost and be subject to additional restrictions. In determining whether to issue an additional house guest permit the city manager shall consider the purposes of the permit system in determining whether or not granting the permit will be detrimental to the goals of the permit system.
- (c) Two annual visitor's permits can be purchased by a resident of a zone to be used on a temporary and transferable basis to accommodate visitors, including without limit, health care workers, repair persons, and babysitters, who need access to the residence of the resident. Use of this pass is limited to those visitors whose stay will last longer than the time limit posted within the permit zone for parking by the general public but shall not exceed 24 consecutive hours. Use of the pass is valid only while the visitor is on the residential premises. No more than two such permits will be issued per residence per year. It is the responsibility of the resident to ensure that this pass never leaves the zone, and that it is returned to the resident or otherwise relinquished at the end of each day of use. Use of the pass also falls under the same restrictions as those prescribed by Section 4-23-2, B.R.C. 1981, and in these regulations.

#### **VII. Basis for Allocating Commuter Permits**

Commuter permits, if available within an NPP zone, are issued on a first come first served basis. Renewals of commuter permits occur on a quarterly basis. If a permit is not renewed one week after the expiration it will be released for purchase. This process will be followed unless some other fair and equitable method of allocation is specified for a specific zone as part of the zone

at any one time. No one who resides within a zone may receive a commuter permit within that zone.

### **VIII. Program Monitoring**

Pursuant to the provisions of Subsection 2-2-15(f), B.R.C., 1981, the city manager will annually provide City Council with information in the following areas:

- (a) The status of the Residential Access Management Program in general, including:
  - (1) A report or online dashboard which indicates the status of the current Neighborhood Permit Parking Zones and whether they meet key performance indicators.
  - (2) A report on newly identified areas of study and whether any neighborhoods met the key performance indicators for implementation of an NPP or inclusion in a TDM study, and if any community requests were received.
  - (3) A report on program revenue and expenditures, including how many and where commuter permits have been sold in each zone.
  - (4) An examination of the relationship between the NPP program and parking supply and demand in adjacent areas of the city, including the cost and availability of adjacent alternative parking.
  - (5) The status of other replacement strategies (parking and alternative modes), including:
    - (A) Estimated increases in alternative modes use.
    - (B) The advent (provision) of any new transit service (public or private) or alt modes facilities.
    - (C) Use of remote lot parking.
    - (D) The status of new parking structures.
  - (6) A report on the enforcement of NPP zones.
- (b) The status of specific NPP zones, including:
  - (1) A report on any significant spill-over parking into peripheral or other areas.
  - (2) A report on zone restrictions and how well they work to address the identified parking concerns, including any recommended adjustments.
  - (3) A report on how many, if any, zone block faces experience parking occupancy patterns that trigger the requirement to lower the number of commuter permits sold on that block face as specified in subsection 4-23-2(j), B.R.C., 1981.
- (c) The city manager may utilize License Plate Recognition technology to collect data used to monitor the program. If the city manager hires a consultant, a data retention agreement will be required. Data will be analyzed and returned to the city in a report on a form,

and no identifying information (the license plates) will be maintained by the consultant. Once the city receives the report and provides final approval, the consultant will be required to purge the raw reads.

- (d) Data retention – The city manager shall not release or permit the inspection or copying of images that are evidence required to prove a violation taken by license plate recognition technology, camera radar or red-light camera for other than law enforcement purposes, unless directed to do so by subpoena from a court of competent jurisdiction, or as part of litigation or threatened litigation involving the city. But such images shall be available to the owner of any vehicle and to the driver of any vehicle depicted in any such image. Images taken by license plate recognition technology that are determined to not be evidence required to prove a parking violation shall not be released or be permitted to be inspected or copied and shall be purged on a regular schedule adopted by the city manager.

DRAFT



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **AGENDA ITEM**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8639 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 130 of the Boulder Home Rule Charter to authorize City Council to set by ordinance the terms and criteria of board and commission members and amend the language regarding removal of board and commission members; specifying the form of the ballot and other election procedures; and setting forth related details

### **PRIMARY STAFF CONTACT**

Elesha Johnson, City Clerk

Erin Poe, Deputy City Attorney

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to introduce and order published by title only Ordinance 8639 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 130 of the Boulder Home Rule Charter to authorize City Council to set by ordinance the terms and criteria of board and commission members and amend the language regarding removal of board and commission members; specifying the form of the ballot and other election procedures; and setting forth related details

### **ATTACHMENTS:**

#### **Description**

- ▣ **Item 3C - 1st Rdg Ord 8639 Boards and Commissions**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8639 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 130 of the Boulder Home Rule Charter to authorize City Council to set by ordinance the terms and criteria of board and commission members and amend the language regarding removal of board and commission members; specifying the form of the ballot and other election procedures; and setting forth related details

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Erin Poe, Deputy City Attorney  
Elesha Johnson, City Clerk

**EXECUTIVE SUMMARY**

At the regular council meeting on June 20, 2024, the City Council requested that a ballot item be prepared amending Charter Sec.130 authorizing City Council to set the terms and eligibility of board and commission members and amend the language regarding removal of board and commission members. As directed, staff drafted Proposed Ordinance 8639 as shown in **Attachment A**.

In summary, the draft changes will amend Charter Sec. 130 to authorize City Council to set the terms and eligibility of board and commission members for those boards and commissions without unique controlling Charter sections and amend the language

regarding removal of board and commission members except where limited by other Charter sections for specific boards and commissions.

## STAFF RECOMMENDATION

### Suggested Motion Language:

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

Motion to introduce and order published by title only Ordinance 8639 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 130 of the Boulder Home Rule Charter to authorize City Council to set by ordinance the terms and criteria of board and commission members and amend the language regarding removal of board and commission members; specifying the form of the ballot and other election procedures; and setting forth related details

## ANALYSIS

Charter amendments are governed by state law. A home rule charter amendment may be initiated by the adoption of an ordinance by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. C.R.S. § 31-2-210.

Many aspects of boards and commissions, including term lengths, residency requirements, membership criteria, compensation, and meeting frequency, are set in city Charter Sec. 130. Due to the limitations of addressing these barriers to participation without amending the Charter, staff and the Council Subcommittee on Boards and Commissions brought forward a recommendation to pursue an option that would provide council more flexibility in developing a new board and commission program.

The proposed changes to Charter Sec. 130 allow for greater flexibility in the compositions and operations of Sec. 130, “General provisions concerning advisory commissions.” On its own, the drafted Charter changes shown in **Attachment A** would not change any board or commission. In order to implement change, the council would also need to adopt an ordinance with the changes desired for a specific board or commission. Currently, Sec. 130 sets forth the terms and eligibility for most boards and commissions as follows:

- five or seven members,
- terms of five years,
- members not all of one gender identity,
- members who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions,

- at least eighteen years old,
- resided in the city of Boulder for at least one year immediately prior to their appointment, and
- shall hold monthly meetings.

The proposed language shown in **Attachment A** keeps the current requirements found in Sec. 130 as a default for current Sec. 130 boards and commissions and to new boards and commissions unless council makes changes by ordinance.

If Sec. 130 is amended to allow for greater flexibility the council could impact most boards and commissions by amending enabling ordinances. The structure would be similar to how BOZA is established in Charter Sec. 84A. That section states, “The membership, terms of office, method of appointment and all other matters relating to the board of zoning adjustment shall be as the city council shall by ordinance provide.” This is the system that Fort Collins uses, which is the basis for the city’s proposed changes.

However, there are some boards and commissions that have terms and member levels set by different Charter sections and those separate Charter sections would not change unless ballot items were brought forward separately.

- Arts Commission (Sec. 135 & Sec. 136)
- Parks and Recreation Advisory Board (Sec. 157 & Sec. 158)
- Open Space Board of Trustees (Sec. 173 & Sec. 172),
- Planning Board (Sec. 74 & Sec. 75)

The proposed amended removal language is more consistent with the removal language in Section 2-3-1, “General Provisions,” B.R.C. 1981, which states that council “May remove any member by majority vote for conflict of interest violation, any other violation of applicable law, regulation, or policy, nonattendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by a majority of the board or commission, or any other cause; and...”

If passed, Ordinance 8639 will take effect January 1, 2025.

## **NEXT STEPS**

The proposed schedule is as follows:

First reading is scheduled for August 1, 2024.

Second reading and public hearing is scheduled for August 15, 2024.

## **ATTACHMENT**

A – Proposed Ordinance 8639

ORDINANCE 8639

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, THE QUESTION OF WHETHER TO AMEND SEC. 130 OF THE BOULDER HOME RULE CHARTER TO AUTHORIZE CITY COUNCIL TO SET BY ORDINANCE THE TERMS AND CRITERIA OF BOARD AND COMMISSION MEMBERS AND AMEND THE LANGUAGE REGARDING REMOVAL OF BOARD AND COMMISSION MEMBERS; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

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

Section 1. A special municipal coordinated election is called to be held on Tuesday, November 5, 2024.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to determine whether to amend Sec. 130 authorizing City Council to set the terms and criteria of board and commission members and amend the language regarding removal of board and commission members. The material to be removed is shown stricken through with a solid line and the material to be added is shown as underlined.

**Sec. 130. - General provisions concerning advisory commissions.**

~~The council by ordinance may create and provide for such advisory commissions as it may deem advisable.~~

(a) Effective January 1, 2025, the council may, by ordinance, establish appointive boards and commissions. The ordinance establishing such boards and commissions shall:



- 1       (1) prescribe the powers, duties, and operating procedures of the board and commission;  
 2       (2) establish the terms of office of the board or commission members, including initial  
 3       overlapping terms, if needed;  
 4       (3) establish the eligibility criteria of board and commission members; and  
 5       (4) state whether the board or commission shall have alternate members authorized to  
 6       vote when serving in the absence of regular members.
- 7       **(b) In the absence of an ordinance specifying the terms set forth in subsection (a) above, each**  
 8       **board and commission**~~Except as otherwise specified in this charter, each of the existing~~  
 9       ~~advisory commissions; shall be composed of five city residents. For any advisory~~  
 10       ~~commissions appointed after January 1, 2019, the council shall specify in the ordinance~~  
 11       ~~forming the advisory commission whether the commission shall have five or seven~~  
 12       ~~members, for any advisory commission created by ordinance adopted in March 2018, the~~  
 13       ~~council may, by subsequent ordinance, specify that the commission shall have seven~~  
 14       ~~members. All members of a commission shall be appointed by the council, not all of one~~  
 15       ~~gender identity, who are well known for their ability, probity, public spirit, and particular~~  
 16       ~~fitness to serve on such respective commissions and who are at least eighteen years old and~~  
 17       ~~who have resided in the city of Boulder for at least one year immediately prior to their~~  
 18       ~~appointment to serve on the commission. All commissions shall hold regular monthly~~  
 19       ~~meetings. When first constituted, the council shall designate the terms for which each~~  
 20       ~~member is appointed so that the term of one commissioner shall expire on December 31 of~~  
 21       ~~each year; and thereafter the council shall by March of each year appoint one member to~~  
 22       ~~serve for a term of five years. The council shall have the power to remove any~~  
 23       ~~commissioner for non-attendance to duties or for cause. All vacancies shall be filled by the~~  
 24       ~~council. When first appointed and annually thereafter following the council's appointment of~~  
 25       ~~the commissioner, each commission shall organize by appointing a chair, a vice chair, and a~~  
 26       ~~secretary; all commissioners shall serve without compensation, but the secretary of any~~  
 27       ~~commission, if not a member, may receive a salary to be fixed by the council; any~~  
 28       ~~commission shall have power to make rules for the conduct of its business.~~
- 29       **(c) All board or commission members shall serve until their successors are appointed.**
- 30       **(d) The council may remove members for nonattendance to duties, conduct unbecoming a**  
 31       ~~member, and any other reason not prohibited by law. Any vacancy during the unexpired~~  
 32       ~~term of any member shall be filled by the council for the remainder of the term. Each board~~  
 33       ~~and commission shall choose its own officers from among its members. The council may~~  
 34       ~~change any or all of the powers, duties, and procedures of any board or commission not set~~  
 35       ~~by this Charter and may abolish any board or commission which is not required by this~~  
 36       ~~Charter or law.~~

37       ~~Special meetings may be called at any time upon due notice by a majority of the members.~~  
 38       ~~A majority of the members shall constitute a quorum, and the affirmative vote of at least a~~  
 39       ~~majority of the members shall be necessary to authorize any action by the commission.~~

40       ~~All commissions shall keep accounts and records of their respective transactions, and at the~~  
 41       ~~end of each quarter or more often, if requested by the council, and at the end of each fiscal year~~

1 shall furnish to the council a detailed report of receipts and expenditures and a statement of other  
2 business transacted.

3 ~~The chair of a commission shall preside at the meetings thereof and sign, execute,  
4 acknowledge, and deliver for the commission all contracts and writings of every kind required or  
5 authorized to be signed or delivered by the commission. The signature of the chair shall be  
6 attested by the secretary.~~

7 ~~The commissions shall have the right to the floor of the council to speak on plans and  
8 expenditures proposed or to appeal for a decision in a failure to agree with another commission  
9 or the manager.~~

10 ~~Wherever there shall be suitable accommodations in the city building, the offices of the  
11 commissions shall be maintained there.~~

12 Section 3. The official ballot shall contain the following ballot title, which shall also  
13 be the designation and submission clause for the measure:

14 **Ballot Question No. \_\_\_\_**

15 Shall Sec. 130 of the Boulder Home Rule Charter be amended to  
16 authorize City Council to set the terms and criteria of board and  
17 commission members and amend the language regarding removal of  
18 board and commission members as more specifically provided in  
19 Ordinance 8639?

20 For the Measure \_\_\_\_ Against the Measure \_\_\_\_

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 1st day of August 2024.

4 \_\_\_\_\_  
Aaron Brockett,  
5 Mayor

6 Attest:

7  
8  
9 \_\_\_\_\_  
City Clerk

10  
11 READ ON SECOND READING, PASSED AND ADOPTED, this 15th day of August  
12 2024.

14 \_\_\_\_\_  
Aaron Brockett,  
15 Mayor

16 Attest:

17  
18  
19 \_\_\_\_\_  
20 City Clerk



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **AGENDA ITEM**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8640 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the amount of mayor and council member compensation; specifying the form of the ballot and other election procedures; and setting forth related details

### **PRIMARY STAFF CONTACT**

Elesha Johnson, City Clerk

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to introduce and order published by title only Ordinance 8640 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the amount of mayor and council member compensation; specifying the form of the ballot and other election procedures; and setting forth related details

### **ATTACHMENTS:**

#### **Description**

- ▣ **Item 3D - 1st Rdg Ord 8640 Council Compensation**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8640 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the amount of mayor and council member compensation; specifying the form of the ballot and other election procedures; and setting forth related details

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Erin Poe, Deputy City Attorney  
Elesha Johnson, City Clerk

**EXECUTIVE SUMMARY**

At the regular council meeting on June 20, 2024, the City Council requested that a ballot item be prepared to amend Charter Sec. 7 for the purpose of increasing council compensation based on an Area Median Income (AMI) approach. As directed, staff drafted Proposed Ordinance 8640 as shown in **Attachment A**.

In summary, the draft changes will amend Charter Sec. 7 to increase council compensation from a stipend per meeting to an amount based on AMI to reflect the increased quantity and complexity of council work.

## STAFF RECOMMENDATION

### Suggested Motion Language:

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

Motion to introduce and order published by title only Ordinance 8640 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the amount of mayor and council member compensation; specifying the form of the ballot and other election procedures; and setting forth related details

## ANALYSIS

Charter amendments are governed by state law. A home rule charter amendment may be initiated by the adoption of an ordinance by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. C.R.S. § 31-2-210.

City Council members receive \$244.14 per meeting for 52 meetings per calendar year (\$12,695.28 for 2024). This is calculated from the \$100 per meeting stipend set by Charter Sec. 7 which provides an annual escalation in a percentage equivalent to any increase over the past year in the Consumer Price Index (All Items) for the statistical area, which includes the city, maintained by the United States Department of Labor, Bureau of Labor Statistics. The proposed amendment shown in **Attachment A** would base council compensation on the AMI for the area including Boulder. Under the proposed amendment, the mayor receives 50% of the AMI, the mayor pro tem and other council members 40%. For the city of Boulder, in 2024, this equates to \$51,100 for the mayor and \$40,880 for other council members. If passed, Ordinance 8640 will take effect on the swearing in date of new council members in December 2026.

The language in **Attachment A** includes a provision to calculate the AMI annually instead of the current practice of adjusting annually based on the increase of the Consumer Price Index.

## NEXT STEPS

The proposed schedule is as follows:

First reading is scheduled for August 1, 2024.

Second reading and public hearing is scheduled for August 15, 2024.

**ATTACHMENT**

A – Proposed Ordinance 8640

ORDINANCE 8640

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, THE QUESTION OF WHETHER TO REPEAL AND REPLACE SEC. 7 OF THE BOULDER HOME RULE CHARTER TO INCREASE THE AMOUNT OF MAYOR AND COUNCIL MEMBER COMPENSATION; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS

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

Section 1. A special municipal coordinated election is called to be held on Tuesday, November 5, 2024.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to determine whether to repeal and replace Sec. 7 of the Boulder Home Rule Charter to increase the compensation of the mayor and council members as set forth below. The material to be removed is shown stricken through with a solid line and the material to be added is shown as underlined.

**Sec. 7. - Compensation.**

~~Council members and the mayor shall receive as compensation \$100.00 per meeting for fifty two meetings per calendar year, plus an annual escalation each January 1 in a percentage equivalent to any increase over the past year in the Consumer Price Index (All Items) for the statistical area which includes the city maintained by the United States Department of Labor, Bureau of Labor Statistics; this amendment shall become effective January 1, 1990. Council members serving on January 1, 2022 and thereafter, and the mayor elected in November 2023 and thereafter, may elect to receive benefits under the same terms and conditions that are available to full time city employees including without limitation participation in city health, vision, dental, and life insurance plans. This compensation shall be averaged over the calendar~~



1 ~~year and paid on the same schedule as city employees, or such other schedule as determined by~~  
2 ~~the City Manager.~~

3 For the purpose of this section, Area Median Income means the Area Median Income  
4 reported annually for a single person household by the United States Department of Housing and  
5 Urban Development, or by any successor United States Government department, agency, or  
6 instrumentality, for the metropolitan statistical area which includes the city of Boulder,  
7 Colorado.

8 (a) Commencing upon the swearing in date of council members in December 2026,  
9 compensation for members of the city shall be as follows:

10 (1) For the mayor: fifty percent of Area Median Income.

11 (2) For all other council members: forty percent of Area Median Income.

12 (b) Council compensation shall be adjusted annually beginning January 1, 2028, based on the  
13 Area Median Income calculation for the previous year and averaged over the calendar  
14 year. Compensation shall be paid on the same schedule as city employees, or such other  
15 schedule as determined by the city manager.

16 (c) Although members of the City Council are generally not considered city employees,  
17 council members may elect to receive benefits under the same terms and conditions that  
18 are available to full-time city employees including without limitation participation in city  
19 health, vision, dental, and life insurance plans.

20 Section 3. The official ballot shall contain the following ballot title, which shall also  
21 be the designation and submission clause for the measure:

22 **Ballot Question No. \_\_\_\_**

23 Shall Sec. 7 of the Boulder Home Rule Charter be repealed and  
24 replaced to increase council pay to 50% of the Area Median Income  
25 for mayor and 40% of the Area Median Income for other council  
members, and implement the transition as more specifically  
provided in Ordinance 8640?

For the Measure \_\_\_\_

Against the Measure \_\_\_\_

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

28 Section 5. The City Council deems it appropriate that this Ordinance be published by  
29 title only and orders that copies of this ordinance be made available in the office of the city clerk

1 for public inspection and acquisition.

2  
3 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
4 TITLE ONLY this 1st day of August 2024.

5  
6 \_\_\_\_\_  
7 Aaron Brockett,  
8 Mayor

9 Attest:

10 \_\_\_\_\_  
11 City Clerk

12  
13 READ ON SECOND READING, PASSED AND ADOPTED, this 15th day of August  
14 2024.

15  
16 \_\_\_\_\_  
17 Aaron Brockett,  
18 Mayor

19 Attest:

20  
21 \_\_\_\_\_  
22 City Clerk



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **AGENDA ITEM**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8641 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as provided by state law; specifying the form of the ballot and other election procedures; and setting forth related details

### **PRIMARY STAFF CONTACT**

Elesha Johnson, City Clerk

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to introduce and order published by title only Ordinance 8641 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as provided by state law; specifying the form of the ballot and other election procedures; and setting forth related details

### **ATTACHMENTS:**

#### **Description**

- ▣ **Item 3E - 1st Rdg Ord 8641 Executive Sessions**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8641 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as provided by state law; specifying the form of the ballot and other election procedures; and setting forth related details

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Erin Poe, Deputy City Attorney  
Elesha Johnson, City Clerk

**EXECUTIVE SUMMARY**

At the regular council meeting on June 20, 2024, the City Council requested that a ballot item be prepared amending Charter Sec. 9 and adding A NEW Charter Sec. 21A. to authorize executive sessions for City Council. As directed, staff drafted Proposed Ordinance 8641 as shown in **Attachment A**.

In summary, the proposed changes will amend Charter Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter authorizing City Council to hold executive sessions.

## STAFF RECOMMENDATION

### **Suggested Motion Language:**

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

Motion to introduce and order published by title only Ordinance 8641 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether to amend Sec. 9 and adopt A NEW Sec. 21A. of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as provided by state law; specifying the form of the ballot and other election procedures; and setting forth related details

## ANALYSIS

Charter amendments are governed by state law. A home rule charter amendment may be initiated by the adoption of an ordinance by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. C.R.S. § 31-2-210.

Executive sessions are allowed pursuant to C.R.S. § 24-6-402(4) so that local public bodies may have non-public discussions of designated subjects.

In summary, the allowed situations for an executive session under state law are:

- A. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.
- B. Conferences with an attorney for the purposes of receiving legal advice on specific legal questions.
- C. Matters required to be kept confidential by federal or state law or rules and regulations.
- D. Specialized details of security arrangements or investigations, including defenses against terrorism.
- E. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.
- F. Personnel matters.
- G. Consideration of any documents protected by the mandatory nondisclosure provisions of the “Colorado Open Records Act.”
- H. In addition to interviewing finalists in a public forum, the council may interview finalists in executive session.

If state law is changed to include new eligible topics, the proposed Charter language will incorporate those additional designated subjects.

If passed, this Ordinance will take effect January 1, 2025.

**NEXT STEPS**

The proposed schedule is as follows:

First reading is scheduled for August 1, 2024.

Second reading and public hearing is scheduled for August 15, 2024.

**ATTACHMENT**

A – Proposed Ordinance 8641

ORDINANCE 8641

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, THE QUESTION OF WHETHER TO AMEND SEC. 9 AND ADOPT A NEW SEC. 21A. OF THE BOULDER HOME RULE CHARTER TO AUTHORIZE CITY COUNCIL TO HOLD EXECUTIVE SESSIONS AS PROVIDED BY STATE LAW; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS

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

Section 1. A special municipal coordinated election is called to be held on Tuesday, November 5, 2024.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to determine whether to amend Sec. 9, "Meetings of council," and adopt A NEW Sec. 21A, "Executive Sessions," of the Boulder Home Rule Charter to authorize City Council to hold executive sessions as set forth below. The material to be removed is shown stricken through with a solid line and the material to be added is shown as double underlined.

**Sec. 9. - Meetings of council.**

At 5:00 p.m. on the day of the first business meeting of the council in December following each general municipal election, the council shall meet at the usual place of holding meetings, at which time the newly elected council members shall take office. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution and shall meet in regular session at least once in each calendar month. The mayor, acting mayor, or any five council members may call special meetings upon at least twelve hours' written notice to each council member, served personally on each, or left at each member's place of residence.

1 Except as provided in Charter Sec. 21A., All meetings of the council or committees  
 2 thereof shall be public.

3 The council shall have the authority to appoint council committees. Such committees  
 4 shall generally consist of no more than two council members and in no event shall be equal or  
 5 greater than a quorum of council. Other council members may attend any council committee  
 6 meeting to observe but shall not participate.

7 The council shall appoint a committee of not more than two council members and any  
 8 number of non-council members to screen applications for city manager, city attorney, and  
 9 municipal court judge, to evaluate the performance of the persons occupying such positions, and  
 10 to consider recommending disciplinary actions relating to such persons. Such committee may  
 11 conduct its business in private, ~~provided that the council as a whole takes action to determine  
 12 finalists at a public meeting, to determine compensation at a public meeting, and to take  
 13 disciplinary action at a public meeting.~~

9 **Sec. 21A. - Executive Sessions.**

10 (a) Effective January 1, 2025, the City Council, and any committee of the City Council, may,  
 11 by two-thirds majority vote of those members present and voting, hold an executive  
 12 session upon announcement of the topic for discussion in the executive session, which  
 13 announcement shall include a specific citation to the provision of this section that  
 14 authorizes the City Council or council committee to meet in executive session, and shall  
 15 identify the particular matter to be discussed in as much detail as possible without  
 16 compromising the purpose for which the executive session is to be held. Said executive  
 17 session may be held only at a regular or special meeting and only for the purposes of  
 18 considering any of the following matters and providing direction, through individual  
 19 expressions of opinion, to city staff or other persons with regard to such matters:

16 (1) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other  
 17 property interest; except that no executive session shall be held for the purpose  
 18 of concealing the fact that a member of the local public body has a personal  
 19 interest in such purchase, acquisition, lease, transfer, or sale;

20 (2) Conferences with an attorney for the purposes of receiving legal advice on  
 21 specific legal questions;

22 (3) Matters required to be kept confidential by federal or state law or rules and  
 23 regulations. The specific citation of the statutes or rules that are the basis for  
 24 such confidentiality before holding the executive session shall be announced;

25 (4) Specialized details of security arrangements or investigations, including  
 defenses against terrorism, both domestic and foreign, and including where  
 disclosure of the matters discussed might reveal information that could be used  
 for the purpose of committing, or avoiding prosecution for, a violation of the  
 law;



- 1           (5) Determining positions relative to matters that may be subject to negotiations;  
2           developing strategy for negotiations; and instructing negotiators;
- 3           (6) Personnel matters except if the employee who is the subject of the session has  
4           requested an open meeting, or if the personnel matter involves more than one  
5           employee, all of the employees have requested an open meeting. This shall not  
6           apply to discussions concerning any member of the local public body, any  
7           elected official, or the appointment of a person to fill the office of a member of  
8           the local public body or an elected official or to discussions of personnel  
9           policies that do not require the discussion of matters personal to particular  
10           employees;
- 11           (7) Consideration of any documents protected by the mandatory nondisclosure  
12           provisions of the "Colorado Open Records Act," part 2 of article 72; except that  
13           all consideration of documents or records that are work product as defined in  
14           C.R.S. § 24-72-202(6.5) or that are subject to the governmental or deliberative  
15           process privilege shall occur in a public meeting unless an executive session is  
16           otherwise allowed pursuant to C.R.S. § 24-6-402(4);
- 17           (8) In addition to interviewing finalists in a public forum, interview finalists in  
18           executive session. The council may instruct personnel and representatives to  
19           begin contract negotiations with one or more candidates in executive session,  
20           including the necessary process to prioritize, for the purposes of negotiation, one  
21           or more finalists after required public forums have been completed; and
- 22           (9) Any other discussion allowed by C.R.S. § 24-6-402, as amended, to be held in  
23           executive session.
- 24           (b) No final legislative action shall be taken by the city in executive session. Such final  
25           legislative action may be taken only in an open meeting.
- (c) Executive sessions shall be closed to the general public, but the City Council may  
          permit any person or group to attend such sessions. Council members not present and  
          voting for a regular or special council meeting may nonetheless participate in an  
          executive session that is part of that meeting using remote technology.

Section 3.       The official ballot shall contain the following ballot title, which shall also  
be the designation and submission clause for the measure:

**Ballot Question No. \_\_\_\_**

Shall Sec. 9 be amended and A NEW Sec. 21A. of the Boulder Home Rule Charter be adopted to authorize City Council to hold executive sessions as provided by state law, and implement the transition as more specifically provided in Ordinance 8641?

For the Measure \_\_\_\_

Against the Measure \_\_\_\_

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

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

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 1st day of August 2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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

READ ON SECOND READING, PASSED AND ADOPTED, this 15th day of August  
2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **AGENDA ITEM**

(1) Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8638 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether or not to adopt Section 11-4-8, “Decommissioning the Airport,” B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and prohibit acceptance of state or federal funding which comes with obligations that would delay decommissioning of the Airport; specifying the form of the ballot and other election procedures; and setting forth related details

**AND** (conditional upon voter approval of “Repurpose Our Runways”)

(2) Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of, if Ballot Measure “Repurpose Our Runways” is passed, whether or not to adopt Section 11-4-8(e), “Decommissioning the Airport,” B.R.C. 1981, to repurpose the decommissioned airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details

### **PRIMARY STAFF CONTACT**

Elesha Johnson, City Clerk

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to introduce and order published by title only Ordinance 8638 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether or not to adopt Section 11-4-8, “Decommissioning the Airport,” B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and prohibit acceptance of state or federal funding which comes with obligations that would delay decommissioning of the Airport; specifying the form of the ballot and other election procedures; and setting forth related details

**AND** (conditional upon voter approval of “Repurpose Our Runways”)

Motion to introduce and order published by title only Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be

held on Tuesday, November 5, 2024, the question of, if Ballot Measure “Repurpose Our Runways” is passed, whether or not to adopt Section 11-4-8(e), “Decommissioning the Airport,” B.R.C. 1981, to repurpose the decommissioned airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details

**ATTACHMENTS:**

**Description**

- **Item 3F - 1st Rdg Ord 8638 and Ord 8643 "Decommissioning the airport"**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8638 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether or not to adopt Section 11-4-8, "Decommissioning the Airport," B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and prohibit acceptance of state or federal funding which comes with obligations that would delay decommissioning of the Airport; specifying the form of the ballot and other election procedures; and setting forth related details

AND

(conditional upon voter approval of "Repurpose Our Runways")

Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of, if Ballot Measure "Repurpose Our Runways" is passed, whether or not to adopt Section 11-4-8(e), "Decommissioning the Airport," B.R.C. 1981, to repurpose the decommissioned airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details

## PRESENTERS

Nuria Rivera-Vandermyde, City Manger  
Teresa Taylor Tate, City Attorney  
Erin Poe, Deputy City Attorney

## EXECUTIVE SUMMARY

The purpose of this agenda item is the introduction and first reading of Proposed Ordinance 8638 (**Attachment A**) and Proposed Ordinance 8643 (**Attachment B**).

The proposed ordinances are the result of an initiative petition process. On June 20, 2024, the city clerk issued her Certificate of Sufficiency of initiated ballot measures entitled “Repurpose Our Runways” and “Runways to Neighborhoods.” There are sufficient signatures to place both measures before the voters at the November 5, 2024, Special Municipal Coordinated Election.

If the voters pass the initiative “Repurpose Our Runways” the Boulder Revised Code will be amended as provided for in **Attachment A**.

The initiative “Runways to Neighborhoods,” **Attachment B**, is conditional upon voter approval of Proposed Ordinance 8638 regarding decommissioning the Airport. If voters do not pass the “Repurpose Our Runways” ballot item to decommission the Airport, the “Runways to Neighborhoods” initiative will not take effect, even if passed. If the voters pass “Repurpose Our Runways” and then also pass “Runways to Neighborhoods” the Boulder Revised Code will also be amended as provided for in **Attachment B**.

Staff recommends that the council pass both Proposed Ordinance 8638 and Proposed Ordinance 8643 on first reading.

## STAFF RECOMMENDATION

### Suggested Motion Language:

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

Motion to introduce and order published by title only Ordinance 8638 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of whether or not to adopt Section 11-4-8, “Decommissioning the Airport,” B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and prohibit acceptance of state or federal funding which comes with obligations that would delay decommissioning of the

Airport; specifying the form of the ballot and other election procedures; and setting forth related details

AND

(conditional upon voter approval of “Repurpose Our Runways”)

Motion to introduce and order published by title only Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of, if Ballot Measure “Repurpose Our Runways” is passed, whether or not to adopt Section 11-4-8(e), “Decommissioning the Airport,” B.R.C. 1981, to repurpose the decommissioned airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details

## ANALYSIS

“Repurpose Our Runways”

The council is requested to consider Proposed Ordinance 8638 which sets the ballot title for an initiated measure that has been commonly referred to as the Repurpose our Runways initiative. This people’s ordinance proposes to amend Chapter 11-4, “Airport,” B.R.C. 1981, by adding a section decommissioning the Airport as soon as reasonably feasible and prohibiting acceptance of state or federal funding that comes with obligations that would delay decommissioning of the Airport.

This ballot measure is the result of the initiative process. The council may adopt the measure or refer it to the voters at the November 2024 election. Proposed Ordinance 8638 sets the ballot title for this petition as required by city Charter Sec. 40. The council has the option of adopting the proposed amendments to the Boulder Revised Code. If the council does not adopt the text amendments to Chapter 11-4, B.R.C. 1981, then the council is required to send the matter to a vote of the electors at the November 5, 2024, election. [See city Charter Sec. 41.](#)

On June 20, 2024, the city clerk issued her Certificate of Sufficiency of an initiated ballot measure summarized as “Repurpose our Runways.” There are sufficient signatures to place the measure before the voters at the November 5, 2024, Special Municipal Coordinated Election.

City Charter Sec. 48 sets the standard for the title of ballots. In part, it states that ballot titles “shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure or charter amendment.” The ballot title proposed, see **Attachment A**, is based on the language that was in the petition which was circulated for signatures. For initiatives, the Charter requires the council to seek input from the



committee of the petitioners prior to setting the ballot title. This can occur at the hearing that will take place at the second reading. In addition, Deputy City Attorney, Erin Poe, met with a member of the petition committee on July 16, 2024, to review the proposed ballot title. If any modifications to the title are made at second reading, a third reading must take place on September 5, 2024.

### “Runways to Neighborhoods”

The council is requested to consider Proposed Ordinance 8643 which sets the ballot title for an initiated measure that has been commonly referred to as the Runways to Neighborhoods initiative. This people’s ordinance proposes to amend Chapter 11-4, “Airport,” B.R.C. 1981, by adding a subsection to repurpose the airport as sustainable, mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents, and whose development shall be guided with input from a community board.

This initiative is conditional upon Proposed Ordinance 8638 regarding decommissioning the Airport being passed by voters. If voters do not pass the ballot item to decommission the Airport, this initiative will not take effect, even if passed.

On June 20, 2024, the city clerk issued her Certificate of Sufficiency of an initiated ballot measure summarized as “Runways to Neighborhoods.” There are sufficient signatures to place the measure before the voters at the November 5, 2024, Special Municipal Coordinated Election.

City Charter Sec. 48 sets the standard for the title of ballots. In part, it states that ballot titles “shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure or charter amendment.” The ballot title proposed in **Attachment B** is based on the language that was in the petition that was circulated for signatures. For initiatives, the Charter requires the council to seek input from the committee of the petitioners prior to setting the ballot title. This can occur at the hearing that will take place at the second reading. In addition, Deputy City Attorney, Erin Poe, met with a member of the petition committee on July 16, 2024, to review the proposed ballot title. If any modifications to the title are made at second reading, a third reading must take place on September 5, 2024.

### **NEXT STEPS**

The proposed schedule is as follows:

First reading is scheduled for August 1, 2024.

Second reading and public hearing is scheduled for August 15, 2024.

## **ATTACHMENTS**

A – Proposed Ordinance 8638

B – Proposed Ordinance 8643

ORDINANCE 8638

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, THE QUESTION OF WHETHER OR NOT TO ADOPT SECTION 11-4-8, "DECOMMISSIONING THE AIRPORT," B.R.C. 1981, TO DECOMMISSION THE AIRPORT AS SOON AS REASONABLY FEASIBLE AND PROHIBIT ACCEPTANCE OF STATE OR FEDERAL FUNDING WHICH COMES WITH OBLIGATIONS THAT WOULD DELAY DECOMMISSIONING OF THE AIRPORT; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS

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

Section 1. On June 20, 2024, City Council accepted the city clerk’s certification of sufficient valid signatures of registered electors on the “Repurpose Our Runways” petition submitted by the Airport Neighborhood Campaign petition committee to initiate a vote on a proposed addition to the Boulder Revised Code pursuant to Sec. 39 of the Boulder Home Rule Charter. Under Charter Sec. 40, the City Council is required to either enact the proposed ordinance or set the ballot title for the proposed amendment.

Section 2. A special municipal coordinated election will be held on Tuesday, November 5, 2024.

Section 3. At the election, an initiative will be set forth for voters to consider adopting Section 11-4-8, B.R.C. 1981, to decommission the Airport as soon as reasonably feasible and

1 prohibiting acceptance of state or federal funding that comes with obligations that would delay  
2 decommissioning of the Airport.

3  
4 Section 4. At the election, a question shall be submitted to the electors of the city of  
5 Boulder eligible by law to vote, that will allow voters to determine whether Section 11-4-8,  
6 “Decommissioning the Airport,” B.R.C. 1981, should be adopted, unless council decides to pass  
7 the measure instead of referring it to the voters. The material to be added is shown in Section 5  
8 below.

9  
10 Section 5. If a majority of all the votes cast at the election on the measure submitted are  
11 for the measure, the measure shall be deemed to have passed and Section 11-4-8,  
12 “Decommissioning the Airport,” B.R.C. 1981, shall be adopted to read as follows:

13 **11-4-8. - Decommissioning the Airport.**

- 14 (a) The city shall proactively work to decommission (close) the Boulder Municipal Airport  
as soon as reasonably feasible.
- 15 (b) As of the effective date of this ordinance, the city shall accept no more state or federal  
16 funding that comes with FAA grant obligations or any other obligations that would delay  
17 decommissioning of the airport. To the extent feasible, the city shall negotiate or litigate  
18 to end existing grant commitments to the FAA as soon as possible, and thereby regain  
local control of the site and its uses.
- 19 (c) In the interim period before airport decommissioning:
- 20 (1) No expansion or improvement of BDU airport facilities or property shall be  
21 allowed except to maintain public safety for remaining operations and to provide  
unleaded aviation fuel.
- 22 (2) The city shall prioritize and implement measures to minimize negative impacts  
23 from aviation activities such as exposure of people and wildlife to noise and lead  
pollution.
- 24 (3) The city shall work with current airport users and tenants on a transition to airport  
25 closure.

1 (4) The City shall consider new uses for the property that prioritize affordable  
2 housing, neighborhood-serving businesses, parks, and greenways. Consideration  
3 should be given to innovations in climate resilience, creative housing types and  
building designs, child- and family- friendly features, and minimization of car  
dependency.

4 (d) Exceptions: Once decommissioned, no aviation uses or facilities shall be permitted at this  
5 site with the exception that a portion of the site may be used for emergency-only rotor  
6 aircraft (helicopters) and associated facilities. Such emergency uses may include, but are  
not limited to, fire, flood, and medical emergencies.

7 Section 6. The official ballot shall contain the following ballot title, which shall also be  
8 the designation and submission clause for the measure:

9 **Ballot Question No. \_\_\_\_**

10 **Repurpose Our Runways**

11 Shall Section 11-4-8, B.R.C. 1981, be adopted to decommission the  
12 Airport as soon as reasonably feasible with the exception that a  
13 portion of the site may continue to be used for emergency-only  
14 helicopters; prohibit acceptance of state or federal funding which  
comes with obligations that would delay decommissioning of the  
15 Airport; and guide site activities prior to decommissioning,  
pursuant to Ordinance 8637?

16 For the measure \_\_\_\_

Against the measure \_\_\_\_

17 Section 7. This Ordinance is necessary to protect the public health, safety, and welfare of  
18 the residents of the City, and covers matters of local concern.

19 Section 8. The City Council deems it appropriate that this Ordinance be published by  
20 title only and orders that copies of this ordinance be made available in the office of the city clerk  
21 for public inspection and acquisition.  
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1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 1st day of August 2024.

4 \_\_\_\_\_  
5 Aaron Brockett,  
6 Mayor

7 Attest:

8 \_\_\_\_\_  
9 City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED this 15th day of August  
11 2024.

12 \_\_\_\_\_  
13 Aaron Brockett,  
14 Mayor

15 Attest:

16 \_\_\_\_\_  
17 City Clerk

ORDINANCE 8643

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3 AN ORDINANCE SUBMITTING TO THE REGISTERED  
4 ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL  
5 MUNICIPAL COORDINATED ELECTION TO BE HELD ON  
6 TUESDAY, NOVEMBER 5, 2024, THE QUESTION OF, IF  
7 BALLOT MEASURE “REPURPOSE OUR RUNWAYS” IS  
8 PASSED, WHETHER OR NOT TO ADOPT SECTION 11-4-8(e),  
9 “DECOMMISSIONING THE AIRPORT,” B.R.C. 1981, TO  
10 REPURPOSE THE DECOMMISSIONED AIRPORT SITE AS  
11 SUSTAINABLE MIXED-USE NEIGHBORHOODS, WITH AT  
12 LEAST 50% OF ON-SITE HOUSING UNITS DESIGNATED AS  
13 PERMANENTLY AFFORDABLE FOR LOW-, MODERATE-,  
14 AND MIDDLE-INCOME RESIDENTS AND WHOSE  
15 DEVELOPMENT SHALL BE GUIDED WITH INPUT FROM A  
16 COMMUNITY BOARD; SPECIFYING THE FORM OF THE  
17 BALLOT AND OTHER ELECTION PROCEDURES; AND  
18 SETTING FORTH RELATED DETAILS

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

21 Section 1. On June 20, 2024, City Council accepted the city clerk’s certification of  
22 sufficient valid signatures of registered electors on the “Runways to Neighborhood” petition  
23 submitted by the Airport Neighborhood Campaign petition committee to initiate a vote on a  
24 proposed addition to the Boulder Revised Code pursuant to Sec. 39 of the Boulder Home Rule  
25 Charter. Under Charter Sec. 40, the City Council is required to either enact the proposed  
ordinance or set the ballot title for the proposed amendment.

Section 2. A special municipal coordinated election will be held on Tuesday, November  
5, 2024.

1           Section 3. At the November 5, 2024, election, an initiative, “Repurpose Our Runways,”  
 2 will be set forth for voters to consider adopting Section 11-4-8, B.R.C. 1981, to decommission  
 3 the Airport as soon as reasonably feasible and prohibiting acceptance of state or federal funding  
 4 that comes with obligations that would delay decommissioning of the Airport.

5  
 6           Section 4. At the November 5, 2024, election, the initiative “Runways to  
 7 Neighborhoods” shall be submitted as a question to the electors of the city of Boulder eligible by  
 8 law to vote, that will allow voters to determine whether Section 11-4-8(e), B.R.C. 1981, should  
 9 be adopted, unless council decides to pass the measure instead of referring it to the voters. The  
 10 material to be added is shown in Section 5 below.

11           Section 5. If a majority of all the votes cast at the election on the measure submitted are  
 12 for the measure, and if the ballot measure “Repurpose Our Runways” also passes, the “Runways  
 13 to Neighborhoods” measure shall be deemed to have passed and Section 11-4-8(e), B.R.C. 1981,  
 14 shall be adopted to read as follows:

15  
 16 **11-4-8. - Decommissioning the Airport.**

17 (e) New uses for the decommissioned airport property shall predominantly consist of  
 18 sustainable, well connected, mixed-use neighborhoods designed to help address  
 19 Boulder’s affordable housing crisis. Planning for the new neighborhoods shall implement  
 the new uses and factors described for consideration in subsection 11-4-8(c)(4), of this  
 section. Furthermore, the city shall:

- 20           (1) incorporate attractive mixed-income housing designed to meet the needs of  
 21 families and essential workers. At least 50% of on-site housing units shall be  
 22 permanently affordable units in Boulder’s affordable housing program. These  
 homes shall be for low-, moderate-, and middle-income residents, with a focus  
 on middle-income; and
- 23           (2) establish a community board to provide guidance on an area plan for the airport  
 24 site as well as criteria for development proposals. The city shall include the  
 25 community board in the process of evaluating development proposals for the  
 airport site.



1           Section 6. The official ballot shall contain the following ballot title, which shall also be  
2 the designation and submission clause for the measure:

3   **Ballot Question No. \_\_\_\_**

4   Runways to Neighborhoods

5   If “Repurpose Our Runways,” Ballot Question No. \_\_\_\_, passes to  
6 decommission the Airport, shall Section 11-4-8(e), B.R.C. 1981, be  
7 adopted to repurpose the Airport as sustainable, mixed-use  
8 neighborhoods, with at least 50% of on-site housing units designated  
9 as permanently affordable for low-, moderate-, and middle-income  
10 residents, and whose development shall be guided with input from a  
11 community board pursuant to Ordinance 8643?

12   For the measure \_\_\_\_

13   Against the measure \_\_\_\_

14           Section 7. This Ordinance is necessary to protect the public health, safety, and welfare of  
15 the residents of the City, and covers matters of local concern.

16           Section 8. The City Council deems it appropriate that this Ordinance be published by  
17 title only and orders that copies of this ordinance be made available in the office of the city clerk  
18 for public inspection and acquisition.  
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 1st day of August 2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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

READ ON SECOND READING, PASSED AND ADOPTED this 15th day of August  
2024.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Discussion and feedback on a potential approach to local zoning regulations and licensing regime in response to the Natural Medicine Health Act of 2022, as amended by Colorado Senate Bill 23-290 and state regulations

**PRIMARY STAFF CONTACT**

Karl Guiler, Policy Advisor Senior

**ATTACHMENTS:**

**Description**

- **Item 6A - Natural Medicine Update to Meet State Law**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Discussion and feedback on a potential approach to local zoning regulations and licensing regime in response to the Natural Medicine Health Act of 2022, as amended by Colorado Senate Bill 23-290 and state regulations.

**PRESENTER(S)**

Nuria Rivera-Vandermyde, City Manager Mark Woulf,  
Assistant City Manager  
Brad Mueller, Planning and Development Services Director  
Charles Ferro, Senior Planning Manager  
Karl Guiler, Senior Policy Advisor  
Kristen Changaris, Licensing Manager

**EXECUTIVE SUMMARY**

The purpose of this memo is to update council on the city's options to adopt regulations in response to the [Natural Medicine Health Act of 2022, \(the Act\)](#), a citizen-initiated measure related to the use of certain plants or fungi for people 21 years of age and older, which was approved by Colorado voters in November of 2022. This Act was amended by the Colorado Assembly through the enactment of [SB23-290: Natural Medicine Regulation And Legalization](#) to clarify and set the framework for a regulated natural medicine program in Colorado.

The first phase of the state legalization and licensing regime focuses on psilocybin, a naturally occurring psychedelic compound found in more than 200 species of mushrooms that grow naturally around the world (other substances related to mushrooms and in the state definition of natural medicine) will be the focus of future roll out of licensing and

state regulations in coming years. For centuries, Indigenous and Tribal communities across the globe have used psilocybin for spiritual, ceremonial and other purposes. Research suggests psilocybin may help address depression, anxiety, trauma and addiction. Studies have also found it may increase spiritual well-being.

The 2022 Act decriminalized the cultivation, possession, consumption, and sharing of natural medicine for personal use for persons 21 years of age and older provided no money or other consideration is paid for the natural medicine. Natural medicine can be consumed in exchange for money or other consideration only for therapeutic purposes in a state-licensed natural medicine healing centers under the supervision of a state-licensed facilitator. The Act, as amended in 2023 by SB-23-290, creates occupational licensing requirements for facilitators that are to be administered by the Colorado Department of Regulatory Agencies (DORA) (such as requirements for training and experience) and business licensing requirements for healing centers, products manufacturers, cultivation faculties, and testing facilities that are to be administered by the Colorado Department of Revenue (DOR Natural Medicine Division).

The Act states that a local government may not prohibit the provision of “natural medicine services” within its boundaries so long as the provider is a “licensed facilitator” as defined by state law. A local jurisdiction may also not prohibit the establishment or operation of state-licensed natural medicine businesses within their jurisdiction nor adopt ordinances or regulations that are unreasonable or in conflict with state law. Nevertheless, local governments retain the ability to reasonably regulate the time, place, and manner of the operation of state-licensed natural medicine businesses (such as healing centers). The State anticipates accepting applications for natural medicine businesses before the end of 2024 and intends to issue licensing at the beginning of 2025, so local regulations on natural medicine will need to be in place before Dec. 31, 2024.

The purpose of this agenda item is also to share staff’s initial thinking of how such local regulation could look for Boulder, the analysis and rationale for staff’s recommendation, and an opportunity for council to provide feedback on the proposed approach before staff moves forward with drafting an ordinance with the goal of adoption of the ordinance by years end.

The following is a high-level overview of staff’s current thinking with regard to licensing and changes to the land use code:

Licensing:

- No local licensing regime for natural medicine uses.

Zoning:

- Regulate natural medicine healing centers as a “Medical office” use. Create new specific use standards that only permit healing centers in areas where medical offices are permitted by-right and no closer than 1,000 feet from any residential use.

- Regulate Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Testing Facilities as “Light manufacturing” uses.

This memo outlines the rationale for this approach as well as the plan for community engagement. Staff continues to be open to feedback and will continue discussions with the state, other Colorado communities, and members of the community.

Lastly, the state is currently developing more specific rules for natural medicine businesses and facilitators as part of the rulemaking process to govern licensing, certification and safe operation of the uses. The progress of rulemaking is summarized within this memorandum. Rulemaking is scheduled to conclude on July 25 right before the City Council discussion of natural medicine, but adoption of the more specific standards on natural medicine may not be concluded before Aug. 1. The state website on rulemaking and the latest drafts can be accessed at this [link](#). Other useful state materials and summaries of the state law are attached found in **Attachment A** (Natural Medicine Know the Law brochure) and **Attachment B** (Department of Revenue State Bill 23-290 Summary). A summary of what Oregon communities have done to implement local regulations on natural medicine and what some Colorado communities are considering is found in **Attachment C** and have informed staff’s analysis.

### **KEY ISSUE QUESTIONS**

1. Does City Council have any questions about the scope of the project or proposed approach or recommendations for changes?
2. Does City Council have any specific feedback on the proposed approach for licensing and zoning for Natural Medicine related uses?

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

- **Economic** – No specific economic impacts to the city have been identified.
- **Environmental** - Cultivation, product manufacturing, and testing facilities associated with natural medicine businesses use chemicals for extracting the components from psilocybin mushrooms that have psychedelic properties and for sterilization processes. Particulates in the air is another externality of natural businesses and thus, require specialized air filtration systems. The state is currently developing specific requirements for natural medicine business to ensure safe and environmentally sensitive operations.
- **Social** - Colorado voters approved Proposition 122 in 2022, which legalized psilocybin mushrooms and enables a legal method of treating mental health and wellbeing. Research suggests psilocybin may help address depression, anxiety, trauma and addiction. Studies have also found it may increase spiritual well-being. Natural medicine uses are required by state law to be permitted in all Colorado municipalities and thus, their access to the community is expected to become more widespread. Indigenous peoples have historically used psilocybin and it has deep traditional importance to them. This has created some concern

among indigenous people and how the expected wider use of the mushrooms could impact their traditional practices. This is a topic that is currently being discussed at the state level and among the city of Denver's working group.

### **OTHER IMPACTS**

- **Fiscal** - If a licensing regime is selected, additional revenue from fees would be created to cover inspection and enforcement needs. As natural medicine businesses will only be a fraction of alcohol or marijuana establishments, the revenue stream would be comparably lower.

**Staff time** - This project is being conducted under normal staff work plans to implement recent state legislation.

### **BOARD AND COMMISSION FEEDBACK**

None at this time.

### **COMMUNITY FEEDBACK**

The regulations would be the result of an approved voter referendum and subsequent state bill where a local jurisdiction may not prohibit state licensed natural medicine facilities from operating within the city. Staff will conduct targeted community engagement on a level of consult as the state law anticipates that local zoning laws will regulate where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or product may be permitted.

Staff will ensure opportunities for industry experts and other interested community members to provide input. Staff has been meeting with a small technical consultation group of experts on natural medicine to learn more about the industry and impacts. Members include an attorney and co-drafter of the state bill, a therapist practitioner who is aiming toward use of natural medicine, and other advisors on the legislation. Staff is also consulting with State officials, the City of Denver and other municipalities in Colorado to learn from their approaches to community engagement and more broadly on the development of local regulations related to natural medicine. These meetings include the working groups conducted by Denver on the development of the local regulations and the state as part of the state level rulemaking process. Staff also attend the roundtable meeting organized by the state in July with other Colorado jurisdictions on their approaches to developing local regulation.

Staff will use a variety of methods to obtain our community's feedback, including but not limited to the use of Planning & Development Services newsletters and potentially a questionnaire on Be Heard Boulder. Staff is also considering a virtual open house or expert panel where members of the public could engage with industry experts to better understand the potential impacts of natural medicine uses and for members of the community to provide comments on a proposed ordinance.

Staff is also using the Racial Equity Instrument as part of this project. Main equity considerations relate to how allowing natural medicine more widely conflicts with the indigenous people's traditional use of psilocybin. This is a key issue being discussed at the state level. Staff has been in contact with an indigenous representative who suggested that these concerns be focused on at the state level rather than locally to ensure more consistent addressing of the concerns and avoiding any conflation with the efforts at the state level. Staff has also heard concerns about local governments restricting the hours of natural medicine uses since it could preclude any businesses that may operate in accordance with more traditional practices that occur at night. Further, restricting hours of operation to typical office hours, such 8am to 5pm, may be very limiting to customer access (especially those with less flexible work schedules).

## **BACKGROUND**

In November 2022, Proposition 122 (Access to Psychedelic Substances) was passed by Colorado voters and focused on making natural medicine (often referred to as “magic mushrooms” and more specifically referred to as psilocybin) available as a tool for treating mental health issues. Psilocybin is a naturally occurring psychedelic compound found in more than 200 species of mushrooms that grow naturally around the world. For centuries, Indigenous and Tribal communities across the globe have used psilocybin for spiritual, ceremonial and other purposes. Research suggests psilocybin may help address depression, anxiety, trauma and addiction. Studies have also found it may increase spiritual well-being. The Act, referred to as the [Natural Medicine Health Act of 2022](#), allows local governments to regulate the time, place, and manner of the operation of healing centers licensed under the Act. On May 23, 2023, [Colorado Senate Bill 23-290, Natural Medicine Regulation and Legalization \(“SB23-290”\)](#), also known as the psilocybin or magic mushroom bill, became law. SB23-290 amended the Natural Medicine Health Act of 2022 to clarify and establish a regulatory framework for a regulated natural medicine program in Colorado. A copy of the state bill can be reviewed at this [link](#).

More specifically, the state law:

- creates a state licensing program for natural medicine healing centers, natural medicine cultivation facilities, natural medicine product manufacturers, natural medicine testing facilities, and any other licenses the state licensing authority may find necessary;
- allows persons over 21 years of age to possess, share, cultivate, and manufacture certain regulated natural medicine for personal use and without remuneration.
- provides the framework for occupational licensing of persons who facilitate the use of natural medicine,
- permits licensed healing centers to administer and facilitate natural medicine services for persons 21 years of age or older and sets the stage for state licensing, certification, permitting and registration of natural medicine businesses to begin on or before ***December 31, 2024***. State officials have indicated to staff that



applications could be accepted before the end of 2024, but no licenses would be issued until after Jan. 1, 2025.

- indicates that the Colorado Department of Revenue will maintain and update an online list of licensees, and that licensees will be required to conspicuously display their license on the licensed premises. Similarly, the Colorado Department of Regulator Agencies' Division of Professions and Occupations will regulate businesses and persons who cultivate, manufacture, test, store, distribute, transport, transfer or dispense regulated natural medicine,
- Creates an advisory board of 15 members to oversee the process and administration. The board will make recommendations to the executive director of state licensing authority.
- Clarifies the state's regulatory and supervisory role for natural medicine, dosing requirements of natural medicine sessions, limits to physical contact, how sessions are paid for, individual or group sessions, and record keeping and privacy.
- Includes guidance on engagement and coordination with American Tribes and indigenous peoples on avoiding over commercialization of natural medicine services and best practices.
- Sets up licensing requirements and standards for facilitators with the Colorado Department of Regulatory Agencies (DORA), penalties, judicial review, fees and revenues.

More specifically, the state regulations include, *Title 44, Article 50, Colorado Natural Medicine Code*, which establishes standards for the following:

- Regulations for the cultivation, manufacturing, testing, storing, distribution, transportation, transferring, and dispensation of regulated natural medicine and related products.
- Five new license types:
  - Natural Medicine Healing Center license
  - Natural Medicine Cultivation Facility license
  - Natural Medicine Product Manufacturers license
  - Natural Medicine Testing Facility license
  - Other
- Distance requirements of 1,000 feet from the property line of childcare centers, preschools, elementary, middle, junior or high schools or residential childcare facilities, using a direct pedestrian route
- Direction for local regulations:
  - A local jurisdiction may enact ordinances or regulations governing the time, place, and manner of operation of licenses issued pursuant to the Colorado Natural Medicine Code within its boundaries.
  - A local jurisdiction may not prohibit the establishment or operation of licenses pursuant to the Colorado Natural Medicine Code within its boundaries.

- A local jurisdiction may not prohibit the transportation of natural medicine or natural medicine product within its boundaries on public roads by a person licensed to exercise such privileges pursuant to the Colorado Natural Medicine Code.
- A local jurisdiction may not adopt ordinances or regulations that are unreasonable or conflict with the Colorado Natural Medicine Code.
- An action or conduct permitted pursuant to a license issued under the Colorado Natural Medicine Code is not unlawful under state or local law and may not be the basis to deny a right or privilege under state or local law.

While a local government may not prohibit the establishment and operation of state licensed natural medicine businesses and may not prohibit a state licensed facilitator from providing natural medicine services within its jurisdiction, the state law expressly anticipates local zoning laws to apply to natural medicine businesses and allows for local ordinances or regulations governing the “*time, place, and manner of the operation of [natural medicine business] licenses*” issued pursuant to the Colorado Natural Medicine Code. The state law further limits this authority by prohibiting local ordinances or regulations that are “*unreasonable or conflict with*” the Colorado Natural Medicine Code or state occupational licensing standards without further defining those terms. In the absence of regulations or case law further defining those terms, the extent of local authority to regulate is not clear. For instance, the state law and the regulations do not set up standards for local licensing authority and do not expressly address local licensing for natural medicine facilities. In contrast, state marijuana and alcoholic beverage laws anticipate and establish regulations for a local licensing authority and program. Any local regulations will have to be carefully drafted to avoid conflicts with the extensive state law and regulations.

Lastly, state law indicates that the state will engage in rulemaking to create more specific regulations for licenses and certificates for testing facilities, testing procedures, and other rules in advance of Dec. 31, 2024. A synopsis of this rulemaking is provided below.

### **Rulemaking**

The state is currently developing more specific regulations for facilitator licenses and for natural medicine related uses. Currents drafts of the regulations are covering the following topics either through facilitator licensing or natural medicine business licensing:

- ✓ General requirements,
- ✓ Requirements on fees and applications,
- ✓ Licensing and renewals,
- ✓ Background checks,
- ✓ Colocation requirements,
- ✓ Security standards,
- ✓ Waste disposal,
- ✓ Sanitation and safety,

- ✓ Marketing and advertising,
- ✓ Transport of materials,
- ✓ Packaging and labeling,
- ✓ Qualifications,
- ✓ Cultivation and processing,
- ✓ Manufacturing procedures,
- ✓ Inventory management,
- ✓ Equipment,
- ✓ Handling of chemicals,
- ✓ Record keeping,
- ✓ Testing, storage and packaging, and
- ✓ Standards on sessions.

Rulemaking is scheduled to conclude on July 25. Adoption of the standards is anticipated afterwards but may not be concluded by the time council discusses the item on Aug. 1. The State website on rulemaking and the latest drafts can be accessed at this [link](#). Other useful State materials and summaries are attached to this memo: **Attachment A**- Natural Medicine Know the Law brochure, and **Attachment B** – Department of Revenue State Bill 23-290 Summary

## **ANALYSIS**

Staff sent an information memorandum to the City Council on the Natural Medicine project scope, approach to engagement and timeframe, along with the background information on the state law on [April 18, 2024](#). Since that time staff has been evaluating the implications of the state legislation, monitoring the state rulemaking process, meeting with industry experts to better understand the nature and operating characteristics of natural medicine uses, researching Oregon communities (which are also creating local rules to regulate natural medicine), reaching out to other Colorado communities to understand their approach to regulating natural medicine related uses, beginning to design an engagement process, and developing zoning and licensing approaches. A summary of what Oregon communities have done to implement local regulations on natural medicine and what some Colorado communities are considering is found in **Attachment C** and have informed staff’s analysis. Staff’s goal is to have council be prepared to adopt new regulations and a licensing regime (if necessary) by the time the state begins issuing licenses at the start of 2025. An update on this work is provided below along with the proposed approach for which staff is seeking feedback on from City Council.

### **Definition of Natural Medicine**

“Natural medicine” is defined to include psilocybin/psilocyn, as well as, if approved for use by the state at a later time, each of the following: dimethyltryptamine; ibogaine; and mescaline. The definition does not include synthetic or synthetic analogs of these substances. Nor does it include peyote. “Natural medicine product” means products infused with natural medicine that is intended for consumption. The specific definition (as it applies to licensing of facilitators) is found below:

*(a) "Natural medicine" means the following substances:*

*(i) psilocybin; or (ii) psilocyn.*

*(b) in addition to the substances listed in subsection (12)(a) of this section, "natural medicine" includes:*

*(i) dimethyltryptamine, if recommended by the board and approved by the director and the executive director of the state licensing authority for inclusion on or after June 1, 2026;*

*(ii) ibogaine, if recommended by the board and approved by the director and the executive director of the state licensing authority; or*

*(iii) mescaline, if recommended by the board and approved by the director and the executive director of the state licensing authority for inclusion on or after June 1, 2026.*

*(c) "natural medicine" does not mean a synthetic or synthetic analog of the substances listed in subsections (12)(a) and (12)(b) of this section, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthesis, chemical modification, or chemical conversion.*

*(d) notwithstanding subsection (12)(b)(iii) of this section, "mescaline" does not include peyote, meaning all parts of the plant classified botanically as *lophophora williamsii lemaire*, whether growing or not; its seed; any extract from any part of the plant, and every compound, salt, derivative, mixture, or preparation of the plant; or its seeds or extracts.*

## **Natural Medicine Uses, Characteristics and Potential Impacts**

### ***Definitions***

Per State law, "Natural Medicine Business" means any of the following businesses licensed pursuant to the Natural Medicine Code:

- i. A Natural Medicine Healing Center;
- ii. A Natural Medicine Cultivation Facility;
- iii. A Natural Medicine Products Manufacturer;
- iv. A Natural Medicine Testing Facility.

Other than testing facilities, proposed rulemaking indicates that colocation of the businesses above will be permitted under State rules within one establishment or location. Proposed rulemaking further indicates that natural medicine businesses may not operate at a location for which a liquor license or marijuana license has been issued. All natural medicine uses would be required to be located at least 1,000 feet from childcare center,

preschool, elementary, middle, junior or high school or residential child care facility (nearest property line to the uses using a direct pedestrian route).

The specific natural medicine related definitions are below (some are proposed in rulemaking and not yet adopted) and will be important to consider when formulating local regulations:

**“Healing Center”** means a facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise natural medicine services for a participant.

**“Natural Medicine Cultivation Facility”** means a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

**“Natural Medicine Products Manufacturer”** means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center or to another Natural Medicine Products Manufacturer.

**“Natural Medicine Testing Facility”** means a public or private laboratory licensed and certified, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

**“Natural Medicine Product”** means a product infused with Natural Medicine that is intended for consumption.

**“Regulated Natural Medicine”** means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code. Regulated Natural Medicine includes:

- i. Psilocybin; or
- ii. Psilocyn.

**“Regulated Natural Medicine Product”** means natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code.

## **Natural Medicine Healing Centers**

### ***Characteristics***

While people possessing natural medicine for personal use is no longer illegal and individual cultivation of mushrooms is permitted for personal use within strict square footage limits (e.g., 12’ by 12’ spaces), the administering of natural medicine for medicinal or mental health reasons will be regulated by the state and is limited to occur at

“healing centers” which are much like a licensed medical or therapy office with specialized, trained and licensed staff. The administering of natural medicine is called “Natural Medicine Services” and is done in sessions, which may be with individuals or with a group. Natural Medicine Services require a “preparation session,” an “administration session” when patients consume and experience the effects of regulated natural medicine or natural medicine product and an “integration session,” which occurs after the administration session.

Facilitators describe the behaviors of most patients are sedate during administration sessions, although there could be patients that react differently. Administration sessions can last from six to eight hours depending on the dose as the substance can stay in the human body for four to six hours. Facilitators typically observe patients and determine when it is safe for them to leave. Rulemaking includes requirements indicating proper supervision of patients during administration sessions, when patients are permitted to leave, and that facilitators must create a discharge plan to ensure safe transportation from the healing center after an administration session.

One key issue with regulating healing centers is if there should be limitations on the hours of operation. In consultation with some industry representatives, restricting hours of operation to typical office hours, such 8am to 5pm, may be very limiting to customer access (especially those with less flexible work schedules) and also inconsistent with the hours that indigenous persons traditionally use the products.

Note that healing centers and the other natural medicine uses at this time do not have a retail component for individual use like there is for marijuana, so there is not a scenario where a person could go to any of these facilities to buy psilocybin.

### ***Potential Impacts of Healing Centers***

- Expected to be largely analogous to medical clinics or therapy offices.
- Patients could be impaired after use. Worst case scenario could be atypical behaviors leaving the healing center or inability to drive after natural medicine use. Proposed rules for facilitator licenses include requirements to prepare transportation plan with participants to ensure safe transportation following an administrative session where the participant consumes natural medicine. Note that driving under the influence or ability impaired after consumption of natural medicines remains illegal in Colorado.

### **Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Testing Facilities**

#### ***Characteristics***

Cultivation, product manufacturers and testing facilities are all industrial in character and would likely be regulated as such. The uses involve growing equipment, humidifiers, special air handing equipment, lighting, chemicals, storage etc. for the growth of psilocybin mushrooms to the creation of products. State rulemaking has been aimed at the

safe operation of these uses. State rules are also focused on security requirements for these uses.

From discussions with industry experts, cultivation facilities would likely be much smaller than the marijuana counterparts since mushrooms can be grown in much smaller environments. Therefore, the space needed for cultivation could vary from a room to a warehouse in size, although the amount of product to be created for the entire state would be significantly less than marijuana. Manufacturing or testing spaces would be expected to be larger than cultivation in general. Again, as stated above, all these uses (except testing facilities), including healing centers, would be permitted to collocate per developing state law (provided each use is allowed to be located in the location under local zoning laws). Facilities would need to regulate humidity levels, may use high heat for sterilization, use chemicals for extraction and sterilization, and follow safety protocols for safe storage, disposal and transport of the product, all of which are being considered in the state rulemaking process.

### ***Potential Impacts of Natural Medicine, Cultivation Facilities, Product Manufacturers and Testing Facilities***

- Expected to be analogous to other manufacturing uses including noise from boxing machines and delivery trucks.
- Noncompliance with state environmental or specific natural medicine laws may result in smells, mold growth, fire from sterilization misuse, particulates in the air within facilities, or improper disposal of waste products or toxic chemicals.
- Unsustainable practices such as the use of coconut husks, use of plastic bags etc.

### **Proposed approach on licensing and zoning**

**Licensing:** Staff proposes no local licensing regime for natural medicine uses. While this differs from how the city approaches alcohol and marijuana, the reasons for the difference are as follows:

- The state is in the process of adopting comprehensive regulations of natural medicine businesses and facilitators, including the comprehensive list of topics listed on page 7 above.
- Sale of natural medicines remains prohibited. Consumption other than for personal use is allowed only in healing centers under supervision of a licensed facilitator. As such, the use is more similar to a medical office than uses involving on premises consumption or sale of alcohol or marijuana.
- The state explicitly requires or allows for local licensing for alcohol and marijuana, which are products that have greater accessibility to members of the public. The state law does not reference local licensing for natural medicine businesses. The city does not require local licensing for specialized medical treatments or production facilities of medicines, which are already regulated by federal and/or state law.
- The extent and volume of the natural medicine product is significantly less than that of alcohol and marijuana in terms of the space needed to produce or store the

product. Distribution of alcohol is prevalent in stores, restaurants, brewpubs and taverns. Marijuana is also more widespread with retail establishments and necessity for large grow facilities and production spaces. Natural medicine production only requires small spaces and will not be as widely available.

- The impacts of the uses are lower and will best be handled by the specific regulations enforced by the state

As stated above, state law permits localities to regulate the time, manner and place of natural medicine business uses. If City Council agreed that the time and place of such establishments were sufficient to minimize impact, a zoning approach alone as specified below is the recommended approach. However, if the council wanted to comprehensively regulate the manner (more specific regulations similar to how marijuana establishments are regulated), then a local licensing approach (in addition to the zoning approach) could be pursued. Staff intends to connect with members of the community on this topic and Boulder Police, as well as seeing if other Colorado local governments elect to do local licensing to determine if the approach outlined here should change.

**Zoning (Healing Centers): Regulate natural medicine healing centers as a “Medical office” use as defined in the 9-16-1, B.R.C.:**

- *Office, medical* means the clinic or office of physicians, medical doctors, chiropractors, or dentists licensed to practice medicine or dentistry in the State of Colorado, where the primary use is the delivery of health care services, where sale of merchandise is incidental to the delivery of services. This use includes addiction recovery facilities that provide for the treatment of persons having drug or alcohol abuse problems under the supervision of professional health care or social services providers. With the exception of addiction recovery facilities which may permit short-term overnight stays, no overnight accommodations are provided.

Staff proposes this, because it would be most analogous to this use, since there would be licensed practitioners treating patients, it could have similar or less land use impacts as addiction recovery facilities (considered medical office), and the definition already does not permit overnight accommodations (except for addiction recovery facilities on a limited basis as noted in the definition). This approach is the same as many peer communities in Oregon, which have defined them as medical clinics or laboratories. In Oregon, medical offices are permitted in commercial zones with some communities either requiring a Conditional Use Permits (akin to Boulder’s Use Review process) in residential zones and others prohibiting the uses in residential zones.

Medical offices are permitted as allowed uses (some with specific floor area limitations) in the business, downtown, and mixed-use zones. They are permitted on a limited basis near the Boulder Community Health hospital facility in the industrial zone.



Use Review is required for any medical offices in most of the residential zones. It should be noted that state law does not permit licenses being issued for any natural medicine facility within 1,000 feet of any childcare center, preschool, elementary, middle, junior or high school or residential childcare facility (nearest property line to the uses using a direct pedestrian route).

At this time, staff has not identified that the natural medicine uses would have impacts above and beyond typical medical or therapy offices. For instance, the city does not require specific local licenses for other medical type establishments for their medical services since much of their operations are governed by federal and state law. Staff has not proposed more extensive reviews or standards for the facilities since the state is already developing comprehensive regulations for licensing etc.

Staff is not suggesting any limitations on hours of operation, since there may be instances of healing centers operating into the evening hours to avoid discharging patients that may not be ready to leave during typical office hours and also to not stand in the way of business that operate along traditional practices. However, to avoid impacts of late operation on residential uses, it may be advisable to restrict the uses from residential zones and near residential uses. Therefore, staff is recommending specific uses standards that would not permit medical offices that include use of psilocybin in residential zones or within 1,000 feet of any residential uses. These requirements would not require any special review but would be verified as part of building permit reviews and review of business licenses. This type of restriction would be consistent with other Oregon communities and would avoid any impacts to residential uses.

If City Council agreed with this approach, the land use code would be updated to define state licensed natural medicine uses and references would be added to the “medical office” definition. A distinction in the code from other medical offices would be a 1,000-foot distance requirement of healing centers from residential uses and code language specifying that medical offices including “natural medicine healing centers” would only be permitted where medical offices are permitted by-right. This would avoid healing centers being located in residential zones.

**Zoning (Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Testing Facilities): Regulate Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Testing Facilities as “Light manufacturing” uses as defined in the 9-16-1, B.R.C., as follows:**

- *Light manufacturing* means facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are completely enclosed and provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination produced by such facility is confined to the lot upon which such facilities are located and is regulated in accordance with applicable city, state, or federal regulations. Light manufacturing may include a showroom or ancillary sales of products related to the items manufactured on-site.

Based on the staff analysis above with respect to potential impacts of these uses, staff finds the cultivation facilities, product manufacturers or testing facilities have operating characteristics not unlike a full range of industrial uses that are already operating in the city in industrial zones. Like other industrial uses, there are other federal and/or state laws that regulate the safe operation of the uses. Like the healing centers use discussed above, the extent and volume needed for such facilities is significantly less than the space needed for marijuana facilities, which produce more product in terms of quantity and the space needed.

Light manufacturing is an allowed use in all the industrial zones and allowed with floor area limitations in the Industrial Services (IS) zones, the Business Community Service (BCS) zone and the Mixed-Use 4 (MU-4) zone.

If City Council agreed with this approach, the land use code would be updated to define natural medicine uses and potentially add a reference to the use in the “light manufacturing” definition.

### **Summary of Staff recommended approaches:**

#### **Licensing:**

- No local licensing regime for natural medicine uses.

#### **Zoning:**

- Regulate natural medicine healing centers as a “Medical office” use. Create new specific use standards that only permit healing centers in areas where medical offices are permitted by-right and no closer than 1,000 feet from any residential use.
- Regulate Natural Medicine Cultivation Facilities, Natural Medicine Products Manufacturers, and Testing Facilities as “Light manufacturing” uses.

### **NEXT STEPS**

Following City Council feedback on this topic, staff will move forward with drafting regulations on natural medicine with the goal of allowing council an opportunity consider adopting them before the end of the year and prior to when the state start issuing licenses for natural medicine uses. At present, the tentative schedule is for Planning Board consideration on Nov. 5 and first reading at City Council on Dec. 5. The second reading and public hearing on a natural medicine ordinance is tentatively scheduled for Dec. 19. If adopted, the changes would have to be adopted as an emergency ordinance, so that the regulations are in full effect when the state starts issuing licenses on Jan. 1, 2025. Staff also intends to continue monitoring what other Colorado communities are doing with respect to natural medicine and also engaging the community on the developing ordinance.

## **ATTACHMENTS**

Attachment A – Natural Medicine Know the Law brochure

Attachment B – atta

Attachment C - Summary of Oregon and Colorado community approaches to regulating natural medicine



# KNOW THE LAW

The following resource is intended to increase general awareness and does not include legal or medical advice. Please contact a qualified professional for additional information.






## The Basics - Personal Use

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- Natural Medicine includes: Psilocybin, psilocyn, ibogaine, mescaline, and dimethyltryptamine (DMT)
  - Mescaline cannot be sourced from peyote
- Personal possession, cultivation, and use provisions are already effective
  - **Possession:** no limits on personal possession limits
  - **Cultivation:** a person over 21 years of age can cultivate natural medicine in an **enclosed and locked space** no bigger than 12 feet by 12 feet on private property
  - **Use:** An adult (21+) can share with another adult (21+) in the context of “counseling, spiritual guidance, community-based use, supported use, or related services”
  - **Sale:** No one can sell natural medicine
    - » This does not preclude payment for bona fide harm reduction or support services

## Reminders

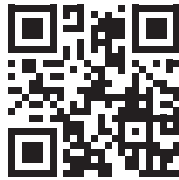
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- Open display and consumption are prohibited
  - There are still some offenses for violations of the law
    - Illegal for anyone under 21 to knowingly possess or consume
    - Illegal to cultivate in a space bigger than 12 x 12 or that is not an enclosed & locked space on private property
    - Manufacturing with inherently hazardous substances
  - **Advertising:** Personal use does not mean natural medicine activities for business or commercial purposes.
- 



## Plan Ahead

- Effects of natural medicine can have delayed onset
- If you're planning on consuming natural medicine:
  - **Do your research:** learn more about natural medicines and potential effects before consuming
  - **Set and Setting:**
    - » Where you'll consume and be when the effects settle in
    - » Create a transportation plan. Do not drive or operate a vehicle after consuming
    - » Safe storage away from children and pets
- If you don't feel well, contact poison control or your doctor
  - If your condition worsens, go to your nearest Emergency Room or see a healthcare provider
  - For adverse health event help and advice, call poison control at 1-800-222-1222 or contact a qualified medical professional



## Who To Contact

For information about licenses for healing centers, cultivations, manufacturers, or testing labs, contact the Department of Revenue at: [DOR\\_NaturalMedicine@state.co.us](mailto:DOR_NaturalMedicine@state.co.us)

For information about facilitator training, licensing, or the Natural Medicine Advisory Board, contact the Department of Regulatory Agencies at: [dora\\_natural\\_medicine@state.co.us](mailto:dora_natural_medicine@state.co.us)





## **SB23-290 Natural Medicine Regulation & Legalization**

***NOTICE:** This document reflects a summary and outline of SB23-290 prepared by the Department of Revenue and is for informational purposes only. The content herein should not be relied upon or construed as legal advice and does not represent the interpretation of any other agency.*

### **I. BACKGROUND - PROPOSITION 122**

- A. In November 2022 Colorado voted to pass [Proposition 122](#), the Natural Medicine Health Act, which (a) directed the establishment of a regulatory program for access to natural medicine; and (b) decriminalized personal use for adults
- B. Assigned the Department of Regulatory Agencies (DORA) with all regulatory responsibilities, including establishment of the [Natural Medicine Advisory Board](#)

### **II. SB23-290 REGULATORY PROGRAM**

- A. **DORA** maintains the role of licensing and regulating Facilitators (persons licensed to provide natural medicine and related services). SB290 also maintained and added the following duties for DORA:
  - 1. Natural Medicine Advisory Board
  - 2. Federally Recognized Tribes & Indigenous Community Work Group
  - 3. Annual Reporting (in coordination with DOR)
- B. **The Department of Revenue (DOR)** is responsible for licensing and regulating healing centers, cultivations, manufacturers, and testing facilities under a new [Natural Medicine Division](#) and assigned the following duties to DOR:
  - 1. Testing and certification program (in coordination with CDPHE)
  - 2. Data collection (**LE incidents, adverse health events, healthcare system impacts, consumer protection claims, behavioral health impacts**)
  - 3. Public education campaigns
  - 4. Training materials for first and multi-responders
  - 5. Annual Reporting (in coordination with DORA)
- C. **Natural Medicine** defined to include only Psilocybin & Psilocyn initially

### **III. SB23-290 PERSONAL USE PROVISIONS**

- A. **Natural Medicine** defined to include Psilocybin, Psilocyn, Ibogaine, Mescaline, and Dimethyltryptamine (DMT)
- B. **Personal Cultivation:** Not more than 12x12 feet (can be non-contiguous) on Private Property (defined) in enclosed & locked space
  - 1. Local authority to exceed the space limit
- C. **Personal Possession & Use:** No personal possession limit
  - 1. May share with an adult (21+) in context of counseling, spiritual guidance, community-based use, supported use, or related services
  - 2. No Remuneration (except allowed for bona fide harm reduction or support services used concurrently with sharing, subject to the following:
    - a) No advertisement related to sharing or services
    - b) Person sharing must inform if not a licensed Facilitator
  - 3. No manufacturing with Inherently Dangerous Substances (defined)
  - 4. No open and public display or consumption
  - 5. Personal testing by unlicensed labs allowed, subject to requirements
  - 6. Establishes [offenses](#) for violations



**SB23-290 NATURAL MEDICINE REGULATION & LEGALIZATION**  
**Detailed Bill Outline**

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- IV. **Department of Regulatory Agencies (DORA) - Title 12**
  - A. [Definitions](#)
  - B. [Powers & Duties - Rulemaking Authority](#)
  - C. [Natural Medicine Board - Members & Duties](#)
  - D. [American Tribes & Indigenous Community Working Group](#)
  - E. [Facilitator Licensing - Requirements & Restrictions](#)
  - F. [Grounds for Discipline & Proceedings](#)
  - G. [Local Jurisdiction / Preemption](#)
  - H. [Protections](#)
- V. **Department of Public Health & Environment (CDPHE) - Title 25**
  - A. [Rulemaking - Testing & Certification](#)
- VI. **Department of Revenue (DOR) - Title 44**
  - A. [Definitions](#)
  - B. [Application Procedures](#)
  - C. [Protections - Employer, Schools, Hospitals, Detention Facilities](#)
  - D. [Local Jurisdiction Authority & Limitations](#)
  - E. [State Licensing Authority - Powers & Duties](#)
    - 1. [Licensing & Enforcement](#)
    - 2. [Reporting, Data Collection, Public Education, Training](#)
  - F. [Rulemaking - Mandatory & Permissive](#)
  - G. [Confidentiality](#)
  - H. [Application & Distance Restrictions](#)
  - I. [Classes of Licenses](#) (Additional Rulemaking)
  - J. [Protections](#)
- VII. **Code of Criminal Procedure - Title 16 / Criminal Code - Title 18**
  - A. [Class 1 & Class 2 Public Nuisance](#)
  - B. [Offenses](#)
  - C. [New Personal Use Provisions](#)
- VIII. **Other - Additional Provisions**
  - A. [Prohibiting Discrimination for Health Benefit Plan Coverage](#)
  - B. [Division of Adult Parole, State Board Parole, Conditions of Probation](#)
  - C. [Juvenile Court Jurisdiction](#)
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# Natural Medicine Regulation & Legalization

## SB23-290

Summary Based on - 4.24.23 [Version of Bill](#)

### Department of Regulatory Agencies (DORA)

[DORA Natural Medicine Health Act Homepage](#)

<b>SECTION 1</b>	<b>12-170-102. Legislative Declaration.</b>
<p>Declares intent and directs state agencies to honor and respect federally recognized tribes and indigenous people in order to prevent natural medicine being overly commodified / commercialized / misappropriated / exploited. Directs agencies to consider potential for direct and indirect harm.</p>	
<b>SECTION 2</b>	<b>12-170-103. Applicability of Common Provisions.</b>
<p>Applies Title 12, Art. 1 (General Provisions) &amp; Art. 20 (Div. of Professions &amp; Occupations) to Article 170.</p>	
<b>SECTION 3</b>	<b>12-170-104. Definitions. (P. 3-6)</b>
<p><b>Defines:</b> Administration Session; Board; Director; Division; Facilitation; Facilitator; Federally Recognized American Tribe; Healing Center; Health-Care Facility; Integration Session; Local Jurisdiction; Natural Medicine; Natural Medicine Product; Natural Medicine Services; Participant; Preparation Session; Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority.</p> <p><b>Summary Definition - Natural Medicine:</b></p> <p>(12)(a) (I) <b>Psilocybin</b>; or (II) <b>Psilocyn</b></p> <p>(12)(b)(II) <b>Ibogaine</b> (if recommended by the Board &amp; agency approved);</p> <p>(12)(b) <u>ON OR AFTER JUNE 2026</u> (if recommended by the Board &amp; agency approved):</p> <p>(I) <b>Dimethyltryptamine</b> (DMT)</p> <p>(III) <b>Mescaline</b> [does NOT include Peyote, meaning all parts of the plant classified botanically as Lophophora Williamsii Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts]</p> <p>(12)(c): Natural Medicine <b>DOES NOT MEAN</b> a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.</p>	
<b>SECTION 4</b>	<b>12-170-105. DORA - Director Powers &amp; Duties - Rules (P. 6-10)</b>
<p><b>(1)(a)(I) Rules for safe provision of regulated natural medicine and services, including:</b></p> <p>(A) Parameters for a preparation, administration, and integration session;</p> <p>(B) Health and safety warnings required before each session;</p> <p>(C) Educational materials that must be provided before each session;</p> <p>(D) A form a participant, facilitator, and authorized representative of the Healing Center must sign (establishes minimum requirements regarding health information, drug contraindications, participant expectations, parameters for physical contact, and risks of participation);</p> <p>(E) Proper supervision during the administration session and requirements for a discharge plan or safe transportation;</p>	

- (F) Provisions for group administration sessions;
- (G) Provisions to refuse services based on health and safety risks;
- (H) Dosage limits for administration sessions.

**(1)(a)(II) Requirements for Facilitator licensing, practice and professional conduct, including:**

- (A) Form and procedures for license applications;
- (B) Educational and experiential requirements and qualifications (including education and training on participant safety, drug interactions, contraindications, mental health and state, physical health and state, social and cultural considerations, preparation, administration, integration, and ethics). Must not require a separate professional license or degree (unless multiple tiers)
- (C) Oversight/supervision requirements, including continuing education
- (D) Professional standards of conduct
- (E) Parameters for physical contact, including informed consent for physical contact
- (F) Permitting remuneration for provision of natural medicine services
- (G) Group administration sessions and participant limits
- (H) Record-keeping, privacy, confidentiality (and exemptions)
- (I) Parameters for permissible and prohibited financial interests in a license
  - Financial Interest Restriction:** A **Facilitator** cannot have a financial interest in more than five (5) NM business licenses.
- (J) Parameters for other authorized locations, including a health-care facility or private residence.
- (K) Standards for advertising and marketing, including to avoid misappropriation and exploitation of tribes and indigenous people, avoiding excessive commercialization, and targeting underage.

**(1)(a)(III)-(V) Other Rules:**

- (III) Rules necessary to differentiate between types of regulated natural medicine provided during an administration session based on qualities, traditional uses, and safety profile
- (IV)-(V) Other matters determined necessary to implement/administer

**SECTION 4 (Continued)**

**12-170-105. DORA - Director Powers & Duties (P. 10-12)**

**(1)(b)-(k) DORA Duties Include:**

- (1)(b) December 31, 2024 - DORA begins accepting applications/granting licenses
  - Prioritization of Applications:** Shall prioritize review of applications from CO residents
- (c) Establish licenses, registrations, etc.
- (d) Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the Director may consult the Board)
- (e) Conduct investigations and hearings, gather evidence, and pursue disciplinary actions
- (f) Take disciplinary action or limit scope of practice upon proof of violation
- (g) Cease-and-desist orders pursuant to Section 405
- (h) Petition a district court for an investigative subpoena or injunction under certain circumstances
- (i) Maintain an **ONLINE PUBLIC LIST** of licensees, registrants, etc, including whether the person had its credentials limited, suspended, or revoked
- (j) Publish an **ANNUAL REPORT** on the implementation/administration (in coordination with DOR)
- (k) Perform other functions and duties necessary to administer

**Other Requirements & Limitations:**

- (2) Director shall consult the Board when considering/promulgating rules
- (3) Authority to collect available and relevant data
- (4) Regulators prohibited from pecuniary gain from licensees for 6 months after employment

<b>SECTION 5</b>	<b>12-170-106. DORA - Natural Medicine Advisory Board</b>
<p><b><u>Creates Natural Medicine Advisory Board (2 and 4 year terms), Pg. 13</u></b>  At expiration of term, the Governor shall appoint members, without consent of the Senate (4 year term). May serve up to 2 consecutive terms. Can be removed for misconduct, incompetence, neglect of duty, unprofessional conduct.</p> <p><b><u>Board Recommendation Subjects, Pg. 14-15:</u></b></p> <ul style="list-style-type: none"> <li>➤ Accurate public health approaches regarding use, benefits, harms, and risk reduction</li> <li>➤ Content and scope of educational campaigns</li> <li>➤ Research related to the efficacy and regulation, including product safety, harm reduction, and cultural responsibility</li> <li>➤ Facilitator Requirements - Proper content of training programs, educational and experiential requirements, and qualifications. When making recommendations, the Board may consider: (I) Tiered facilitator licensing; (II) Limited waivers of education and training requirements based on experience, training, skills; (III) Removal of unreasonable or logistical barriers</li> <li>➤ Affordable, equitable, ethical, and culturally responsible access to NM (may consider recommendations on ways to reduce costs of licensure, incentives for reduced costs for services, and incentives for services in geographic and culturally diverse regions)</li> <li>➤ Regulatory considerations for each type of NM and each type of session</li> <li>➤ Addition of other types of NM, based on medical, psychological, and scientific studies, research, and other information related to safety and efficacy - Shall prioritize consideration of Ibogaine</li> <li>➤ All rules to be promulgated by DORA &amp; DOR</li> <li>➤ Requirements for accurate and complete data collection, reporting, and publication</li> </ul> <p><b><u>Other Board Duties, Pg. 15:</u></b></p> <ul style="list-style-type: none"> <li>➤ Shall, on an ongoing basis: <ul style="list-style-type: none"> <li>○ Review and evaluate existing and current research, studies, and real-world data related to NM and make recommendations to the GA and agencies regarding coverage under health first Colorado or other insurance programs for various mental health conditions</li> <li>○ Review and evaluate sustainability issues and impacts on tribal and indigenous cultures and documenting existing reciprocity efforts and continuing support measures needed</li> </ul> </li> <li>➤ Board shall publish an <b>ANNUAL REPORT</b> describing activities</li> </ul>	
<b>SECTION 6</b>	<b>12-170-107. American Tribes &amp; Indigenous Working Group (P. 16)</b>
<p><b><u>Federally Recognized American Tribes &amp; Indigenous Community Working Group</u></b></p> <ul style="list-style-type: none"> <li>➤ To avoid misappropriation, exploitation, excessive commercialization, conservation issues (including potential for further depletion of peyote due to it being a source of mescaline), best practices, and open communication to avoid unnecessary burdens.</li> <li>➤ Shall advise the Board and DORA on findings and recommendations</li> <li>➤ Encourages DORA To engage with those who have significant experience with traditional use</li> </ul>	
<b>SECTION 7</b>	<b>12-170-108. License - Unauthorized Practice - Disclosures (P. 17)</b>
<p><b><u>Facilitator License Requirements &amp; Restrictions</u></b></p> <ul style="list-style-type: none"> <li>➤ Shall not engage in Facilitation or represent self as a Facilitator without a license</li> <li>➤ Shall conspicuously display license in Healing Center, including info on how to file a complaint</li> <li>➤ Shall provide specific information in writing prior to each session (P. 18) <ul style="list-style-type: none"> <li>○ Name, address, and phone # of the licensee;</li> <li>○ Explanation of regulations applicable to the licensee;</li> <li>○ Listing of training, educational and experiential requirements and qualifications satisfied</li> </ul> </li> </ul>	

<p>to obtain a license</p> <ul style="list-style-type: none"> <li>○ Statement indicating the participant is entitled to receive information about services, may terminate services and may terminate informed consent for physical contact at any time</li> </ul> <p>➤ Nothing prohibits a person from performing a bona fide religious, culturally traditional, or spiritual ceremony, but must inform that they are not a licensed facilitator and so long as the ceremony is not associated with commercial, business, or for-profit activity</p>	
<b>SECTION 8</b>	<b>12-170-109. Grounds for Discipline (P. 19)</b>
<p><b><u>DORA Permissive Authority to Take Disciplinary or Other Action Upon Proof of Following:</u></b></p> <ul style="list-style-type: none"> <li>➤ Violation of this Article 170 or rules, Article 20, or any valid order of DORA</li> <li>➤ Convicted of or entered plea of nolo contendere to a felony</li> <li>➤ Misstatement of an application or fraud, deception, or misrepresentation</li> <li>➤ Act or omission necessary to meet generally accepted professional standards of conduct</li> <li>➤ Excessive or habitual use or abuse of alcohol or controlled substances</li> <li>➤ Guilty of unprofessional or dishonest conduct</li> <li>➤ Advertising by means of false or deceptive statement</li> <li>➤ Failure to display license as required</li> <li>➤ Guilty of willful misrepresentation</li> <li>➤ Failure to disclose within 45 days a conviction for a felony or any crime related to practice</li> <li>➤ Aids/abets unlicensed practice of facilitation</li> <li>➤ Fails to timely respond to a complaint end by the Director (DORA) pursuant to 12-170-110</li> </ul>	
<b>SECTION 9</b>	<b>12-170-110. Disciplinary Proceedings (P. 20)</b>
<p>Establishes bases and process for disciplinary proceedings, including hearings and judicial review</p>	
<b>SECTION 10</b>	<b>12-170-111. Fees - Cash Fund (P. 21)</b>
<p>Establishes a cash fund. Shall set and adjust fees so revenue approximates the direct and indirect costs of the program. Fees shall not exceed the amount necessary to administer the Article.</p>	
<b>SECTIONS 11 &amp; 14</b>	<b>12-170-112 &amp; 115. Local Jurisdiction (P.21) / Preemption (P.23)</b>
<p>Consistent with Prop 122, local governments cannot prohibit Facilitation of NM Services and can not adopt ordinances/regulations that are unreasonable or in conflict with Article 170.</p>	
<b>SECTION 12</b>	<b>12-170-113. Protections (P. 22)</b>
<p><b><u>Protections Include:</u></b></p> <p>(1)(a) Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets.</p> <p>(b) Contracts enforceable (federal prohibition does not render a contract unenforceable)</p> <p>(c) Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM.</p> <p>(d) Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee.</p> <p>(2) Professional or occupational license not subject to professional discipline on the basis of federal prohibition, but this does not authorize conduct that violates standards of care or scope of practice.</p>	

<b>SECTIONS 13-16</b>	<b>12-170-114 - 12-170-117. Construction &amp; Repeal (P. 23)</b>
<ul style="list-style-type: none"> <li>➤ <b>Section 13. 12-170-114. Liberal Construction</b> - Article 170 must be liberally construed</li> <li>➤ <b>Section 15. 12-170-116. Self-Executing, Severability, Conflicting Provisions</b> - Provisions are self-executing except as specified and supersede conflicting state and local provisions</li> <li>➤ <b>Section 16. 12-170-117. Repeal &amp; Review</b> - Article 170 subject to review prior to repeal 9/1/2032</li> </ul>	
<b>SECTION 17</b>	<b>12-20-407. Unauthorized Practice</b>
Class 2 Misdemeanor if a person practices or offers or attempts to practice/engage in Facilitation	
<b>Department of Revenue (DOR) - <a href="#">DOR Website</a></b> <b>&amp;</b> <b>Department of Public Health &amp; Environment (CDPHE) - <a href="#">CDPHE Website</a></b>	
<b>SECTION 18</b>	<b>24-1-117. Department of Revenue - New Division (P. 24)</b>
Creates the DOR Natural Medicine Division, a type 2 entity (as defined in 24-1-105)	
<b>SECTION 19</b>	<b>24-34-104. Review for Repeal or Continuation (P. 25)</b>
September 1, 2032 - Scheduled repeal of Article 170 of Title 12 and Article 50 of Title 44	
<b>SECTION 20</b>	<b>25-1.5-120. CDPHE - Testing and Standards - Rules (P. 25)</b>
CDPHE authority to establish (in coordination with DOR) rules for testing and certification. 44-50-203 also gives permissive authority for DOR to allow for personal use testing. <b><u>Minimum testing rules must include:</u></b>	
<ul style="list-style-type: none"> <li>➤ Testing standards and certification requirements</li> <li>➤ Independent testing and certification program within a timeline established by the DOR, to ensure products do not contain contaminants injurious to health and ensure correct labeling</li> <li>➤ Quarantine and notification procedures if results indicate substances deemed injurious;</li> <li>➤ Ensure testing verifies concentration representations and homogeneity for labeling;</li> <li>➤ Acceptable variance for concentration and procedures to address misrepresentations; and</li> <li>➤ Protocols and frequency of testing.</li> </ul>	
<b>SECTION 21</b>	<b>PART 1: NEW ARTICLE 50 - CO Natural Medicine Code (P. 26)</b>
Establishes Article 50 in Title 44 - The Colorado Natural Medicine Code, 44-50-101 - 102	
<b>SECTION 21</b>	<b>PART 1: 44-50-103. Definitions (P. 27)</b>
<b>44-50-103. Definitions:</b> Consistent with Title 12 (underlined terms are new) Administration Session; Board; Director; Division; Facilitator; Healing Center; Health-Care Facility; Integration Session; <u>License</u> ; <u>Licensed Premises</u> ; <u>Licensee</u> ; Local Jurisdiction; Natural Medicine; <u>Natural Medicine Business</u> ; Natural Medicine Product; Natural Medicine Services; Participant; <u>Person</u> ; Preparation Session; <u>Principle File</u> , Regulated Natural Medicine; Regulated Natural Medicine Product; Remuneration; State Licensing Authority; <u>Transfer</u>	

<b>SECTION 21</b>	<b>PART 1: 44-50-104. Applicability (P. 32)</b>
<p><b><u>Application Procedures</u></b></p> <ul style="list-style-type: none"> <li>➤ Requires SLA to <u>prioritize review</u> of applications from Colorado residents</li> <li>➤ Application &amp; License fees are credited to the Regulated Natural Medicine Cash Fund</li> </ul> <p><b><u>Employer, School, Hospital, Detention Facility, Related Protections</u></b></p> <ul style="list-style-type: none"> <li>➤ Employers are not required to permit or accommodate NM use, consumption, possession, etc., or impairment in the workplace</li> <li>➤ Employers may have policies restricting use or impairment in the workplace</li> <li>➤ An employer, school, hospital, detention facility, corporation, or other entity that occupies, owns, or controls property can prohibit/regulate NM activities on such property</li> </ul> <p><b><u>Local Jurisdiction Authority &amp; Limitations</u></b></p> <ul style="list-style-type: none"> <li>➤ May enact ordinances/regulations governing time, place, manner of operation of licenses</li> <li>➤ May NOT prohibit:                             <ul style="list-style-type: none"> <li>○ Establishment or operation of licenses</li> <li>○ Transportation of NM on public roads by licensed persons</li> </ul> </li> <li>➤ May NOT adopt ordinances/regulations that are unreasonable or in conflict</li> </ul>	
<b>SECTION 21</b>	<b>PART 2: 44-50-201. State Licensing Authority (P. 33)</b>
<p>Establishes the DOR Executive Director as the State Licensing Authority (can delegate to NM Division Director), who may employ Department officers and employees as necessary.</p>	
<b>SECTION 21</b>	<b>PART 2: 44-50-202. Powers &amp; Duties of SLA (P. 33)</b>
<p><b><u>Licensing &amp; Enforcement: PP. 33-34</u></b></p> <ul style="list-style-type: none"> <li>➤ December 31, 2024 - DOR begins accepting applications/granting licenses</li> <li>➤ Authority to suspend, fine, restrict, revoke licenses (active, expired, or surrendered)</li> <li>➤ Conduct investigations and hearings, gather evidence, and pursue disciplinary actions</li> <li>➤ Petition a district court for an investigative subpoena to unlicensed persons after reasonable efforts to obtain requested documents/information</li> <li>➤ Petition a court to temporarily restrain or enjoin action of an unlicensed person when the NM Division director finds sufficient evidence that the person has or is committing a prohibited act and such act (A) threatens public health or safety; or (B) constitutes an unlawful act</li> <li>➤ Hearing procedures and authority</li> <li>➤ Develop forms, licenses, ID cards, and applications</li> </ul> <p><b><u>Reporting, Public Education &amp; Training: PP. 34-36</u></b></p> <ul style="list-style-type: none"> <li>➤ In coordination with DORA, publish an <b>ANNUAL REPORT</b> on the implementation/administration (must not include information that could disclose the identity of a participant)                             <ul style="list-style-type: none"> <li>○ <b>DATA COLLECTION REQUIREMENT</b> (to include in annual report): In coordination with other agencies, the SLA shall request data concerning LE incidences / adverse health events / impacts to health care systems / consumer protection claims / and behavioral health impacts</li> </ul> </li> <li>➤ Develop and promote <b>PUBLIC EDUCATION CAMPAIGNS</b> (including public service announcements, educational materials, and crisis response materials)</li> <li>➤ Develop and promote <b>TRAINING MATERIALS</b> for first responders and multi-responders (LE, emergency medical providers, social service providers, fire fighters)</li> </ul> <p><b><u>Other Duties &amp; Limitations: PP. 35-36</u></b></p> <ul style="list-style-type: none"> <li>➤ SLA cannot fix prices for regulated NM</li> <li>➤ Nothing requires LE ability to investigate unlawful activity related to a licensee</li> <li>➤ LE has authority to run a criminal history record check during an investigation of unlawful activity</li> </ul>	

- Establish, when financially feasible, procedures, policies, and programs to ensure rules are equitable and inclusive (for which the SLA may consult the Board)

**SECTION 21****PART 2: 44-50-203. Rulemaking Authority (P. 37)****DOR MANDATORY RULEMAKING****General Licensing:**

- Licensing procedures & requirements (for issuance, denial, renewal, reinstatement, modification, suspension, and revocation)
- Oversight requirements for licensees
- A schedule of application, licensing, and renewal fees

**Qualifications and eligibility requirements for licensure**

- Tax Compliance: Eligibility includes requirements for timely payment of state taxes, timely filing of returns, and timely curing of tax deficiencies. Authorizes the DOR to have access to licensing information to ensure compliance.

**Permitted and prohibited financial interests:**

- A Person cannot have a financial interest in more than five (5) NM business licenses

**Testing Program:** DOR rules in coordination with CDPHE

- Establishment of a natural medicine independent testing and certification program.
- At a minimum, to ensure product does not contain contaminants injurious to health and to ensure correct labeling
- Certification requirements and requirements that results cannot be used unless the lab is certified
- Testing procedures and frequency
- Whether to allow unlicensed persons to request/utilize testing services of regulated labs
- Definitions, permissions, and prohibitions concerning conflicts of interest
- Procedures and requirements necessary for coordination with CDPHE duties

**Regulation of Licensed Premises:**

- Co-location of a Healing Center with another Healing Center or Health-Care Facility

**Transportation Requirements:**

- Security requirements
- Vehicle requirements, including surveillance
- Limits on amounts that may be carried in a vehicle
- Record keeping
- Transport manifest

**Production Management**

- Limits on the amount of NM allowed for production by licensees based on metrics
- Shall consider total current and anticipated demand

**Record Keeping**

- Records licensees are required to maintain and make available for inspection by the SLA

**Other**

- Requirements to prevent diversion
- Requirements to prevent underage access
- Permitted and prohibited transfers of NM between licensees
- Standards for advertising/marketing (including avoiding misappropriation and exploitation of tribes and indigenous people / avoiding excessive commercialization)



**DOR PERMISSIVE RULEMAKING (P. 40)**

- Establishment of licenses
- Principle file process
- Product requirements and restrictions
- Packaging and labeling requirements, including warning labels, serving and per-package serving amounts; and concentration of product
- Security and surveillance, among other minimum procedures for internal control
- Reporting requirements for changes
- Health and safety standards and sanitary requirements
- Waste handling/disposal
- Storage and transportation
- Inventory tracking/management
- Procedures for disciplinary actions
- Penalties schedule
- Specifications of duties of officers/employees of SLA
- Guidance for law enforcement
- Inspections and investigations (including searches, seizures, forfeitures, embargo, quarantine, recalls, and such additional activities as may become necessary)
- Prohibition on misrepresentation and unfair practices
- Other matters as necessary

**Other Requirements & Limitations (P. 43)**

- Shall consult the advisory board when considering and promulgating rules
- May establish procedures for conditional issuance of an employee license and ID at time of application (remains subject to denial pending results of criminal history check)
- Fingerprint requirements - by local LE agency or third party approved by CBI (requirement for SLA to send fingerprints to CBI for processing)

<b>SECTION 21</b>	<b>PART 2: 44-50-204. Confidentiality (P. 43)</b>
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Gives similar protections and exemptions as in the Marijuana Code. Certain licensee information must be maintained as confidential (e.g. financial records, security plans) with limited exceptions

<b>SECTION 21</b>	<b>PART 3: 44-50-301. Classes of Licenses (P. 44)</b>
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- Creates licenses issued by DOR: Healing Center, Cultivation, Manufacturer, Testing Facility, Occupational license (with authority to establish other licenses as necessary for implementation)
- Authorizes a state chartered bank or credit union to loan money to licensees
- Prohibits operation of a license at the same location as a license or permit issued under Articles 3, 4, 5, or 10 of Art. 44 (alcohol, fermented malt beverages, special event liquor permits; marijuana)

<b>SECTION 21</b>	<b>PART 3: 44-50-302. Application &amp; Distance Restrictions (P. 45)</b>
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- Distance restrictions, including within 1,000 feet of a child care center, preschool, elementary, middle, junior, or high school, or residential child care facility or if not permitted by local zoning.
- Local jurisdictions may vary the distance restrictions or may eliminate facilities from restrictions.
- Application approval requires the applicant to demonstrate it is or will be entitled to possession of premises via lease, rental agreement, ownership, or other arrangement.

*CONTINUES TO NEXT PAGE*

<b>SECTION 21</b>	<b>PART 4: 44-50-401. Healing Center (P. 47)</b>
<p><b><u>General Requirements &amp; Restrictions</u></b></p> <ul style="list-style-type: none"> <li>➤ License may be issued only to a person that employs or contracts with a Facilitator</li> <li>➤ May transfer regulated NM to another HC</li> <li>➤ Prior to initiating NM Services, a Facilitator shall verify the Participant is 21+</li> <li>➤ Shall comply with all provisions of Article 34, Title 24, as related to persons with disabilities</li> </ul> <p><b><u>Additional Rulemaking Authority</u></b></p> <ul style="list-style-type: none"> <li>➤ Shall not transfer more than amount permitted by rule in a single Administration Session</li> <li>➤ SLA may establish exemptions to the above administration limitations and may establish record-keeping requirements for HCs pursuant to any such exemption</li> </ul>	
<b>SECTION 21</b>	<b>PART 4: 44-50-402. Cultivation Facility (P. 48)</b>
<p><b><u>Transfer Allowances/Restrictions</u></b></p> <ul style="list-style-type: none"> <li>➤ License may be issued only to a person who cultivates regulated NM for transfer and distribution to NM healing centers, manufacturers, or other cultivations</li> </ul> <p><b><u>Activities Restricted on Premises</u></b></p> <ul style="list-style-type: none"> <li>➤ NM cannot be consumed on the premises unless co-located with HC premises</li> </ul>	
<b>SECTION 21</b>	<b>PART 4: 44-50-403. Product Manufacturer (P. 48)</b>
<p><b><u>General Requirements &amp; Restrictions</u></b></p> <ul style="list-style-type: none"> <li>➤ License may be issued only to a person who manufactures regulated NM products</li> <li>➤ Licensee shall NOT: <ul style="list-style-type: none"> <li>○ Add regulated NM to a food product that holds a trademark, unless it's used only as a component or as part of the recipe and only if the licensee does not state or advertise to the consumer that the final product contains a trademarked product</li> <li>○ Intentionally or knowingly label or package in a manner that would cause reasonable confusion as to whether the product was trademarked</li> <li>○ Label or package in a manner that violates federal trademark law/regs</li> </ul> </li> </ul> <p><b><u>Activities Restricted on Premises</u></b></p> <ul style="list-style-type: none"> <li>➤ NM cannot be consumed on premises unless co-located with HC premises</li> </ul>	
<b>SECTION 21</b>	<b>PART 4: 44-50-404. Testing Facility (P. 49)</b>
<p><b><u>General Requirements &amp; Restrictions</u></b></p> <ul style="list-style-type: none"> <li>➤ License may be issued only to a person who performs testing and research on NM</li> <li>➤ Testing is a matter of statewide concern</li> <li>➤ A testing licensee cannot have an interest in another NM business license</li> </ul> <p><b><u>Additional Rulemaking Authority</u></b></p> <ul style="list-style-type: none"> <li>➤ Acceptable testing and research practices, including but not limited to: <ul style="list-style-type: none"> <li>○ Standards</li> <li>○ Quality control analysis</li> <li>○ Equipment certification and calibration</li> <li>○ Identification of chemicals and other substances used in bona fide research methods</li> <li>○ Whether to allow persons 21+ to request and use testing services for personal use</li> </ul> </li> </ul>	

<b>SECTION 21</b>	<b>PART 5: 44-50-501. Unlawful Acts (P. 50)</b>
<ul style="list-style-type: none"> <li>➤ Knowingly transfer to person under 21</li> <li>➤ Knowingly adulterate or alter test samples (or attempt to do so)</li> </ul>	
<b>SECTION 21</b>	<b>PART 6: 44-50-601 - 602. Fees (P. 50)</b>
<p><b><u>Establishes the Regulated Natural Medicine Division Cash Fund</u></b></p> <ul style="list-style-type: none"> <li>➤ Fees must cover direct and indirect costs of agency operations to implement and administer</li> <li>➤ May charge for the cost of each fingerprint analysis and background investigation to qualify new officers, directors, managers, or employees</li> <li>➤ Shall annually review and, if necessary, adjust fees to reflect direct and indirect costs</li> <li>➤ Fees must not exceed the amount necessary to administer</li> <li>➤ Shall also establish a subpoena fee (not applicable to government agencies)</li> </ul>	
<b>SECTION 21</b>	<b>PARTS 7 - 8: 44-50-701 - 801. Disciplinary Actions (P. 52)</b>
<p>Establishes process for disciplinary actions with notice, hearing, and judicial review.</p>	
<b>SECTION 21</b>	<b>PART 9: 44-50-901. Protections, Construction, Preemption, Severability (P. 53)</b>
<p><b><u>44-50-901. Protections (PP. 53-54)</u></b></p> <ul style="list-style-type: none"> <li>➤ Licensed activity and allowing use of property for licensed activity are not an offense under state or local law; are not subject to civil fine or sanction; are not a basis for detention, search, or arrest; and are not a basis to deny any right or seize or forfeit assets.</li> <li>➤ Contracts enforceable (federal prohibition does not render a contract unenforceable)</li> <li>➤ Licenses under this Article are not subject to professional discipline for providing advice or services related to NM on the basis of federal prohibition, but does not authorize malpractice.</li> <li>➤ Mental health care, substance use services, or behavioral health services covered under the CO Medical Assistance Act, Title 25.5, Articles 4-6, cannot be denied on the basis of federal prohibition of NM. However, Insurance providers are not required to cover the cost of NM.</li> <li>➤ Nothing prevents the Director from enforcing rules or limits state or local LE to investigate unlawful activity in relation to a licensee.</li> </ul> <p><b><u>44-50-902 - 904. Construction, Preemption, Severability (P. 55)</u></b></p> <p>Article 50 must be liberally construed to effectuate its purpose; local jurisdictions cannot adopt any ordinance, rule, or resolution in conflict with this Article; If any provision of this Article is found to be unconstitutional, the remaining provisions are valid.</p>	
<b>SECTION 21</b>	<b>PART 10: 44-50-1001. Sunset Review &amp; Repeal (P. 55)</b>
<p>Effective <b>September 1, 2032</b>; Scheduled for Sunset Review under 24-32-104(5)</p>	
<p><b>TITLE 16</b></p> <p><b>CODE OF CRIMINAL PROCEDURE</b></p>	
<b>SECTIONS 22 -23</b>	<b>PART 10: 16-13-303 - 304. Class 1 &amp; 2 Public Nuisance (P. 55)</b>
<p>Not a Class 1 or 2 public nuisance if in compliance with 18-18-434, Title 12, or Title 44</p>	

<b>TITLE 18 CRIMINAL CODE</b>	
<b>SECTIONS 24 - 26</b>	<b>18-18-403.5. Unlawful Possession of Controlled Substance 18-18-404. Unlawful Use of Controlled Substance 18-18-405. Unlawful Distro, Manufacturing, Dispense, Sale</b>
Exemptions if in compliance with Title 12, Title 27, Title 18, and Title 44	
<b>SECTION 27</b>	<b>18-18-410. Declaration of Class 1 Public Nuisance (P. 57)</b>
Exemptions regarding use of places for storage, manufacture, sale, or distribution	
<b>SECTION 28</b>	<b>18-18-411. Property &amp; Controlled Substances (P. 57)</b>
Exemptions for persons (keeping, controlling, renting, making property available for distribution or manufacture) if in compliance with 18-18-434, Article 170 of Title 12, or Article 50 of Title 44	
<b>SECTION 29</b>	<b>18-18-412.7. Sale or Distribution of Materials to Manufacture CS</b>
Exemptions if in compliance with 18-18-434, Title 12, and Title 44	
<b>SECTION 30</b>	<b>18-18-430.5. Drug Paraphernalia - Exemption (P. 58)</b>
Exemptions from 18-18-425 - 18-18-430 if using equipment, products, or materials in compliance	
<b>SECTION 31</b>	<b>NEW 18-18-434. Offenses Relating to Natural Medicine (P. 58)</b>
<b><u>NEW PERSONAL USE PROVISIONS FOR NATURAL MEDICINE</u></b>	
<b>OFFENSES P. 58</b>	
<b><u>(1) Persons under 21 Years of Age - Knowingly Possess or Consume</u> P. 58</b>	
<i>*Aligns with 18-13-122 for MJ</i>	
➤ <b>Drug petty offense</b> - subject to: <ul style="list-style-type: none"> <li>○ Fine of not more than \$100; OR</li> <li>○ Not more than four (4) hours of substance use education or counseling</li> </ul>	
➤ <b>Second or subsequent conviction:</b> <ul style="list-style-type: none"> <li>○ Fine of not more than \$100</li> <li>○ Not more than four (4) hours of substance use education or counseling; AND</li> <li>○ Not more than twenty-four (24) hours of useful public service</li> </ul>	
<b><u>(2) Open and Public Display or Consumption:</u> P. 58</b>	
<i>*Aligns with 18-18-406(5)(b) for MJ</i>	
➤ <b>Drug petty offense</b> - subject to: <ul style="list-style-type: none"> <li>○ Fine of not more than \$1,000; AND</li> <li>○ Not more than twenty-four (24) hours of useful public service.</li> </ul>	
<b><u>(3)(a) Knowing Cultivation (or allowance) - Private Property Exceeding 12x12 (non-contiguous)</u> P. 59</b>	
<i>*Aligns with lowest level penalty in 18-18-406(3) for MJ</i>	
➤ <b>Drug petty offense</b> - subject to: Fine of not more than \$1,000	

**(3)(b) Knowing Cultivation (or allowance) - Private Property Enclosed & Locked Space** P. 59

*\*Aligns with lowest level penalty in 18-18-406(3) for MJ*

- **Drug petty offense** - subject to: Fine of not more than \$1,000

**(4) Knowing Manufacture w/Inherently Hazardous Substances** P. 60

*\*Aligns with 18-18-406.6 for MJ*

- **Level 2 Drug Felony** - Unlawful to knowingly manufacture or allow manufacture of NM Product using an **Inherently Hazardous Substance**
- **Defined:** Any liquid, chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees celsius or 100 degrees fahrenheit, including butane, propane, and diethyl ether, and excluding all forms of alcohol and ethanol)

**PERSONAL USE P. 59**

**Personal Cultivation**

- Limited to an area not more than **12x12 feet** on Private Property
- 12x12 space not required to be contiguous
- A local jurisdiction may allow cultivation exceeding the space limit
- Defines **“Private Property”**
  - A dwelling, its curtilage, and a structure within the curtilage being used for habitation and that is not open to the public.
- 18-18-434(3)(b)(II) - Not a violation if:
  - The person is 21+; AND
  - The cultivation area is located in a dwelling on the Private Property; AND
  - If an underage person lives at the dwelling, the cultivation is enclosed and locked.
    - If no underage person lives at the dwelling, the external locks on the dwelling constitute an enclosed and locked space, **BUT**
    - If a person underage lives at the dwelling, shall ensure access is reasonably restricted

**(5)(b) Personal Use Testing Allowances - via Unlicensed Labs** P. 60

- Allows a person to perform testing for persons 21+ (for personal use) if:
  - The person gives written notice that they are not licensed by the state to conduct testing; &
  - The person who submits samples gives a signed statement that the natural medicine is for personal use only

**(5)(c) Nothing in this Section Permits the Following** P. 61

- Underage access
- Remuneration except as allowed
- Engage in personal use actions related to natural medicine other than as allowed
- Engage in action as part of a business promotion or commercial activity except as allowed
- Dispense, sell, or distribute, or possess Ibogaine w/intent to distribute except as allowed

**(5)(d) - (10) Law Enforcement & Local Jurisdiction Limitations** P. 61

- Shall not arrest or charge or prosecute for an offense involving natural medicine except as expressly provided in this Section (may arrest, charge, or prosecute for an offense not expressly lawful under Titles 12 and 44)
- A lawful action cannot be the sole reason to
  - (a) subject a person to a civil fine, penalty, or sanction
  - (b) deny a person a right or privilege; or
  - (c) seize or forfeit assets
- A lawful action cannot be the sole factor in a probable cause determination. Such action can be

used as a factor IF:

- The original stop or search was lawful; AND
- Other factors are present to support a PC determination
- Entitlement to consume does not constitute a defense against a charge for violation related to operation of a vehicle, aircraft, boat, machinery, or other device
- A local jurisdiction shall not impose any greater criminal or civil penalty

**(11) Exceptions for Living Plants for Ornamental Purposes**

Offenses do not apply to a living plant for ornamental purposes (plants commonly and lawfully sold prior to this Act). A living plant does not include mushrooms or other fungal matter

**Defines Natural Medicine** P. 63

- Means: (A) Dimethyltryptamine (B) Mescaline; (C) Ibogaine; (D) Psilocybin; or (E) Psilocyn
- Exclusions:
  - Natural Medicine does **NOT** mean a synthetic or synthetic analog of the substances, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthetic, chemical modification, or chemical conversion.
  - Mescaline does **NOT** include Peyote, meaning all parts of the plant classified botanically as Lophophora Williamsii Lemaire, whether growing or not; its seed; any extract from any part of plant, and every compound, salt, derivative, mixture, or preparation of the plant, or its seed or extracts.

**Defines Personal Use** P. 64

- Consumption or use of Natural Medicine or Natural Medicine Product; or
- The amount a person may lawfully possess, cultivate, or manufacture that is necessary to share with another person 21+ within the context of:
  - Counseling
  - Spiritual guidance
  - Beneficial community-based use and healing; or
  - Supported use or related services
- Does NOT mean:
  - Remuneration;
  - Possession, cultivation, or manufacture with intent to sell for remuneration;
  - Possession, cultivation, manufacture, or distribution for business or commercial purposes
- Does not preclude Remuneration for bona fide harm reduction or support services used concurrently with sharing. IF:
  - No advertisement related to sharing or the services AND
  - The individual giving services informs they are not a licensed Facilitator

**OTHER**

**SECTION 32**

**10-16-158. Prohibiting Discrimination for Coverage (P. 65)**

- Carriers shall not, solely on the basis of consumption, decline or limit health benefit plan coverage of a person or penalize covered persons or reduce or limit coverage; shall not deny, decline, or limit coverage for an organ transplant or related service; shall not decline or limit coverage for the purpose of avoiding the requirements of this section; shall not penalize, reduce, or limit coverage for healthcare services related to organ transplantation.
- However, does not require a plan to provide coverage for the donation of an anatomical gift, transplant, or related treatment or services

<b>SECTION 33 - 35</b>	<b>17-2-102. Division of Adult Parole (P. 66)</b> <b>17-2-201. State Board Parole (P. 67)</b> <b>18-1.3-204. Conditions of Probation (P. 67)</b>
	<ul style="list-style-type: none"> <li>➤ Exempts subsection (8.5)(d) from a parolee who possesses or uses NM as authorized</li> <li>➤ Possession or use authorized under this law cannot be considered a violation of parole conditions</li> </ul>
<b>SECTION 36</b>	<b>19-2.5-103. Juvenile Court Jurisdiction (P. 67)</b>
	Juvenile court exclusive original jurisdiction concerning a juvenile 10 yrs + involving natural medicine
<b>SECTION 37</b>	<b>19-3-103. Child Neglect (P. 68)</b>
	Actions lawful in Titles 12, 18, 44 do not constitute neglect and a court shall not restrict or prohibit family time or make similar determinations, <b>UNLESS</b> a court determines family time would endanger the child's physical health or significantly impair the child's emotional development.
<b>SECTION 38</b>	<b>24-72-706. Sealing of Criminal Conviction Records</b>
	<p>(1)(f.5) Can file a motion for the sealing of conviction records for an offense that is no longer unlawful. If a motion is filed, the defendant shall provide notice to the DA, who (within <b>42 days</b> from receipt of the motion) may object after considering specific factors.</p> <ul style="list-style-type: none"> <li>➤ If no DA objection, the court may grant with or without a hearing</li> <li>➤ If DA objection, shall set the matter for hearing</li> <li>➤ Burden is on the defendant - preponderance of evidence standard</li> <li>➤ The defendant's motion is NOT required to include a verified copy of a criminal history</li> <li>➤ Must not be charged fees/costs for filing a motion pursuant to this section</li> </ul>
<b>SECTION 39</b>	<b>24-76.5-104. Public Assistance Considerations (P. 70)</b>
	Eligibility does not require consideration related to natural medicine unless required by federal law
<b>SECTION 40</b>	<b>25-56-104.5. Discrimination for Organ Transplants (P. 70)</b>
	<ul style="list-style-type: none"> <li>➤ Limitations and requirements for covered entities that provide coverage related to the organ transplant process. Requirements for covered entities include: (a) making reasonable modifications to policies, practices, and procedures; (b) take reasonable and necessary steps to ensure consumption is not the reason for denial of services, unless the entity demonstrates such steps would fundamentally alter the nature of services or result in undue burden for the entity.</li> <li>➤ Does not require the entity to make a referral or perform a medically inappropriate transplant.</li> </ul>
<b>SECTION 41</b>	<b>35-36-102. Rules - Definitions (P. 72)</b>
	Amends the definition of "Farm Products" to exclude NM as defined under Title 12 ( <i>similar to MJ</i> )
<b>SECTIONS 42-43</b>	<b>39-22-104 &amp; 304. Income Tax &amp; Net Income of Corporation (P. 72)</b>
	For tax years commencing on or after Jan. 1, 2024, a Title 44 licensee can subtract expenditures eligible to be claimed as a federal income tax deduction, but is disallowed by 280E of the IRS Code
<b>SECTIONS 44</b>	<b>Appropriation (P. 73)</b>

Appropriates funding to agencies for purposes of implementation

**SECTION 45**

**Effective Date and Safety Clause (P. 74)**

Effective July 1, 2023, applies to offenses committed on or after July 1, 2023

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**END**



ATTACHMENT C

Summary of Oregon and Colorado community approaches to regulating natural medicine

**Oregon Regulations on Natural Medicine**

A useful analogue to Colorado communities is the state of Oregon, since it was the first to pass legislation on natural medicine. [Ballot Measure 109](#), the Psilocybin Program Initiative, was approved on November 3, 2020 by Oregon voters and legalized psilocybin in Oregon subject to the criteria noted in the measure and subsequent rulemaking. The Oregon measure is a bit different from the Colorado law, in that, like Colorado’s rules for marijuana, it allows communities to “opt out” in the next general election, which was November 8, 2022. That is not the case for natural medicine where the rules in Colorado do not allow an opt out option. The specific regulations on Psilocybin Service Centers can be found at this [link](#). A resource guide on psilocybin can be found at this [link](#).

A summary of the state rules is as follows:

- Psilocybin can only be purchased at state regulated service centers and must be consumed on site with trained facilitator
- Manufacturers can only sell their products to licensed service centers
- Customers cannot leave the premises with the drug
- There are time limits on how long a customer must stay on site for “treatment” based on dosage, and whether or not it is a returning customer
- Oregon Health Authority approves licensing applications and ensures businesses meet state requirements- before this the city has to fill out a form that certifies the business/building meets land use code
- Sessions cost around \$3,000-\$4,000 – not covered by insurance, can last up to 15 hours long

As Oregon law allows communities to “opt out”, many have, which are included on this [list](#). A summary of communities that permit “Psilocybin Service Centers” and like uses is below:

Jurisdiction	Summary
Deschutes County, OR	<ul style="list-style-type: none"> <li>• Deschutes County attempted to do a public vote to prohibit natural medicine uses, but the vote did not pass</li> <li>• Psilocybin service centers are, therefore, specifically defined and allowed as a conditional use in the DR-Destination Resorts zone</li> <li>• Permitted as a conditional use in most of the commercial and mixed-use zones</li> </ul>
Bend, OR	<ul style="list-style-type: none"> <li>• Natural medicine uses are not specifically regulated other than that they are categorized under existing medical office and manufacturing uses. Otherwise, all rules are deferred to the state.</li> </ul>
Eugene, OR	<ul style="list-style-type: none"> <li>• Regulates psilocybin service centers as medical clinics</li> <li>• Permitted in the commercial zones</li> <li>• Permitted in residential zones with conditional use permit</li> </ul>

	<ul style="list-style-type: none"> <li>• Applicants must fill out a Land Use Compatibility Statement (LUCS)</li> </ul>
Portland, OR	<ul style="list-style-type: none"> <li>• Regulated similar to marijuana dispensaries</li> <li>• Categorized as psilocybin businesses but using existing use categories as follows:             <ul style="list-style-type: none"> <li>○ <i>Service Centers: Office</i></li> <li>○ <i>Retreat Centers: Retail Sales and Service (entertainment-oriented)</i></li> <li>○ <i>Growing of fungi: Agriculture</i></li> <li>○ <i>Extraction/Processing/Production: Manufacturing and Production</i></li> <li>○ <i>Testing of products: Industrial Service.</i></li> </ul> </li> <li>• Not permitted in residential zones</li> </ul>
Salem, OR	<ul style="list-style-type: none"> <li>• Regulated as medical offices (outpatient medical services and laboratories) and permitted in commercial and mixed use zones</li> <li>• Manufacturing facilities are considered “Agricultural Use” which is allowed in most zones but prohibited in residential areas.</li> </ul>

**How are other Colorado communities addressing the state legislation? What regulatory and licensing approaches are the other communities taking?**

Most Colorado communities have not specified the approach they intend to take on natural medicine uses as they are in a “wait and see” stance during the rulemaking process. Most of the communities have not specifically decided on how they will address natural medicine uses, although Aurora, Fort Collins, and Thornton are contemplating regulating them as allowed medical office and industrial uses per the current regulations with no special review and leaving the licensing to the state rather than the local authority. Durango appears to be leaning towards regulating them the same as marijuana establishments.

Parker is the first Colorado community to pass local zoning regulations on natural medicine uses. In Parker, natural medicine uses are specifically defined, and healing centers are permitted as allowed uses in the business and commercial zones, but prohibited in the residential zones. Cultivation, manufacturing, and testing facilities are permitted in the industrial zones and have additional requirements such as meeting safety protocols, prohibition of hazardous materials, and that non-hazardous materials used in processing must be stored so they are not detectable beyond property boundaries. Parker also adds additional requirements above the state law as follows:

- Natural medicine uses shall be no closer than 1,000 feet from any residential uses;
- Hours of operation are limited to 8am to 5pm, Monday through Friday;
- Restrictions on the ability to view into establishments, outdoor lighting, outdoor storage, odors, and disposal; and
- Violations and fines above the state penalties.



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Update on Community & Council Forums Pilot (formerly Community Study Sessions Pilot)

**PRIMARY STAFF CONTACT**

NA

**ATTACHMENTS:**

**Description**

- **Item 6B - Update on Community & Council Forums Pilot (formerly Community Study Sessions Pilot)**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: August 1, 2024**

**AGENDA TITLE**

Update on Community & Council Forums Pilot (formerly Community Study Sessions Pilot)

**PRESENTER(S)**

Nuria Rivera-Vandermyde, City Manager  
Mark Woulf, Assistant City Manager  
Sarah Huntley, Communication & Engagement Director  
Elesha Johnson, City Clerk  
Teresa Taylor Tate, City Attorney  
Ryan Hanschen, Community Engagement Manager  
Meggs Valliere, Assistant to the City Council

**EXECUTIVE SUMMARY**

This memo shares an update from the Council Subcommittee on Engagement and a Welcoming Council Environment regarding the pilot of Community & Council Forums.

Updates reflect council feedback from the June 6<sup>th</sup> council meeting and are also informed by the National Civic League (NCL) Center for Democracy Innovation's release of their final Boulder Civic Infrastructure Scan and Recommendations, the February 21<sup>st</sup> engagement session hosted in partnership with NCL, and the April 3<sup>rd</sup> discussion at the council retreat.

## **COUNCIL QUESTIONS**

Should staff finalize the schedule and approach for September 26 based on this revised pilot proposal?

## **BACKGROUND**

### A Culture of Meaningful and Inclusive Community Engagement

The City of Boulder recognizes that local government makes better decisions and creates more responsive programs and services when the community it serves has a meaningful voice. To support this approach, the city is building a culture of meaningful engagement that is inclusive, consistent and transparent for our community.

As the city continues on our journey in strengthening our culture of engagement, as detailed in the city’s Engagement Strategic Framework, we believe that this proposal by the council subcommittee aligns with, and advances, this approach.

### The National Civic League Center for Democracy Innovation’s Better Public Meetings Project

In September 2023, the city announced its partnership with the National Civic League (NCL) Center for Democracy Innovation and their “Better Public Meetings” project, with the goal of improving public meeting experiences and outcomes in local government. Boulder is one of three pilot communities that NCL chose to partner with on this effort. Boulder and NCL staff, in partnership with the Council Subcommittee on Engagement and a Welcoming Council Environment, have decided to focus the project around improving interactions between community members and council members at City Council meetings.

To start this process, the NCL team collaborated with the city to complete both a Civic Engagement Scorecard and a Civic Infrastructure Scan. The Scorecard is a quantitative rating system for community members who attend public meetings to provide feedback on their experiences at those public meetings. The Scorecard was available during all City Council meetings from 9/7/23 – 12/7/23. The Civic Infrastructure Scan consisted of qualitative interviews with community leaders about the health of public meetings.

Based on these efforts, NCL created a report of findings and recommendations, which is attached as Attachment A – “City of Boulder Civic Infrastructure Scan and Recommendations for Improving Public Meetings and Engagement in the City.” Importantly, these recommendations were drafted by the NCL and have not received endorsement from the full Council at this time.

Aligning with recommendations within this NCL Center for Democracy Innovation report, and seeking to improve council and community dialogue, the council subcommittee drafted a high-level description of a recommended pilot to include community perspectives earlier in the council decision-making process. This recommendation was included in their IP attached to the March 21st council packet as well as detailed at the council retreat on April 3rd.

This revised proposal follows the June 6th discussion and reflects council feedback including a desire for elaborated intended outcomes, more informal opportunities for discussion during the session, and the ability to ensure community members and stakeholders with relevant lived experience are prioritized within the discussion.

The following outlines revisions that include retitling as a “Community and Council Forum” to allow for small group discussion and greater stakeholder engagement outside of a more traditional study session setting.

## **ANALYSIS**

### Community & Council Forum (formerly Community Study Sessions) Pilot

Details in this update include elaborated outcomes and measurements, revised participation design, strengthened pilot title, and updated session agenda.

- Engagement Objectives:
  - o Increase opportunities for meaningful engagement by responding to community desire to engage on council decisions sooner in the decision-making process.
  - o Strengthen decision-making process by hearing diverse community perspectives from individuals and organizations who have valuable and perhaps underrepresented input with council that could shape projects and outcomes.

- Outcomes and Measurements

Objective	Outcome	Measurement
<p>Increase opportunities for meaningful engagement by responding to community desire to engage on council decisions sooner in the decision-making process.</p>	<p>Community perspective is included sooner in city and council decision-making processes.</p>	<p>Timeline of engagement in decision-making process</p>
	<p>Individuals who participate have a positive experience during the Community &amp; Council Forum.</p>	<p>Increase in % of “good” responses to “How would you rate your experience at this session?” prompt on community post-session eval (previously 48% “good” responses on CE Scorecard)</p>
	<p>Participants report that session design and facilitation were effective.</p>	<p>Positive responses on community post-session eval to: “This session was designed and facilitated in a way that allowed me to share my perspective and input.”</p>
	<p>Community understands how their input will be used as the project continues.</p>	<p>Positive responses on community post-session eval to: “City staff and/or council members explained how community input would be used.”</p>
<p>Strengthen decision-making process by hearing diverse community perspectives from individuals and organizations who share valuable and perhaps underrepresented input with council that could shape projects and outcomes.</p>	<p>Council hears community perspectives they haven’t heard before, or infrequently hears.</p>	<p>Positive response on council post-session eval</p>
	<p>Community input influences process (e.g., additional research, community engagement, options).</p>	<p>Positive response on council and staff post-process eval</p>
	<p>Community &amp; Council Forums increase diversity of community participants.</p>	<p>Increase in % of participant responses to “It had diverse participation” within “what was good about this meeting” prompt on CE Scorecard (as compared to baseline of 34%):</p>

		<ul style="list-style-type: none"> <li>o Provided a chance for people to be heard</li> <li>o Maintained appropriate civic dialogue</li> <li>o Info about the meeting was easy to find</li> <li>o The meeting was accessible</li> <li>o It had diverse participation</li> <li>o The meeting was efficiently run</li> </ul>
	<p>Council and community observed respect for different experiences and perspectives.</p>	<p>Positive responses on participant post-session eval to: “City staff and facilitators made an effort to invite everyone to participate and were respectful of different experiences and perspectives.”</p>

- Measurement Instruments
  - o Post-session Evaluation (including some BPM Civic Engagement Scorecard prompts) for council, participants, and staff at conclusion of Community & Council Forum.
  - o Post-process Evaluation for council, participants, and staff after council decision-making point within a specific process.
  
- Implementation Elements:
  - o Pilot one Community & Council Forum in 2024, planned for September 26, as well as one or two additional Forums in 2025.
  - o Focus Forums on only one topic and align with dates and topics within quarterly council meeting scheduling exercises. Ideal topics for Forums will be:
    - Very early in council decision-making process;
    - Hold a high level of community interest; and
    - Accessible content for general public.
  - o The initial Forum will explore the topic and council priority of the creation of an Economic Development Plan.
    - This topic meets the above criteria, highlights a council priority, and was tentatively scheduled for a fall study session.
    - Additionally, the topic is conducive to both soliciting wide community interest and community organizational partner participation in the economic vitality area.



- The study session currently scheduled for September 26, 2024 will be canceled. The Community & Council Forum will then take place at the same date and time as the previously scheduled study session, and held at the Penfield Tate Municipal Building.
- Held in-person in Council Chambers, with council and public recommended to be in-person. Community observation would be available in-person and virtually.
- Seating arranged to include tables, on the same physical level, for council, staff, and community participants.
- Councilmembers Benjamin or Winer, as engagement subcommittee members, could chair and facilitate Forums. NCL Center for Democracy Innovation partners may be available to support facilitation for an initial session.
- Community participation limited to questions/comments on the topic of the Forum (this is not Open Comment).
- Community & Council Forums will include 20 community participants – 10 invited participants with lived experience related to the topic and 10 self-identified participants selected via online sign-up and random lottery.
- Proposed Community Participant Criteria:

Participant Category	Criteria
Invited participants (10 seats) with lived experience related to the topic and/or representatives of organizational partners that represent individuals with lived experience.	<ul style="list-style-type: none"> <li>○ Community members with lived experience on a specific topic</li> <li>○ Community members that council has not heard from, or hears from less frequently</li> <li>○ Mix of backgrounds and identities within this category</li> <li>○ Identified by city staff</li> </ul>
	<ul style="list-style-type: none"> <li>○ Organizations with subject matter expertise or who serve community members with lived experience on a specific topic</li> <li>○ Organizations that council has not heard from, or hears from less frequently</li> <li>○ Mix of type of organizations within this category (e.g., direct service, academic, association)</li> <li>○ Recommended by council subcommittee, identified by city staff</li> </ul>

Open Community participants (10 seats, selected by random lottery if there is more interest than seats)

- o Open to any self-identified community member via online sign-up
- o Participants randomly selected

- Recommended Format (180 minutes)
  - o Welcome, announcements, and overview of forum agenda and process (5 min)
  - o Staff presentation of topic, including executive summary, goals, context, key issues, and the “why” of a particular decision or opportunity (30 min)
  - o Clarifying questions from council and community participants (25 min)
  - o Small group discussions in breakout rooms, in five groups facilitated by a councilmember, with council and community participants as well as staff notetakers (60 min)
    - Community participants, who will be invited to answer from the following menu of specific prompts (these will have been shared with them in advance):
      - Do you have a lived experience that you want staff and council to consider when developing policy around this topic?
      - What factors do you believe will be most important in making a decision about this topic?
      - Do you have a recommendation on community groups or organizations to be engaged during this decision-making process?
  - o Small groups report out on discussion themes – captured in minutes (25 min)
  - o Council and community participants share clarifying questions and recap (30 min)
  - o Closing (5 min)
    - Facilitating council member shares a brief summary of what council learned and heard from community participants as well as next steps for this topic.
- Rationale:
  - o Currently, some community members are getting involved late in a public process (e.g., at a public hearing comment after policy options and alternatives have already been analyzed and presented by staff). This leads to some community members experiencing frustration about the timing of their input – later in a decision-making process – and leaves them with the

impression that their input has less of an influence on the ultimate decision.

- Allowing public comment and question and answer opportunities during this forum allows community members to learn alongside Councilmembers as public policy conversations are beginning, rather than when Council is being presented with final options for moving forward on an issue or topic.

### **NEXT STEPS**

Staff are continuing coordination for an initial Community & Council Forum on September 26, 2024.

### **ATTACHMENTS**

A – Final report of National Civic League Center for Democracy Innovation’s “City of Boulder Civic Infrastructure Scan and Recommendations for Improving Public Meetings and Engagement in the City”

CITY OF BOULDER  
CIVIC INFRASTRUCTURE SCAN  
and  
RECOMMENDATIONS FOR  
IMPROVING PUBLIC MEETINGS  
AND ENGAGEMENT IN THE CITY

**April 2024**



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Report produced for the ‘Democracy Innovations for Better Public Meetings project’, funded by the AAA-ICDR Foundation

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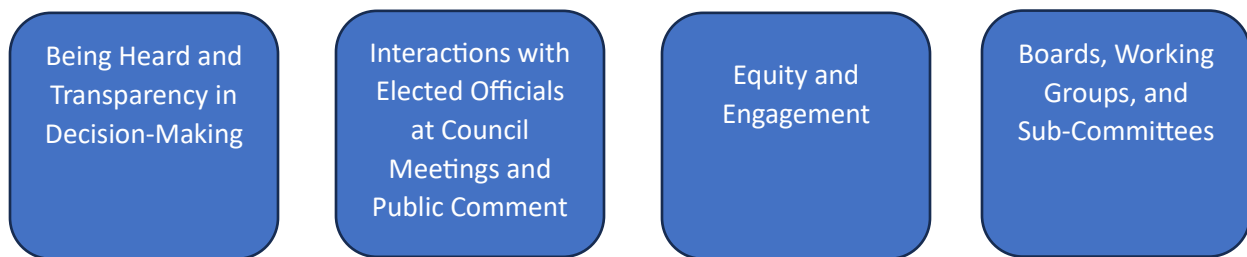
## Executive Summary

The Center for Democracy Innovation (CDI) works to sustain democracy by inviting people to help redesign the “civic infrastructure” of their communities, scale democracy through strategies for inclusive engagement to improve equity and governance, and measure the quality of democracy and engagement, particularly in ways that lift up the views and ratings of residents.

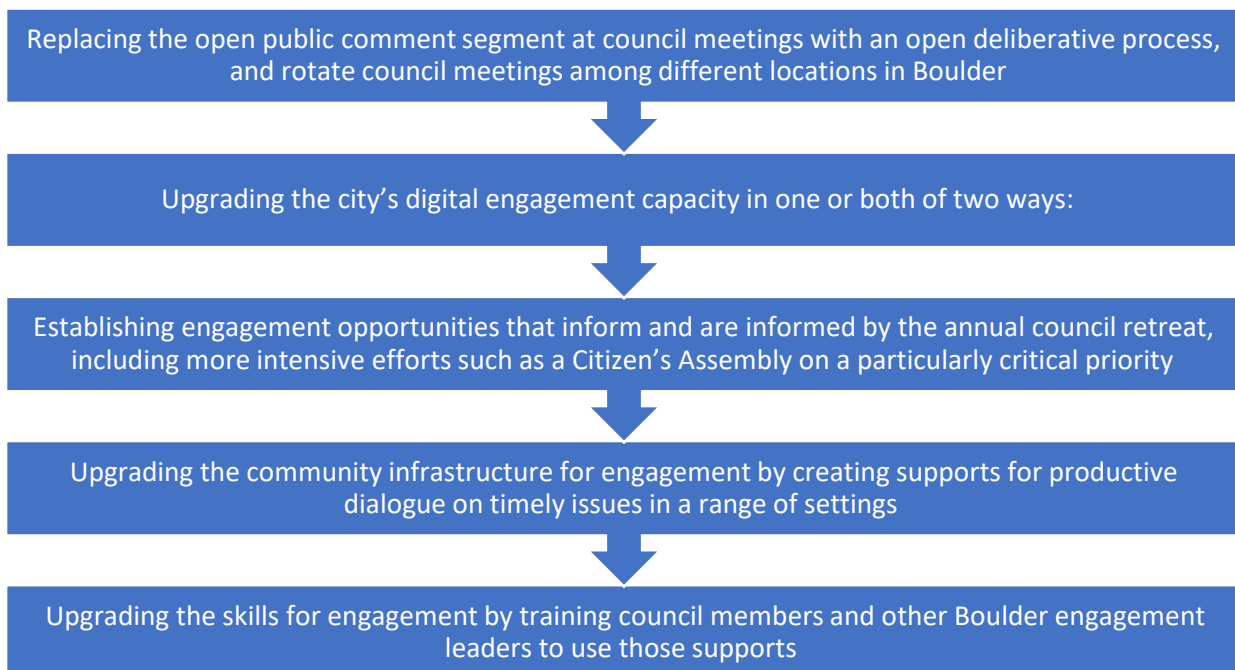
Over the last few months, the CDI at the National Civic League has been working to help Boulder leaders take stock of the local civic context and consider options for improving public meetings, and public engagement generally, in the city.

To accomplish these goals, we have conducted a **Civic Infrastructure Scan** to explore the recent history of engagement, assets and capacities present in the community, demographic shifts, and the state of democracy in civic associations and digital networks. We also fielded a local version of the Center’s **Civic Engagement Scorecard** to provide an ongoing source of data on resident attitudes toward meetings and the community generally. Finally, we are providing a **set of recommendations** on strategies and tools to use before, during, and after official public meetings.

From the Scan, Scorecard, and other conversations with Boulder officials and staff, four themes emerged:



In brief, our recommendations include:



Considering that our goal in this specific project is to promote democracy innovations in the context of *official settings*, democratic innovations need to coincide with slight adjustments to the design of specific portions of an agenda where the public can comment, in a way that is consistent with the laws that govern public participation. We suggest some form of sequencing of smaller roundtable discussions starting first within the community (perhaps during the Retreat, Chats with Council across the city, supported by civic technology, all of which can lead into official study sessions (and later regular city council meetings) involving conversations between elected officials and the public. In this way, the end point of an official public comment/call to the public session is not the focal point, but rather everything leading into these official settings, and then involving newly designed spaces for better public conversation at these meetings.

We've found a much broader interpretation of where and what type of public participation is required within official settings. Public meetings can consist of smaller roundtable discussions involving collective deliberation rather than strictly individual microphone-based engagement. But from the standpoint of the public, there needs to be certain guarantees, like a digital and verbal opportunity for their input to go on official record, a chance to exchange ideas with their peers and elected officials, and some way for their input to be accounted for in decisions/policies that are made.

## Introduction

In many places, official public meetings are fraught with frustration, conflict, and mistrust. By "[official public meetings](#)," we mean meetings that are open to the public, where elected or appointed officials are present, and where policy decisions are being made. The legal structure and operational design of these meetings is largely a vestige of decades past and have not really changed over time. Often, the main opportunity for the public to participate is limited to 'public comment/call to the public' in front of a microphone. This often ends up being a contentious and cathartic, rather than collaborative and deliberative, exercise between elected officials and the public.

Some of the enduring challenges that official public meetings experience includes poor or limited attendance, polarized atmospheres that consist of division between members of a community and between members of the public and official staff. The mixture of limited attendance and volatile public settings impacts the quality of discourse and safety for those present in the room, and this tends to trickle into the community more broadly.

There is evidence to suggest that bad public meetings are damaging because they:

- Lower public trust and confidence in government, making it harder to implement policies and maintain financial stability.
- Increase frustration and stress for public officials and staff.
- Lead to delays and erratic decision-making, which further erodes trust and wastes public funds.
- Worsen inequities because meeting participants are not representative of the communities most affected by policies.

In fact, we have heard several reasons why talking at a microphone tends to leave the public dissatisfied across our Better Public Meetings communities:

- 1) The limited time to speak.

- 2) Depending on the context, if there are large numbers of people in the queue, not everyone might get a chance to speak.
- 3) The lack of elected official acknowledgment and discussion after speaking.
- 4) The limited awareness of how input gets factored into decision-making.
- 5) The significant rise in contentious and unsafe environments where people thread a thin line between freedom of speech and aggressive, **hateful**, or unruly behavior.

By contrast, our team works with the idea (which is backed up by a vast body of research) that democratic innovations are a vital way to help people feel like their input matters in decision-making. Stephen Elstub and Oliver Escobar define **democratic innovations** as “processes or institutions that are new to a policy issue, policy role, or level of governance, and developed to reimagine and deepen the role of citizens in governance processes by increasing opportunities for participation, deliberation and influence” (See appendix F for their expansive typology of democracy innovations).

Democratic innovations tend to involve some form of agenda-setting, learning and informed conversation, and recommendations on an issue. This combination is what people in the democracy innovation space refer to as a good ‘deliberative’ process. When there is intentional design for public learning and conversation, it often has some form of impact on people’s internal disposition because norms for engagement are commonly agreed upon generating mutual respect, the trust for a process increases because it is designed for thoughtful two-way communication on a specific issue, and/or policy outcomes arise in some way from a more considered participatory exercise.

The goal then is to create structure spaces and opportunities for collaboration, and **retain**, rather than eliminate the spirit of what public participation at official meetings is meant to do (as opposed to what currently exists), but by injecting some democratic innovation to transform the relationships between and across community members and local leaders.

A wealth of practical work in the field of democracy innovation suggests that better public meetings are possible, sustainable, and measurable:

- There are proven tools and practices that can ensure civil, productive dialogue among people who have different backgrounds and interests.
- These practices can be adopted as part of official public meetings, in full accordance with open meetings laws.
- Before and after public meetings, supplementary tools and practices can reach broader audiences: providing information, gathering input, and reporting on decisions.
- Public satisfaction with public meetings, and the state of local democracy generally, can be measured through digital tools.

There is no one size fits all solution to how communities can make their meetings more inclined to civil productive dialogue because each community is different based on historical relationships, political dynamics, and legally binding requirements. However, we do feel that there are ways to make the atmosphere of official meetings both supportive of the public and the work that government or public sector staff need to do.



Understanding the local context is critical. Local leaders should take stock of the history, social capital, and civic assets of their communities to strengthen meetings and the relationship between government and citizens. [The Center for Democracy Innovation](#) at the [National Civic League](#) is running a ‘Democracy Innovations for Better Public Meetings project’ funded by the [AAA-ICRD Foundation](#) in collaboration with a community of practice made up of civic engagement experts from a diverse set of cities and counties across the United States:

- International City/County Management Association,
- National League of Cities
- Bloomberg Center for Public Innovation
- Participedia
- Kettering Foundation
- Cities Fortifying Democracy
- Democracy Cities

We are working with [three pilot communities](#) to advance collaborative, best practices in official public meetings:

- The City Council of Boulder, Colorado
- The Fayetteville Next Commission and Community Police Advisory Board in Fayetteville, North Carolina
- The Mesa Public Schools Governing Board in Mesa, Arizona

In this work we are building on best practices in the democratic innovation field and drawing upon local democratic assets and actors, such as city officials (elected/appointed), non-profit organizations and networks, government departments and their staff, anchor institutions (libraries, universities etc.), neighbourhood groups, and engaged residents. By creating a localized strategy catered to context specific situations, those convening official public meetings will work with us to design an inclusive and collaborative formal process with the public.

### **What’s in this document?**

This document contains five sections: our research methodology, community highlights (various types of local civic/social capital and any challenges the community faces), council meeting themes based largely on our interviews and some issue tracking, an overview of the results of the Civic Engagement Scorecard, our Center for Democracy Innovation’s recommendations for better public meetings in Boulder, and reflections on a public engagement session in the community. We have included several appendices, including our interview questions, the full set of answers to the Scorecard, interviewee recommendations for short and long-term changes, Mentimeter results for a public engagement session, and some of the references we used in this document.

## **Methodology**

The Boulder Civic Infrastructure Scan is community-engaged research report about the state of local democracy and community connections in Boulder. The information we present ***is not meant to be an exhaustive examination of local civic engagement and connections, and it is not an academic study.*** This report is a form of ‘strategic research’ meant to provide ***a snapshot*** of some important elements of

civic life in Boulder, including challenges and opportunities for improving the quality of experiences in City Council, and the community more broadly.

The research was conducted over the course of 6 months (summer to winter 2023). The project consists of qualitative interviews with local stakeholders (see Appendix B and C) and a quantitative scorecard (see Appendix A) of resident experiences during City Council meetings. The interviews included a broad array of internal and external actors, some of which had critical thoughts about City Council meetings, allowing the Center for Democracy Innovation team to gather a well-rounded, third-party perspective of some of the nuanced challenges facing the Boulder City Council.

The scorecard is ***not a representative sample survey***, and the findings are not meant to be interpreted in a way other than providing a baseline of public attitudes and experiences during Board meetings. The idea behind the scorecard is to ***develop an internal civic measurement infrastructure*** that lasts and becomes a normal facet of City Council interactions with the public. Where this opportunity did not exist before, the hope is that over time, as democratic innovations are pursued with the intention of diversifying who attends meetings, the staff can see changes in user experiences and attitudes toward public meetings, along with adjustments that might need to be made based on the data. The reality is that even though the scorecard prioritizes those that attend only, having this opportunity is an important tool to showcase a level of transparency and accountability to the public at Board meetings, allowing people an avenue to provide their opinions on how they view the quality of the meeting.

The scorecard was available in English, Spanish and Nepali. The opportunity for the public to rate their experience of city council meetings was offered by the chair, and registered attendees were sent a follow up email to fill out the scorecard. Below is an outline of our research approach:

- 15 semi-structured interviews with Boulder City Staff, Community Organizations/Residents, Local Media, and Academia. The demographics of interviewees are: 8 caucasians, 5 people of color, 9 women.
- Desk research (open meeting laws, rules of procedure, city charter, Tipton Report, Building Bridges, Boards and Commissions report, issue tracking)
- [Civic engagement quantitative scorecard](#) at City Council meetings: 50 responses (as of 12/21/2023), with 37 completed and 13 partially completed responses.

## Community Highlights

In Boulder, there are vibrant community networks and partnerships that positively impact local democracy and social capital within the community. While Boulder is a heavily Caucasian and highly educated population, it is also known for being a commuter city, with a strong student presence as well as a strong and growing Latina/o communities.

There is a strong mixture of hyperlocal and city-wide participation. This consists of multiple *neighborhood* organizations (some of which are HOAs) that are informally defined by residents with varied levels of organization. Some of these groups are very organized and others are less active, and many are simply a reference to an area of the city. Because of the University's presence, the University Hill neighborhood is likely one of the most active and engaged neighborhood groups, with a focus that includes land use, housing occupancy, licensing and permits, and public safety near and surrounding academic and residential communities.

There is also a host of *community-wide* advocacy organizations (many of which are focused on city business and meetings), including the Boulder Chamber of Commerce, PLAN Boulder, Open Boulder, Better Boulder, Boulder Progressives, Boulder Tomorrow. Lastly, there is an active student body with diverse student organizations and groups that are actively involved in campus affairs.

Boulder also contains a variety of city as well as non-profit civil society organizations, partnerships and connections that strive to enhance the quality of civic life through various types of programming and service delivery.

### Capacity Building Programs

- Community Connectors Program
- Luna Cultura
- Daily Camera
- Latinx Parents Advisory Council
- Museum of Boulder Voces Vivas
- BLDG 61: Boulder Library Makerspace
- City of Boulder Engagement Subcommittee
- National Association for the Advancement of Colored People (NAACP) Boulder chapter

While we note the strong efforts by the community to create and maintain networks of civic engagement, there are still voices that are less actively involved and heard from less than more actively engaged residents. These groups are the Latino communities, the commuting daytime population of people who don't live in Boulder (not only service workers, but also professionals, teachers, University students, etc. (those that commute in 5-days a week, but don't live in Boulder), newer residents, and seniors that have various accessibility issues.

When it comes to engaging with the city there is a tendency for there to be a core set of dedicated participants, that are by and large the same people. Groups that often do participate are focused on specific issues, like arts, bike safety, local libraries, land use and development, housing, and homelessness. Several of these issues align with City Boards and the participants often tend to be older adults, that are more connected, property owners.

There are some notable past experiences with community and public engagement. This includes the [Council Subcommittee on Engagement and a Welcoming Council Environment](#), an Elections working group, and a Subcommunity plan for East Boulder to redevelop an industrial area that involved site visits. There has also been experimentation with a bilingual Planning Board meeting largely through the Community Connectors and Spanish community having live translation, Police pilot supervision, and the [Community Connectors](#) program to work with under-represented populations in conjunction with City Council participation.

In terms of the way and manner that the public tend to engage both in-person and digitally, there are a few notable patterns. *Neighborhood* groups have an email list as a primary means of communication/outreach. They will sometimes try to influence issues by holding community meetings and write to council with a joint letter (coordinated offline). Informal networks organize in hyperlocal areas – 'blocks'. Some groups use Nextdoor, but it's mostly for safety concerns, lost and found pets or other items, and more problematic statements, though there are times when a letter written by a

council member can create a discussion thread asynchronously on Nextdoor. Younger adults (tech community) tend to use Slack. University students use canvass, WhatsApp, and larger student groups use Slack. Community meetings happen through Community Connectors – mobile/trailer park community centre, public libraries. WhatsApp is preferred among demographic groups – Latino communities for example, and kids act as interpreters for parents (often, for Spanish-speaking population. Lastly, there is a lot of organizing and participation around word of mouth.

Some of our interviewees noted that there while there is some neighborhood participation, and there are some citywide focused groups, there is not a whole lot of cross-pollination of participation across geography. In addition, there have been comments that students and the broader community’s interactions (*behavior* or claims about being in transition and not rooted rather than contributing to the economy, paying rent etc.) are often adversarial, but sometimes local groups seek out student involvement.

## Council Meeting Themes

There were some common threads in the interviews and other information we gathered concerning City Council meetings.

### Theme 1: Being Heard and Transparency of Decision-Making

One of the important themes that emerged from our conversations revolves around how to create experiences that ensure the public can feel like they’re being heard. This includes the creation of safe spaces to give feedback, especially from those that do not tend to provide their thoughts on important issues, and then ensure that the community is circled back to when decisions are being made, with transparency about how their input is being used.

#### KEY QUOTES

- “Citizens need to feel they are given an equal shake. The single biggest issue is that people in power, on the agenda proposing something, are given extreme preference to present their position. Citizens are given two minutes, no response, without ability to contact.”
- “The toxicity, I think comes back to being a *product* of people not feeling like they’re heard.”
- “There’s a difference between being heard and being listened to, how to meaningfully pull in voices so that we’re getting all perspectives, not just conceding to the most prominent voices in the room.”
- “There’s 108,000 people in Boulder and there’s probably 107,000 people we never hear from.”
- “Creating a safe space for people to give feedback is lacking right now. If you say something that people don’t like it will be screenshotted and posted on Twitter.”
- “We’ve done a lot of engagement over the past 10 years, and it seems like people are even more dissatisfied with the level of engagement.”
- “It’s unclear how responses from Be Heard Boulder are incorporated in decisions.”

### Theme 2: Interactions with Elected Officials at Council Meetings and Public Comment

Public comment is an important opportunity for the public to engage with elected officials and staff at Council Meetings. There were a variety of thoughts concerning their experiences and perceptions about

how public comment functions. People noted that they feel there is limited innovation applied to these meetings. For example, the public find it difficult to share materials via PowerPoint, and many people who participate digitally are not able to turn their cameras on. There are mixed opinions concerning the duration of public comment, with some people noting that there used to be open comment with no time limits on speakers and now there is a cap on twenty people, whereas others recognize that the length of these meetings are challenging, if not problematic. There is a feeling that public comments are not being listened to, and whether council members can be swayed by the identity of the presenter (which might involve some form of favoritism). While people want some form of recognition after presenting to council, it is unclear by somehow this would occur.

The post-Covid environment opened opportunities to participate digitally, but at the same time it has been difficult for people to connect in person. For some, digital engagement during meetings appears to be disjointed, with a lack of clarity on how the city is providing asynchronous opportunities to participate and how existing digital channels are being tapped into (some groups have used Slack to communicate among each other during council meetings).

### KEY QUOTES

- “You often don’t get a response – through email and through public comment.”
- “The historical way of engaging the public has been having the space at City Council for members of the public to come and speak and testify. I find that not a particularly helpful or gratifying way to engage on local issues from either side. When you are a community member, you’re sort of talking to straight faces who aren’t responsive. When you’re on council, you’re hearing from people at the wrong moment in a project, as people tend to turn out the night of a vote after you’ve spent six months looking at issues.”
- “No indication from those signed up about who the people are, what they are speaking to or a question they might ask.”
- “There is a point about having to digest questions on the spot and how to give a meaningful response immediately.”
- “The climate now is one where the public are hyper focused on openness and transparency, and there’s a feeling that council already knows the direction it is voting, and new meetings might have no new information.”

### Theme 3: Equity and Engagement

Equity was a consistent theme throughout the interviews, particularly in terms of the ability of under-represented members of the community to be actively and consistently engaged in and informed about issues being considered by City Council. One of the more concerning reflections about equity is the difficulty that Latino/a community's experience in trying to engage with Council. We heard “disrespect” reflected in a lack of acknowledgement by city leaders of the people of color who sit on boards/commissions, questioning why they lend their time and expertise if they are not considered to be a resource. We also heard a reluctance to participate and be engaged as a person of color because “we don’t really know how to speak the language that they use in meetings” and “we are not as comfortable as others in standing up in a meeting at a microphone.” We also heard the difficulty and stress of being a person of color in a work environment that is not diverse. The issues are sensitive and cannot go unnoticed or without reference in this project.

While the Community Connectors program has acted as a segue into various communities, it is noted that they do not engage on all issues before council. People commented on how the staff sometimes does their own outreach, but this can vary depending on the meeting, and more proactive outreach for all boards must reflect with workload and staff hours (time and resources). In terms of direct engagement by under-represented communities there is a simultaneous accessibility awareness of translation services, but also an intimidation factor in presenting before council. Here, some people suggested that official meetings should be conducted where people are already congregating. There were adjacent concerns around the timing of when information goes out, how to sign up to receive information about city council items.

#### KEY QUOTES

- “Meetings can be intimidating and uncomfortable if you don’t know the right way (or the expected way) to communicate and what to say in a few minutes.<sup>3</sup> It takes a lot of time to prepare for some people and no one wants to look ill prepared, especially if you are a person of color.”
- “Do people know they can speak in Spanish?”
- “You can get information for public meetings if you’re already signed up to email list, or if you visit the website.”
- “Hotline has potential but sign up is not easy, challenges with getting emails registered and people decline to move forward.”
- “Even the more informed (and pay attention) aren’t always privy to what’s going on.”
- “Community connectors is a lot of work, and it’s also not done on every issue.”
- “If the mountain doesn’t come to you, go to the mountain.”
- Wanda James, CU Regent who also identifies as African American, stated “we’ve seen a 40% increase of applications have come in to the University of Colorado, and hoping to see that represents more Black and Latinos coming to Boulder.”
- It (Boulder) is “an unwelcoming city,” said James, “It is a rich white society in Boulder...and you don’t see a lot of diversity.” There is “no downside in embracing diversity.”

#### Theme 4: Boards, Working Groups and Sub-Committees

Our conversations also led to comments about bodies adjacent to city council. There is some concern about specific aspects and functionality of boards and subcommittees, particularly in the training of members, the remit and scope of their ability to do engagement, and how well they operate in terms of inclusivity practices for under-represented groups in their meetings. So, there are open questions about working groups in terms of how they tap into community participation and feedback, a lack of clarity on what to do with their input, and how participation impacts being and feeling heard if these bodies are purely advisory.

#### KEY QUOTES

- “Previously, boards would be proactive in discussing matters, and now are reactive dealing with whatever staff brings, and the schedule is packed with things being pushed to future meetings.”
- “Applying for a board is a challenge despite being bilingual now. The issue further compounded by how information is presented to other non-English primary households. Benefits of working on a board that people don’t understand, what and how to do the work.”
- “Boards are limited and don’t have certain training. Some boards need to train in Roberts Rules of Order and facilitation.”

- “Board meetings only online with no prospect of going back in person. Issues of being understaffed, trouble retaining members, takes staff to run meetings and not many people assigned.”
- “The engagement subcommittee can reject ideas for implementation. Raises the question about how innovation can move forward. What are the powers of this committee.”
- “Same people showing up – “I know every person on this, you know, group and it tells me that it’s not a representative group.”
- “Youth Opportunity Advisory Board has been in place for a long time but has had issues with keeping active members engaged. Focus on mental health support and addressing distrust of government. Identity issues and being seen are challenges. Homelessness a topic sometimes climate action and economic situations.”

## Civic Engagement Scorecard Highlights

The civic engagement scorecard has been used at 7 city council meetings as of December 21, 2023. Full Scorecard results are in Appendix A. Here are some interesting highlights about public experiences at the council meetings they attended. Nearly half of the participants felt their overall experience was good. For a vast majority of people this was not their first time attending a council meeting, and they did so in person. There is a near 50/50 split between people hearing about meetings either through word of mouth or on the city’s website. People overwhelmingly feel that the meeting offers them a chance to feel heard, and yet what they’d want to change is to have greater transparency concerning how their input is factored into decisions. Members of the public noted that there is a strong sense of community support among each other but that it feels like it is the same people doing most of this participation. There are concerns that people do not mix beyond their own groups. Most of the participants were female, Caucasian, older than 40 and long-time residents. No submissions were made in either Spanish or Nepali.

## Center for Democracy Innovation Recommendations

The following recommendations are intended to work within existing legal frameworks such as Colorado’s Open Meeting Laws, the City Charter, and Rules of Procedure. In addition, several of these recommendations are also aligned with previous work on the topic of enhancing civic engagement in Boulder, notably the [Building Bridges Phase II](#) report produced by the Public Participation Working Group, which was initiated by the City of Boulder in 2019. However, there are elements that could be strengthened by adjustments to select laws that impact the format of participation at public meetings.

Though only the first recommendation centers on the city council meetings themselves, **all** the recommendations would help to make council meetings more efficient, information-rich, widely attended, and connected to other conversations in the community.

Improving public meetings, and strengthening engagement generally, should be a community-wide priority. Elected officials, staff, and other community members all have roles to play. This work should be led by a diverse, cross-sector set of community leaders who are tasked with considering and adapting these recommendations, overseeing implementation, and measuring their impacts. There are many ways to structure this – it could be an existing committee, subcommittee, or commission, or a new one – but whatever the format, we feel it should draw on the leadership and buy-in of leaders inside and

outside local government. The table below suggests the roles that elected officials, staff, and other community members could play:

Council members	City dept. heads and staff	Other community leaders and residents
<ul style="list-style-type: none"> <li>• Recruit participants (spans recommendations 1-5)</li> <li>• Support staff, other community leaders in their engagement work (1-5)</li> <li>• Clearly communicate how engagement affected decisions (1-3)</li> </ul>	<ul style="list-style-type: none"> <li>• Structure, facilitate deliberation at council meetings (1)</li> <li>• Manage digital engagement (2)</li> <li>• Manage engagement leading to/from council retreat (3)</li> </ul>	<ul style="list-style-type: none"> <li>• Recruit participants (1-5)</li> <li>• Practice engagement skills in other settings (4-5)</li> <li>• Bring council questions, topics into other settings (4-5)</li> </ul>

Lastly, we see an opportunity to select and combine these recommendations in ways that are conducive to the community in a sequential way. Sequencing public participation would involve focusing on an issue or set of issues, applying different formats of participatory input from the public, all of which build upon and feed into an overarching process focus on plugging people into city decision-making.

### **Recommendation 1: Replace the open public comment segment at council meetings with an open deliberative process, and rotate council meetings among different locations in Boulder**

The interactions between community members, council members, and staff at official public meetings are frustrating and unproductive, according to members of all three groups. There are concerns that the lack of connection and dialogue makes public participation at the council meetings very limited. Community members also express the concern that their input at meetings does not influence public decisions. Overall, these meetings lack the qualities that make people [feel heard](#).

Based on our reading of Colorado's open meeting laws, there is no specific legal requirement to host a general call to the public for open comments at the beginning of the agenda, or to use the conventional open-microphone format. (There is, however, a requirement to allow public hearing and comment on quasi-judicial agenda items, where the council is making a decision on a zoning variance or a similarly narrow question). Our recommendation is **not** to abandon the core values of public comment, but rather to reinforce them by using a new, better format.

We recommend you implement this recommendation by:

1. Starting with the **'Chats with Council'** already being held periodically in Boulder
2. Then including a deliberative segment at **Study Sessions** with opportunities for public participation (allowable upon the recommendation of the Chair, as per rules of procedure). **Special Sessions** can also experiment with this process, upon the recommendation of the Chair (allowable per rules of procedure)
3. Subsequently, piloting a deliberative open public comment at City Council meetings.

The new deliberative segments at council meetings should use the following format:

- A. Participants are sorted randomly into groups of 4-8 as they arrive



- B. Council members and staff join groups (*no more than one council member* per group in order to comply with open meetings law)
- C. Topics are determined beforehand, and included in all descriptions/promotion of the meeting
  - a. Topics can include more general questions as well as items on the agenda
  - b. However, quasi-judicial items **cannot be included** in this segment – public comment on those items must continue to be conducted pursuant to Chapter 1-3, Quasi-Judicial Hearings, B.R.C. 1981.
  - c. “Potential future council agenda items” should always be listed on the agenda
- D. Each group has a facilitator, trained beforehand (in addition to city staff, these could be Community Connectors or other Boulder engagement leaders, see below), whose job is to:
  - a. Help group set ground rules
  - b. Ensure that everyone has a chance to speak
  - c. Help manage the time
  - d. Introduce any discussion questions that have been provided
  - e. Help the group decide who will report out from their conversation OR help the group use the digital reporting process (see below)
- E. The group discusses other topics first, then potential future Council agenda items in the last part of the discussion
- F. Results of the small groups are shared, and entered in the public record, in one of two ways:
  - a. Reporter from each group summarizes the discussion OR
  - b. Participants give their comments/answers via live polling, and results are displayed on a big screen
  - c. As part of the live polling or through a question on the Engagement Scorecard, participants vote on which potential future agenda items should be prioritized/recommended for the council
- G. At the end of the hour, mayor thanks participants for their time and ideas, and explains that council members will use the results in their deliberations and consider the potential agenda items for future meetings. According to the charter, the mayor can also request that staff follow up with questions that emerged during the session, and ask members of the public to give a one-minute clarification.
- H. For particularly important and challenging issues, the Council can consider using more intensive deliberative discussions, including:
  - a. Study Sessions with opportunities for public participation (allowable upon the recommendation of the Chair, as per rules of procedure)
  - b. Special Sessions, upon the recommendation of the Chair (allowable upon the recommendation of the Chair, as per rules of procedure)

The interviews we conducted and the baseline data from the scorecard suggest that there are committed residents that are actively involved in engaging with council, and in their community more broadly, but that these tend to be the same people, and different groups of residents, do not often mix. Groups in Boulder tend to gather and participate in certain neighborhoods and facilities that the City of Boulder might tap into to draw more people into participating at City Council meetings.

Therefore, we recommend that City Council meetings be held in different areas of Boulder. The considerations for this would include:

- Vetting spaces and working with facility security to ensure the necessary safety precautions are taken to support the new meeting location.

- Utilizing trusted spaces that particular residents of Boulder already use to draw in the participation of under-represented members of the community. One example would be to host City Council at the University, drawing key partners to undertake targeted recruitment with segments of the community that may have a particular interest in catered agenda items for that meeting.

**Recommendation 2: Upgrade the city’s digital engagement capacity in one or both of two ways:**

- **Use a texting-enabled engagement process to encourage, facilitate, and aggregate small-group deliberation before, during, and after council meetings, AND/OR**
- **Change the way the city conducts surveys: avoid ‘survey fatigue’ and create a more continuous, flexible, trust-building public opinion capacity by creating a large, standing survey panel**

City staff are working to maintain two digital engagement opportunities: BeHeard Boulder and the Boulder City Council Hotline. Neither effort seems to be complementing the City Council meetings well, and neither of them seems integrated into the overall engagement strategy of the city. Both avenues offer one-off, one-way opportunities for residents to make comments or complaints, but neither allows for effective discussion among residents or a snapshot of what the whole community might think about an issue.

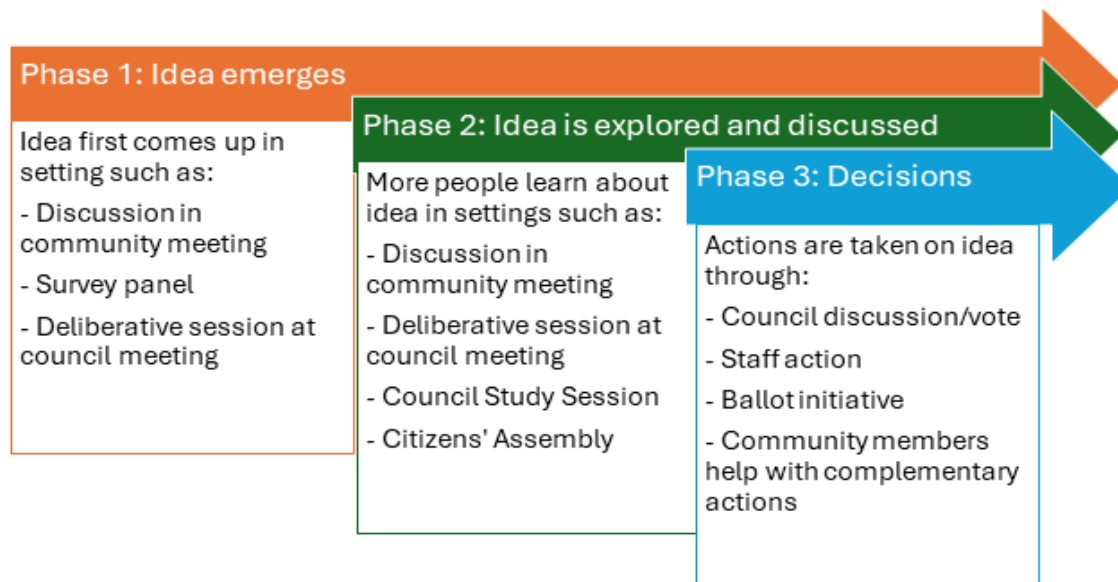
Public meetings would be complemented by, and the city would benefit from, digital engagement opportunities that were more interactive and built a stronger ongoing relationship between decision-makers and community members. Here are two options, which could be pursued separately or together:

- A. Use texting-enabled engagement to encourage, facilitate, and aggregate small face-to-face conversations happening wherever and whenever is convenient for residents.
  - a. Deliberative discussions in groups of 2-4 people are effective for helping people learn about issues, consider their options, and decide together what they want to do. Digital texting platforms can structure and connect those discussions, allowing large numbers of people to contribute ideas, find information, answer questions, and engage in a statewide or national process. The potential of this format has been demonstrated by “[Text, Talk, Act](#),” which over the last eight years has involved over 200,000 Americans in productive deliberation on mental health issues.
  - b. Participating in a texting-enabled process is simple. Whenever and wherever they want, participants text a keyword (like “master plan”) to a pre-assigned number and then receive a series of text messages, including:
    - i. information on the topic (sometimes in the form of links to videos);
    - ii. questions for discussion (if you are in a group of 2-4) or reflection (if you are on your own);
    - iii. process suggestions;
    - iv. polling questions; and
    - v. requests to respond with action ideas and commitments they will make.
  - c. Each text the participant receives includes a keyword to use in their response in order to get the next text from the platform.

- d. Throughout the process, participants also receive links that allow them to see how other people participating in the process have responded to the polling and action questions.
  - e. In addition to helping people make better decisions, a texting-enabled process can provide city officials and staff with a sampling of public opinion. Though not as scientific as a random-sample poll, an SMS-based engagement strategy builds in information and deliberation, so that participant responses are more informed and considered.
  - f. This process could be used to structure the small-group discussions at council meetings, making human facilitation easier (or even superfluous). It also provides council members and other leaders an easy way to bring city topics and decisions into other community meetings.
- B. Establish a standing survey panel (see [BeHeard CVA](#) as one example) of hundreds and potentially thousands of Boulder residents
- a. Recruit broadly from different segments of the community
  - b. Encourage residents to opt-in and customize the frequency, issue areas, and locations
  - c. Collect demographic information from members when they sign up
  - d. People who do not live in Boulder but have some stake in its success (they work there, own property there, etc.) can join, and state that relationship as part of the demographics
  - e. Translate each survey into Spanish and Nepali
  - f. Continue to recruit participants and refer back to results of the surveys, so that the group grows and diversifies over time (but representativeness of sample is always clear)
  - g. If the council decides to organize a citizen's assembly (see below), use the survey panel to recruit assembly participants

These digital strategies could be used to complement City Council meetings by: allowing residents a chance to suggest, learn about, and prioritize future Council agenda items; allowing the Council to gather informed input on issues they are considering; giving people who cannot attend in-person meetings a chance to contribute.

The use of either of these strategies, along with the other recommendations, would create an environment where resident ideas and suggestions were more informed and received more consideration by other residents (as well as officials and staff) - see the illustration below. This would make residents more likely to feel heard.



**Recommendation 3: Establish engagement opportunities (drawing on strategies mentioned above) that inform and are informed by the annual council retreat, including more intensive efforts such as a Citizen’s Assembly on a particularly critical priority**

In Boulder, the annual City Council Retreat produces a list of priorities that shapes the Council’s work for a long period of time. Subsequently, Council members have noted that residents criticize them on specific issues and decisions without realizing that these priorities stem from the Retreat. Therefore, some of the frustration that the community directs at the council might be circumvented by carving out an opportunity to understand, learn from, and contribute to the Retreat.

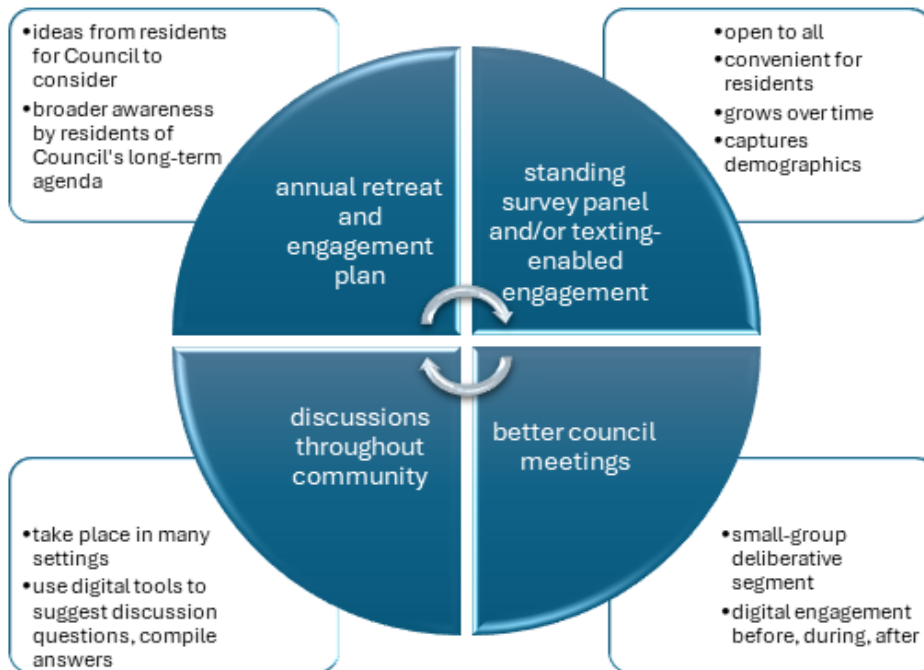
This participation could involve several opportunities:

- A. Before the Retreat:
  - a. Use the standing survey panel or texting-enabled engagement process (see above) to field questions about what priorities the council should focus on over the next 1-2 years
- B. During the Retreat:
  - a. Hold an in-person public [world café](#) at the Retreat (see example from [Reading, Massachusetts](#)) to help councilmembers and community members learn more about the issues that the community are most interested in. This could further be supported by a zoom plenary/breakout conversation.
- C. After the Retreat:
  - a. Adapt the Boulder Civic Engagement Scorecard to gather input on how citizens are feeling about the plan and display the ongoing Scorecard results and plan indicators on a public dashboard.
  - b. Potentially field another survey that explains the councilmember conclusions that shaped the plan and gathers input on how to refine, engage community on, and act on

- the plan – including ways that citizens can contribute directly to the implementation of some aspects of the plan as volunteers
- c. For a major community issue or priority, Council should consider holding a Citizen’s Assembly. Citizens’ Assemblies are:
    - i. Intensive deliberations that typically last several days
    - ii. Participants are selected randomly (if Boulder institutes a survey panel, that would serve as an efficient means of selection)
    - iii. Participants learn from experts, deliberate on the pros and cons of the issues, and make recommendations to Council. One appropriate opportunity for a citizens’ assembly is the updating of the Boulder Valley Comprehensive Plan.
  - d. Finally, for particularly important decisions or for changes to the city charter, the Council should consider a ballot initiative.

Improving Council meetings, upgrading digital engagement capacity, and linking both to the annual Retreat could produce a more effective cycle of engagement, as illustrated below.

**Cycle of communication supporting local policymaking in Boulder**



**Recommendation 4: Upgrade the community infrastructure for engagement by creating supports for productive dialogue on timely issues in a range of settings**

Renovating the “ground floor of democracy” in Boulder will help support and improve all of the processes described above. The community already has a range of neighborhood associations, homeowner’s groups, service clubs, university-based groups, and local online networks that bring people together around issues of common concern. The city also supports a Community Connectors program in order to amplify diverse community voices, as well as a variety of boards and commissions. We want to encourage further thinking about to advance these programs to draw in the Latino community in particular.

Encouraging and supporting those groups to engage their members more effectively will not only help the leaders of those networks, it will make the work of council members and staff easier and more effective.

This work is particularly important for one aspect of improving official public meetings: getting help from a wide range of community leaders will be **essential for increasing and diversifying turnout** at the meetings and other engagement opportunities. The deliberative techniques described in the first recommendation above will be far more meaningful if employed with a diverse array of 50 people than with an homogeneous group of eight.

We suggest that city officials, staff, other community leaders, and residents:

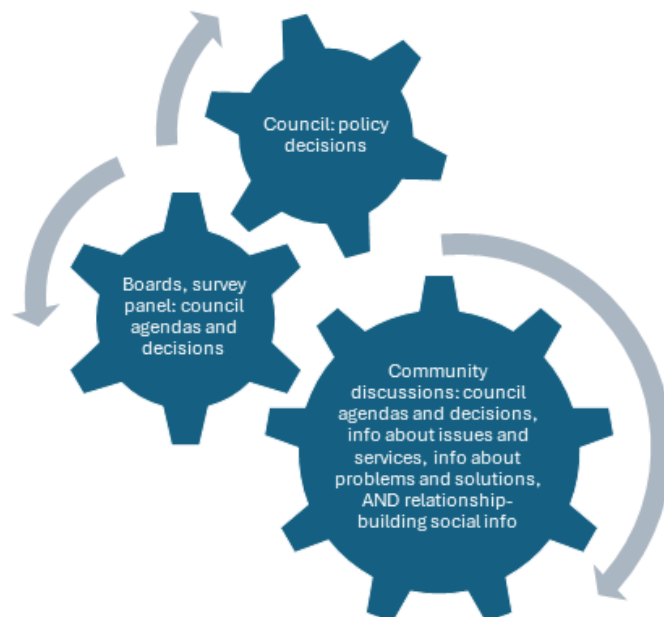
- A. Use the connections mapped in the civic infrastructure scan to encourage community leaders to recruit participants for council meetings, the survey panel, and other participation opportunities
- B. Include discussion questions and suggestions in survey panel surveys, or use texting-enabled engagement, to give engagement leaders a tool they can bring to other community meetings
- C. Hold community-wide social events that bring leaders and members of these networks together (particularly in ways that emphasize fun: food, games, music, sports, and theater)
- D. Produce an annual report on the overall health of civic groups

This work on Boulder’s civic infrastructure would better convene and connect discussions about the city and its future (see illustration below, showing what kinds of things people are talking about, and where the conversations are happening).

Gear 1: Electeds and staff (government)

Gear 2: Appointed (adjacent to government)

Gear 3: Community



### **Recommendation 5: Upgrade Boulder’s engagement skill base by offering an annual training workshop for Council members and other Boulder engagement leaders**

One key shift is to change the expectations (and skill set) of leaders from a representative model to a represent + engage model. Rather than asking people to speak for their peers, you want them to speak for AND bring their peers into the discussion, in a range of ways (in-person engagement, participation in surveys, engagement online). This means explicitly encouraging “engagement leadership” and providing skills and tools to help them embody it.

An annual engagement training would allow Council members, Community Connectors, members of boards and commissions, and leaders of civic groups to explore topics such as:

- A. Strategies and tools for outreach, recruitment, and relational organizing (including digital tools like Outreach Circle)
- B. Facilitation of in-person and [zoom meetings](#)
- C. Organizing fun: incorporating food, games, music, sports, and theater in engagement (and vice versa)
- D. Bringing people who belong to local digital networks together for in-person events, and encouraging in-person event participants to join local digital networks
- E. Using the civic infrastructure scan to identify where people are already gathering, and bringing issues to them – this is true of both in-person and online conversations (for example, there are Latino community members using WhatsApp, and young professionals using Slack)
- F. Strategies and tools for live polling and decision-making (including digital tools such as Mentimeter)
- G. Strategies and tools for measuring participant satisfaction (including tools such as the Engagement Scorecard)

For each of the engagement opportunities described below, the Council should clarify the role that they are asking the public to play, using the [IAP2 Spectrum](#) (see chart below for suggestions on where activities fit on the Spectrum).



developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>PUBLIC PARTICIPATION GOAL</b>	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
<b>PROMISE TO THE PUBLIC</b>	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
	Discussions in community meetings	Survey panel	Deliberative sessions at council meetings	Special Sessions of council?	Ballot initiatives
	World café before retreat	World café before retreat	Texting-enabled engagement	Texting-enabled engagement	
		Discussions in community meetings	Survey panel	Citizens' assembly	

### Highlights from the Public Meetings & Community Priorities – Engagement Session

On February 21, 2024, the City of Boulder and the Center for Democracy Innovation hosted an in-person [engagement session](#) focused on the Better Public Meetings report and the City’s findings of the 2023 Community Survey. The Better Public Meetings report initial draft civic infrastructure scan and recommendations to enhance official public meetings was posted on the [Be Heard Boulder](#) website.

The session was designed to present the community with an update on the Better Public Meetings project as well as findings from the Community Survey, and to host roundtable world café discussions about themes drawn from the Community Survey and Better Public Meetings report. Input was gathered from the audience using the living polling digital platform, Mentimeter. In part, this was to trial the use of a new digital process to visibly capture public input as well as well as facilitate small roundtable deliberative discussions in a formal city engagement setting. The results of the live polling are found in



Appendix D. Results from the pre-engagement survey responses concerning public perceptions about the Better Public Meetings report are found in Appendix E.

There are two main themes two report out from the public engagement session:

1) *Reflections from the community regarding the Better Public Meetings presentation and report*

The initial reactions to the report were relatively positive; people resonated with the idea of making official council meetings more inclusive and participatory. The pre-engagement survey, the detailed [Daily Camera Community Editorial Board debate](#) on the recommendations, and subsequent emails from the public in response to the event, indicate that there people respect the level of detail and thought put into the idea of trialing more deliberation and civic technology in council sessions.

That said, there were relevant nuances and critical reflections on the recommendations that are important to note. One is that there is some confusion around the statistical significance of a civic engagement scorecard and how it is deployed in any meaningful way to represent or reflect public attitudes on experiences following city council sessions. The scorecard is meant to be one form of digital civic infrastructure for people to rate their experiences of city council meetings. It is *not statistically* representative of the population because it only captures those present at meetings. Nonetheless, the opportunity for rating your experience had not existed prior to implementation during this project. We envision this becoming a regular feature of civic participation. What it does not guarantee is a diverse set of participants filling out the scorecard, which speaks more to the systemic problems of attendance to city council sessions by a consistently small group of residents. Therefore, the scorecard is meant to be a real-time pulse of public input, both giving community members a chance to let staff and elected officials know how they're doing, and in turn, allowing staff and elected officials a way to gauge the way a council session went. Ultimately, significant outreach efforts need to occur in parallel to the scorecard being available such that a more diverse set of people will rate council sessions.

2) *Reflections around public comment period*

Our recommendation is to take the formal of public comment and transform it into a space where people have more opportunity to provide nuanced reflections on agenda items, beyond 2 minutes at a microphone. The key component here is to build a mechanism for the public to go officially on record but be heard in conversational format with elected officials, rather than simply speaking *at* elected officials. The design of this in practice will require honing – to our knowledge it's never been done (in any city council). It is not meant to silence people by taking the microphone away. To the contrary, we want to provide people with more time to justify their perspectives and give people time to constructively engage with each other. We envision a portion of a study session and council meeting as having a participatory component on the agenda where it does not currently exist. See our [webinar](#) on this topic. In addition, there are countless micro-adjustments that could make the quality of experiences better at council meetings, but we focus primarily on ways to insert dialogue and technology into these sessions, hoping to qualitatively shift local democracy from being sometimes quite adversarial to being consistently collaborative.

### 3) *Reflections on the format of the public engagement session*

The public engagement session had a mixed set of responses to the format of the experience. The mixture revolves around the staff's (City of Boulder and Center for Democracy Innovation) intention versus how the design actually played out. Upon reflection, there are a few things that stand out that the process could have used to enhance the experience:

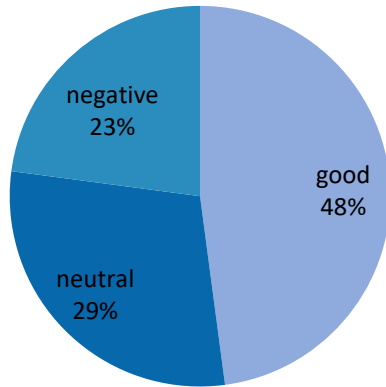
- More effort to include diverse sets of the population in the session. There was live Spanish translation which did allow some people to actively participate in their mother tongue (including during the roundtable charettes), but there is still a need to encourage other demographically underrepresented members of the community in these processes.
- Better balance between presenting information and gathering public input. It was a challenge to do both of these efficiently in real time, which means that the allocation of time needs to be better applied along with how much is being done – sometimes less is more.
- Opportunities for people to engage remotely beyond the commenting function offered on BeHeard Boulder.

### 4) *Setting expectations around the limitations of the project*

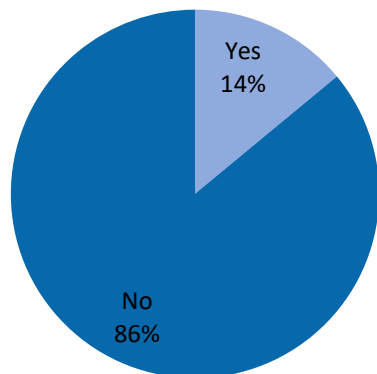
The Better Public Meetings project is the start of a conversation. It was not meant to be an exhaustive academic research process, but rather a strategic report - conducted by a small team at no cost to the City of Boulder - on local civic infrastructure and a digital rating component of existing experiences in city council meetings. As a third party, we had a window into various internal and external perspectives on how to make public engagement in council sessions better. Relevant conversations were hosted with various community stakeholders, but this by no means captures all, most, or even a significant part of the community just given the size of the community. Our resources were limited but we feel that the recommendations reflect thorough considerations from multiple perspectives. Our team has provided a few tools to carry on a conversation that has been ongoing in Boulder for several years. We hope to build upon the work with more members of the community and to support the staff as well as community groups on the ground to see to it that innovations do become piloted, and to learn from them. The bigger picture is that Boulder will provide critical lessons to other contexts around the county, with the ultimate goal of strengthening how constituent and political/bureaucratic relations operate in formal settings and in the community.

## Appendix A: Civic Engagement Scorecard

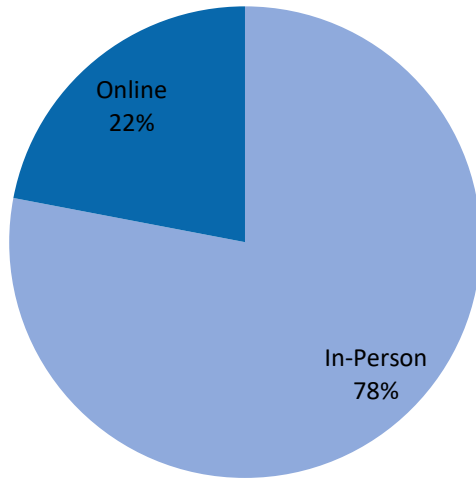
### 1. How would you rate your experience at this meeting?



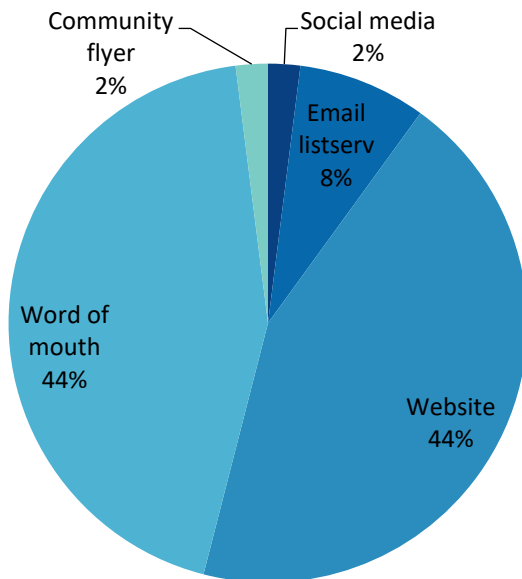
### 2. Is this the first time you have attended this type of meeting?



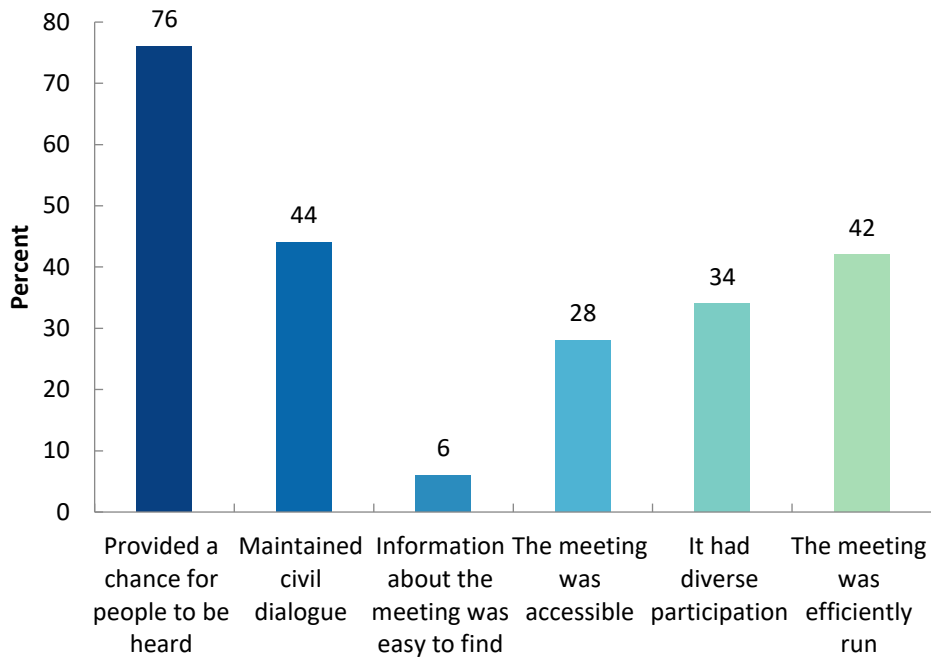
### 3. How did you participate in this meeting?



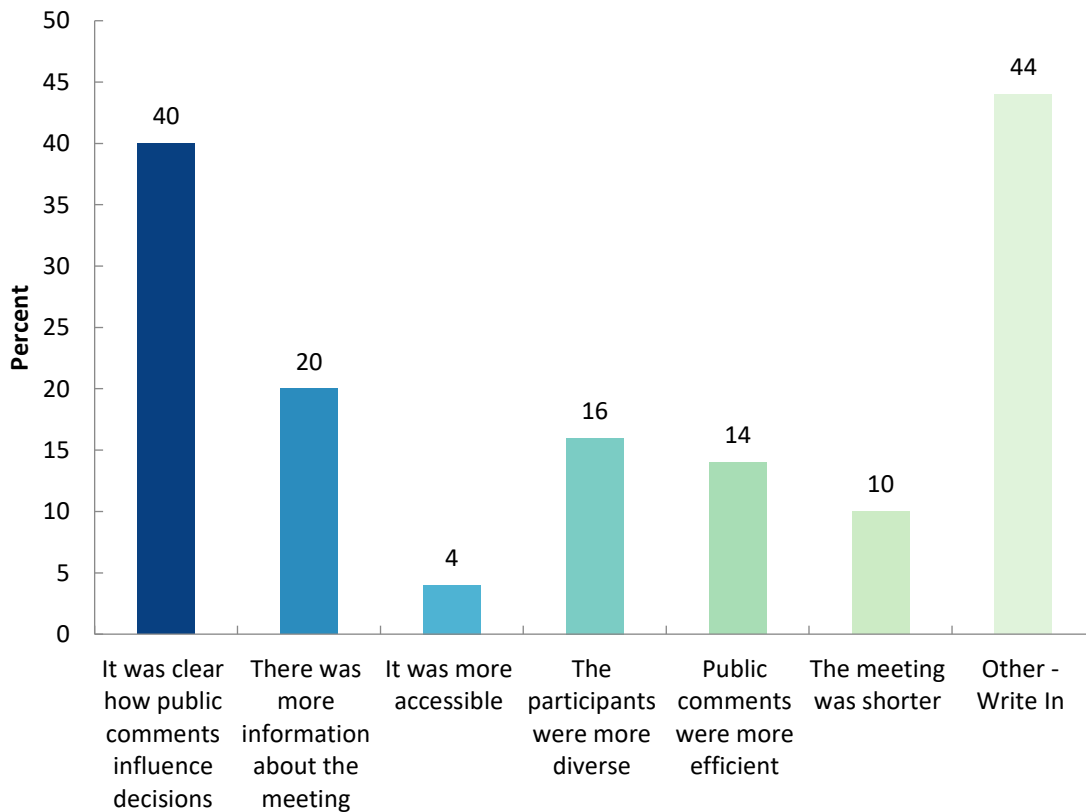
### 4. How did you hear about this meeting?



**5.What was good about the meeting (select up to 3)?**



**6.The meeting would be better if (select up to 3):**

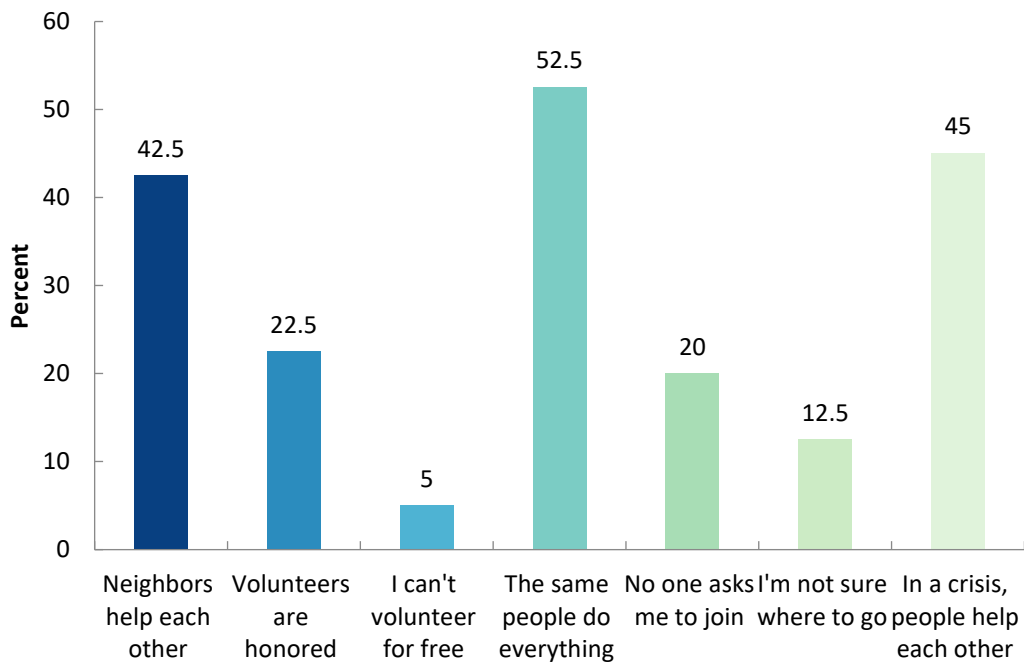


Other - Write In	Count
3 minute limit instead of 2	1
A brief chance to reply to other comments	1
BRIEF feedback be given from the Council on the comments.	1
I believe the two minute limitation on public comments is too narrow. It leads to confused and over-urgent comments being made. People need at least 1 minute to breathe if they have to consolidate their comments to 2 minutes. Please return us to the 3 minute standard allocation for public meetings.	1
I couldn't hear all the speakers	1
If disruptive behavior from the public never occurred 🙏🌻🙏	1
If there was on the spot sign ups to speak when all comment slots are not filled. Otherwise it's absolutely perfect. And I'm always speaking when I can and want to.	1
If we had 3 minutes. Every other large city in Colorado allows 3 5 or 6 minutes!	1
Impossible to hear open comments from the audience. Can you amplify more?	1
Nothing I would change...but would add in person sign up for unfilled open comment slots.	1
People were rudely cut off after 2 minutes	1
PowerPoint should be shown to the public online	1
Public input should stay 'on topic'	1
Some one would notify the speaker to get closer to the microphone so the rest of us could hear them.	1
Speakers at "public participation" had three minutes!	1
Speakers at public participation had three minutes!	1

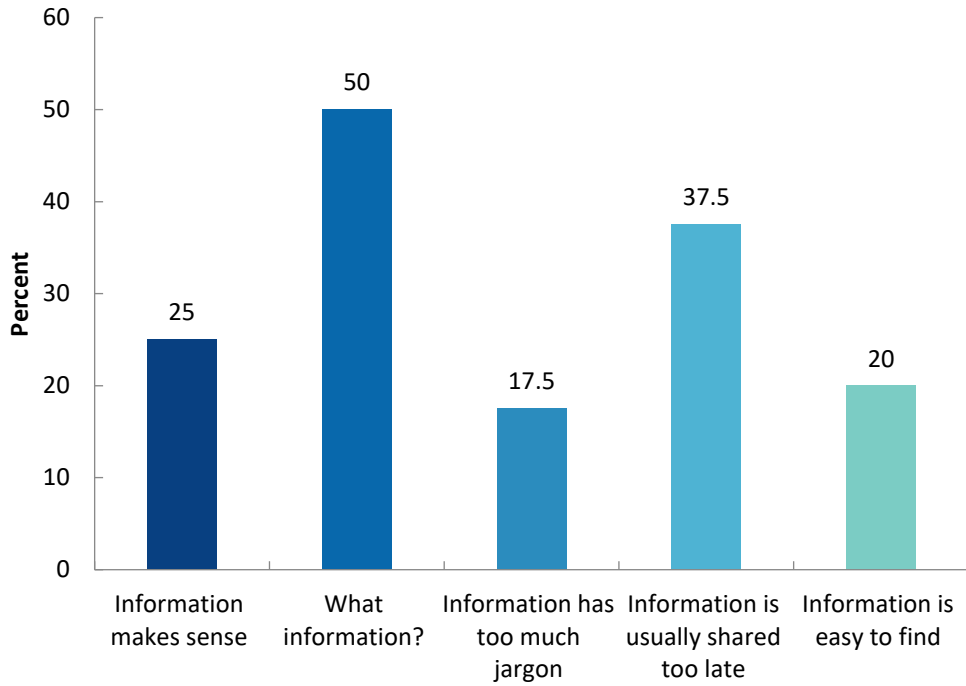
We had the chance to respond when Parks and Rec comes and doesn't represent the problem correctly	1
council should challenge staff reports. Report are not supported with data.	1
if it were easier to hear the council members when speaking, that would be better. Sometimes they do not speak into the mic.	1
shorter staff presentations. have more links vs long staff memos	1
we had fewer progressives voting against majority voter positions	1
your system does not account for delays in electronic mail transmission making me late for the meeting. I received notice that I could speak at 6:00 PM.	1
Totals	22

**Describe the Community in terms of:**

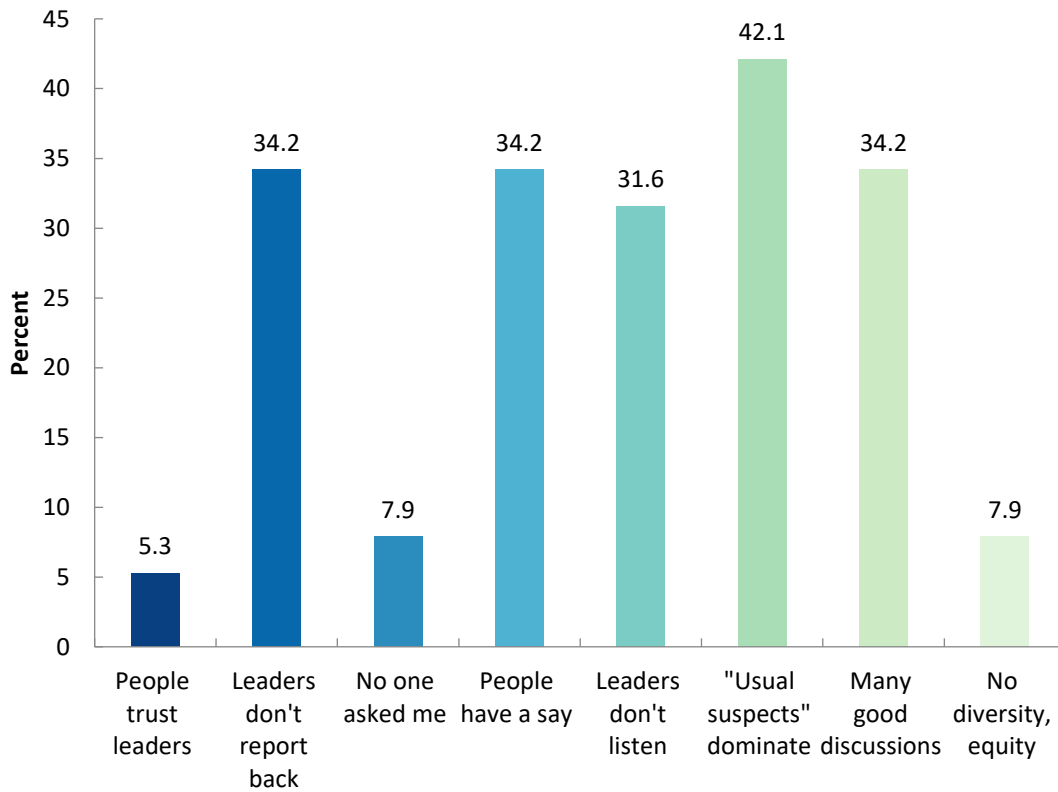
**7.Volunteering? (pick up to three tags)**



**8.Sharing information? (pick up to three tags)**

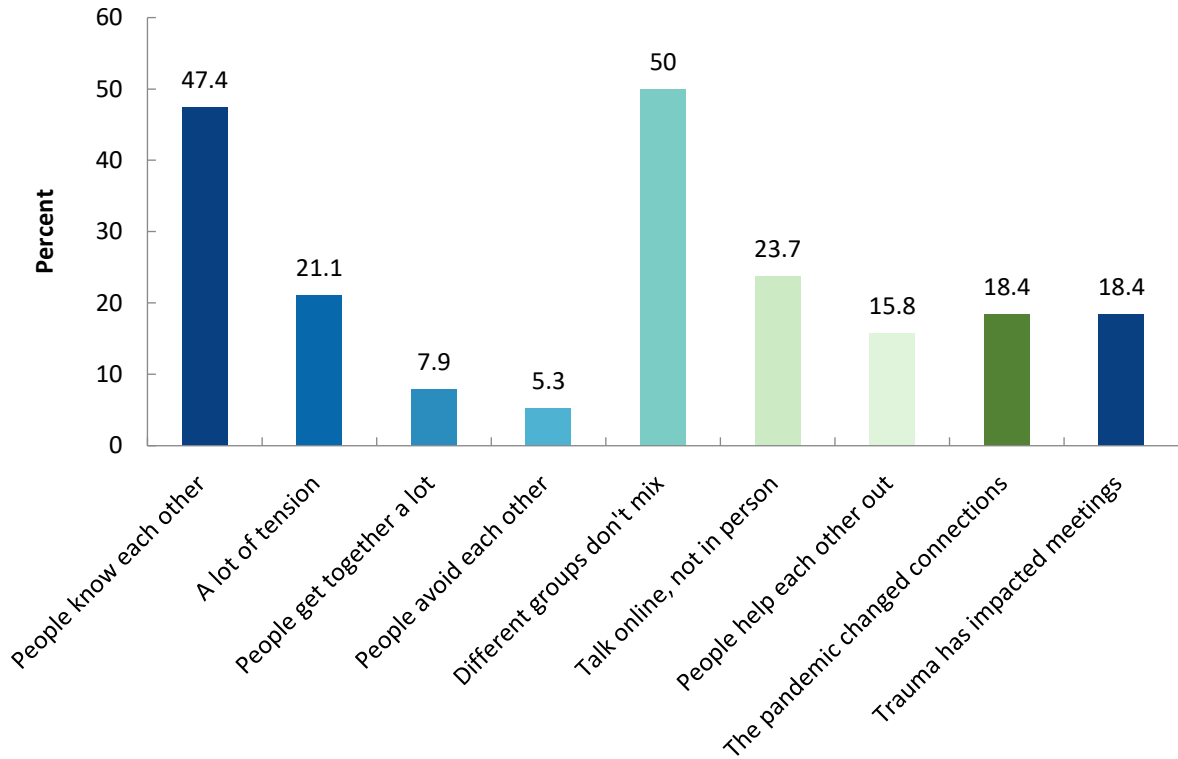


**9. Making key decisions? (pick up to three tags)**

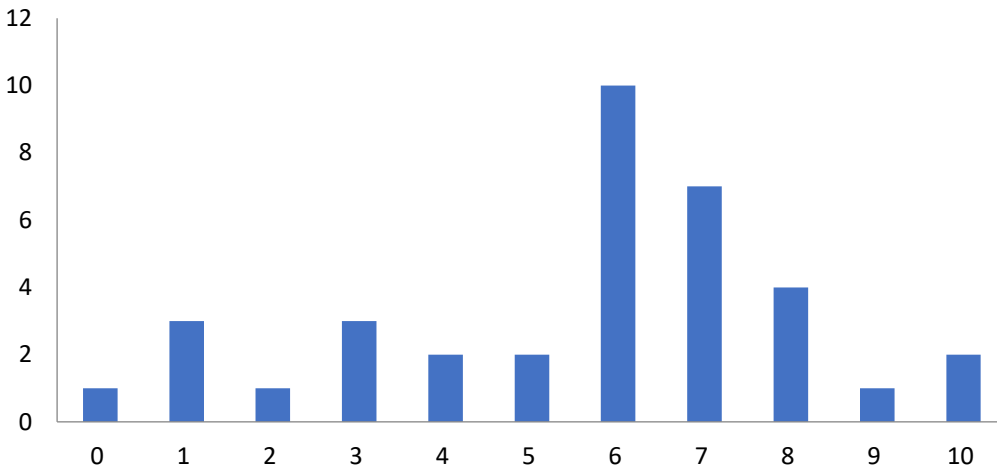


**10. Being connected? (pick up to three tags)**

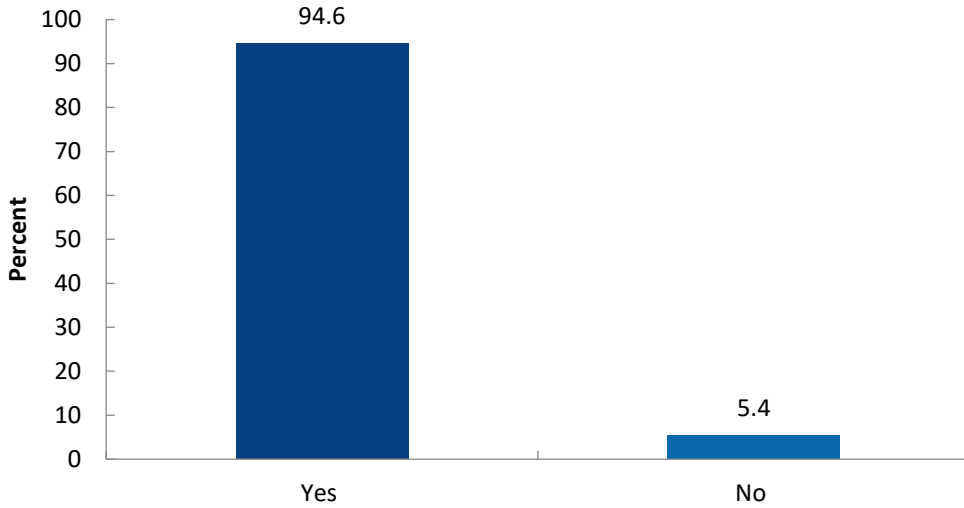




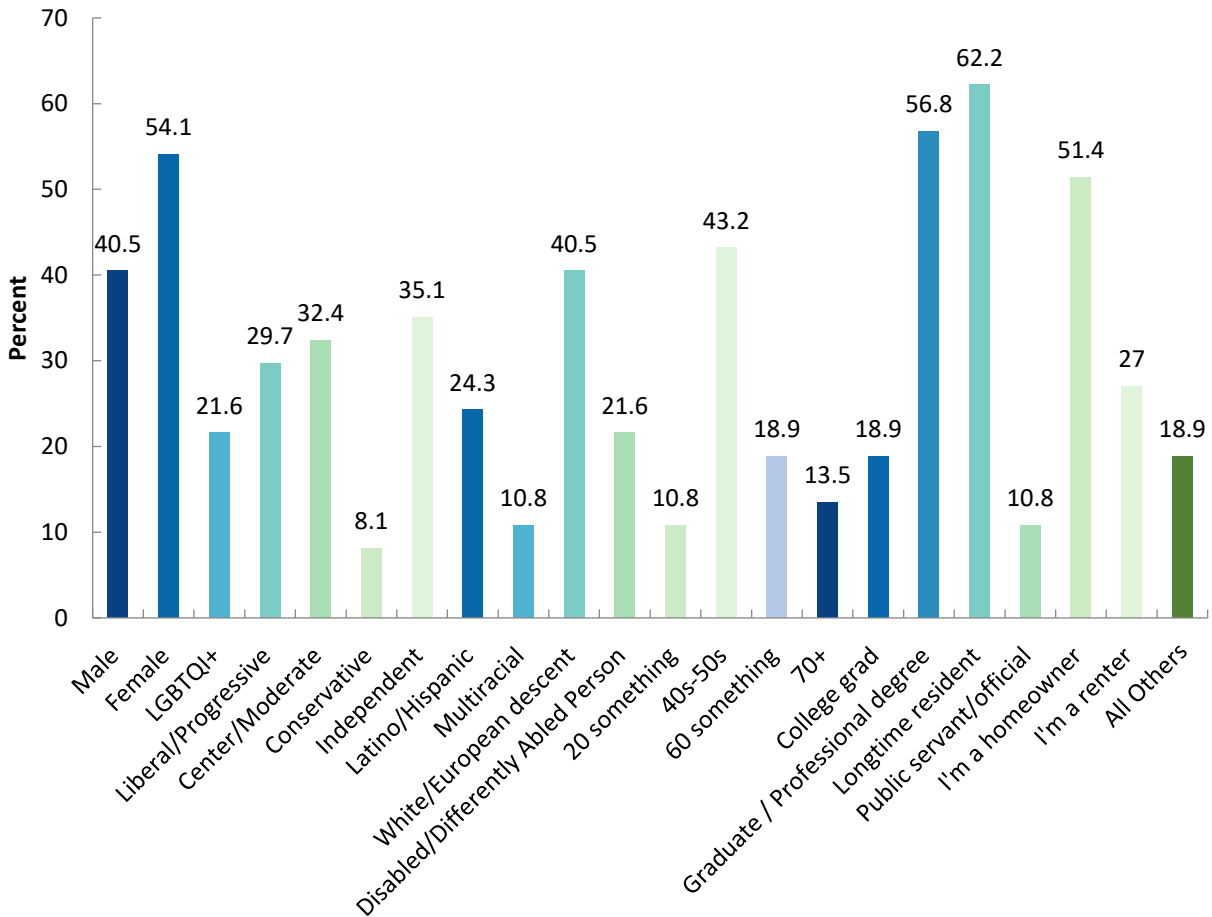
**11. How much do you feel like you matter to your community? (move the dot)**



**12. Do you live in Boulder**



**13. Select any and all tags that describe you:**



**Appendix B: Interview Questions**

**Introduction to the project**

- Script here for context:
  - The Center for Democracy Innovation at the National Civic League is working on a project funded by the American Arbitration Association-Institute for Conflict and Dispute Resolution Foundation. The project is about making official public meetings better – meaning any Council, Board or Commission that works in an official capacity that makes decisions on behalf of a community and involves public participation and input. Many of these meetings are facing significant challenges, and yet, much of the focus on governance and public engagement innovation is not focused on official meetings, but interactions that happen outside these processes. We want to use community engaged research to support changes to how official meetings can operate in safer, more efficient, and participatory ways.
- Interviews with government staff and community members and organizations make up one aspect of our research - we will not use names unless asked in advance and follow Chatham Rules of anonymity.

## Questions:

### About their role and work

- Can you tell us a little bit about your role, organization, and the type of work you do?
- Are there specific initiatives and/or projects you can highlight about how you engage the public?

### About their community

- What are the biggest strengths of the community?
- Can you describe your community, in terms of:
  - How people are organized, are there neighborhood associations, grassroots organizations, or other types of association?
  - Are there certain types of engagement that the community gravitates toward and have you tapped into these processes more?
  - What are some of the big issues the public are concerned about?
    - Any issues of polarization?
  - Is there collaboration between community members (across geography or demographics)?

### About the specific interactions/designs of official public meetings

- Are there strengths to how official meetings operate?
  - Are these only in-person, are they online – are the asynchronous opportunities to engage with the process outside of the meeting?
- In terms of the details of the public meetings, can you further elaborate on:
  - How the community engages with these meetings?
    - Who tends to show up?
  - How they are publicized
  - Outreach to communities,
    - How are under-represented populations encouraged to participate
  - How public comments function
  - How public input is factored into decision-making

- Are there relevant past initiatives or experiences involving public engagement exercises?

#### About roadblocks to public engagement

- What are the biggest roadblocks to engagement in community forums and official public meetings?
- Has the pandemic affected participation and engagement?

#### About innovating official public meetings

- If you could make slight adjustments to improve the quality of life of public meetings, what would this entail?
- If you could make larger and longer-term changes, what would you like to see happen to public meetings?
- Are there past experiences/lessons that are helpful to apply to future practices?
- Any thoughts on how to better tap into community involvement?

#### End of Interview

- Do you have any questions for us?

## Appendix C: Interviewee Ideas to Enhance Engagement

We asked interviewees for some short and long-term recommendations. The table below outlines some of this information based upon topics that the recommendations align with.

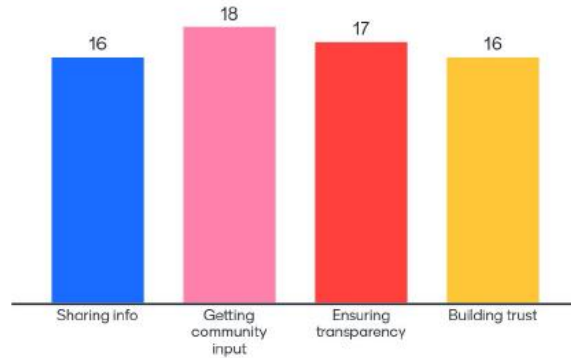
Theme	INTERVENTION
Language and Translation	<ul style="list-style-type: none"> <li>• Possibly host separate Spanish meetings, or in translated situations, talk about what's important not strictly technicalities.</li> <li>• More awareness building around the available option of speaking in Spanish at public meetings</li> </ul>
Outreach to under-represented groups	<ul style="list-style-type: none"> <li>• Paid door knockers, a style familiar to the Mexican/Latin American community.</li> <li>• Build awareness on how to sign up to speak at council meetings.</li> <li>• Community connectors – think about bringing community members, not just the connectors to meetings, and engage earlier in a process rather than later.</li> <li>• Are utilities collecting phone numbers, are numbers publicly available – is texting a possibility.</li> <li>• Tap into the Latino community, student community WhatsApp groups.</li> <li>• Engage students on relevant issues. Also, build student awareness about the difference between City and University jurisdictions.</li> </ul>
Community – City social relations	<ul style="list-style-type: none"> <li>• Continued walks with council/boards and community.</li> <li>• Attend more social events.</li> </ul>
Direct lines of communication to elected officials	<ul style="list-style-type: none"> <li>• Council members directly reply, without an intermediary (communications/engagement staff). Are council members in a maximum position to interact with the public. Public comments are a one-way interaction.</li> <li>• Due to limitations of public comment, there is still an opportunity for clarifying questions to take place.</li> </ul>

	<ul style="list-style-type: none"> <li>Working on open meeting laws to host two council member town hall meetings (three constitutes quorum for an open meeting).</li> <li>Experiment with less staff contact and more elected official contact</li> </ul>
Solicit input early	<ul style="list-style-type: none"> <li>Alter the agenda setting process – engaging early not later in a policy cycle.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>Have the public review engagement mechanisms and activities.</li> </ul>
Balancing subject expert perspectives	<ul style="list-style-type: none"> <li>Invitations to testify based on opposing views on an issue.</li> </ul>
Public Comment	<ul style="list-style-type: none"> <li>Thanking public commenters, acknowledge them and their time.</li> </ul>
Deliberation	<ul style="list-style-type: none"> <li>Not only about what messages are/rules are but also how to create spaces to problem solve.</li> <li>Instead of having people sign up to give public comments, give them an extra hour once a month where there can be a back and forth.</li> <li>Use a racial equity instrument to hear from community.</li> <li>“Why don’t we have engagement two weeks before a final vote to marinate on public testimony.”</li> </ul>
Location and accessibility	<ul style="list-style-type: none"> <li>While some council members go to community events a couple at a time, can we host a council meeting at central/civic park to make people feel comfortable.</li> <li>Reflect on welcoming environment as opposed to intimidating official spaces.</li> <li>How to encourage mothers to attend – childcare, dinner provided</li> <li>Use the University as an anchor institution to host a city council meeting, or a study session, think about the legality of it. Have a public forum on campus, not just a town hall but a formal/official event with all members, bring government.</li> </ul>
Inclusive strategic planning	<ul style="list-style-type: none"> <li>Have a public event/hearing at the retreat regarding the issues that the council is going to talk about for the next two years and to ensure engagement at that meeting not just talking about the contours of an ordinance.</li> </ul>
Publicity	<ul style="list-style-type: none"> <li>Tap into the column, daily camera for public engagement. Pick an issue and debate in the news/media with various points of view and early on.</li> <li>Particularly for under-represented groups, consider messaging, how things translate to having an impact on lives, educate people of why it matters.</li> </ul>
Notices	<ul style="list-style-type: none"> <li>Have a look at how notices are being done in adjacent areas, i.e. County Commissioner, much more information provided than what’s included in Boulder’s.</li> </ul>
Augmenting official engagement	<ul style="list-style-type: none"> <li>Give the council members a heads up about what types of issues and comments or questions will be asked in advance, allowing them to think about it. Alternatively, provide the email of the presenter to the councilmember to follow up with.</li> <li>Don’t have public hearings the night of votes. Have public hearings on the first reading rather than the second reading.</li> <li>Elongated processes that might take more time to build meaningful engagement into council meetings. <ul style="list-style-type: none"> <li>Allow council members to digest what they hear and deliberate at the next meeting.</li> <li>Taking time to sit on public comments and carving out time at subsequent meetings to deliberate.</li> </ul> </li> </ul>
Professional development	<ul style="list-style-type: none"> <li>Having a balance between efficiency, laws, public relations/communications versus facilitating discussions and figuring out to involve the public on complicated issues.</li> <li>Formal training for board members on Roberts rules of order</li> </ul>

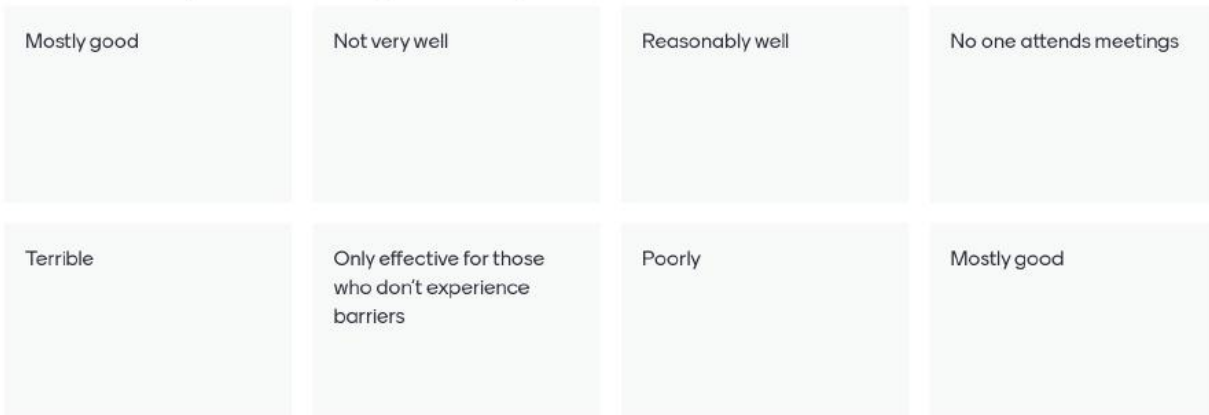
## Appendix D: Mentimeter Results for Public Meetings & Community Priorities – Engagement Session

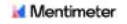


Official public meetings should provide opportunities for (you can pick more than one):



How well are public meetings working in Boulder?





### How well are public meetings working in Boulder?

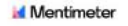
I haven't been involved in enough meetings to know,	Mostly good	Fairly well. Depends on the meeting topic.	inconsistently
I think they are getting better and council is doing a good job welcoming community connectors, listening and implementing solutions to be more inclusive	Better than in other cities I've lived in! But there is always room for improvement. I'd love to see more 2-way dialogue with community   --> council	Not great! Only 20 open comment (chosen at random) slots means that it's incredibly difficult to hear from the entirety of the community.	Not great! Only 20 open comment (chosen at random) slots means that it's incredibly difficult to hear from the entirety of the community.



### How well are public meetings working in Boulder?

Depends on the forum, but if it involves discussion, then better than average	Nothing happens	Not very well -- not enough people involved and not deeply enough	It works better for some people than for others. Privilege has a lot to do with it.
They're getting better	Public involvement is heard but not referred to, or commented on.	Mixed	Lack of transparency on costs of projects.



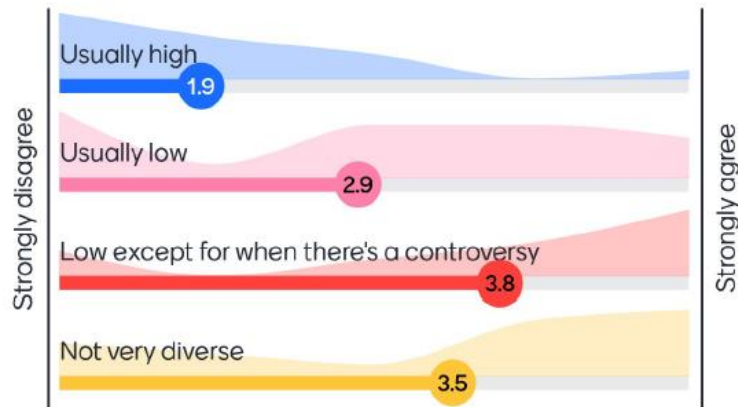


### How well are public meetings working in Boulder?

Comment is heard and not responded to.



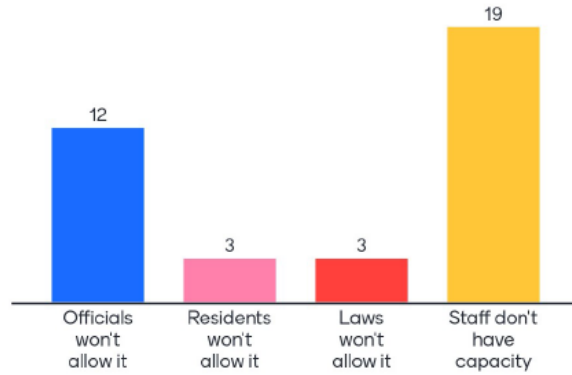
### Turnout at public meetings is:







## It is hard to make any change to public meetings because:



## Transportation: What stands out to you about the Community Survey findings on this topic?

Ease of entry parking is high	There's need for more integrated and planning in terms of transportation.	Complexity and choices	No ease of parking
RTD issues impacted transportation throughout community	Focus on car The decrease in satisfaction on public transportation.	The desire for deeper and diverse community	Slanted for autos





### Transportation: What stands out to you about the Community Survey findings on this topic?

Reduced parking for low income persons	Car limits for CU students?	Get rid of red light camera. I find them to be far more dangerous than beneficial. Hard breaking or sudden acceleration.	Real walkability
Growing problems with combination of motorized boards, bikes, scooters -- need to be resolved	Get info on why buses not use	Not enforcing consequences on serious crimes	More meetings like this



### Transportation: Do you have ideas or initiatives that you would like the city to consider?

More carpooling incentives	Again, an integrated approach.	Free buses within the city	Pay for pkg give money back
Get rid of red light cameras. They are more dangerous than beneficial. Hard stopping or sudden acceleration	Free buses	More pedestrian options	Walk ability





### Safety: What stands out to you about the Community Survey findings on this topic?

Need better information	Need better information	Need better information	Unsafe unless car
Floods and fires are litigated and planned for differently.	More thinking about safety for community for CU football game weeeekends. Really changes communities and safety issues	Disparity btwn perceptions and the real data/evidence	High utilizers Increasing drug use



### Safety: What stands out to you about the Community Survey findings on this topic?

Interesting that the thing we were lower than national benchmark is sense of safety around natural disasters.	Safe needle disposal EVERYWHERE.	Most homeless are from out of town	Better lighting on the Hill
Prioritize activating public spaces	More community based public spaces. See the information from the City Street community engagement meetings.		



Mentimeter

### Safety: Do you have ideas or initiatives that you would like the city to consider?

Transparency	Public/private partnership to underground power lines near WUI	Some control over ev bikes and scooters	Enter
Better lighting on bike lanes	Long term transitional care for the unhoused.	Ideas- look at more pedestrian safety issues for left turns - ban left turns during certain hours	Improved staff capacity in the justice system to accommodate community needs.

👍 👤

Mentimeter

### Safety: Do you have ideas or initiatives that you would like the city to consider?

Fires and floods are related.	Paths are bicycle freeways
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👍 👤



### Engagement: What stands out to you about the Community Survey findings on this topic?

Broken record!!!	A deep desire for community.	There's great interest in exploring options.	People still want public comment
Lack of trust leads to lack of engagement	Different systems needed for different problems	All talk less action	Braver Angels?



### Engagement: What stands out to you about the Community Survey findings on this topic?

Small group discussions are a good supplement to public comment	The need to reduce barriers around engagement. Who is missing? How to support new community members
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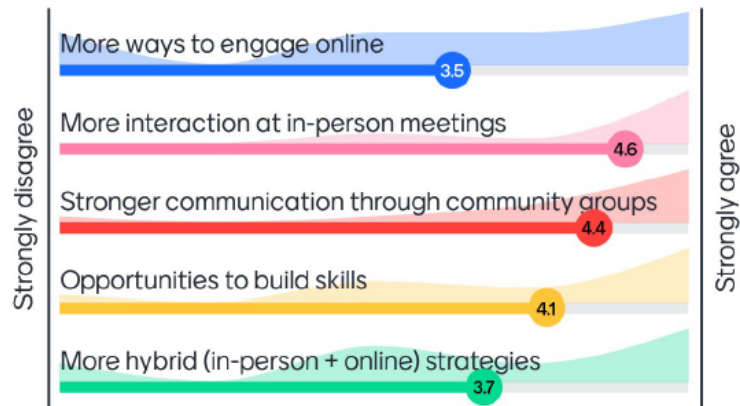


### Engagement: Do you have ideas or initiatives that you would like the city to consider?

More funding for community connectors	Direct democracy	Braver Angels	Sortition to ensure diverse viewpoints
More long term small groups.	Training for for facilitation	Need to start the conversation with a clear question to be addressed EARLY, then discussed, long before council decides on outcomes	



### I'd like to see:



## Appendix E: Summary of Community Responses to ‘Public Meetings and Community Priorities Engagement Session

### Summary of Be Heard Boulder Responses: ‘Public Meetings & Community Priorities’ Engagement Session

- 53 total visits
- 9 downloads of ‘Boulder Civic Infrastructure Scan and Recommendations’
- 4 questionnaire participant responses:

Be Heard Boulder Prompt	Response
<p>Please share what you may appreciate about these Better Public Meetings recommendations:</p>	<ul style="list-style-type: none"> <li>• I appreciate the recommendations aimed at creating better opportunity for diversity in the input. The use of text message feedback seems like a good way to broaden participation. Efforts to have more back and forth dialog are appreciated.</li> <li>• The recommendations all seem to be good. I was very pleasantly surprised.</li> <li>• this is what I see when I click on your link for the pdf: This XML file does not appear to have any style information associated with it. The document tree is shown below. AccessDenied Request has expired</li> <li>• I appreciate that these findings are being released with cookies and refreshments the night before our Open Space Board of Trustees is tasked with disposing of Open Space at CU South, one of the most contentious issues in recent Boulder history. I appreciate that your meeting distracts the trustees and the public from that very significant decision.</li> </ul>
<p>Please share what concerns you may have about these Better Public Meetings recommendations:</p>	<ul style="list-style-type: none"> <li>• I'm concerned that the city doesn't have sufficient staff to implement (or effectively implement) many of these recommendations.</li> <li>• It is concerning to me that the public forum about better engagement does not have an online component. That seems to fly in the face of better engagement. Many of us with age or disability or or health issues or young children can't go out easily at night. The event is actually easiest for the same people</li> </ul>

	<p>you already attract and not the new people you seek.</p> <ul style="list-style-type: none"> <li>• need to see recommendations</li> <li>• I'm concerned about the timing of the release of this report. It should not happen the night before the CU South meeting. This is disrespectful of citizens time and ability to participate.</li> </ul>
<p>How may these Better Public Meetings recommendations impact your participation in city council meetings?</p>	<ul style="list-style-type: none"> <li>• I might be more inclined to participate if I felt my comments were being listened to and given some consideration. Having the opportunity to comment earlier in the deliberations would encourage more participation.</li> <li>• Not so much for me, personally. But I still am pleased about them.</li> <li>• need to see recommendations</li> <li>• The timing of the release of this report makes the entire effort suspect. Was this just an attempt to distract us while you sell off our Open Space for massive development?</li> </ul>

Comments received by email:

- “The one meeting I attended recently I felt was very civil and the council seemed to genuinely care about each person who came up. What was missing in the process from my perspective is a way to find out if the council discussed what I presented and whether they took action or will in the future take action.”
- “I am a citizen of the "People's Republic" and I strongly favor that our comment periods be 3 to 5 minutes per person and that they be OPEN to speak about whatever a citizen wants to speak about.”
- “Ending open comment and substituting dividing us up into small groups to consider an agenda imposed on us is an insult to every human being and the concept of democracy. I will not even talk to people who are trying to impose this regime. Boulder already has the shortest comment period of all large Colorado cities, all of whom allow citizens three or five minutes except for Boulder where it is two. This alone has caused many people to refuse to yield the microphone and disrupt council meetings. If you want a war with the people who pay your salary, go right ahead. We are organizing to defeat this attempt to silence us entirely. Take your baby talk and your giggling "friendly" fascism and go straight to hell and don't ever come back to this suffering planet.”
- “I just wanted to let you know that I can't drive in the dark and I'm still not going to many in-person events for health reasons and I'd like to put in my two cents about the lack of an online option, now that I think about it. A meeting about engagement might want to offer an online



option since it is about, well, public engagement. And since the meeting will, I would guess, include wanting to provide engagement opportunities for a wider range of people. (DEI and all that.) I hope you and the rest of the staff will consider it.”

## Appendix F:

Table 1.1 Families of democratic innovations<sup>1</sup>

Democratic innovation family	Quasi-contingent features				Contextual features		
	Participant selection method	Mode of participation	Mode of decision-making	Extent of power and authority	Policy area	Level of governance	Stage of policy process
<b>Mini-publics</b>	<b>Sortition</b>	Discursive expression, voting and listening	<b>Deliberation and aggregation</b>	Variable: Personal benefits, advise and consult, communicative influence, co-governance and direct authority	Diverse (e.g. health, environment, social policy and constitutional reform)	Local, regional, national, and transnational	Various (agenda-setting, formulation and scrutiny)
<b>Participatory budgeting</b>	Self-selection, election and purposive selection	Voting, discursive expression and listening	<b>Aggregation</b>	Co-governance and direct authority	<b>Public spending</b>	Local	Formulation and decision-making
<b>Referenda and citizen initiatives</b>	<b>Self-selection</b>	<b>Voting</b>	<b>Aggregation</b>	Advise and consult and direct authority	Diverse	Local, regional and national	Decision-making
<b>Collaborative governance</b>	Self-selection, and purposive selection	Discursive expression and listening	<b>Deliberation, and bargaining and negotiation</b>	Variable: Personal benefits, advise and consult, communicative influence, co-governance and direct authority	Diverse	Local, regional, national and transnational	Multiple
<b>Digital participation<sup>2</sup></b>	Self-selection, election and purposive selection	Discursive expression, voting, listening and observation	Deliberation, bargaining and negotiation, aggregation, no decision	Variable: Personal benefits, advise and consult, communicative influence, co-governance and direct authority	Diverse	Local, regional, national and transnational	Various (crowdsourcing, prioritising and scrutiny)

*Notes:*

1 Quasi-contingent features and contextual features of each type of democratic innovation denote ineliminable features of this family.

2 By our analysis this does not qualify as a family of democratic innovation, but is included here to show its lack of an eliminable core and also its contribution to hybridisation.

## Appendix G: References

Building Bridges Phase II Report: <https://bouldercolorado.gov/media/5290/download?inline>

City Charter: [https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=THCHBOCO](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=THCHBOCO)

Stephen Elstub and Oliver Escobar (eds.), [Handbook of Democracy Innovations and Governance](#), Edward Elgar Publishing, 2019.

Open Meetings Law: <https://leg.colorado.gov/sites/default/files/open-meeting-requirements-of-the-colorado-sunshine-law.pdf>

Rules of Procedure: <https://bouldercolorado.gov/media/8165/download?inline=>

Team Tipton, Design the Future Report for City of Boulder Public Works and Planning & Development Services: [https://work-static.bouldercolorado.gov/docs/TT\\_City\\_of\\_Boulder\\_PW\\_and\\_P&DS\\_Design\\_the\\_Future\\_Insights\\_and\\_Implications\\_All\\_Staff\\_DECK\\_09\\_10\\_2019\\_\(V2.4\)-1-201909091902.pdf](https://work-static.bouldercolorado.gov/docs/TT_City_of_Boulder_PW_and_P&DS_Design_the_Future_Insights_and_Implications_All_Staff_DECK_09_10_2019_(V2.4)-1-201909091902.pdf)



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Council Process Improvement Working Group Update

**PRIMARY STAFF CONTACT**

NA

**ATTACHMENTS:**

**Description**

No Attachments Available



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

DRCOG Draft Regional Housing Needs Assessment process discussion

**PRIMARY STAFF CONTACT**

NA

**ATTACHMENTS:**

**Description**

No Attachments Available



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**INFORMATION ITEM**

Update on City participation at the Public Utilities Commission

**PRIMARY STAFF CONTACT**

Matt Lehrman, Policy Advisor Senior

**ATTACHMENTS:**

**Description**

- ▣ **Information Item A: Update on City participation at the Public Utilities Commission**



## INFORMATION ITEM MEMORANDUM

To: Mayor and Members of Council

From: Nuria Rivera-Vandermyde, City Manager  
Jonathan Koehn, Director of Climate Initiatives  
Carolyn Elam, Sustainability Senior Manager  
Matt Lehrman, Senior Policy Advisor, Energy Systems  
Veronique Van Gheem, Assistant City Attorney

Date: August 1, 2024

**Subject: Information Item: Update on City participation at the Public Utilities Commission**

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### **EXECUTIVE SUMMARY**

The City of Boulder participates in multiple venues seeking to transform state policy in support of local action. This includes the General Assembly, the Public Utilities Commission (“PUC”), the Air Quality Control Commission and others. The [2024 City of Boulder Policy Statement on Regional, State and Federal Issues](#) serves as the guidepost to develop city policy positions. A [final report on 2023 Colorado legislation that the city engaged on](#) is also available for review. The Climate Action Plan strategies include an active policy agenda as part of the city’s broader legislative and regulatory efforts. The Department of Climate Initiatives also works closely with other communities and entities such as the Colorado Communities for Climate Action<sup>1</sup> on many legislative and regulatory efforts to build broad policy coalitions.

Staff provide regular updates to council on PUC activities. The previous council information packet for the April 18, 2024, meeting described city action at the PUC in the first quarter of 2024.<sup>2</sup> This memo updates and builds on that information packet and describes additional activity during the second quarter of 2024.

This memo also provides additional details on ongoing and upcoming high visibility proceedings that are likely to draw community interest:

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<sup>1</sup> [CC4CA Policy Statement](#)

<sup>2</sup> April 18, 2024 Memo to City Council: [Update on city participation at the Public Utilities Commission](#).

- Wildfire Mitigation Plan
- 2024-2028 Clean Heat Plan
- 2024-2026 Demand-Side Management Plan
- Just Transition Plan
- Proposed Rules Regulated Electric and Gas Utilities
- 2024-2026 Transportation Electrification Plan
- 2024-2026 Quality of Service Plan
- Senate Bill 21-272 Pre-Rulemaking
- Natural Gas Rate Case
- Gas Infrastructure Plan

Highlights of the successful outcomes from staff’s advocacy include:

- In the Clean Heat Plan, Commissioners approved more than \$400 million for investment in building efficiency and electrification.
  - Commissioners rejected Xcel’s proposal to spend much of its clean heat plan investments on fossil gas (“certified natural gas”), hydrogen, recovered methane advanced mobile leak detection and a voluntary carbon offsets program.
- In the Transportation Electrification Plan, Commissioners approved more than \$250 million for investment in transportation electrification.
  - Commissioners ordered Xcel to provide publicly-available, day-ahead emissions forecasting to enable customers to align electricity use with low emissions times of day.
- In the Quality of Service Plan, a comprehensive settlement was reached that will provide greater transparency into issues of reliability concern and that will increase compensation for customers experiencing poor reliability.
- In the 2024-2026 Demand-Side Management Plan, a comprehensive settlement was reached to accelerate energy efficiency and beneficial electrification, including increased investments in low-income programs.
  - A one-year deadline extension was approved for those who lost their homes in the Marshall Fire that are rebuilding to a higher efficiency standard.

## **BACKGROUND**

The city participates in PUC proceedings focused on electricity and natural gas production and consumption, including rate design, resource planning and voluntary customer products. The city advocates for products, programs and services that advance city organization and community priorities of affordability, safety, resilience, equity, transparency and emissions reduction.

In most PUC proceedings, the city’s participation is led by the Department of Climate Initiatives with support from other city departments with subject matter expertise on a specific topic (e.g., Transportation Engineering for streetlights or Community Vitality for economic development). Participation at the PUC may take the form of formal intervention as a party (represented by the City Attorney’s Office), submission of written or oral comments (without formal intervention) and participation in stakeholder workshops. The city contributes data and analysis based on the

city's operational experience, Climate Action Plan<sup>3</sup> and the Policy Statement on Regional, State and Federal Issues.<sup>4</sup> Climate Initiatives staff members routinely engage community members, organizations and working groups to inform the city's participation in a specific proceeding.

Boulder has long recognized the importance of the PUC's role in driving broader systems changes in Colorado's electricity and natural gas sector. The actions taken by the PUC have far reaching implications in the ability of local communities to reach their own energy, climate and equity goals. Since 2016, the city has participated in 46 proceedings at the PUC as well as numerous stakeholder workshops to inform the development of future products and services. The city's PUC intervention enables Boulder to take direct action to support fair and equitable rates, accelerate emissions reduction through resource planning, and inform new voluntary renewable electricity and demand-side management programs.

### **RECENT ACTION**

Since the last council update, the city has participated in the following proceedings at the PUC. These proceedings will have significant impact on the city organization and community priorities, and the city is taking an active advocacy role. A summary of the various proceedings is listed in Table 1. Below are brief summaries of the major actions:

- **Wildfire Mitigation Plan:** Xcel Energy submitted its second Wildfire Mitigation Plan on June 27, 2024. Due to the recency of the filing, the full plan is still under review by staff. The proposed budget is \$1.9 billion with a cumulative rate impact for the average residential customer of 9.56% in 2028 (i.e., each year 2025-2027 will have rate increases that add up to 9.56% in 2028). The application includes proposed investments in undergrounding, vegetation management, back-up power for residential customers with medical needs and specific criteria for public safety power shut-offs including detailed plans for community engagement and communications. The city will intervene, and Climate Initiatives will coordinate the city's participation across several departments including Emergency Operations and Public Utilities. It is likely that Colorado Communities for Climate Action will also play a role in the proceeding. The plan focuses on system resilience investments, improving situational awareness of high-risk fire scenarios, improving operations and maintenance to mitigate fire risk, additional dedicated customer service support and communications. Xcel also proposes specific criteria for implementing public safety power shutoffs and additional programs intended to mitigate the risk of wildfire caused by electric transportation and distribution infrastructure. This proceeding is a significant priority for the community and Climate Initiatives will implement a comprehensive community engagement plan to discuss the implications of the plan and to understand community priorities related to topics such as microgrids and public safety power shutoffs.

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<sup>3</sup> [June 8, 2021 Memo to City Council Study Session on Update to Climate Action Plan](#)

<sup>4</sup> [City of Boulder 2024 Policy Statement on Regional, State and Federal Issues](#)

- 2024-2028 Clean Heat Plan:** On August 1, 2023, Xcel Energy submitted its first Clean Heat Plan in compliance with Senate Bill 21-264. The plan outlines the path by which Xcel will reduce emissions from their natural gas business. On June 15, the PUC issued its final decision, approving a budget of up to \$440 million to support building electrification, conservation and efficiency measures, with enhanced incentives for income-qualified customers and residents and businesses in disproportionately impacted communities. Cindy Copeland, Boulder County’s Air and Climate Policy Advisor, was brought on board as part of the city’s expert witness team to address issues related to oil and gas operations and any emission reduction that may or may not be attributable to certified natural gas product. Through testimony and witness cross examination at hearing, city staff successfully argued against Xcel’s proposals for hydrogen blending, a voluntary carbon offset project and investments in gas extraction and transmission, all issues of concern raised by community members during staff engagement and through their public comments during the proceeding. Staff also worked through a coalition in advancing accelerated investment in energy efficiency and beneficial electrification and ensuring that this programming was available to Xcel’s gas only customers.<sup>5</sup>
- 2024-2026 Demand-Side Management Plan:** The Demand-Side Management Plan and Beneficial Electrification Plan proposes conservation, efficiency and beneficial electrification products and services intended to reduce electric and natural gas consumption and peak demand as well as prioritizes a shift from gas consumption to electricity to improve building performance and to reduce greenhouse gas emissions. During the first day of the evidentiary hearing on May 11, 2024, the parties agreed to return to settlement negotiations. Boulder subsequently joined an unopposed comprehensive settlement agreement that will invest up to \$93 million per year in electric energy efficiency programs, \$22 million per year in gas energy efficiency programs, \$26 million per year in beneficial electrification programs and \$24 million per year in demand management programs. These amounts are in addition to the budget approved in the Clean Heat Plan, meaning there will be significant incentives available for electrification, conservation and efficiency available soon.
- Just Transition Solicitation:** Xcel Energy is required to submit Just Transition Plans that assess the transition impacts on communities affected by the accelerated retirement of a coal plant. This includes Hayden, Pawnee (near Brush) and Comanche 3, the third and final coal plant to be retired in Pueblo. With respect to Pueblo, Xcel Energy was required to submit a Just Transition Solicitation plan no later than June 1, 2024 that would address the just transition for Comanche 3 and solicit generation and storage resources to replace the retiring coal plant. As discussed at the February 1, 2024 council meeting, Xcel intended to submit a proposal related to Boulder’s Zero Emissions Communities program that would enable interested customers and communities to make additional investments in zero emissions generation to help bridge the emissions gap between Xcel’s 2030

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<sup>5</sup> Customers who receive gas service from Xcel Energy, but have a different electricity provider, such as a municipal utility or utility cooperative. Xcel had proposed to limit beneficial electrification program to just those who receive both electric and gas service from Xcel.



emissions and zero emissions. In May, Xcel notified the city and subsequently the Public Utilities Commission that the Just Transition Solicitation filing would be delayed until August 1, 2024. Council was notified of this change via Hotline email on June 12, 2024. On July 12, Xcel petitioned the Public Utilities Commission to delay the application again until October 15, 2024. The delay is requested as a result of challenges with constructing and interconnecting new generation selected in the 2021 Electric Resource Plan that then introduce additional complexity in finalizing modeling and other details in the Just Transition Solicitation application.

- **Proposed Rules Regulated Electric and Gas Utilities:** This rulemaking will implement rules required by Senate Bill 23-291 related to new or changed tariffs, rate trend reports, costs prohibited from rates and recovery of rate case expenses. The city filed comments related to cost recovery in rate cases, recommending limits on which litigation expenses can be charged to ratepayers and which should be paid by shareholders. The city also made recommendations regarding the recovery through rates of costs for outside legal counsel, consultants supporting requests to increase shareholder return on equity and confidential material.
- **2024-2026 Transportation Electrification Plan:** On May 15, 2023 Xcel Energy proposed its 2024-2026 Transportation Electrification Plan (“TEP”). This TEP builds on the 2021-2023 plan, offering on-bill financing for home charging stations, public fast charging, enhanced rebates for vehicle purchase and charging stations for income-qualified customers, and investment in innovative technologies. The city joined a non-unanimous, comprehensive settlement agreement that resolves issues related to residential and business charging, public fast charging, income-qualified rebates, fleet rebates and innovative programs. The other settling parties are Xcel Energy, the Colorado Energy Office, the City and County of Denver, Western Resource Advocates, Sierra Club, the Environmental Justice Coalition, Tesla, Southwest Energy Efficiency Project, Energy Outreach Colorado, the Regional Transportation District, Walmart, EVgo Services and EV.ENERGY Corporation. A separate coalition referred to as the “Affordability Coalition” filed a stipulation supporting a TEP portfolio that would fund residential and commercial charging, an innovation portfolio and advisory services but without a public fast charge network or vehicle purchase rebates at a budget approximately 25 percent of the size of the settlement agreement. On April 10, 2024, the Commission issued its final decision, approving a budget of \$264 million for EV charging infrastructure, upfront purchase rebates for income-qualified customers and innovative pilot projects. Notably, Boulder was successful in advocating for the publication of day-ahead emissions and renewable energy data to enable customers to align EV charging with low emissions and high renewables times of day. This is a topic that has been advocated for many years by the Boulder community, including through the Boulder-Xcel community advisory panel.
- **2024-2026 Quality of Service Plan:** The Quality of Service Plan (“QSP”) reports on customer service and distribution system reliability metrics and sets penalties for failure to perform. On March 13, Boulder joined a settlement agreement with Xcel Energy, PUC Staff, the City of Denver and Colorado Energy Consumers that supports improved reliability reporting requirements and penalties for missing reliability goals. The

settlement was opposed by the Utility Consumer Advocate who sought increased penalty amounts. On June 11, 2024, an Administrative Law Judge issued a recommended decision largely approving the settlement agreement with limited modifications, including an increase to bill credits for customers when Xcel fails to meet reliability standards. City staff were successful in arguing for increased and more robust reporting on reliability.

- **Senate Bill 21-272 Pre-Rulemaking:** This proceeding is in response to Senate Bill 21-272 that requires the Public Utilities Commission to promulgate rules requiring that the Commission “in all of its work including its review of all filings and its determination of all adjudications, consider how best to provide equity, minimize impacts and prioritize benefits to disproportionately impacted communities and address historical inequities.” The pre-rulemaking is intended to collect stakeholder feedback on a broad array of topics that will inform a formal rulemaking proceeding in late 2024 and 2025. On June 29, 2024, Commission Staff issued its final report with recommendations to update rules related to equity at the PUC.
- **Natural Gas Rate Case:** Previous council updates on PUC efforts discussed a potential future gas rate case. The gas rate case was filed January 29, 2024. The proposal would raise base rates by \$170 million and increase the authorized return on equity from 9.2% to 10.25%. The bill impact of the proposed rate increases is 9.52% for residential customers, 8.46% for small commercial customers and 9.76% for large commercial customers. Boulder is not an intervenor in this proceeding but will work with other communities and stakeholders to provide comment at the appropriate time. Answer Testimony is due July 11, 2024, a hearing is scheduled for September 4-17 and a decision is expected by November 5, 2024.
- **Gas Infrastructure Plan:** This miscellaneous proceeding will facilitate stakeholder discussions concerning gas utility system forecasting, mapping practices and benefit-cost analysis to support the consideration of alternatives to gas infrastructure projects.

## **COMMUNITY ENGAGEMENT**

Boulder’s engagement at the Public Utilities Commission relies on the city’s Policy Statement on Regional, State and Federal Issues. In addition, Staff seeks feedback through routine engagement with the community. This engagement takes the form of office hours, meetings with community groups and subject matter experts and the city’s community connector program.

## **SUMMARY**

Staff recognizes the importance of keeping City Council and the community informed on the various PUC-related activities. Climate Initiatives will continue to provide regular updates to council on the city’s involvement in PUC activities. The update will describe current and anticipated proceedings and the relevance to the interests of the city organization and the Boulder community. The table below includes proceedings in which the city is currently participating as well as anticipated proceedings for 2024. The column “City Status” includes links to the city’s testimony and statements of position in each proceeding.

Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals <sup>6</sup>
Wildfire Mitigation Plan	24A-0296E	<ul style="list-style-type: none"> <li>The application was filed June 27. The intervention deadline and procedural schedule have not been set. The city will participate as an intervenor. Climate Initiatives will coordinate cross-departmental participation and will implement a comprehensive community engagement plan to provide detailed information about the proposed plan.</li> </ul>	The wildfire mitigation plan describes the equipment inspection, targeted underground, vegetation management, public safety power shut-off, residential resilience and other initiatives, including community engagement, that Xcel Energy undertakes in the wildland urban interface intended to mitigate risks of wildfire.	Resilience, equity, affordability, safety

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<sup>6</sup> The keywords used in the column “Relevance to Boulder Goals” are intended to identify the major topics addressed in the proceeding that are included in Boulder’s Climate Action Plan or other city priorities. For example, “emissions reduction” means that the decision in the case may affect Boulder’s emissions reduction work, “local generation” means that the decision will affect rooftop solar, and “streetlights” means the decision may affect the rates Boulder pays for the operation of streetlights.

Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals <sup>6</sup>
Transportation Electrification Plan	23A-0242E	<p>The Transportation Electrification Plan was filed on May 15. Boulder filed answer testimony on September 29, cross-answer testimony on November 17 and settlement testimony on December 20.</p> <p>Boulder advocated for a substantial investment in home charging for residents of multi-family buildings, vehicle purchase rebates for income-qualified customers and fleets, investment in a public fast charging network and an optional charging program that focused on emissions reduction.</p> <p>A hearing was held January 16-24. A decision was issued in May 2024.</p> <ul style="list-style-type: none"> <li>• <a href="#">Answer Testimony</a></li> <li>• <a href="#">Cross-Answer Testimony</a></li> <li>• <a href="#">Settlement Testimony</a></li> <li>• <a href="#">Statement of Position</a></li> <li>• <a href="#">Petition for RRR</a></li> </ul>	<p>The Transportation Electrification Plan proposes options to address three primary gaps in the EV market: lack of information and awareness regarding EVs, upfront costs associated with purchasing EVs and charging infrastructure and suboptimal incentives for EV charging when it is most beneficial to the grid.</p>	<p>Mobility electrification, emissions reduction, equity</p>

Clean Heat Plan	23A-0392EG	<p>The city is admitted as an intervenor.</p> <p>On September 6, the city joined a motion for partial summary judgment that seeks to prohibit the inclusion of carbon offsets and certified natural gas as permissible resources for emissions reduction.</p> <p>The city filed answer testimony on January 22, cross-answer testimony on February 26, participated in the hearing March 11-18 and a statement of position on April 8.</p> <p>The Commission decision was issued on June 15.</p> <ul style="list-style-type: none"> <li>• <a href="#">Motion for Partial Summary Judgement</a></li> <li>• <a href="#">Answer Testimony of Carolyn Elam</a></li> <li>• <a href="#">Answer Testimony of Matthew Lehrman</a></li> <li>• <a href="#">Answer Testimony of Cindy Copeland</a></li> <li>• <a href="#">Cross-Answer Testimony of Carolyn Elam</a></li> <li>• <a href="#">Cross-Answer Testimony of Cindy Copeland</a></li> <li>• <a href="#">Statement of Position</a></li> </ul>	<p>The Clean Heat Plan proposes emissions reduction programs for the Xcel Energy natural gas system, including conservation, efficiency, beneficial electrification and potentially other measures.</p>	<p>Emissions reduction, resilience, affordability</p>
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Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals <sup>6</sup>
Quality of Service Plan	23A-0356E	<p>The city is admitted as an intervenor. The city filed answer testimony on January 12. Recommendations focused on infrastructure reliability issues, improved reporting and increased data granularity. The city joined a settlement agreement on March 13 that, if approved, will result in improved reliability reporting requirements and penalties for failure to meet targets.</p> <ul style="list-style-type: none"> <li>• <a href="#">Answer Testimony</a></li> <li>• <a href="#">Settlement Agreement</a></li> </ul>	<p>The Quality of Service Plan reports on customer service and distribution system reliability metrics and sets penalties for failure to perform.</p> <p>This plan proposes to more narrowly focus reliability reporting to census block groups from more broadly defined regional service divisions.</p>	Reliability, resilience
2024-2026 Demand-Side Management Plan	TBD	<p>The application was filed December 1. Boulder filed answer testimony on March 22 and cross-answer testimony on April 19. A settlement was reached on May 30.</p> <ul style="list-style-type: none"> <li>• <a href="#">Answer Testimony</a></li> <li>• <a href="#">Settlement Agreement</a></li> </ul>	<p>The 2024-2026 Demand-Side Management Plan proposes conservation, efficiency and beneficial electrification programs for residential and commercial customers.</p>	Conservation, efficiency, equity, affordability, emissions reduction

<p>Implementation of Senate Bill 272 (Equity and Disproportionately Impacted Communities)</p>	<p>22M-0171ALL</p>	<p>Boulder submitted initial comments focused on equity priorities, additional comments on the EnviroScreen tool and has participated in several workshops. Boulder submitted additional comments related to customer programs and community engagement.</p> <p><a href="#">Commission staff issued a final report</a> on July 22, 2024. The report made four recommendations for an upcoming rulemaking, including designating certain proceedings as having significant potential equity impact, requiring electric and gas utilities to develop energy equity plans, implementing practice and procedure changes to improve access to PUC proceedings and to adopt key definitions in rule.</p> <ul style="list-style-type: none"> <li>• <a href="#">Boulder Initial Comments</a></li> <li>• <a href="#">Boulder Workshop Comments</a></li> <li>• <a href="#">Boulder Initial Comments on Retail Energy Programs</a></li> <li>• <a href="#">Responsive Comments on Retail Energy Programs and Community Engagement</a></li> </ul>	<p>This proceeding is in response to Senate Bill 21-272 that requires the Public Utilities Commission to promulgate rules requiring that the Commission “in all of its work, including its review of all filings and its determination of all adjudications, consider how best to provide equity, minimize impacts and prioritize benefits to disproportionately impacted communities and address historical inequities.”</p>	<p>Affordability, equity, customer programs</p>
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Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals <sup>6</sup>
Natural Gas Rate Case	24AL-0049G	<p>Boulder is not an intervenor but will work with other communities and stakeholders to provide comment.</p> <p>Answer Testimony is due July 11, 2024, a hearing is scheduled for September 4-17 and a decision is expected by November 5, 2024.</p>	<p>Proposal to increase gas base rates by \$170 million and to increase the authorized return on equity from 9.2% to 10.25%. The bill impact of the proposed rate increases is 9.52% for residential customers, 8.46% for small commercial customers and 9.76% for large commercial customers.</p>	Safety, reliability, affordability, equity
Implementation of SB23-291	23R-0168EG	<p>The city provided comment in June regarding ratepayer cost recovery of prohibited expenses as well as the types of expenses that can be included in base rates.</p> <ul style="list-style-type: none"> <li>• <a href="#">Comments of the City of Boulder</a></li> </ul>	<p>Senate Bill 23-291 tasked the Colorado Public Utilities Commission with examining the tariffs, policies, practices, and cost allocation principles of Colorado's two investor-owned electric utilities: Xcel Energy and Black Hills Energy.</p>	Affordability, equity



Proceeding	Number	City Status / Results	Description	Relevance to Boulder Goals <sup>6</sup>
Gas Infrastructure Plan	24M-0261G	The city will monitor the proceeding and submit questions when appropriate.	This miscellaneous proceeding will facilitate stakeholder discussions concerning gas utility system forecasting, mapping practices and benefit-cost analysis to support the consideration of alternatives to gas infrastructure projects.	Natural gas, emissions reduction, resilience, affordability, equity

In addition to these active proceedings, there are several anticipated proceedings with significant impact to community priorities. The table below briefly summarizes these proceedings.

Proceeding	Description	Anticipated Timeline
Just Transition Solicitation	The Just Transition Solicitation application will assess the transition impacts on communities affected by the accelerated retirement of a coal plant. This includes Hayden, Pawnee (near Brush) and Comanche 3 in Pueblo. With respect to Pueblo, Xcel Energy will submit a plan no later than June 1, 2024 to address the just transition for Comanche 3 and solicit generation and storage resources to replace the retiring coal plant. The new resources do not need to be located in or near Pueblo. Consistent with other electric resource acquisition plans, staff anticipate seeking to intervene in this proceeding. It is possible that one element of this application will be Zero Emissions Communities.	<ul style="list-style-type: none"> <li>October 15, 2024</li> </ul>
Zero Emissions Communities	As part of the 2021 Electric Resource Plan, Boulder proposed a tool for communities with more aggressive greenhouse gas emissions reduction goals than Xcel Energy to purchase utility-scale renewable generation and storage to enable the communities to “close the emissions gap” between Xcel’s 2030 emissions and Boulder’s goal of zero emissions. Boulder and Xcel Energy provided an <a href="#">update to the Commission</a> on their partnership work on this project on March 23 and are now evaluating potential resources to be acquired. As part of the Electric Resource Plan, the Commission requested an informational meeting to discuss customer and community interest in such a product. The Commissioner Information Meeting is anticipated to take place in summer 2024.	<ul style="list-style-type: none"> <li>Potentially with the Just Transition Solicitation</li> </ul>

Proceeding	Description	Anticipated Timeline
Distribution System Plan Phase 2	This proceeding will solicit proposals for pilot projects approved in the first phase of the first distribution system plan, which is distinct from the new plan that will be filed in Q4 2024.	<ul style="list-style-type: none"> <li>• Anticipated to be filed by July 17.</li> </ul>
Distribution System Plan	The DSP is intended to identify and implement projects to improve the safety and reliability of the distribution system. The plan includes detailed forecasts of load growth and distributed energy resources (such as rooftop solar and electric vehicles) and proposes projects to improve system operations. The DSP includes pilots intended to reduce reliance on traditional grid investments as well as stakeholder and community engagement. The next DSP is anticipated in the fourth quarter of 2024. Boulder will intervene in this proceeding.	<ul style="list-style-type: none"> <li>• November 15, 2024</li> </ul>
Renewable Energy Standard / Net Energy Metering Rulemaking	This rulemaking will focus on revising rules related to how utilities must comply with the renewable energy standard (30% renewable energy by 2020, 3% of retail sales from retail renewable distributed generation) and net energy metering (the financial compensation mechanism for customers with on-site solar). The city is participating in a stakeholder working group convened by the Colorado Energy Office (“CEO”) on a report that will inform statewide efforts to improve net energy metering. The report will be submitted to CEO by August 1, 2024.	<ul style="list-style-type: none"> <li>• Anticipated to be filed following the publication of a report evaluating net energy metering for all Colorado utilities and potential legislation.</li> </ul>

Proceeding	Description	Anticipated Timeline
TOU Advice Letter	In the most recent phase II rate case (23AL-0243E), the Commission ordered a review of the time periods for residential time-of-use rates, with changes to be implemented prior to summer 2025. The Commission noted that the underlying cost drivers of generation costs are driven by factors other than a small number of peak hours, such as new investments in renewable generation and transmission. It is expected that the on-peak time-period will shift from 3-7 p.m. to 6-9 p.m. with the potential for shoulder-peak periods as well.	<ul style="list-style-type: none"> <li>September 3, 2024</li> </ul>
Tariff On-Bill Financing	In the settlement of the 2024-2026 Demand-Side Management Plan, Public Service committed to filing an application or advice letter for a tariffed on-bill financing product. The intent is to support adoption of beneficial electrification measures such as air-source heat pumps for space and water heating/cooling.	<ul style="list-style-type: none"> <li>Q3-Q4 2024</li> </ul>
Virtual Power Plan	Senate Bill 24-218 requires Public Service to file an application to implement a virtual power plant program, including a tariff for performance-based compensation.	<ul style="list-style-type: none"> <li>February 1, 2025</li> </ul>



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **INFORMATION ITEM**

Update on Fort Chambers/Poor Farm Planning

### **PRIMARY STAFF CONTACT**

Nuria Rivera-Vandermyde, City Manager

Dan Burke, Director, Open Space and Mountain Parks

Lauren Kilcoyne, Deputy Director of Central Services

Kacey French, Planning and Design Senior Manager

Katie Knapp, Principal Planner

### **ATTACHMENTS:**

#### **Description**

- ▢ **Information Item B - Fort Chambers/Poor Farm Update**



**INFORMATION ITEM  
MEMORANDUM**

To: Mayor and Members of Council

From: Nuria Rivera-Vandermyde, City Manager  
Dan Burke, Director, Open Space and Mountain Parks  
Lauren Kilcoyne, Deputy Director of Central Services  
Kacey French, Planning and Design Senior Manager  
Katie Knapp, Principal Planner

Date: August 1, 2024

**Subject: Information Item: Update on Fort Chambers/Poor Farm Planning**

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**EXECUTIVE SUMMARY**

The purpose of this Information Item is to provide an update on the [Fort Chambers / Poor Farm](#) planning efforts following guidance from the Open Space Board of Trustees (OSBT) to:

Advance and implement the Fort Chambers / Poor Farm Concept Plan and request that the design process include consultation and community involvement (with Tribal Representatives and interested community members who can help in the telling of all of the stories related to the site) in developing content for the healing trail and other interpretive elements, including potentially a physical representation of the fort.

The 113-acre Open Space and Mountain Parks (OSMP)-managed property, acquired in 2018, holds historical significance related to the Sand Creek Massacre and offers substantial ecological and agricultural resources. A [Concept Plan \(Attachment A\)](#), was developed in collaboration with Tribal Nations, and aims to “heal the land and heal the people” through ecological restoration, agriculture, and providing a reflective visitor experience along an interpretive trail. Community engagement has shown strong support for these initiatives. Future steps include further collaboration with Tribal Nations and community engagement to design the interpretive elements and initiating ecological restoration and farmstead improvements.

## **FISCAL IMPACT**

Capital and life cycle costs will be phased into OSMP's capital improvement budget over time. The capital improvements are estimated to be around \$8 million. Additional funding may be available through grants and partnerships.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

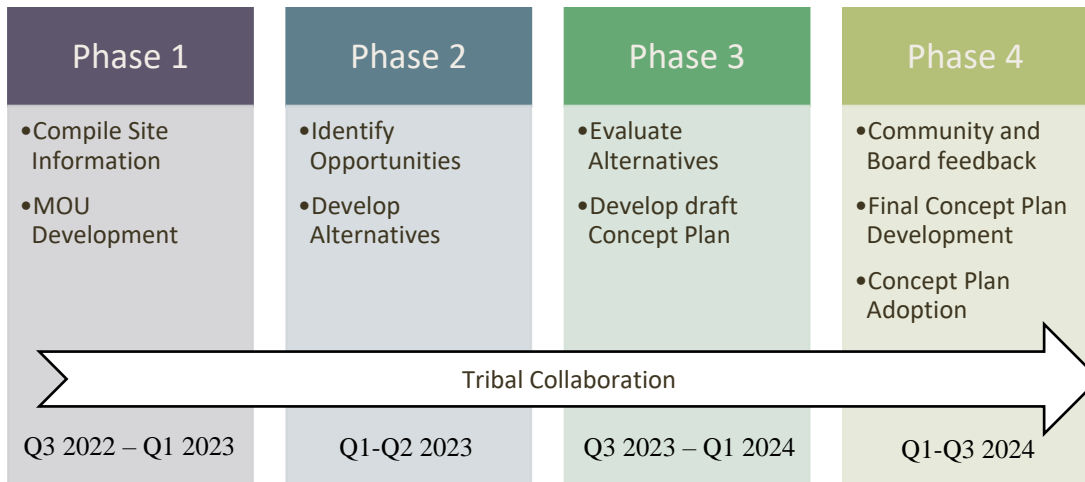
- **Economic:** The Fort Chambers / Poor Farm Concept Plan provides overall guidance for future improvements and management of the property that support Open Space charter purposes. The recommendations include farmstead improvements to support local farming and food production, new infrastructure to support visitors, and ecological restoration, which supports the city's quality of life, attracts visitors, and helps businesses to recruit and retain quality employees.
- **Environmental:** This project includes large scale environmental restoration along Boulder Creek and enhancements to existing wetland and natural areas, supporting natural ecosystems and wildlife habitat.
- **Social:** This property is historically significant with a connection to the Sand Creek Massacre. The Concept Plan was developed in close collaboration with the three federally recognized Native American Tribal Nations affected by the Sand Creek Massacre: the Cheyenne and Arapaho Tribes, the Northern Arapaho Tribe and the Northern Cheyenne Tribe. The plan centers around a shared vision: "Heal the Land; Heal the People" with recommendations for an interpretive, healing trail to support education, reflection and healing. The plan also includes indigenous plantings (traditional medicines) that can help support Indigenous Peoples.

## **BACKGROUND**

The Fort Chambers / Poor Farm property is located east of North 63<sup>rd</sup> Street and south of Jay Road (an area map is included as **Attachment B**). The 113-acre property was acquired in 2018 due to its ability to fulfill many OSMP Charter purposes. The property is important due to its history and association with the Sand Creek Massacre, and the land's significant ecological and agricultural resources. Information about the property's resources and history is shared online through an [interactive story map](#) which informed the site planning process.

### **Planning Process and Tribal Collaboration**

City staff have been working on a government-to-government basis with the three Sovereign Tribal Nations affected by the Sand Creek Massacre (the Cheyenne and Arapaho, the Northern Arapaho and the Northern Cheyenne) to collaborate and partner with them in making decisions and incorporating their meaningful input into the project at each phase. This collaborative process guided the concept plan development, which included the following phases:



**Phase 1:** Site visits were held and comprehensive information about the site was compiled into a story map to better understand and share the cultural, historic, natural, scenic and agricultural resources associated with the property as well as infrastructure needs, management requirements and interpretive opportunities. OSMP staff worked with Tribal Representatives to develop a framework and shared understanding for the planning process and our collaboration. Tribal Representatives expressed their preference to comment and provide feedback on staff-developed management plan concepts.

**Phase 2:** Various opportunities were explored, leading OSMP staff to the development of alternative concepts, each emphasizing different open space values. OSMP and tribal representatives met in March 2023 to discuss the site information / story map, considerations for developing different alternatives, and the removal of a stone marker that was located near the old intersection of Andrus and 63<sup>rd</sup>.

**Phase 3:** The alternative concepts were used to facilitate discussions and site visits with the Tribes in July 2023 to learn what open space values and tribal interests were most important and how those could be enhanced on the site. The Tribes long-term relationship with the land was also discussed; it was conveyed that the Tribes are not interested in owning this property but would like to collaborate on the development of interpretive materials and future stewardship, recognizing the site’s ability to support learning, healing and praying. Tribal feedback centered around the theme “Heal the Land, Heal the People”. The input received guided the development of a draft Concept Plan.

In October 2023, Tribal Representatives visited Boulder, met with OSMP staff to review and discuss elements of a draft Concept Plan. The Fort Chambers / Poor Farm site was visited along with another site along Boulder Creek to see an example of OSMP restoration work. The Tribal Representatives were supportive, relaying that the draft Concept Plan reflected the previous input received.

**Phase 4:** In March 2024, Tribal Representatives joined OSMP staff to present the draft Concept Plan to the OSBT and share the upcoming steps for community engagement. Community



feedback was received during the spring 2024 engagement window (additional information is provided below). The feedback was analyzed and discussed with Tribal Representatives in May 2024 – due to the high level of community support it was decided to finalize the Concept Plan without any additional revisions. In July, staff shared the final Concept Plan with the OSBT and the OSBT unanimously supported advancing and implementing the plan.

### Concept Plan Summary

The [Concept Plan \(Attachment A\)](#) was developed through a collaborative effort with Tribal Representatives. Recognizing the site’s connection to the Sand Creek Massacre and impacts from previous land uses, such as gravel mining, there is a desire for ecological restoration and placement of meaningful interpretive and contemplative elements that will transform the site into a healing place for all: community members, visitors, wildlife, agriculture, and natural ecosystems. The shared vision: "**Heal the Land; Heal the People**" guided the development of the Concept Plan.

The Concept Plan includes the following main elements:

1. **Ecological Restoration:** to heal the land from past land uses and improve ecological health. A large-scale restoration project along the Boulder Creek corridor is recommended to improve ecological health, restore ponds that were left from gravel mining, remove berms to reconnect the floodplain and create high quality wetlands that support native wildlife. Trash, debris and noxious weed removal is also recommended.
2. **Healing Trail:** indigenous plantings, interpretive elements and program areas provide places for education, reflection, healing and gathering.
3. **Visitor Access:** an entrance drive leads to a parking area with a bus drop-off for public access. Two access drive options will be further evaluated. Bathroom facilities could also be installed to support visitor use.
4. **Agricultural/Farmstead Enhancements:** to support ongoing agriculture including diversified vegetable farming and irrigated hay fields. This site has a long history of agriculture that dates back to 1862. A portion of the property is also uniquely suited to support diversified vegetable farming due to its fertile soils, irrigation water and farm structures. The Concept Plan includes recommendations to preserve and enhance existing agricultural uses. Recommendations include repairing and restoring the historic Queen Anne style house that once served as the Boulder County Poor Farm to support an agricultural tenant. Educational opportunities related to the Poor Farm and/or agriculture history could be explored as a secondary use of the historic house.

A list of plan recommendations with anticipated phasing is included as **Attachment C**.

### Spring 2024 Community Engagement Window

There were multiple goals for the engagement window:

- inform the community about the site, its resources, history, and connection to the Sand Creek Massacre;

- share the collaborative efforts of staff and the Tribes to co-develop the plan; and
- understand the level of community support (or not) for the draft Concept Plan.

An online questionnaire was developed to receive feedback from March 25, through April 14, 2024. In addition, OSMP staff held two “office hours” or in-person listening sessions to hear directly from community members and answer questions. 473 completed questionnaires were received with over 300 written comments.

Respondents showed more familiarity with the Sand Creek Massacre (27% extremely familiar, 42% somewhat familiar) than with the Fort Chambers / Poor Farm site (11% extremely familiar, 21% somewhat familiar).

Respondents expressed a high level of support for the city’s collaboration with Tribal Representatives and the Concept Plan elements as summarized here:

- The city’s collaborative efforts with Cheyenne and Arapaho Tribal Representatives (86% strongly support, 6% somewhat support).
- “Healing the land” through a large-scale ecological restoration effort along the Boulder Creek corridor (84% strongly support, 9% somewhat support)
- “Healing the people” through an interpretive, healing trail that provides space for people to learn, reflect and heal (83% strongly support, 8% somewhat support)
- Continued agricultural operations utilizing the high-quality agricultural land for vegetable production, continuing hay field operations and improving existing structures to support agricultural uses (54% strongly support, 23% somewhat support).
- Overall recommendations in the Concept Plan (66% strongly support, 18% somewhat support)

The engagement window was broadly communicated through press releases, radio, email, newsletter announcements and social media, as well as being featured on the Denver 7 evening news. Additional outreach was done to reach and invite local indigenous community members.

Additional information about the engagement and feedback received was shared in June 2024 as a [written update for the Open Space Board of Trustees](#).

**Open Space Board of Trustees**

OSMP staff provided updates to the OSBT throughout the planning process:

Sept. 14, 2022:

- summary from discussions with Arapaho and Cheyenne Tribal Leaders and Representatives
- preliminary site inventory information

March 8, 2023:

- update on collaboration efforts with Tribal Partners

- planning process overview and schedule
- introduction to the online story map

Sept. 13, 2023:

- guidance from Tribal Representatives on the development of the site management plan
- update on the City/Tribal Nations collaboration agreement guiding the planning process

Dec. 6, 2023:

- planning process update with the shared vision for the site: “Heal the Land; Heal the People”
- an overview of plan elements under consideration

March 13, 2024:

- Tribal Representatives joined OSMP staff to present a draft, collaborative Concept Plan
- upcoming steps for community engagement

June 12, 2024:

- community engagement results
- anticipated next steps

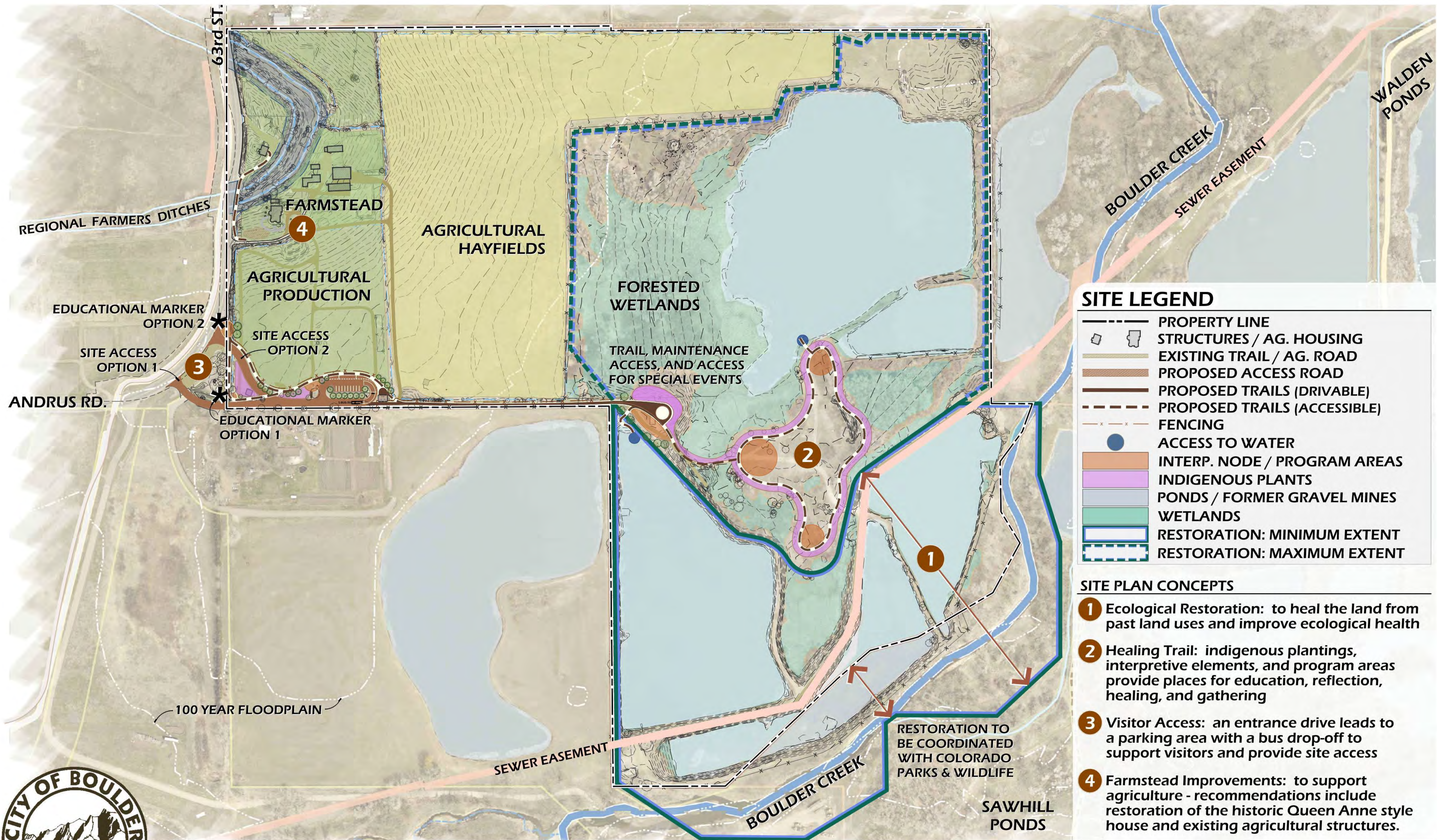
On July 10, 2024, the Concept Plan was presented to the OSBT for consideration. The board unanimously passed a motion to “advance and implement the Fort Chambers / Poor Farm Concept Plan and request that the design process include consultation and community involvement (with Tribal Representatives and interested community members who can help in the telling of all of the stories related to the site) in developing content for the healing trail and other interpretive elements, including potentially a physical representation of the fort.”

### **NEXT STEPS**

Following the guidance provided by the OSBT, OSMP staff will continue collaboration with the Tribes and design a planning process to involve the community in the design of interpretive elements along the healing trail - exploring what information to share, and how it is presented. Staff will also start the design and implementation of other plan elements including the ecological restoration and farmstead improvements. Implementation of the plan recommendations will be incorporated into the OSMP work plan and capital improvement budget.

### **ATTACHMENTS:**

- **Attachment A:** Concept Plan
- **Attachment B:** Area Map
- **Attachment C:** Concept Plan Recommendations

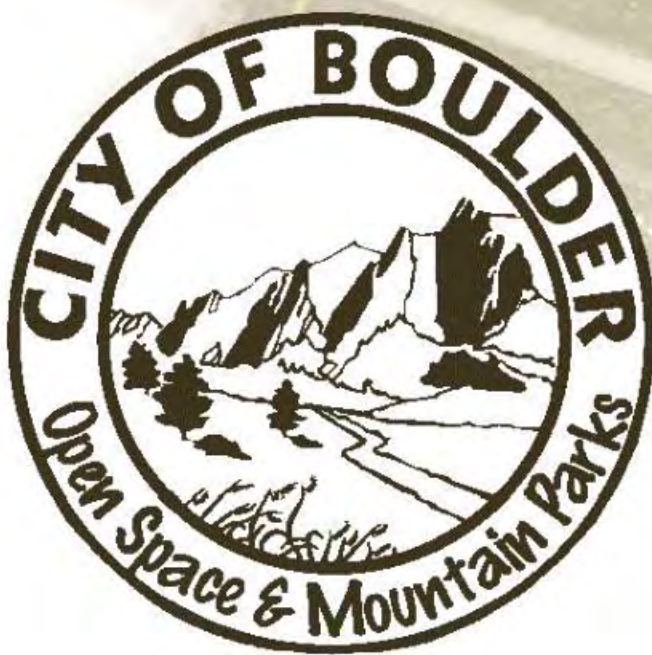


### SITE LEGEND

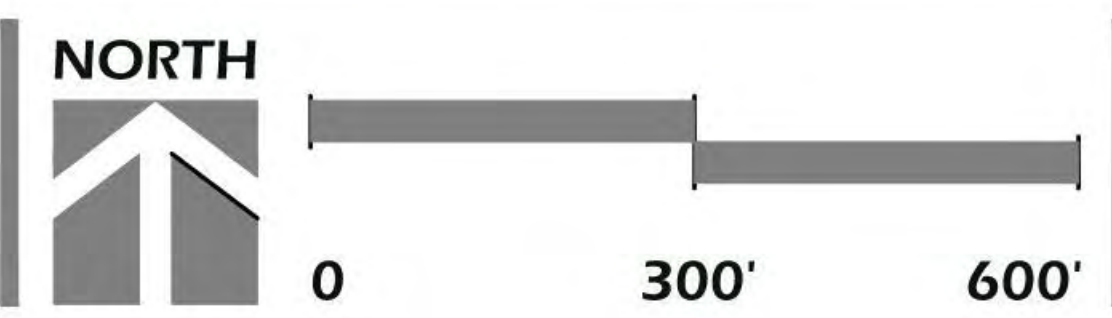
	PROPERTY LINE
	STRUCTURES / AG. HOUSING
	EXISTING TRAIL / AG. ROAD
	PROPOSED ACCESS ROAD
	PROPOSED TRAILS (DRIVABLE)
	PROPOSED TRAILS (ACCESSIBLE)
	FENCING
	ACCESS TO WATER
	INTERP. NODE / PROGRAM AREAS
	INDIGENOUS PLANTS
	PONDS / FORMER GRAVEL MINES
	WETLANDS
	RESTORATION: MINIMUM EXTENT
	RESTORATION: MAXIMUM EXTENT

### SITE PLAN CONCEPTS

- 1 Ecological Restoration:** to heal the land from past land uses and improve ecological health
- 2 Healing Trail:** indigenous plantings, interpretive elements, and program areas provide places for education, reflection, healing, and gathering
- 3 Visitor Access:** an entrance drive leads to a parking area with a bus drop-off to support visitors and provide site access
- 4 Farmstead Improvements:** to support agriculture - recommendations include restoration of the historic Queen Anne style house and existing agricultural structures.



# SITE CONCEPT: FORT CHAMBERS / POOR FARM



SITE CONCEPT  
**SC-1**  
2.28.2024

Existing **wetlands** and **vegetation** support a variety of **wildlife**. The Site Concept includes recommendations to **heal the land** from past land uses, with large-scale restoration of the Boulder Creek corridor to enhance ecological functions while supporting wildlife and environmental health.



PONDS / FORMER GRAVEL MINES

PROPERTY LINE

SAWHILL PONDS

BOULDER CREEK

RESTORATION TO BE COORDINATED WITH COLORADO PARKS & WILDLIFE



Remove trash, debris, and noxious weeds



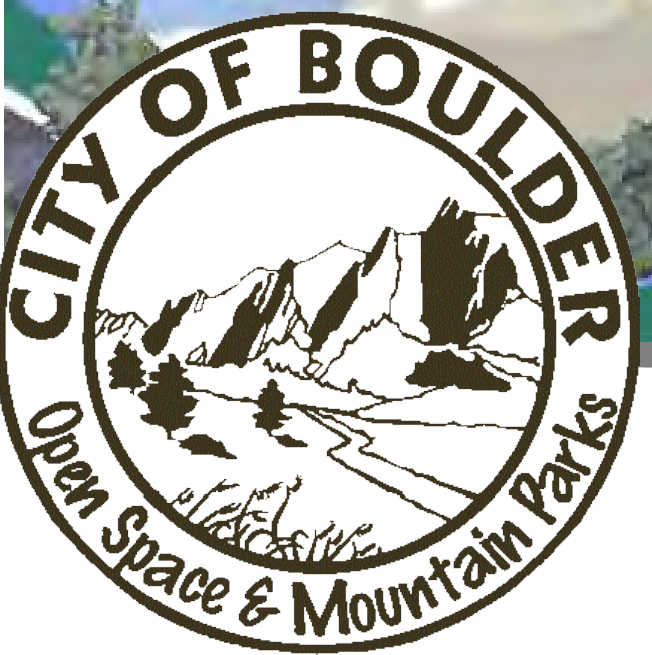
Restore gravel ponds and reconnect the floodplain



Example restoration site

1

Ecological Restoration: to heal the land from past land uses and improve ecological health



# ECOLOGICAL RESTORATION: FORT CHAMBERS / POOR FARM



### Heal the Land, Heal the People

An interpretive, healing trail provides places for education, reflection, healing, and gathering. The images are examples of the types of elements that could be included to share the history of the site and connection to the Sand Creek Massacre.



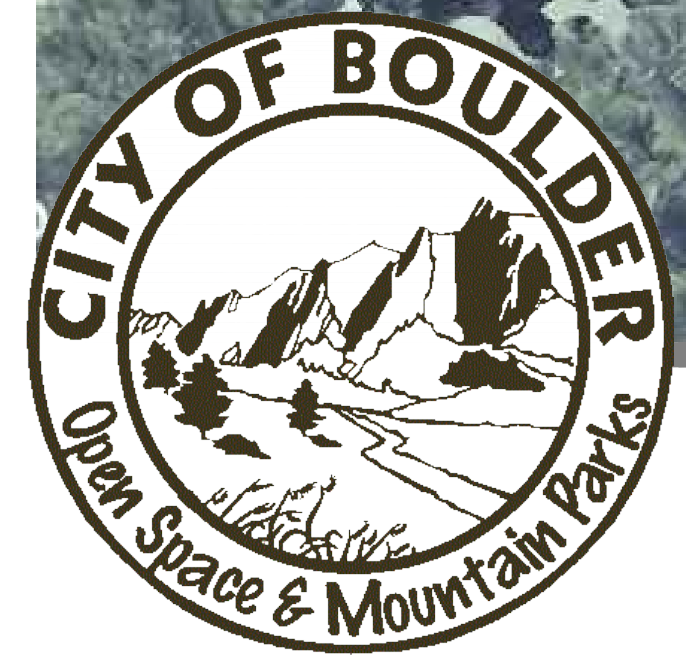
Note: Trails may be subject to seasonal wildlife closures

**SITE LEGEND**

---	PROPERTY LINE
—	PROPOSED ACCESS ROAD
—	PROPOSED TRAILS (DRIVABLE)
- - -	PROPOSED TRAILS (ACCESSIBLE)
●	ACCESS TO WATER
□	PONDS / FORMER GRAVEL MINES
□	WETLANDS
□	INTERP. NODE / PROGRAM AREAS
□	INDIGENOUS PLANTS



**2** Healing Trail: indigenous plantings, interpretive elements, and program areas provide places for education, reflection, healing, and gathering



# INTERPRETIVE HEALING TRAIL: FORT CHAMBERS / POOR FARM



**SITE LEGEND**

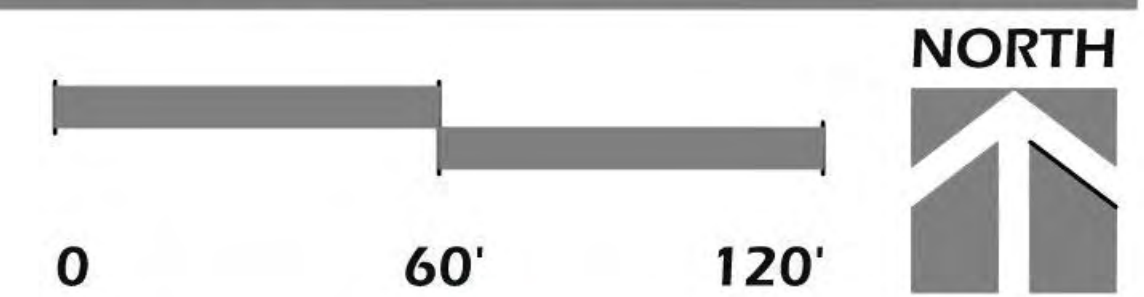
- PROPERTY LINE
- EXISTING TRAIL / AG. ROAD
- PROPOSED ACCESS ROAD
- PROPOSED TRAILS (CLASS 3 DRIVABLE)
- PROPOSED TRAILS (ORAR ACCESSIBLE)
- x - FENCING / GATES
- INTERP. NODE / PROGRAM AREAS
- INDIGENOUS PLANTS



**3** Visitor Access: an entrance drive leads to a parking area with a bus drop-off to support visitors and provide site access

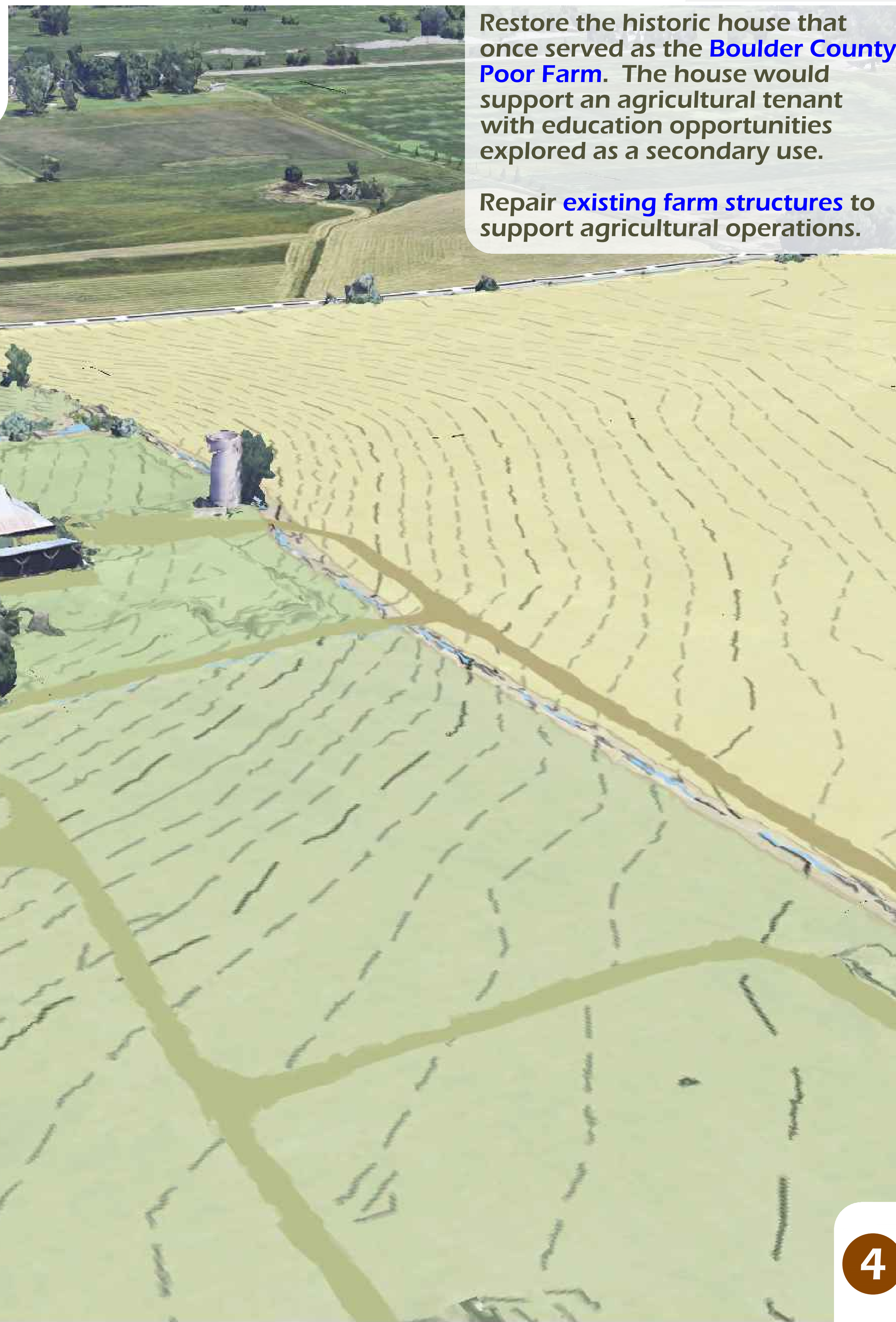


# VISITOR ACCESS: FORT CHAMBERS / POOR FARM



This Site Concept includes recommendations to preserve and enhance **existing agricultural uses**.

This site is uniquely suited to support diversified vegetable farming due to its **fertile soils, irrigation water, and farm structures**.

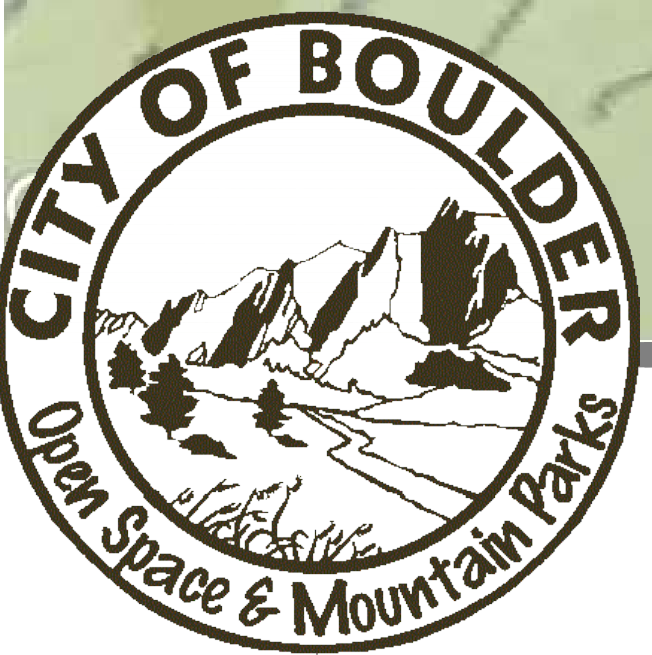


Restore the historic house that once served as the **Boulder County Poor Farm**. The house would support an agricultural tenant with education opportunities explored as a secondary use.

Repair **existing farm structures** to support agricultural operations.



**4** Farmstead Improvements: to support agriculture - recommendations include restoration of the historic Queen Anne style house and existing agricultural structures.



# AGRICULTURE: FORT CHAMBERS / POOR FARM







# Fort Chambers / Poor Farm Concept Plan

## Plan Recommendations and Phasing

The Fort Chambers / Poor Farm Concept Plan includes recommendations for an interpretive, healing trail with educational elements, an improved entrance drive with visitor parking, enhancements to existing agricultural operations and facilities, and large-scale, ecological restoration along the Boulder Creek corridor. These elements would be implemented in phases:

### Short-term (1-2 years):

#### Ecological Restoration

- Clean-up debris and trash
- Invasive plant management
  - Remove Russian olive trees
  - Control noxious weed species
- Begin large-scale restoration along Boulder Creek (design / permitting, potential start of construction)

#### Healing Trail / Interpretive Elements

- Tribal Collaboration and Community engagement for the design of healing trail and interpretive elements, with emphasis on interpretive elements along the western roadside property boundary
- Installation of initial (roadside) interpretive area

#### Visitor Access

- Evaluate, select and design entrance

#### Agricultural Enhancements

- Design house improvements
- Begin house repairs
- Clean up and maintain farmstead infrastructure (fields, ditches, fencing, gates, etc.)
- Continue agricultural operations and maintenance

## Mid-term (3-6 years):

### Ecological Restoration

- Construction of largescale ecological restoration along Boulder Creek
  - Restore ponds leftover from gravel mining
  - Remove berms to reconnect floodplain
  - Improve wetland quality to support native wildlife

### Healing Trail/Interpretive Elements

- Continue tribal Collaboration and Community engagement for the design of healing trail and interpretive elements
- Install additional roadside interpretive elements, if needed and desired
- Develop stewardship model for indigenous plant gardens and harvesting

### Visitor Access

- Continue site access design and permitting
  - Entrance drive
  - Parking area (~10 parking spaces with bus drop off)
  - Roadway improvements required for new entrance
  - Visitor facilities (signage, restrooms, bike racks, etc.)

### Agricultural Enhancements

- Continue house improvements
- Repair accessory buildings/remove unrepairable structures
- Continue agricultural operations and maintenance

## Long-term (7-10 years):

### Ecological restoration

- Post-construction ecological maintenance and monitoring

### Healing Trail/Interpretive Elements

- Healing trail construction
- Install additional interpretive signage & elements
- Indigenous plantings
- Replacement of two existing docks

### Visitor Access

- Construct visitor entrance and parking
- Install trailhead amenities

## Agricultural Enhancements

- Continue agricultural operations and maintenance
- Complete any remaining house and farmstead improvements



## **COVER SHEET**

### **MEETING DATE**

**August 1, 2024**

### **INFORMATION ITEM**

Civic Area Phase 1: Window 1 Engagement Summary

### **PRIMARY STAFF CONTACT**

DAP: 303-413-7223 Rosa Kougl

### **REQUESTED ACTION OR MOTION LANGUAGE**

The intent of this item is to provide City Council with an update on the process and results of Engagement Window 1: Park Perceptions and Future Activation, as well an overview of next steps for Engagement Window 2: What We Heard: Vision and Values.

### **BRIEF HISTORY OF ITEM**

The design for Civic Area Phase 2 will encompass a large area including the full arboretum connection, but implementation will be restricted to current funding. Cost estimating will be provided at multiple milestones throughout the design process to identify the final scope of construction for Civic Area for Phase 2 improvements based upon available funding. BPR, Transportation, Utilities, Facilities, and Community Vitality will be working in concert with the city's Finance team to finalize the budget for the Civic Area Phase 2 effort as well as projected costs for the full buildout of the entire 2015 Civic Area Plan scope.

### **IS THIS ITEM/PROJECT ON THE COUNCIL WORK PLAN?**

Yes

### **HAS THIS ITEM/PROJECT BEEN BUDGETED?**

Yes

### **WHAT PRIMARY SUSTAINABILITY FRAMEWORK OUTCOME IS BEING SUPPORTED?**

Healthy & Socially Thriving Community

### **ATTACHMENTS:**

#### **Description**

- **Information Item C: Civic Area Phase 2 Engagement Window 1 Feedback Summary**



**INFORMATION ITEM  
MEMORANDUM**

To: Mayor and Members of Council

From: Nuria Rivera-Vandermyde, City Manager  
Mark Woulf, Assistant City Manager  
Alison Rhodes, Director of Parks and Recreation  
Brad Mueller, Director of Planning and Development Services  
Natalie Stiffler, Director of Transportation and Mobility  
Joanna Crean, Director of Facilities and Fleet  
Cris Jones, Director of Community Vitality  
Joe Taddeucci, Director of Utilities  
Mark Davison, Planning Senior Manager  
Shihomi Kuriyagawa, Senior Landscape Architect  
Kristofer Johnson, Comprehensive Planning Manager  
Kathleen King, Comprehensive Planning Manager  
Gerrit Slatter, Civil Engineering Senior Manager  
Kristine Edwards, Community Vitality Operations and Maintenance Senior Manager  
Chris Douglass, Utilities Engineering Senior Manager  
Michele Crane, Facilities and Fleet Deputy Director

Date: August 1, 2024

**Subject: Civic Area Phase 2: Engagement Window 1 Feedback Summary**

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**EXECUTIVE SUMMARY**

At the beginning of the 2023, Boulder Parks and Recreation launched the scoping phase for the Civic Area Phase 2 Project and confirmed the project process, scope and priorities in a [December 14<sup>th</sup> Study Session](#) with City Council last year. In 2024, staff and the design team have been working in the Planning and Analysis Phase to gather technical data and community feedback. This phase includes the first two windows of community engagement expected to run through the end of 2024. The intent of this item is to provide City Council with an update on the process and results of Engagement Window 1: Park Perceptions and Future Activation, as well an overview of next steps for Engagement Window 2: What We Heard: Vision and Values.

## **FISCAL IMPACT**

The next phase of planning and design for the Civic Area will include the completion of site analysis, a market and feasibility study, design, and windows of engagement for the key project milestones. Current approved funding for the project in 2023 is budgeted at \$500,000, funded from the Community Culture, Resilience and Safety (CCRS) tax.

The design for Civic Area Phase 2 will encompass a large area including the full arboretum connection, but implementation will be restricted to current funding. Cost estimating will be provided at multiple milestones throughout the design process to identify the final scope of construction for Civic Area for Phase 2 improvements based upon available funding. BPR, Transportation, Utilities, Facilities, and Community Vitality will be working in concert with the city's Finance team to finalize the budget for the Civic Area Phase 2 effort as well as projected costs for the full buildout of the entire 2015 Civic Area Plan scope.

## **BACKGROUND**

### **Current Planning Analysis Phase**

The Civic Area Phase 2 project launched in February 2024. City of Boulder (COB) staff led the first phase of community engagement, while the design team conducted technical analysis with help from the cross-departmental COB core team. This initial work aimed to understand how the Boulder community currently uses the space and how they want to use it in the future. The analysis reviewed existing policies and identified opportunities and constraints for new park infrastructure and space activation. The project will focus on incorporating the seven guiding principles from the 2015 plan and lessons from the Phase 1 improvements completed in 2018. After the Council Study Session on December 14th, it was decided to prioritize communitywide benefits by overlaying additional priorities on top of the existing seven guiding principles:

- Elevate equity, diversity, inclusion, and accessibility during the engagement process to make sure all community groups feel heard. Ensure community members feel welcome and feel a sense of belonging when they visit the Civic Area after Phase 2 project improvements.
- Prioritize the SER framework, climate initiative policy, and equity policy to elevate Boulder's goals for a resilient, sustainable, and viable future.
- Prioritize access to and through the Civic Area for people experiencing disabilities, pedestrians, and other alternative transit users to create an accessible Heart of Boulder.
- Demonstrate how guiding plans and policies will inform the project as it moves towards a final design to ensure accountability of the city's vision, values, and goals.
- Ensure a clear engagement process by outlining outreach, roles, input, and decision-making for all stakeholders, partners, and community-based organizations. This will help make the engagement process fair and inclusive.
- Create a process to define acceptable social behaviors that reflect the community's shared goals for a safe Civic Area. This will help ensure the space is welcoming, safe, and inclusive for everyone.

After Council denied the motion to create a historic district within part of the Civic Area in April 2024, interest from Council for telling the stories and histories of previous inhabitants was highlighted. The project team will follow Council's suggestion to share the history of the people who previously lived and settled along Boulder Creek, aligning with the guiding principle "Celebration of History and Assets."

In response to the focus areas mentioned by the council above, the Civic Area Phase 2 team has taken steps to incorporate these measures:

- Using the SER Framework, the team focused on diversity and inclusion during Window 1 and will evaluate the success of this process. The Equity Instrument will be used to make decisions for planning Window 2 to ensure any voices missed during the previous window are included in the opportunity to give input. This approach is detailed in the Engagement Window 1 Analysis Summary below.
- The 7 guiding principles from the Civic Area Plan and the SER framework will guide the schematic design (design that includes more detail, scaled drawings and material information), the operations plan, and the space activation plan for programming and stewardship of the park after construction and ribbon cutting for the space. Incorporating the SER model along with the 2015 Civic Area Plan throughout the entire lifecycle of the project will help create a sustainable, equitable, and resilient space long after the park improvements are completed.
- "Enhanced Access and Connections" is a guiding principle prioritized to create a universally accessible Civic Area. This principle will be thoroughly studied to ensure that the area is inclusive and navigable for everyone. The project team is gathering feedback from individuals with disabilities and the wider community to evaluate barriers to park access, preferences for alternative transportation, and design enhancements that promote inclusive activities, social connections, and community gatherings.
- The core team is tracking all plans and policies that will affect this area, and a summary of these policies and review processes is documented in the site analysis report. This report will provide the framework for designing and activating the space.
- The engagement process outlined in this memorandum highlights the community feedback received by the core team. This feedback will be a key component in shaping the design of Phase 2 improvements, alongside policy considerations and technical assessments.
- The [CoExistence Model](#) developed by SPUR (San Francisco Bay Area Planning and Urban Research Association, a nonprofit public policy organization) will guide engagement surrounding the sharing of public spaces. After the collection of community feedback, the team heard that safety is a top priority for the Boulder community. The CoExistence Model will help create guidance for park policies while balancing a welcoming space for all.
- Cultural inclusion and celebrating diversity were also highlighted as important themes in community feedback. These priorities will be integrated into Phase 2, offering an opportunity not only to honor the stories of past residents but also to celebrate the current diversity of Boulder.



In addition to the efforts, this project has involved extensive collaboration among multiple city departments. Parks and Recreation, Planning & Development Services, Community Vitality, Facilities and Fleet, Transportation & Mobility, Police Department, Housing and Human Services, Climate Initiatives, and Utilities have come together to support the project. This collaboration has enhanced the team's understanding of improvement opportunities, aligned with the city's goals and initiatives, and ensured compliance with critical policies, codes, and safety guidelines. This city-wide collaboration has been key in shaping the vision for the next phase of design which will focus on sustainable design principles, providing equitable amenities and programming opportunities for the community, and identifying resilient investment strategies within the public realm.

### **Previous Planning Context**

The summary of the planning process for Boulder's Downtown Civic Area can be found [in this link](#) from the December 14<sup>th</sup> City Council Study Session. The background information in this packet highlights the process which led to the City Council approved [2015 Civic Area Park Plan](#) and the Phase 1 park improvements completed in 2018 as well as the Civic Area Phase 2 process for schematic design (for Civic Park, Central Park, Farmer's Market, 13<sup>th</sup> Street, Arboretum Path, and East and West Bookends as key spaces to be envisioned in the future). Later in the process and depending upon available funding, some aspects will move forward for construction. \$18M is currently in the adopted 2024-2029 Capital Improvement Plan to fund design and construction from the Community Culture, Safety and Resilience tax. For updated Civic Area Phase 2 information on project process and engagement please see the [project webpage](#). Previous PRAB and City Council Engagement for this project includes:

- [Civic Area Kickoff – /23 \(page 25\)](#)
- [Historic District – 6/26/23 \(page 29\)](#)
- [July Update – 7/24/23 \(page 45\)](#)
- [Site Tour Event – 8/28/23 \(page 17\)](#)
- [City Council Civic Area Phase 2 Study Session](#)
- [City Council Rejection of Motion to Adopt Civic Area Historic District](#)

### **ENGAGEMENT WINDOW 1 ANALYSIS SUMMARY**

Between February and May of 2024, City of Boulder staff, in collaboration with Downtown Community Connectors, co-designed and implemented 13 engagement events to gain feedback from the community. The engagement process was guided by the 7 principles of the Civic Area Park Plan, the Sustainability, Equity and Resiliency Framework (SER), the Engagement Strategic Framework, and Equity-centered Engagement.

Central Questions posed to the community include:

- What do you envision doing in the Civic Area?
- What are your top values and guiding principles that will help inform the Civic Area Phase 2 project?
- What are your top concerns for the Civic Area and future design?
- How would you like to connect to the Civic Area through the Arboretum?

Overview of Engagement Events:

- Spanish Speaking Focus Group\*
- Equity Focus Group\*

- Mapleton HOA (Manufactured Housing Community)\*
- Roll and Stroll (People Experiencing Disabilities)\*
- Online Questionnaire (Spanish translation provided and demographic information collected)\*
- Bridge House (Unhoused Population)\*
- Boulder High Art Honors Society\*
- Community Organization Meeting (Stakeholders)
- Family Concert and Community Feedback Public Event
- Library Mural Pop-up
- CU Environmental Design Students
- Age Well Centers Mural Pop-up

\* *Representation of historically excluded groups*

### **The Focus on Equity in Civic Area’s Phase 2 Engagement Process:**

The SER Framework guided the engagement process under the Healthy and Socially Thriving goal to gain diverse representation for gathering feedback and for the design and co-creation of the Civic Area. This equity-centered engagement process was the product of close collaboration between City of Boulder Staff, Downtown Community Connectors, and design consultants.

The process included:

- Intentional Focus Groups Formed to Elevate:
  - Racial equity discussions, space activation and place making
  - Universal Design (design and layout of an environment so that it can be accessed, understood and used to the greatest extent possible by all people) and programming feedback with disability equity discussions
  - Youth engagement series on youth space activation and place making
  - Conversations with low-income populations and the unhoused
  - Intergenerational feedback from older adults, college students, teens, and families
- Wide-Reaching Methods of Engagement, Including:
  - Focus group meetings
  - Pop-up idea murals
  - Design proposals from CU Boulder students
  - Boulder High School’s Civic Area Art Gallery
  - Family and community feedback concert
  - Online questionnaire
- Engagement Data, Analysis, and Outcomes that:
  - Elevated voices of historically excluded communities, especially a need to create a welcoming, inclusive, safe, and connected urban heart
  - Fostered community support for the next phase of design
  - Highlighted top priorities for the Civic Area, according to community members

Data from this Window 1 will be analyzed to determine if the outreach and inclusion of historically excluded groups was successful. The Equity Instrument will be used to evaluate this feedback and lessons learned will guide the design of engagement Window 2. This engagement window will provide further opportunities for community groups to give input, creating a more inclusive and equitable engagement

process. During Window 2 the team will share out what we heard from the community in Window 1 and ask for confirmation of these findings, plus additional feedback. These two windows will capture a wide range of feedback from across the community before the design process begins (design starting in spring of 2025, see Diagram 6: Project Schedule below).

**Overview of Window 1 Engagement Findings:**

- A large number of public comments were collected and analyzed and from these comments, 50 themes emerged under the 7 Guiding Principles (see Figure A)

*Figure A: Guiding Principles and Emerging Themes from 1318 Community Comments*

Life & Property Safety	Place for Community Activity & Arts	Civic Heart of Boulder	Outdoor Culture & Nature	Celebration of History & Assets	Enhanced Access & Connections	Sustainable & Viable Future
Unsocial Behavior/Illegal Activity	Civic/Resource Services	Welcoming/ Inclusivity/ Multicultural	Open Space/Green Space	Integration of Inclusive History	Commute	Nature/Climate Education
Flood Plain Safety	Cultural Events	Equity	Trees	Historic Structures	Connection	Native Planting/ Habitat
Safety/Safe Environment	Arts & Music Events	Unified Space	Boulder Creek	Historic Education/ Programs	Universal Access	Stewardship
Regulatory & Safety Signage	Festivals	Distinct Identity	Views	Interpretive Signage	Parking	Water Conservation/ Quality
Safe Access	Science or Educational Programming	Center/Hub	Connection to Nature		Wayfinding	Longevity
Humanitarian Concern	Entertainment Amenities		Gardening/ Agriculture		Alternative Transit	Climate Change Resilience
	Community Space Infrastructure					Economic Viability
	General Amenities					
	Farmer’s Market					
	Multi-Generational Activities					
	Community Partnerships					
	Food/Dining/Picnicking					
	Community Led Programming					
	Community Recreation/Play					
	Art					

- After analyzing the comments, the 7 Guiding Principles were placed in order of importance, shown in Figure B below. The figure shows data from the Boulder community as well as a separate column for historically excluded groups.

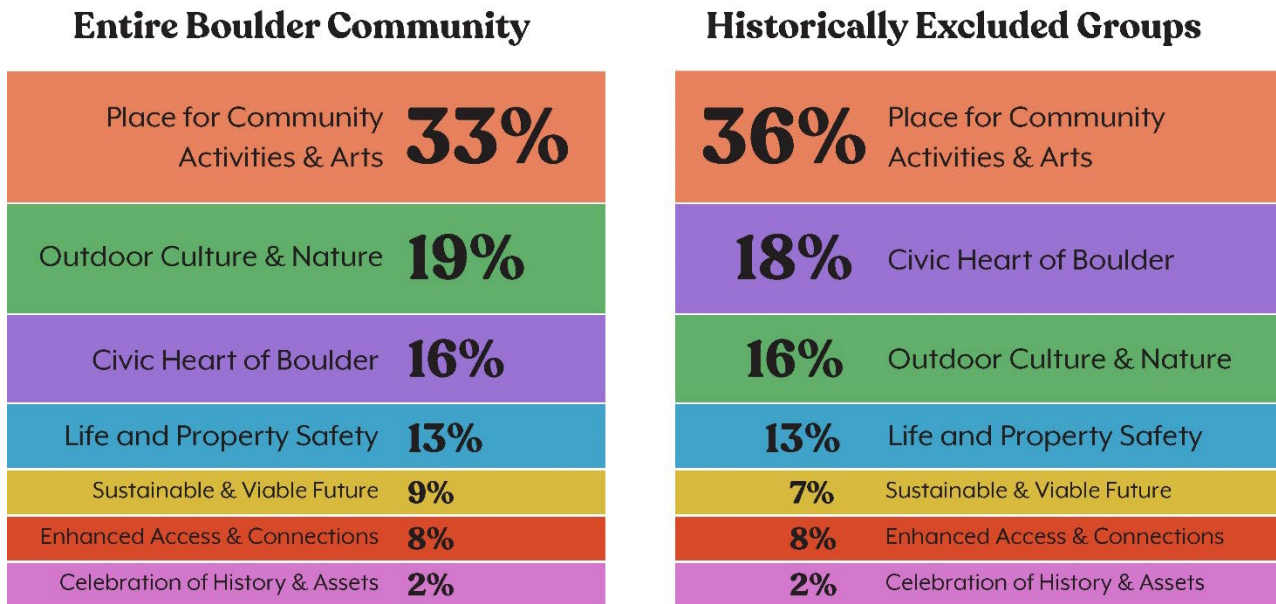


Figure B: Key Findings of Guiding Principles

- Figure C shows the top themes that emerged within the community’s three most important principles. A full list of Themes can be seen in Figure A above.

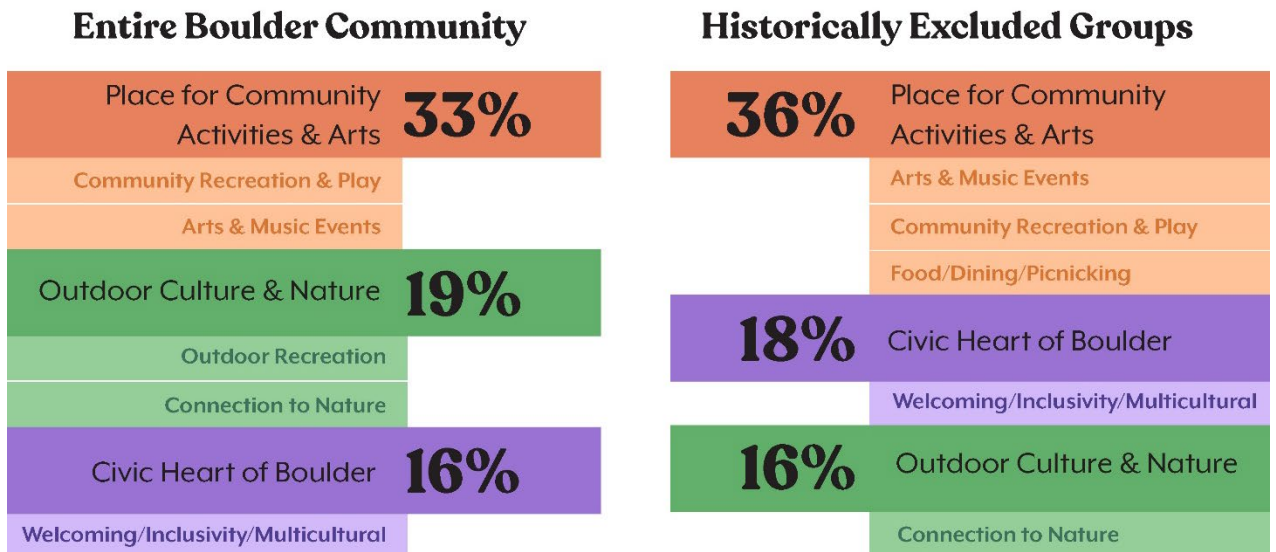


Figure C: Key Findings of Top Themes

### **Summary of Top 3 Principles:**

The Boulder community prioritized three top principles in their feedback for Civic Area Phase 2. Here is a summary of public comments and priorities surrounding these principles:

- **Place for Community Activity and Arts: Diverse Activation Will Bring Us Together**
  - **Family and Child-Friendly Areas:** Prioritize safe and family-oriented activities including water play, nature play, crafts, learning stations, shaded picnic areas, affordable dining, and winter programming. Enhance amenities like public restrooms, trash/recycling bins, clean-up operations, and shaded seating for family gatherings. Picnicking and food gathering opportunities are of special interest to historically excluded groups.
  - **Community and Cultural Events:** Include diverse programming such as Latinx food festivals, salsa music, concerts, talent shows, movie nights, street painting festivals, and, especially, an expanded Farmer's Market. Design the space to encourage community recreation activities such as dance, yoga, pickup games, lawn games, ice skating, or community runs/walks.
  - **Public Art and Interactive Spaces:** Enhance park appeal with mural walls, sculpture gardens, graffiti/sticker walls, and affordable spaces for local artists. Dedicated spaces for teens to gather are of special interest to historically excluded groups.
  
- **Outdoor Culture and Nature: Recreation and Connection to the Natural World**
  - **Enhancing Green Spaces:** Increase green areas, trees, flowers, and natural elements. Promote relaxation activities like forest bathing, hammocking, and nature walks. Plant trees for shade, create gardens, and enhance creek access while ensuring cleanliness and safety. A general connection to nature is a higher priority than outdoor recreation for historically excluded groups.
  - **Promoting Outdoor Activities and Recreation:** Develop infrastructure for outdoor activities, especially in relation to Boulder Creek. Recreation including yoga, rock climbing, kayaking, tubing, bike races, cross-country skiing, zip lines, and sledding hills are desired by the community. Create nature play areas for children and spaces for relaxation.
  - **Community Gardens and Edible Landscapes:** Encourage gardening and sustainable food practices with fruit-bearing trees, food forests, community-supported agriculture, and pollinator habitats. Integrate education and environmental programs.
  
- **Civic Heart of Boulder: Equity, Inclusivity, and Multicultural Unification in Downtown**
  - **Inclusivity, Cultural Representation, and Co-creation:** Reflect Boulder's diversity through markets, events, and food festivals, creating a multicultural heart of the city. Support activation for smaller gatherings with park staff, integrate historical and cultural storytelling, and ensure an equitable engagement process for park creation. Foster a strong sense of belonging and welcoming in the space. This theme is more highly prioritized for historically excluded groups.
  - **Accessibility and Affordability:** Ensure low-cost permits and rents for market spaces, establish an easy-to-use reservation permit system for park spaces, allow extended use windows for park shelters, include low-cost parking and dining options. Prioritize economic accessibility for students and low-income families. Prioritize universal design and sensory experiences for people experiencing disability.
  
- **Community Feedback on Safety in the Civic Area:**
  - Community members made many comments about unsocial behaviors and illegal activities in the Civic Area, and they expressed frustration around not feeling safe enough

to use that space in its current state. The community would feel safer using the space if it were activated and programmed year-round, and if it included security personnel, nighttime lighting, and diligent cleanup of hazardous materials. While expressing frustration, the community also expressed a humanitarian concern and sadness for people experiencing homelessness living in the area. Historically excluded groups expressed a higher concern for humanitarian issues in the area.

**Graphic Analysis of Engagement Results:**

Shown below are a series of diagrams which graphically communicate findings from the Engagement Window 1 including feedback from historically underrepresented communities, how people feel in the civic space, and examples of notable comments from the community that reflect key findings described above.

- **Diagram 1: Racial Equity** – The graphic displays an analysis of feedback from the Spanish-First event, equity focus group, and online questionnaire where demographic data was collected for historically excluded groups.



Diagram 1: Racial Equity

- **Diagram 2: Disability Equity** – The graphic shows an analysis of feedback from the Roll and Stroll event and other focus group meetings where people experiencing disability participated.

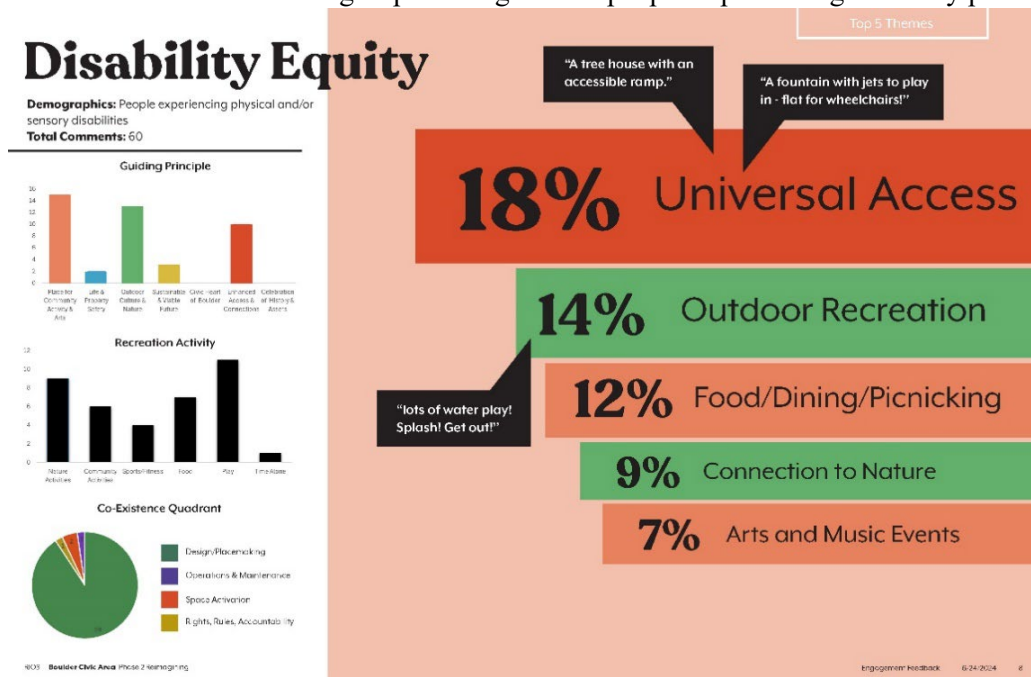


Diagram 2: Disability Equity

- **Diagram 3: Youth Equity** - The graphic displays an analysis of youth feedback from the family concert and Boulder High School focus group.

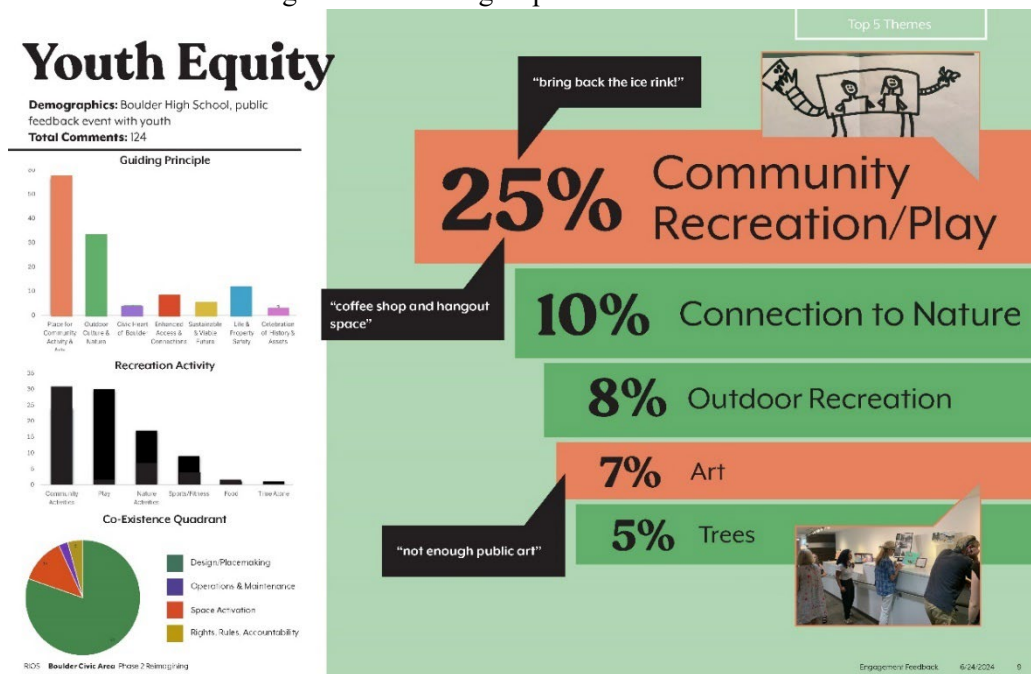
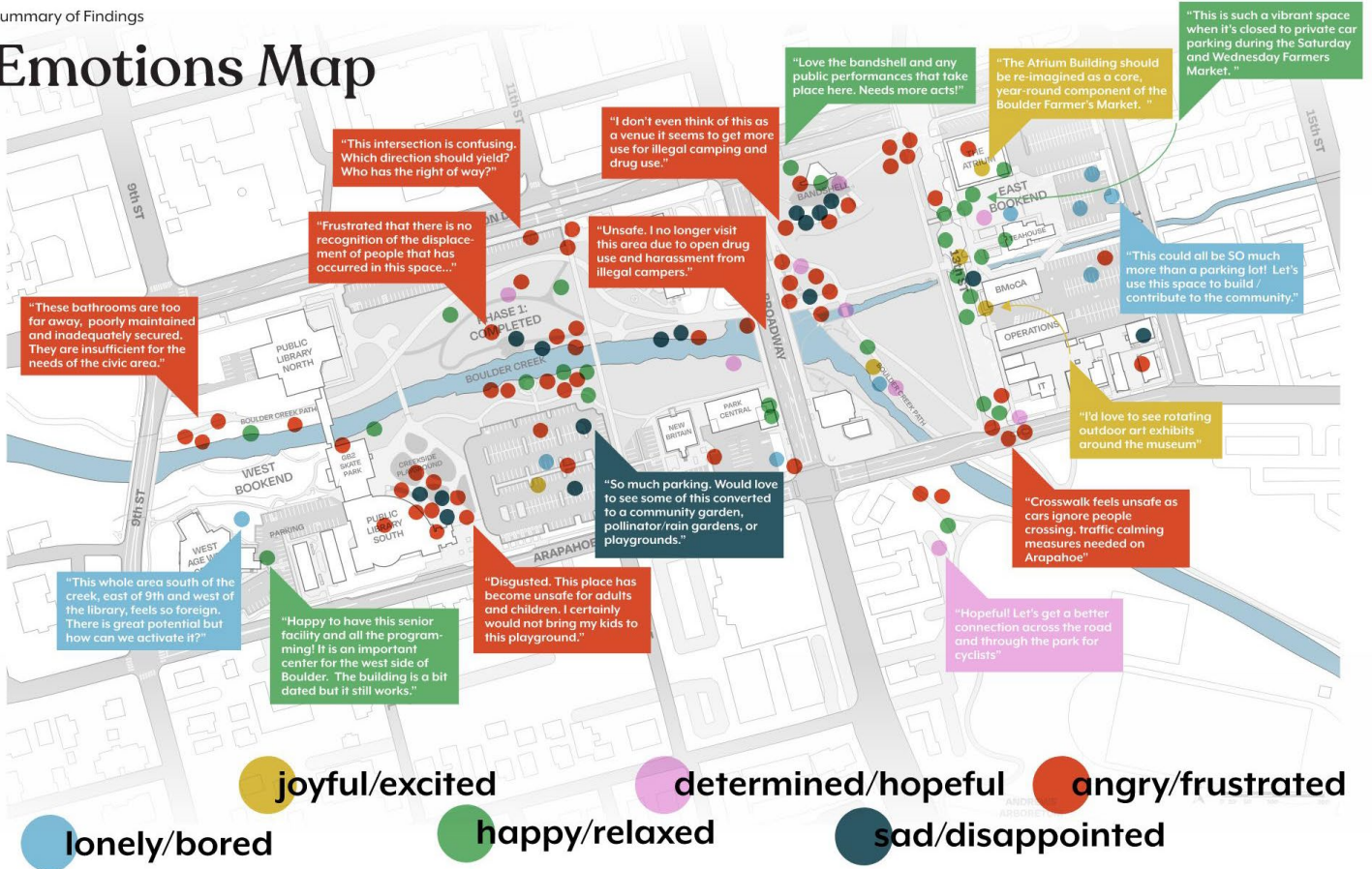


Diagram 3: Youth Equity

- Diagram 4: Emotions Map** – The diagram marks where people experience different emotions in Civic Area and give feedback about these feelings. The data was collected from an interactive online map on the City’s Be Heard Boulder engagement platform.

Summary of Findings

# Emotions Map



RIOS Boulder Civic Area Phase 2 Reimagining

Engagement Feedback 6/24/2024 20

Diagram 4: Emotions Map



- **Diagram 5: Notable Thoughts** – The graphic shows comments from across the community which represent some of the key priorities discovered during Engagement Window 1.

Summary of Findings

# Notable Thoughts



Diagram 5: Notable Thoughts

## NEXT STEPS

The below outlines the next steps in design, engagement and City Council touchpoints for the project. Refer to Diagram 6 for the full project schedule running through 2027.

- August 2024:
  - COB and Design Team to finalize the site analysis and move into visioning and values studies under Planning Analysis Task 1, this task will incorporate all feedback, technical analysis and policy requirements to create an overall vision for the next phase of design
- Q3: Engagement Window 2:
  - Share out Window 1 findings to the community and confirm what we heard
  - Plan for programming and space activation
  - Discuss park perceptions and acceptable park behaviors

- Launch engagement events in late August through early October
- Q1 2025:
  - Schematic Design Options
- Q3 2025:
  - City Council Touch Point for Schematic Design Options
  - Potential City Council Touch Point for Land Use Recommendations for the Civic Area if needed on the East Bookend

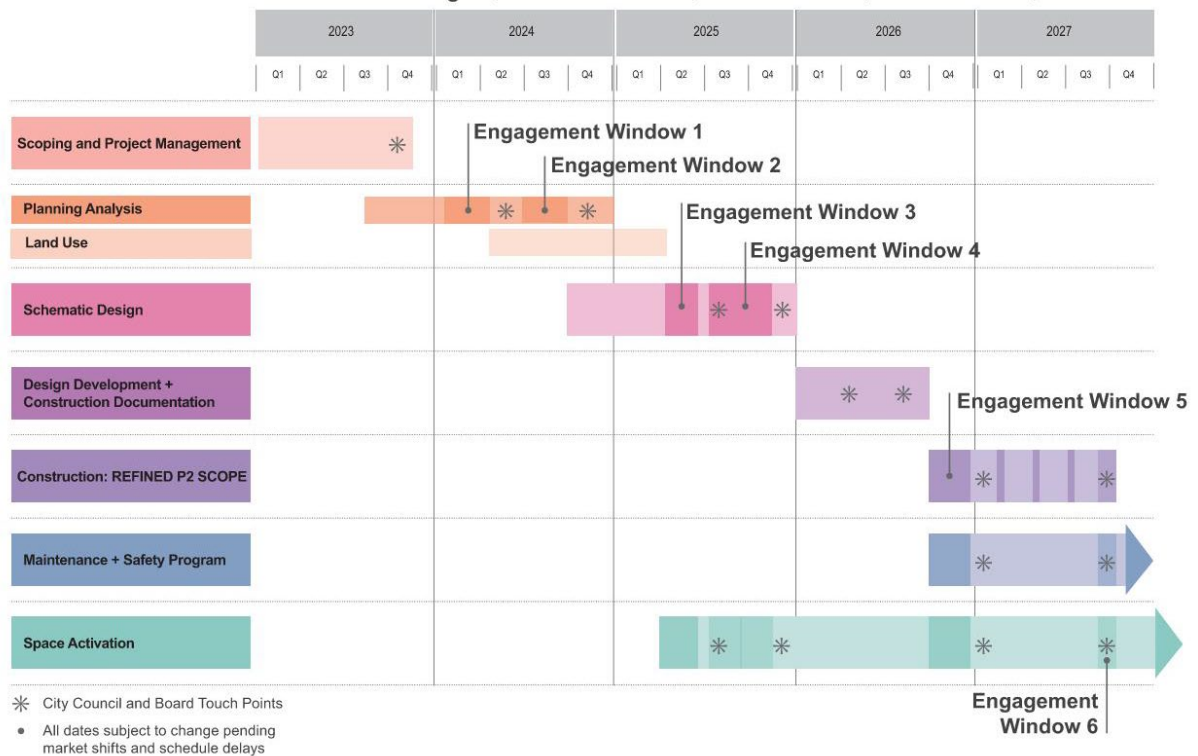


Diagram 6: Project Schedule

**ATTACHMENTS**

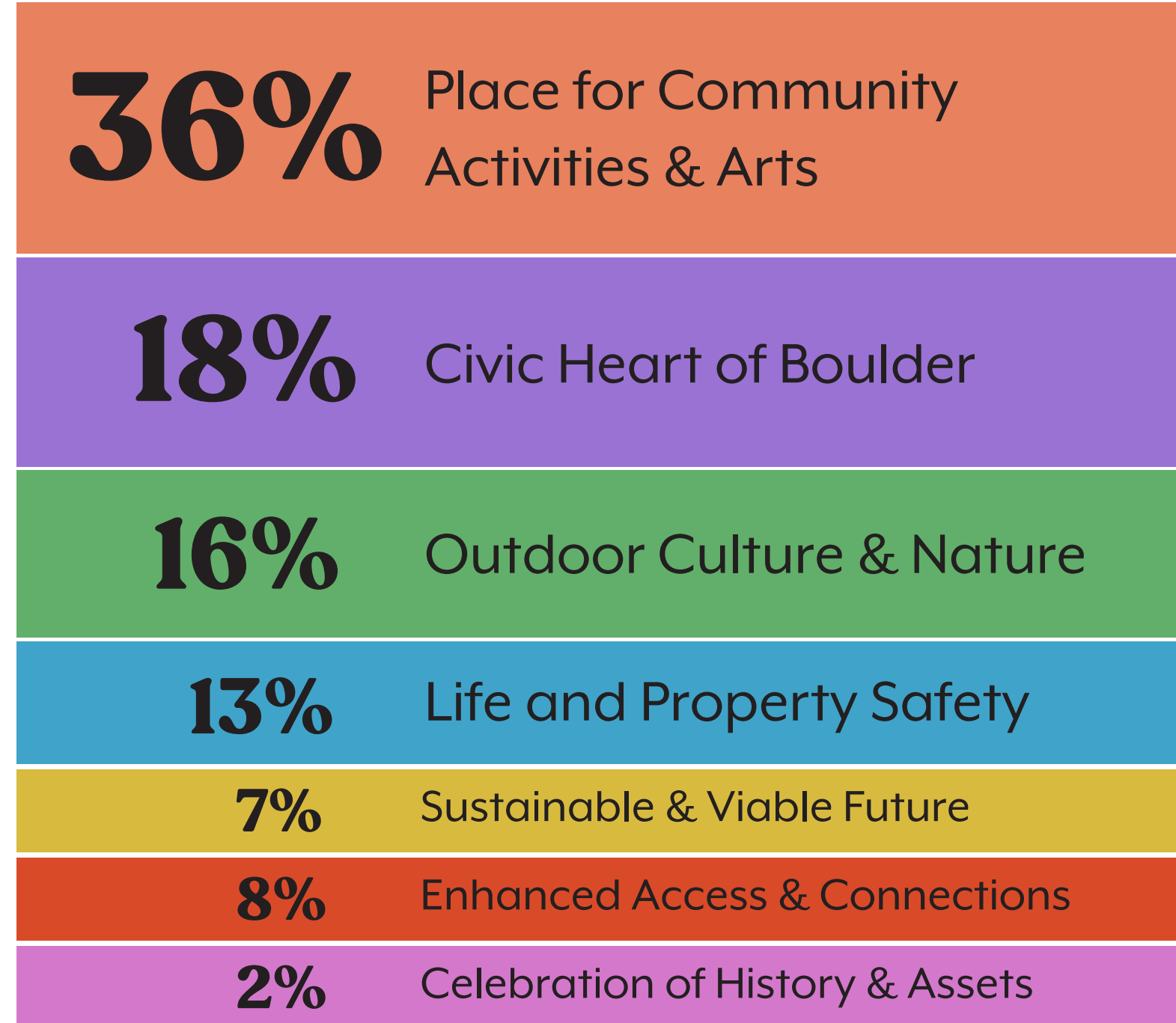
- A. High resolution diagrams from the Engagement Summary

# Key Findings of Guiding Principles

## Entire Boulder Community

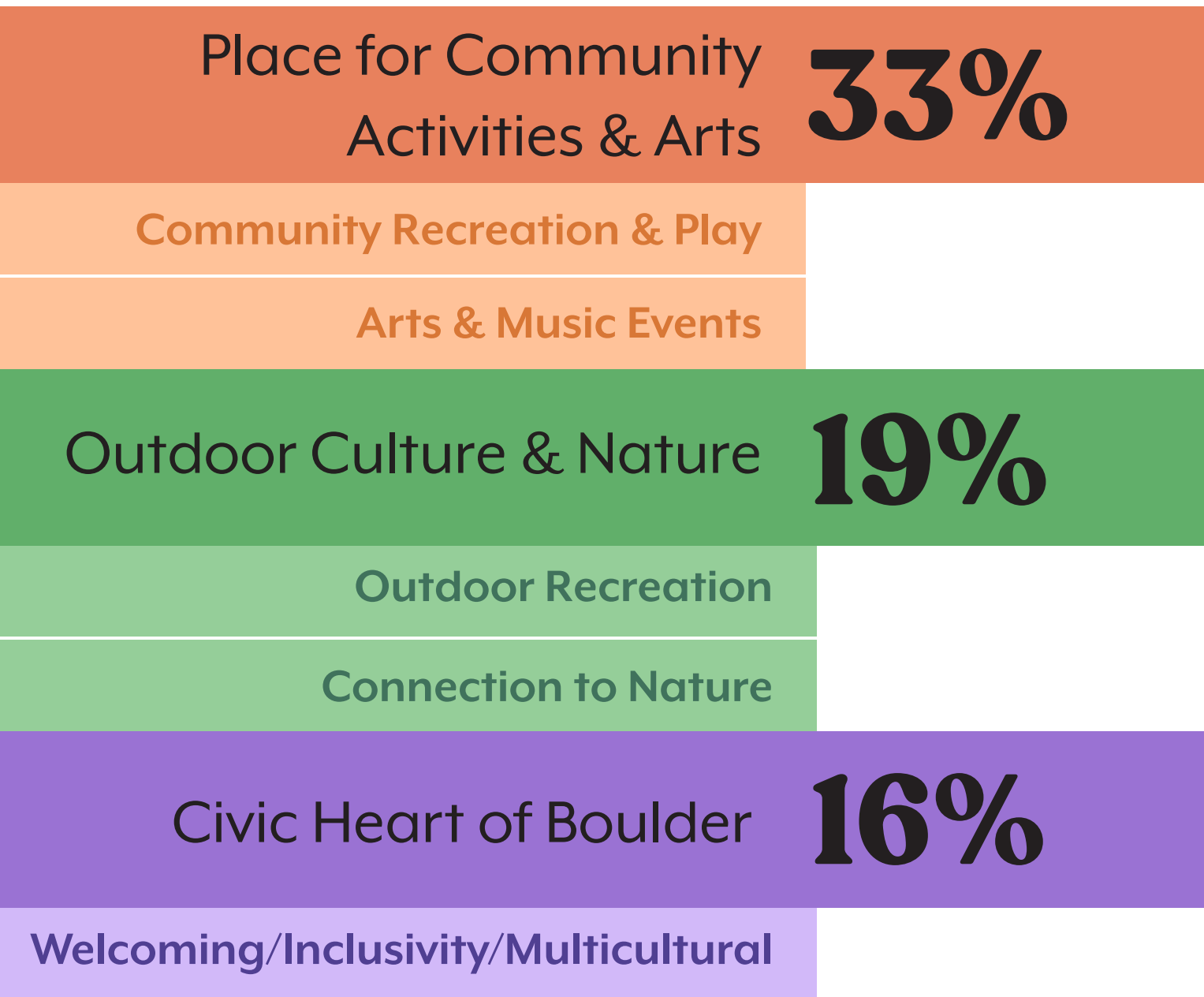


## Historically Excluded Groups

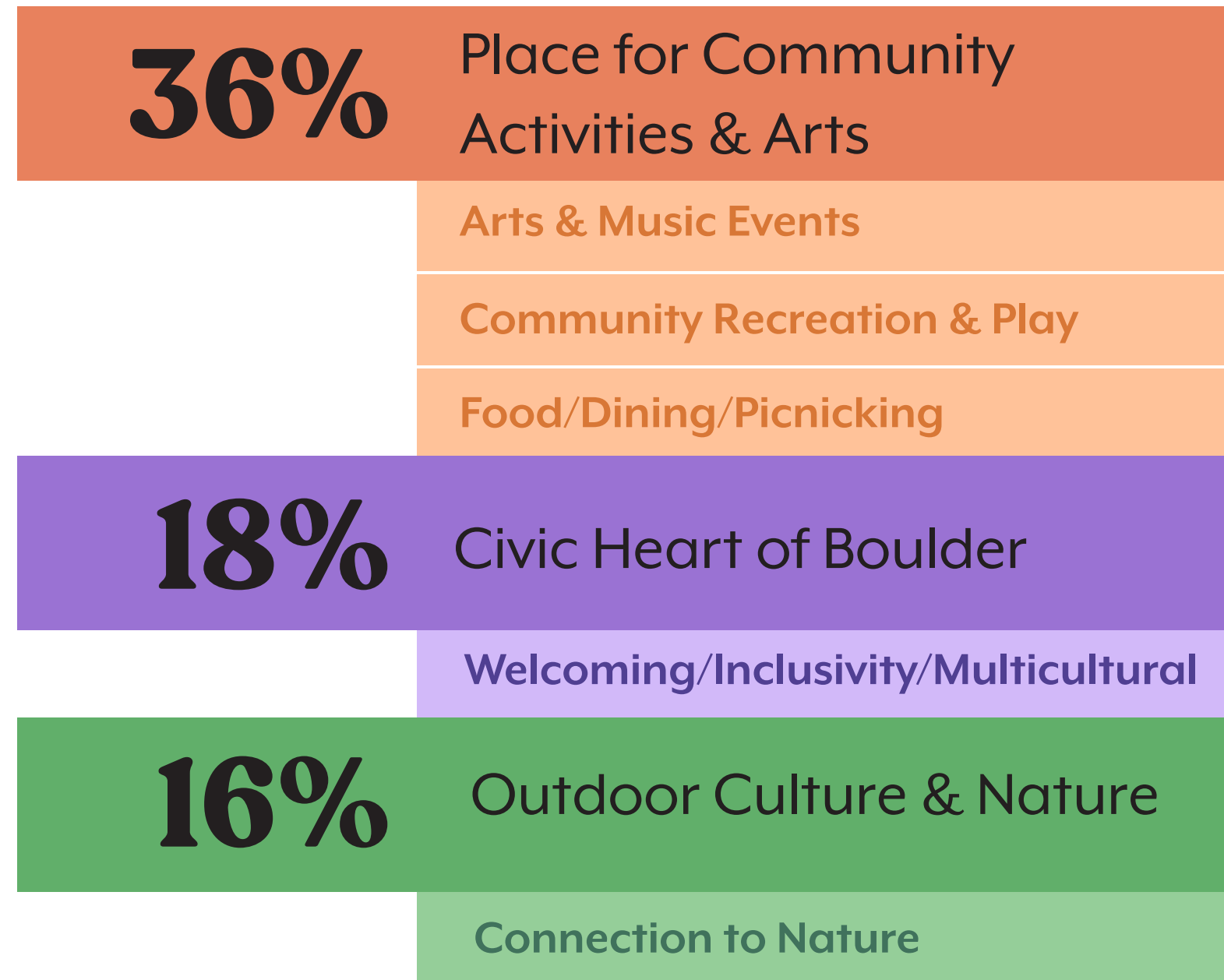


# Key Findings of Top Themes

## Entire Boulder Community

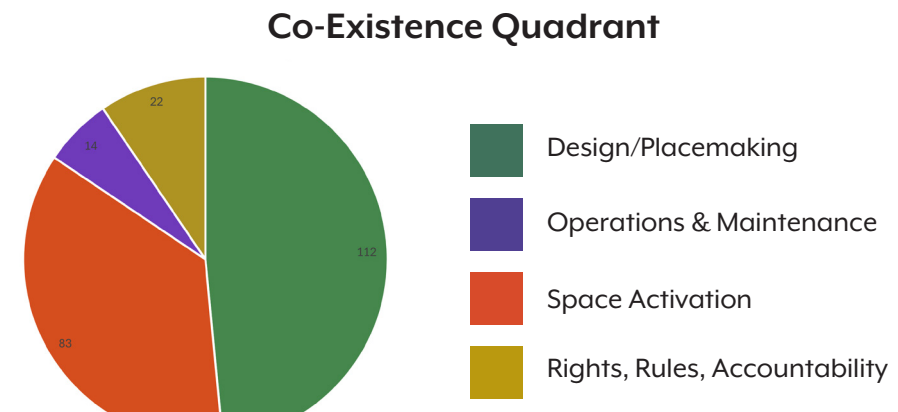
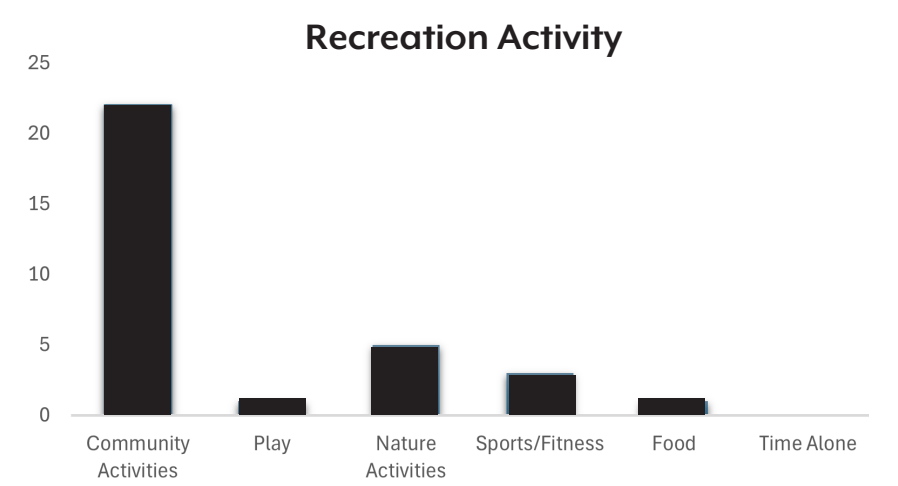
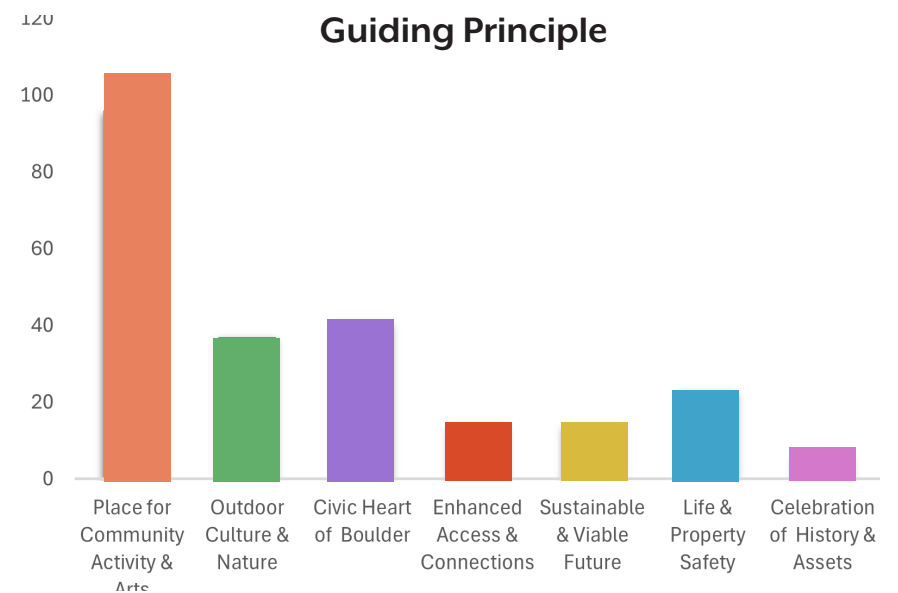


## Historically Excluded Groups



# Racial Equity

**Demographics:** Equity Focus Group, Spanish-First Meeting and Online Questionnaire  
**Total Comments:** 231



Information Item C: Civic Area Phase 2 Engagement Window 1 Feedback Summary

**9%** Community Recreation/Play

*“I would like to see a splash pad for children with trees”*  
*“que pongan un chapoteadero para niños con árboles”*

*“An ice rink for skating”*  
*“Un anillo de hielo para patinar.”*

**7%** Welcoming/Inclusivity/Multicultural

**7%** Equity

*“Diversity exists. We don’t need to create it we need to bring it forward, embrace the diversity that is”*

**7%** Arts & Music Events

**6%** Food/Dining/ Picnicking

*“areas with tables and chairs to share food with children, friends, and family”*  
*“areas con mesas y sillas para poder compartir una comida con hijo, amigos, familia”*

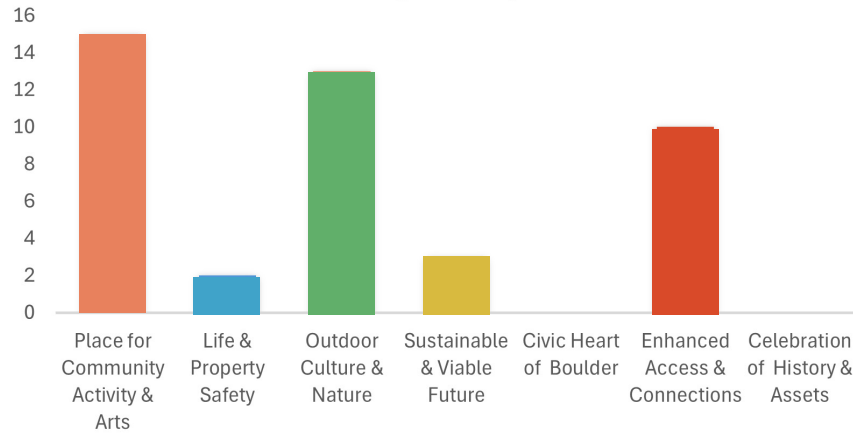
Top 5 Themes

# Disability Equity

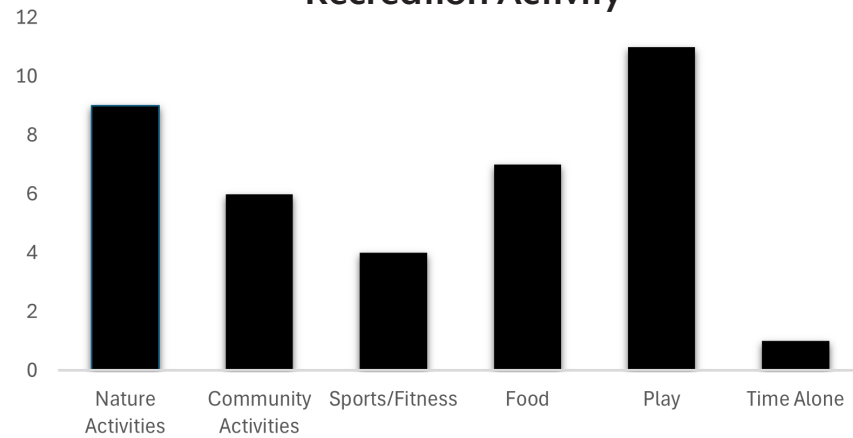
**Demographics:** People experiencing physical and/or sensory disabilities

**Total Comments:** 60

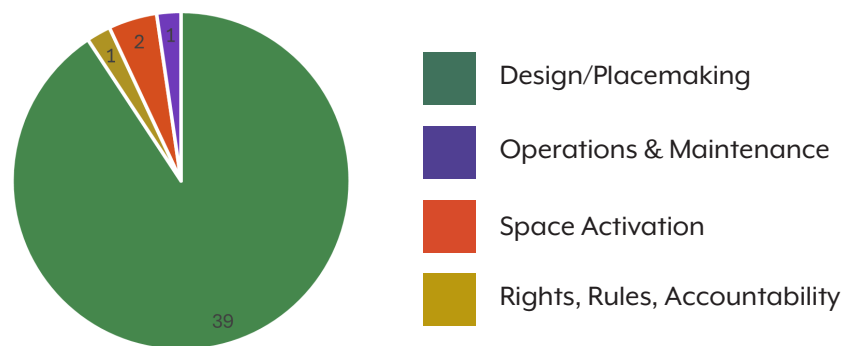
Guiding Principle



Recreation Activity



Co-Existence Quadrant



“A tree house with an accessible ramp.”

“A fountain with jets to play in - flat for wheelchairs!”

**18%** Universal Access

**14%** Outdoor Recreation

**12%** Food/Dining/Picnicking

**9%** Connection to Nature

**7%** Arts and Music Events

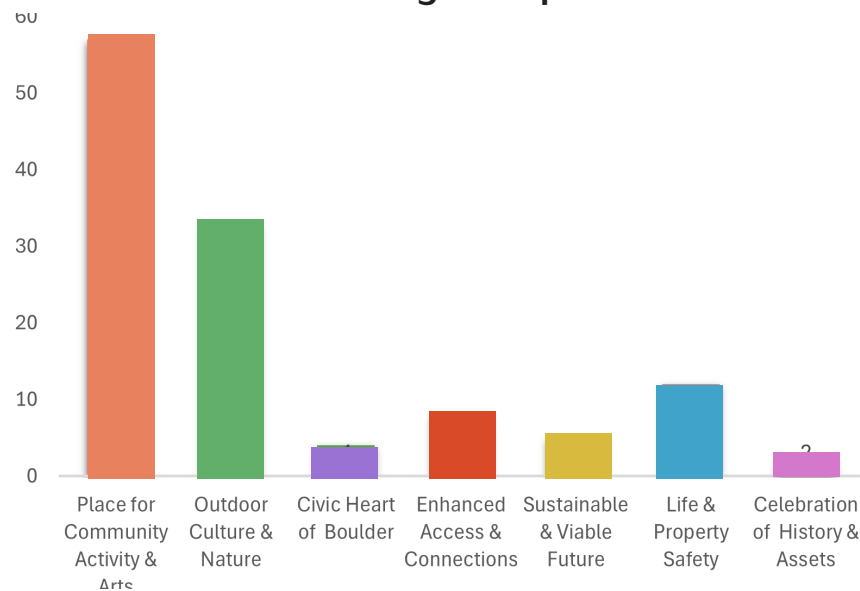
“lots of water play! Splash! Get out!”

# Youth Equity

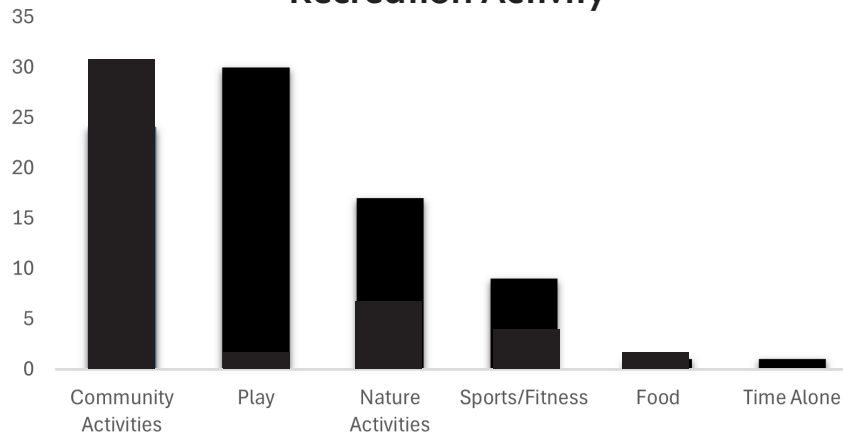
**Demographics:** Boulder High School, public feedback event with youth

**Total Comments:** 124

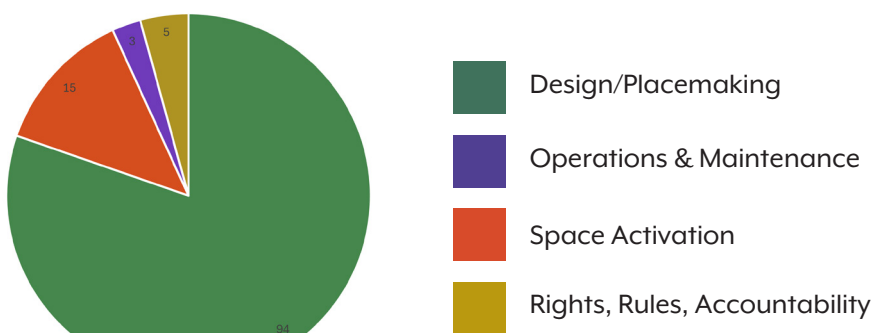
Guiding Principle



Recreation Activity



Co-Existence Quadrant



Information Item C: Civic Area Phase 2 Engagement Window 1 Feedback Summary

“bring back the ice rink!”



“coffee shop and hangout space”

# 25%

## Community Recreation/Play

“not enough public art”

# 10%

## Connection to Nature

# 8%

## Outdoor Recreation

# 7%

## Art

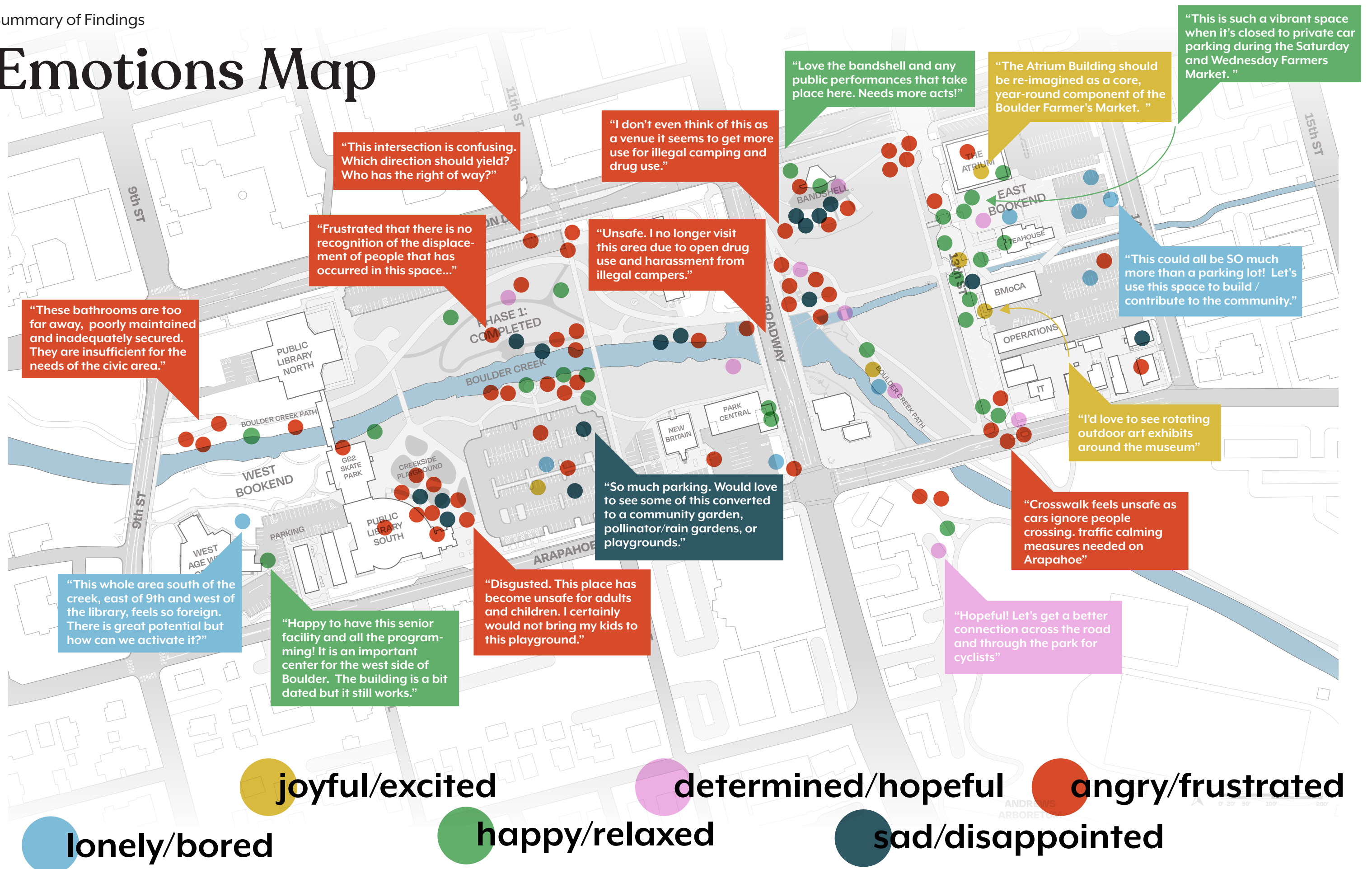
# 5%

## Trees



Summary of Findings

# Emotions Map



"These bathrooms are too far away, poorly maintained and inadequately secured. They are insufficient for the needs of the civic area."

"This intersection is confusing. Which direction should yield? Who has the right of way?"

"Frustrated that there is no recognition of the displacement of people that has occurred in this space..."

"I don't even think of this as a venue it seems to get more use for illegal camping and drug use."

"Unsafe. I no longer visit this area due to open drug use and harassment from illegal campers."

"Love the bandshell and any public performances that take place here. Needs more acts!"

"The Atrium Building should be re-imagined as a core, year-round component of the Boulder Farmer's Market."

"This is such a vibrant space when it's closed to private car parking during the Saturday and Wednesday Farmers Market."

"This could all be SO much more than a parking lot! Let's use this space to build / contribute to the community."

"I'd love to see rotating outdoor art exhibits around the museum"

"Crosswalk feels unsafe as cars ignore people crossing. traffic calming measures needed on Arapahoe"

"So much parking. Would love to see some of this converted to a community garden, pollinator/rain gardens, or playgrounds."

"Disgusted. This place has become unsafe for adults and children. I certainly would not bring my kids to this playground."

"Happy to have this senior facility and all the programming! It is an important center for the west side of Boulder. The building is a bit dated but it still works."

"This whole area south of the creek, east of 9th and west of the library, feels so foreign. There is great potential but how can we activate it?"

joyful/excited

determined/hopeful

angry/frustrated

lonely/bored

happy/relaxed

sad/disappointed



# Notable Thoughts

“Treehouses!!!”

Open House

“...anything where my wife and kids can actually feel safe being in Boulder alone.”

Online

“I loved it when there was a skating rink next to Dushanbe; I would like to see something like that return.”

Online

“Create a ‘third place’ for high schoolers: home, school, and this third place”

Equity Group

“Create a Civic Cultural Campus, a singular place that people of all cultures can go if they want to host an event or find each other”

Equity Group

“Civic Area is a ‘hidden heart’ - if you don’t know the park is there, there’s a hard shell to break through, if you try to visit coming from Pearl it’s an opaque sense of arrival”

Community Organizations

“Events with several hundred people make me feel safe.”

Roll & Stroll Group

“Beer Garden!”

Open House

“I’m concerned that the park may not reflect the history of this place. There should be information about all prior usages starting with early inhabitants.”

Open House

“People of all ages want to play - think about full-sized swings, little surprises everywhere”

Community Organizations

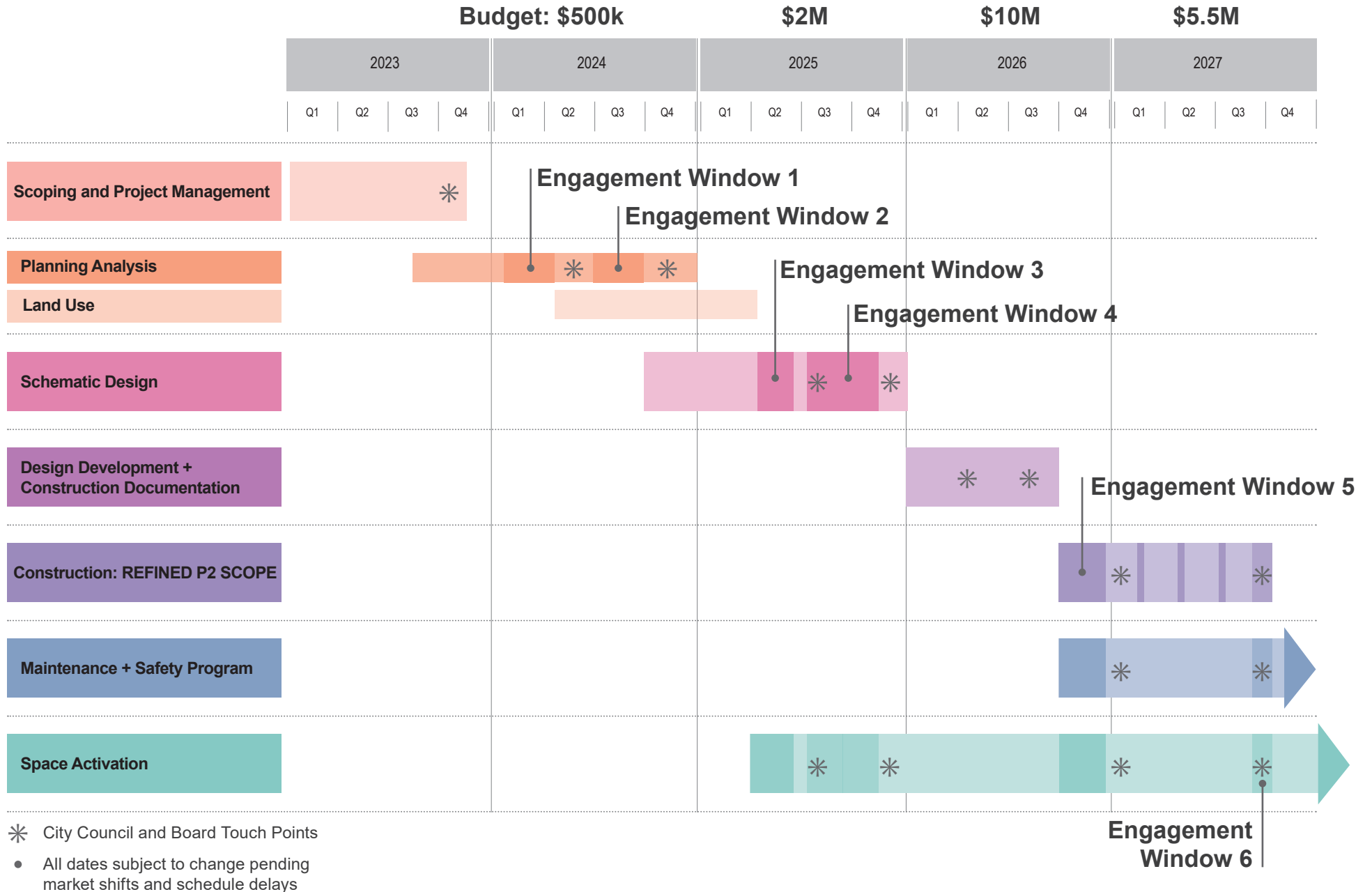
“Paths need to accommodate different types/speeds of travelers - think about young people learning to ride, a person in a wheelchair, etc. - how can we separate and protect?”

Community Organizations

“Fairy Garden!”

Open House

# Schedule, Engagement, and Budget





**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

Update on June 23rd Chat with Council

**PRIMARY STAFF CONTACT**

Megan Valliere, Assistant to City Council

**ATTACHMENTS:**

**Description**

- **Information Item D: Update on June 23rd Chat with Council**



**INFORMATION ITEM  
MEMORANDUM**

To: Mayor and Members of Council

From: Nuria Rivera-Vandermyde, City Manager  
 Mark Woulf, Assistant City Manager  
 Ryan Hanschen, Community Engagement Manager  
 Mark Davison, Planning Senior Manager, BPR  
 Megan (Meggs) Valliere, Assistant to City Council

Date: August 1, 2024

**Subject: Information Item: Update on June 23<sup>rd</sup> Roll-n-Stroll with Council**

**EXECUTIVE SUMMARY**

Event Summary:

Focus Audience for this Council Engagement	Members of the Disability Community, Family Members, and Advocates/Allies
Date and Location	June 23 <sup>rd</sup> , 2024 Flagstaff Summit West, Sensory/Ute Accessible Trail
Council Participants	Lauren Folkerts Nicole Speer
Number of Event Participants	32
City Staff in Attendance	<ul style="list-style-type: none"> <li>▪ Sarah Malin, Community Connector for People with Disabilities</li> <li>▪ Mark Davison, Planning Senior Manager, BPR</li> <li>▪ Topher Downham, Education and Outreach Program Manager, OSMP</li> </ul>

- Linsey Mach, Education and Outreach Representative, OSMP
- Megan Valliere, Assistant to City Council, CMO
- Deryn Wagner, Senior Landscape Architect, BPR





### **FISCAL IMPACT**

Nominal costs related to providing coffee and breakfast treats for participants that fit within the current budget.

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

As Chats with Council are designed to advance meaningful and inclusive community engagement, the sustainability impacts of each event are anticipated to be positive and include fostering connection, participating in constructive dialogue with elected officials, and cultivating a deeper trust in city government.

### **BACKGROUND**

In 2019, Boulder City Council committed to continue trying new approaches to engage community members who do not typically participate in council matters and formal meetings. The purpose of Chats with Council is to give a more diverse set of community members a convenient, drop-in opportunity to engage with their elected officials. These engagement opportunities are designed to promote short, two-way conversations about issues that matter most to residents and others in the city. The idea originated from council members, who are often as frustrated as community members by the lack of time to have meaningful conversations during open comment or public hearings.

Past sessions have featured one to three participating council members at each event, with no formal agenda or presentation. Community members are welcome to come by anytime during sessions and stay for as long – or as short – as they wish.

When everyone participating wants to discuss one topic, the conversations can be more in-depth. If there are a variety of topics participants wish to discuss, a staff coordinator captures the topics and seeks to make time for as many of these as possible. Some experimentation has also occurred around smaller, more focused audiences, especially when there are specific language needs, as well as rotating stations that can be particularly effective when the participant group is large. Some sessions have also featured walks that combine elements of a tour with more casual conversation.

## **ANALYSIS**

For this Chat with Council, council members were invited to join an existing Roll-n-Stroll opportunity that the city's OSMP Department hosted as part of its Nature Hikes and Programs. The June 23<sup>rd</sup> Roll-n-Stroll welcomed members of the Disability Community, their family members and friends, and community advocates and allies to enjoy the Flagstaff Summit West Sensory/Ute accessible trail. The main goal of the Roll-n-Strolls is to enable opportunities for youth with disabilities (and their parents) to access parks and nature and intentionally creating more opportunities to do this.

The event started off with brief remarks from city staff members Mark Davison and Topher Downham and a personal introduction by Sarah Malin, the city's youngest community connector focused on elevating voices of people with disabilities, as well as councilmember introductions. There were extra wheelchairs and hand bikes on site for able-bodied individuals to experience the trail using a mobility device. The hike was about 1-mile long, and the engagement lasted from about 9:45 am to 12:00 pm.

Because this Council engagement was nature- and activity-based, the themes provided below represent a high-level summary of the topics that council members and staff heard from participants, as well as some ideas and conversations that community members have shared at previous Roll-n-Strolls that give additional context to the themes and recommendations below.

### **Theme #1 – Creating Universal Access in Parks and Nature for Children with Disabilities**

With community and family support, youth experiencing disabilities can be included, independent members of our community. Creating more opportunities for children with disabilities and the parents or caregivers who support them to spend time in parks and nature through intentionally designed outdoor spaces, like inclusive natural play areas, is a critical need. With universal design, there is a path forward, and it does not have to be complicated or expensive. A recent staff article on creating more [accessible inclusive park spaces for children with disabilities](#) provides an outline to access parks and nature that hopefully will inspire the city to go beyond the current status quo into a universal world where all children are accepted, and their lives are enriched equitably:

- Think of play as an activity children do, not the thing they play with.
- Add letterboards at entrances to play areas (even if not used, they indicate that a place is welcome to children with disabilities).
- Offer large changing tables that can accommodate teens that have a privacy screen.
- Create multiple sensory elements that are both loud and subtle.

- Distribute play pods around a path (1/4 to 1 mile) to provide opportunities for both creative and collaborative play covering gross and fine motor skills.
- Incorporate nature play, rather than prefabricated equipment, which increases opportunities for universal design.
- Create quiet spaces where children can rest, observe others, and be alone.

At previous Roll-n-Stroll opportunities, community members have discussed that, beyond design, there is also a need to create a support network for youth experiencing disability, and looking at using the school model for both PARA support and IEP agreements is a way forward:

- **Include outdoor paraprofessional support:** Paraprofessionals, the professionals legally required to support children with disabilities in schools, can help with things like diaper changes, feeding, or a seizure event. What might outdoor recreation look like for children experiencing disabilities if a city staffed paraprofessionals in public parks, a play area, or a trailhead at designated times? Parents could book appointment times and arrive at the place knowing there would be a person to help care for their child's basic needs.
- **Implement Individualized Nature Programs:** By implementing the ideas above, a network of place-based activities can be created that better supports the ability of a child or youth with disabilities to access nature in a variety of forms. Lydia, one Roll-n-Stroll participant and child of staff member Mark Davison and his wife Danae, can enjoy the smells of plants in a local community garden every week, spend time with friends and family in nature at monthly Roll-n-Stroll gatherings, and a few times a year, visit wilderness trails with the help of an adaptive mobility device and volunteers. For these options to exist in all cities for all children, a coordinated effort is necessary. In public schools, every child with a disability who receives special education must have an [Individualized Education Program](#) (IEP). Similar to IEPs, the same support could be created for going into parks and nature through Individualized *Nature* Programs (INP). If cities created a Disability Equity Office, their staff could provide coordinated, universal access to parks and nature through Individualized Nature Programs for all children with disabilities.

### Theme #2 – Compliance vs. User Experience

Several community members shared that relying solely upon compliance with the requirements of the Americans with Disabilities Act (ADA) often does not meet the evolving needs of the Disability Community.

- While the ADA has served an important purpose in making public spaces more accessible, advances in mobility device technology require governments to think more broadly about the planning and design of public spaces. It is important that trails and other public accommodations meet the needs of a variety of newer physical mobility devices that did not exist or were not widely used when the ADA was passed in the 1990s.
- Spending city dollars focusing solely on ADA compliance can result in missed opportunities to implement more affordable policies – such as ensuring community



members have the mobility devices that work best for them – that will more quickly and effectively meet community members’ daily accessibility needs.

- Each member of the Disability Community possesses unique needs. It is crucial to consider each person’s unique experiences and not to assume that a one-size-fits-all approach will impact all members of the Disability Community in the same way.

### Theme #3 – Dignity of Risk

Many participants, city staff, and council members engaged in conversations regarding the dignity of risk for individuals with disabilities. Many shared that while the current approach to ADA is often to provide completely risk-free spaces, which unfortunately often leads to boring and dull spaces for family and community members with disabilities, it is incredibly important that members of the Disability Community have access to opportunities that enable and empower physical, mental, or social adventurousness. Outdoor activities often go hand-in-hand with play, especially risky play. It is essential that children experiencing disability and their families are given the opportunity and support needed to engage in the outdoors to whatever extent they desire – whether they want to spend a few hours in a universally-designed greenspace or take an overnight camping trip on a wilderness trail. Children with disabilities should not be withheld these experiences, and should instead be afforded the “[dignity of risk](#),” as impeding this right can prevent personal growth, decrease self-esteem, and reduce the overall quality of life.

- o One example a participant provided was being able to access nature-based recreation opportunities and trails. While pavement and ADA-accessible playgrounds and facilities may provide the safest experiences for people using wheelchairs and other mobility devices, designing trails and open spaces with mobility devices in mind enables members of the Disability Community to experience nature, recreation, and adventure in similar ways to able-bodied community members.

### Theme #4 – Mental Health Support

Many community members underscored the importance of mental health support for the Disability Community.

- In addition to support for individuals with disabilities, it is crucial that caretakers also receive the mental health support that they need.
- Providing adequate, ongoing mental health support will encourage community resilience and prevent crises from which the community will later need to heal.

### Theme #5 – Importance of Community Building

Several participants remarked upon the importance of bringing together individuals with disabilities and able-bodied people; elected officials and community members; residents and visitors; youth and older adults; and all kinds of people to build community. Roll-n-Strolls provide one such opportunity for this type of community building.

- Many attendees shared appreciation for the work the city is doing not only in Parks and Recreation/OSMP, but also through outreach and engagement with Community Connectors.
- To continue to build community, it is important to make sure all city meetings (including council meetings) are designed to work better for people of all abilities. One idea included having a room nearby chambers that is open to community members and enables them to watch/listen to the meeting in a space nearby, while also providing an opportunity for coping behaviors related to sensory, physical, or mental/emotional needs.

### Theme #6 – Cross-jurisdictional Learning

Some of the Roll-n-Stroll participants were visitors in the Boulder community who currently live in Dallas, Texas. While in town, they reached out to a parents' disability support group on Facebook and were able to learn about Boulder's accessible trails and found information about the Roll-n-Stroll opportunity, which happened to take place during their visit.

- The Dallas visitors remarked that it was incredibly exciting that Boulder prioritized sharing information about trail accessibility and that opportunities like Roll-n-Strolls are available for community members.

City staff encouraged these visitors to take a copy of Boulder's [Accessible Trails Guide Booklet](#) to share with their own city staff in Dallas. Boulder staff shared that the city is always looking for opportunities to share our accessibility work and collaborate with other communities to achieve greater outcomes for members of the Disability Community nationwide. For example, City staff are working with the National League of Cities and the Children and Nature Network to share the approach Boulder is taking in creating universal access to the outdoors, especially for youth.

### NEXT STEPS

The Assistant to City Council will continue to work with staff in OSMP and Boulder Parks and Recreation to make additional Roll-n-Stroll opportunities available to council members in the fall.

These themes will be transmitted not only to the full City Council for their consideration but also to additional city staff who were not able to participate in the event but would benefit from hearing community conversations between council, staff, and members of the Disability Community.



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**BOARDS AND COMMISSIONS ITEM**

05.20.24 WRAB Signed Minutes

**PRIMARY STAFF CONTACT**

Karen Sheridan, WRAB Secretary

**ATTACHMENTS:**

**Description**

- ▣ **05.20.24 WRAB Signed Minutes**

**CITY OF BOULDER, COLORADO**  
**BOARDS AND COMMISSIONS MEETING MINUTES**

<b>Name of Board / Commission:</b> Water Resources Advisory Board	
<b>Date of Meeting:</b> 20 May 2024	
<b>Contact Information for Person Preparing Minutes:</b> Karen Sheridan, 303-441-3208	
<b>Board Members Present:</b> John Berggren, Amy Broughton, Katie Bridges, Steve Maxwell <b>Board Members Absent:</b> Lauren Koopman	
<b>Staff Present:</b> Joe Taddeucci, Director of Utilities Joanna Bloom, Utilities Deputy Director of Policy and Planning Chris Douville, Utilities Deputy Director of Operations Chris Douglass, Utilities Engineering Manager Stephanie Klingeman, Principal Budget Analyst Brandon Coleman, Storm/Flood Engineering Project Manager Robby Glenn, Engineering Project Manager Jon Stoddard, Water Treatment Manager Krystle Morey, Water Resources Engineer Kim Hutton, Water Resources Manager Karen Sheridan, Board Secretary	
<b>Agenda Item 1 – Call to Order</b>	<b>[6:00 p.m.]</b>
<b>Agenda Item 2 – Approval of 15 April 2024 Meeting Minutes</b>	<b>[6:02 p.m.]</b>
<b>Motion to approve: Broughton Seconded by: Bridges</b> <b>Vote: 4:0</b>	
<b>Agenda Item 3 – Public Participation and Comment</b>	<b>[6:03 p.m.]</b>
<p>Lynn Segal: This is really remarkable that no one ever speaks but me. It is really a sad prophecy for Boulder. You know water is life. My water bill is \$14 out of the \$100 that I pay. Now isn't there something you can do? I don't even irrigate my lawn. I don't use toilet paper for 30 years because it is too water intensive. So what is wrong with the picture here? I am using nothing. I am paying \$100 a month and other people are blasting their turf. Can't you take some of the stormwater fees and taxes and proportionally load it on the users? Because you know what, even if I lowered my use, which about 90% of my water use is waiting for the hot to come. Now I would gladly get instantaneous water heaters at each of my access points, but guess what, that is not going to do anything because 85% of my bill is stormwater charges and fees and taxes. You know, I am low income, social security. What do you have for people that are in a situation like that to proportionally, fairly lower their bills so they can have some funds for themselves? Also, where is there a person, a liaison on WRAB? I don't see one. I haven't seen one. Do you have one? What's with that? At all the other major boards that I follow, Planning Board and TAB, I would think WRAB would have someone that is observing the other boards. I follow many of them and I am astounded with what I hear and see at each board, how little they know about what else is going on in Boulder. There is so much building here you are not going to be able to begin to deal with the water demand for all of these humans that are coming to this place. You know you don't see them yet, but I know it's coming, where Hoshi Motors was at 58<sup>th</sup> and Arapahoe. There are five placed out towards Gunbarrel. There is housing like you've never seen before, pushed by the federal government with LIHTC funds and federal subsidies for growth and you are going to have to deal with it. What are you going to do?</p> <p><b>Staff Response to Public Comment:</b></p> <ul style="list-style-type: none"> <li>• A portion of utility billing is usage fees and a portion is fixed charges. The usage fees fluctuate with consumption, but some city costs do not change. Rates will be looked at again in the next few years.</li> </ul>	
<b>Agenda Item 4 – 2025-2030 Capital Improvement Program Development</b>	<b>[6:07 p.m.]</b>
Chris Douglass, Utilities Engineering Manager and Stephanie Klingeman, Financial Analyst for Utilities, presented this item.	

**EXECUTIVE SUMMARY**

As part of the city’s annual budget process, Utilities develops a six-year planning budget which will cover 2025 through 2030 for this budget cycle. City Council approves and appropriates funds only for the next year (Year 1), which will be fiscal year 2025.

This agenda item provides an opportunity for WRAB to understand and discuss the Capital Improvement Program (CIP) process, prior to getting into the details of this year’s recommendations. WRAB’s role in this process is defined in the Boulder Revised Code and includes direction to review capital improvements conducted or proposed by the Utilities department. The 2024-2029 CIP which WRAB reviewed last year is included for reference as **Attachment A**. WRAB will be asked to make a recommendation to City Council regarding the 2025-2030 CIP and associated rate increases at the July meeting. The Planning Board will review the complete city CIP, including Utilities, in August. City Council plans for a study session in September, prior to voting on and adopting the 2025 budget in late October.

**Fiscal Impacts:** Last year’s budget process resulted in increased investment in Utilities infrastructure with 2024 rate increases of 8% in the Water fund, 8% in the Wastewater fund and 10% in the Stormwater/Flood Management fund. Future rate increases were also identified to maintain levels of service and continue aging infrastructure reinvestment. The anticipated rate increases for 2025 that WRAB saw last year were 8% for each of the three funds.

**Public Feedback:** A public hearing and recommendation is scheduled for the July WRAB meeting. At the July meeting, staff will request that WRAB provide a final recommendation to City Council on the proposed 2025-2030 CIP and associated rates changes.

**Racial Equity:** The City of Boulder, guided by the City Council adopted [Racial Equity Plan](#), aims to eliminate systemic and institutionalized racism from its policies and practices to transform Boulder into a more inclusive, safe, and welcoming environment for all who live, work, learn and recreate in our community. As it relates to the capital improvement program, staff continue to incorporate racial equity concepts into utilities programming in a number of ways. Each year, the department identifies work plan projects and programs for application of the racial equity instrument. Recent projects and programs with WRAB involvement assessed with racial equity tools include the [2022 Drought Plan](#), [2022 Comprehensive Flood and Stormwater Master Plan](#) and [2023 Water Efficiency Plan](#). The racial equity plan application changed the way the city [prioritizes flood projects](#) and is reflected in the programming included in the six-year CIP.

**WRAB Board Discussion Included:**

- Question if all costs look to escalate together and the three enterprises experience the same inflation of cost.
- Question if stormwater rate increase will decline going forward and in general how we might expect relative rate increases to go in the future.
- Question how rate increases are projected given dependency on weather, etc.
- Question why Barker Dam is identified as “yellow.”
- Request for explanation of State Engineer Assessment.
- Question regarding analytics for points of pipe failure in transmission or distribution systems.
- Question how long sewer liners last and if the process can be done multiple times.
- Question if the process helps seal the system from stormwater infiltration.
- Question how much of the \$96m bond is attributed to the main sewer improvement and other projects.
- Question about long-term impact to clarifier of forced usage during Xcel shutdown.
- Question when materials will be ready for June meeting.
- Request for copy of the presentation slides.

**Agenda Item 5 – Matters from Board** [7:00 p.m.]  
No matters presented.

**Agenda Item 6 – Matters from Staff** [7:10 p.m.]  
• Utilities Public Outreach Materials

<ul style="list-style-type: none"> <li>- Question if a board member interested in working with staff on creation.</li> <li>- Katie Bridges offered to assist.</li> <li>• Flood Mitigation Projects – Gregory Canyon Creek</li> <li>- Mitigation plan in place, design concepts beginning.</li> <li>- May 30 community engagement meeting.</li> </ul>	
<b>Agenda Item 10 – Discussion of Future Schedule</b>	<b>[7:15 p.m.]</b>
<ul style="list-style-type: none"> <li>• June: Capital Improvement Program (CIP) Discussion, Feedback.</li> <li>• July: Capital Improvement Program (CIP) Recommendations; Water Service Line Inventory Update</li> <li>• August: No meeting</li> </ul>	
<b>Agenda Item 11 – Adjournment</b>	<b>[7:17 p.m.]</b>
<b>Motion to adjourn by: Broughton Seconded by: Maxwell</b> <b>Motion Passes 4:0</b>	
<b>Date, Time, and Location of Next Meeting:</b> The next WRAB meeting will be held in hybrid format on <b>Monday, June 17, 2024 at 6:00 p.m.</b>	

APPROVED BY:

ATTESTED BY:

Board Chair: John Berggren

Board Secretary: Spencer Sheridan

Date: 6/18/2024

Date: 6/18/2024

*An audio recording of the full meeting for which these minutes are a summary is available on the Water Resources Advisory Board web page via the Access Meeting Agendas and Materials link.*

[Water Resources Advisory Board | City of Boulder \(boulder.colorado.gov\)](http://boulder.colorado.gov)



**COVER SHEET**

**MEETING DATE**

**August 1, 2024**

**AGENDA ITEM**

International Youth Day Declaration

**PRIMARY STAFF CONTACT**

Megan Valliere, Assistant to City Council

**ATTACHMENTS:**

**Description**

- ▣ **International Youth Day Declaration**

## **International Youth Day**

**August 12, 2024**

By virtue of our commonality and cherishing our children as invaluable pieces of our lives, we honor, recognize, and celebrate our youth, who are our progeny and hopes for the future.

Our immense youth population, as the generation of the future, will be faced with the task of finding solutions to many of our toughest challenges and issues, both present and impending.

International Youth Day is recognized and endorsed by the United Nations as a day dedicated to raising awareness of the potential of young people as bringers of peace, shapers of our futures, and agents of change.

The intention of this day is to emphasize the need to enable the engagement of youth by making local, state, national, and global processes more inclusive for youth, strengthening the youth's voice, relevance, and capacity.

The 2024 theme for International Youth Day is From Clicks to Progress: Youth Digital Pathways for Sustainable Development. Often recognized as “digital natives,” today's youth are essential to the digital innovation that will be necessary to achieve the UN's Sustainable Development Goals. Disparities exist regarding digital inclusion and access to the Internet, and it is imperative that we address these disparities to enable equitable youth leadership in this critical space.

We, the City Council of the City of Boulder, Colorado declare August 12, 2024, as

## **International Youth Day**

And strongly urge the community to observe, honor, and support the importance of this cause.



**Aaron Brockett, Mayor**

