



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: March 5, 2019

AGENDA TITLE Update on State Legislation and Consideration of a Motion to Revise the City of Boulder’s 2019 State and Federal Legislative Agenda

PRESENTERS

Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY

This is an opportunity for council to receive a verbal update on matters before the 2019 Colorado General Assembly and to discuss the same. Since the status of legislation is changing quickly, council is asked to click [here](#) to review an up-to-date summary of active bills that the city is supporting and opposing. Bills that the city has previously worked on but that have since been killed are not included in the summary.

Finally, this agenda item is an opportunity for council to revise the city’s 2019 State and Federal Legislative Agenda (the “Legislative Agenda”). A proposed revision is included as **Attachment A**, with proposed substantive changes since council’s last approval (Dec. 4, 2018) reflected through strike-through and double-underline formatting. The most significant elements of these changes are also summarized in the analysis section below.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to approve revisions to the City of Boulder's 2019 Regional, State & Federal Policy Agenda as reflected in **Attachment A**.

COUNCIL'S LEGISLATIVE COMMITTEE

Council's Legislative Committee, composed of Mayor Jones, Mayor Pro Tem Weaver and Council Member Brockett, met on Feb. 12, 2019 to review an earlier version of the proposed revisions to the Legislative Agenda. They agreed with all the proposed changes and also proposed several others, including:

- Revising the proposed position to repeal the on Safe and Verifiable Identify Document Act of 2003 to provide greater clarity on the impact of both the current law and of its repeal.
- Expanding the position in support of policy changes that would allow the city to bank with credit unions to include the option to create its own public bank
- Expand position on Community Solar Gardens to indicate support for an increase in the cap for total solar generation from these projects and to better explain the balanced need for small-scale, distributed solar generation.

These requested changes were all addressed in the revised version of the Legislative Agenda included here as **Attachment A**.

ANALYSIS

State Legislative Priorities

The following is an update on efforts to further council's four state legislative priorities:

1. **Provide local governments with the option to establish their own minimum wage above the state minimum.** While no legislation has been introduced as of the writing of this memo, it is that legislation will be introduced this session that will provide the affirmative authority for local governments to adopt their own minimum wage. The city has conveyed its support for these measures to its legislators, adopted a separate resolution on the matter on Feb. 20, and led an effort to encourage the Colorado Municipal League to support such measure. With support from the leadership in the House and Senate, it is likely this bill will pass this year.

2. **Support fix of SB18-200 which addressed the solvency of the Public Employees Retirement Association (PERA) while accidentally requiring unnecessary increases to contributions from employees of the Local Government Division.** The city has worked closely with Boulder County, CML and its legislative delegation to advance the fix of SB18-200. Speaker Becker has agreed to introduce legislation and has identified Republican and Democratic prime sponsors in both the Senate and the House. The bill is expected to have been introduced by March 5 and have passed and become effective before the July 1st date when city employees would have had to face an increase in contributions.
3. **Extend until at least 2025, and expand the ability to assign, the state tax credits for purchase, lease and conversion of alternative fueled vehicles, especially electric and plug-in hybrid vehicles.** Colorado's current income tax credit is available to purchasers and lessees of innovative passenger vehicles and trucks, typically vehicles powered by electricity, natural gas, and hydrogen. The current credit available for each purchaser or lessee is scheduled to be reduced in 2020, further reduced in 2021, and eliminated beginning in 2022. A bill ([HB19-1159](#)) has been introduced that would modify the income tax credit for electric and plug-in hybrid electric passenger vehicles and trucks only by increasing the amount of the tax credit beginning in 2021 and extending the credit for tax years 2022 through 2025. For example, for passenger vehicles, the tax credit will be \$4,000 for 2021 and 2022, and then reduced to \$2,500 for 2023-2025 before expiring. The city is working with its legislators and with CC4CA to support this bill. There is some resistance from the administration and others to support tax new or extended tax credits, so there is no guarantee that the bill passes. Nevertheless, it is consistent with Governor Polis' executive order in support of electrification of the transportation system.
4. **Codify into law the greenhouse gas reduction goals identified in the Colorado Climate Plan as well as more aggressive goals of a 50% reduction by 2030 and an 80% reduction by 2050, direct the state agencies to translate these goals into enforceable sector-specific requirements and require the development of an updated and state-specific inventory and forecast of these emissions.** A bill ([SB19-096](#)) has been introduced to requires the Air Quality Control Commission to collect greenhouse gas emissions data from greenhouse gas-emitting entities, report on the data, including a forecast of future emissions, and propose a draft rule to address the emissions by July 1, 2020. In addition to establishing these systems at the state level, the bill also directs the AQCC to set up emissions data systems that can be readily shared for use by local governments. Boulder has worked closely with CC4CA to both draft this bill and ensure its introduction. We anticipate that this will be a companion bill to another bill, expected to be introduced by Rep. Becker, that would set aggressive targets for emissions reductions.

Proposed Changes to Legislative Agenda

The following is a summary of the proposed substantive revisions to the 2018 State and Federal Legislative Agenda:

- **Purpose of the Legislative Agenda** – Revisions to purpose, title and scope of the legislative agenda to focus the document more broadly on advocacy in all external venues where policy decisions are made that influence the city’s interest. Page 6 of the agenda describes the proposed renaming of “Regional, State and Federal Policy Agenda” and describes the impacts of this change in some detail. This changes also proposes to change the name of council’s “Legislative Committee” to “Intergovernmental Affairs Committee.”
- **Enhance Customer Electricity Choice**
 - Reform of Community Solar Gardens Law (Position 6(i)) – New example added to existing position that would be advanced, in part, through the passage of a pending state bill ([HB19-1003](#)). This position would formalize the city’s support for the bill as well as follow-up efforts it may engage in to influence PUC rulemaking on the same.
- **Human Services/Human Rights**
 - Repeal of the Secure and Verifiable Identify Document Act (Position 22) – This new position was proposed by Council Member Mary Young. As explained in the proposed language, the repeal of this law would remove the cloud of unfair and unnecessary liability from municipal employees who provide services, and promote the city’s values of welcoming, integrating and providing services to all immigrants. As requested by Council’s Legislative Committee, the entirety of the law proposed to be repealed, C.R.S. Section 24-72.1, is included as Attachment B.
- **Internal Administrative Matters**
 - Provide for Increased Public Banking Options (Position 32) – New position recommended by Council’s legislative committee. Includes removal of state and federal impediments to city creating a public bank or to banking with credit unions.
- **Public Health and Safety/Safe Use & Regulation of Marijuana**
 - Implementation of a State-Administered Organic Certification Program for Marijuana (Position 40(f)) – New example of an approach to pursue to advance existing position in support of safe use and regulation of marijuana. The idea was inspired by a bill being developed by Rep. Hooton that would permit marijuana to be used for children for expanded medical purposes. Neurotoxic and carcinogenic pesticide residues have been detected in commercial marijuana. Organic certification of marijuana would provide some assurances that grower claims of pesticide-free marijuana are valid.

NEXT STEPS

With a revised Legislative Agenda approved, city representatives will be able to continue to advocate at both the General Assembly and Congress to further council's goals. Council will also continue to receive regular updates on these advocacy efforts.

ATTACHMENTS

Attachment A – Proposed Revisions to the City of Boulder's 2019 State and Federal Legislative Agenda

Attachment B – C.R.S. Section 24-72.1, the "Secure and Verifiable Identity Document Act"

CONTACTS

City Council			
NAME	CURRENT TERM		CONTACT INFORMATION
Aaron Brockett	Began 11/17/2015	Expires 11/19/2019	720-984-1863 brocketta@bouldercolorado.gov
Cindy Carlisle	Began 11/21/2017	Expires 11/19/2019	303-444-2606 CarlisleC@bouldercolorado.gov
Suzanne Jones, Mayor	Began 11/17/2015	Expires 11/19/2019	720-633-7388 joness@bouldercolorado.gov
Lisa Morzel	Began 11/17/2015	Expires 11/19/2019	303-815-6723 morzell@bouldercolorado.gov
Mirabai Kuk Nagle	Began 11/17/2017	Expires 11/16/2021	720-352-3224 NagleM@bouldercolorado.gov
Sam Weaver, Mayor Pro Tem	Began 11/19/2013	Expires 11/16/2021	303-416-6130 weavers@bouldercolorado.gov
Mary Young	Began 11/19/2013	Expires 11/16/2021	303-501-2439 youngm@bouldercolorado.gov
Bob Yates	Began 11/17/2015	Expires 11/19/2019	720-310-5829 yatesb@bouldercolorado.gov

City Manager

Jane S. Brautigam
303-441-3090
brautigamj@bouldercolorado.gov

City Attorney

Tom Carr
303-441-3020
carrt@bouldercolorado.gov

Policy Advisor

Carl Castillo
303-441-3009
castilloc@bouldercolorado.gov

Mailing Address

P.O. Box 791, Boulder,
CO 80306

Physical Address

1777 Broadway, Boulder,
CO 80302

Legislative Website

bouldercolorado.gov/state-
fed

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PURPOSE OF THE ~~POLICY~~ LEGISLATIVE AGENDA

The purpose of the City of Boulder's 2019 ~~Regional~~, State and Federal ~~Policy Legislative~~ Agenda (the "~~Policy Legislative~~ Agenda") is to ~~document and direct city efforts to influence policy decisions made beyond the city's jurisdictional boundaries formalize city positions on legislation currently pending or expected to be considered before.~~ This includes legislative decisions made by the Colorado General Assembly or the U.S. Congress as well as non-legislative decisions made at the federal, state and regional levels. Examples of the latter include decisions made by Colorado agencies (e.g., Air Quality Control Commission, Public Utilities Commission, Department of Transportation, Department of Regulatory Affairs), federal agencies (e.g., Environmental Protection Agency, Department of Transportation, the Federal Communications Commission), regional governments (e.g., Regional Transportation District, Rocky Flats Stewardship Council) and intergovernmental coalitions (e.g., Colorado Municipal League, Metro Mayors Caucus, US36 Mayors and Commissioners Coalition, Colorado Communities for Climate Action). The Policy Agenda also informs decisions made on judicial cases the city should participate as an amicus curia, including decisions on whether to sign on to an amicus brief.

The city offers the ~~Policy Legislative~~ Agenda as a guideline to ~~regional, state and federal policy leaders~~ legislators for reference when considering ~~decisions~~ legislation impacting the City of Boulder. Strategic, targeted, and/or abbreviated versions of the information contained in this agenda will also be created throughout the year for use in further ~~legislative~~ communications.

The ~~Policy Legislative~~ Agenda was developed in advance of the convening of the 2019 Colorado General Assembly and the First Session of the 116th U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the overall interests the city has on specific issues as well as examples of the policy approaches the city would either support or oppose to meet those interests. With the coordination of the city's Policy Advisor, it will be used by individual council members and city staff to inform city positions taken on specific bills once these legislative sessions begin. At that point, council may consider adopting amendments to the ~~Policy Legislative~~ Agenda to address specific bills that have been proposed. It will also be used year-round to inform city efforts to influence non-legislative regional, state and federal policy decisions.

~~The city often attempts to influence state and federal policies through avenues beyond legislation, such as when it submits comments on administrative rulemakings, "sunset" reviews of expiring legislation, or makes direct appeals to federal and state administrative officials. While the Legislative Agenda is not designed to direct such action, it can be looked toward as a resource to inform such city efforts.~~

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

1. There is an immediate need for council members to participate with staff in developing a ~~legislative~~ strategy to advance or defeat a ~~proposed policy~~ ~~bill~~ which is clearly addressed by the city's ~~Policy Legislative~~ Agenda or other council-approved policy documents, or;
2. ~~A decision is expected to be made on regional, state or federal policy~~ ~~There is action expected on pending legislation~~ that affects a matter which council has previously provided general direction on and that could significantly impact the city, but which council did not provide sufficient specific direction on (either through its ~~Policy Legislative~~ Agenda or other approved policy documents) and with timing that will not allow for council direction to be obtained. In these limited situations, the Policy Advisor may turn to the committee for direction on such ~~policy proposals~~ ~~legislation~~ so that the city can advocate accordingly. Council is to be informed whenever such committee direction has been provided and may choose to subsequently revisit such direction.

Council's ~~Intergovernmental Affairs Legislative~~ Committee is also turned to ~~during non-legislative periods to provide for~~ suggestions on revisions to the ~~Policy Legislative~~ Agenda and to plan agendas for meetings with ~~regional, state and federal policy makers~~ ~~legislators~~.

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

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

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

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

2019 STATE LEGISLATIVE PRIORITIES AT A GLANCE

The city expects to adopt and communicate positions on dozens of state bills during the 2018 state legislative session. The positions listed below, however, address the bills that the city expects to focus the bulk of its limited resources and political capital on. These priorities are selected not only due to their importance to the city, but because related legislation is expected to be introduced in 2019 and involvement of the city and its legislative delegation could be determinative to their outcome. The priorities take into account the expected political realities of the upcoming session and accordingly are first and foremost pragmatic. Nevertheless, they are considered important and are also considered incremental steps that will create support in future years for some of the city's more ambitious legislative goals.

1. Provide local governments with the option to establish their own **minimum wage** above the state minimum, as described further in position 25 on page 25.
2. Support fix of SB18-200 which addressed the solvency of the Public Employees Retirement Association (**PERA**) while accidentally requiring unnecessary increases to contributions from employees of the Local Government Division, as described further in position 30 on page 27.
3. Extend until at least 2025, and expand the ability to assign, the state tax credits for purchase, lease and conversion of **alternative fueled vehicles**, especially electric and plug-in hybrid vehicles, as described further in position 10 on page 15.
4. Codify into law the **greenhouse gas reduction** goals identified in the Colorado Climate Plan as well as more aggressive goals of a 50% reduction by 2030 and an 80% reduction by 2050, direct the state agencies to translate these goals into enforceable sector-specific requirements and require the development of an updated and state-specific inventory and forecast of these emissions. More information on this is described in positions 1, 2 and 4 on pages 10 through 11.

2019 FEDERAL LEGISLATIVE PRIORITIES AT A GLANCE

1. Seek federal support for **Boulder's federally funded labs and the University of Colorado Boulder** as described further in position 17 on page 19 and position 58 on page 45 of the agenda.
2. Continue to brief federal officials on the city's effort to form a **locally owned electric utility** and seek support as necessary, while positioning Boulder as a national pilot for building a resilient electricity system, adopting distributed generation and implementing aggressive demand-side initiatives, as explained further in position 3 on page 11.
3. Support comprehensive **federal immigration reform** as further described in position 21 on page 22.
4. Support federal legislation that encourages **connected and autonomous vehicle deployment** in furtherance of Boulder's sustainability goals while retaining local authority to address community-specific policy objectives that cannot otherwise be met, as further described in position 56 on page 44.

CLIMATE CHANGE AND COMMUNITY RESILIENCE

The burning of coal, oil and gas for energy is warming Earth's atmosphere and changing the climate. As a result, there are more frequent and intense temperature extremes and destructive weather events. For Boulder, climate action is about resilience and transformation. Boulder needs to adapt to the climate changes that are already in motion as well as reduce the emission-heavy activities that drive future climate change. The city faces a great challenge, but an even greater opportunity to make Boulder better and to create a healthier, safer and more prosperous community. To realize this opportunity, we need unprecedented levels of federal and state cooperation and legislative action.

1. IMPLEMENT AND CODIFY INTO LAW THE 2025 GREENHOUSE REDUCTION GOALS IDENTIFIED IN THE COLORADO CLIMATE PLAN AS WELL AS MORE AGGRESSIVE GOALS NECESSARY TO HOLD GLOBAL TEMPERATURE RISE TO WELL BELOW 2 DEGREES CELSIUS ABOVE PRE-INDUSTRIAL LEVELS

The Paris Agreement created an aspirational goal of holding global temperature rise to “well below 2 degrees Celsius above pre-industrial levels” and cutting net greenhouse gas emissions to zero in the second half of this century. The US plan originally set the goal of reducing its greenhouse gas emissions by 26% to 28% below its 2005 level by 2025 and to make best efforts to reduce its emissions by 28%. This commitment formed the basis of Governor Hickenlooper's 2017 Executive Order *Supporting Colorado's Clean Energy Transition* which would reduce statewide greenhouse gases by no less than 26 percent by 2025, as compared to 2005 levels, a goal that has since been incorporated into the Colorado Climate Plan. While the city applauds the Executive Order, climate scientists have stated that these targets are insufficient to limit temperature rise to 1.5 degrees Celsius. With that in mind, the city supports the implementation and codification into law of the greenhouse goals identified in the Colorado Climate Plan and even more aggressive goals necessary for the state to do its part to ensure that there is at least a 50% reduction by 2030, and an 80% reduction or greater by 2050.

2. DEVELOP AN UPDATED INVENTORY AND FORECAST OF STATE GREENHOUSE GAS EMISSIONS

The “Colorado Greenhouse Gas Inventory: 2014 Update Including Projections to 2020 & 2030,” prepared by the Colorado Department of Public Health and Environment, includes a forecast of statewide emissions utilizing federal Environmental Protection Agency assumptions about future emission policies nationwide. It does not reflect currently adopted Colorado laws or policies, such as the Colorado Renewal Energy Standard. Without this state-specific information, it is impossible to tell what progress Colorado is making in reducing heat-trapping emissions. The city supports an update of the existing inventory and forecast that incorporates such state-specific information.

3. PRESERVE AND EXPAND THE ABILITY OF LOCAL GOVERNMENTS TO ENGAGE IN CLIMATE ACTION EFFORTS

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

- a) Form their own retail energy utilities through a process that is predictable, equitable, safe, reliable and cost-effective;
- b) Exercise their constitutional right to condemn and acquire electric assets at fair market value, without having to pay utility lost revenues;
- c) Purchase street lighting through cost-effective and reasonable means to maximize the efficiency of such lighting;
- d) Maximize the deployment of local clean energy generation and storage options;
- e) Create new financing and ownership structures for clean energy technologies; and
- f) Benefit from state or federal facilities, programs, funding or requirements relied on by cities to reduce greenhouse gas emissions.

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

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

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

5. FACILITATE THE ELECTRIFICATION OF BUILDINGS

The city supports accelerating the transition from natural gas and propane to electricity for residential and commercial building applications, including space and hot water heating, cooking and laundry. It supports development of a state-wide policy framework and set of actions that promotes the adoption of high efficiency and low emission renewable heating

and cooling (RH&C) technologies such as electric-driven heat pumps (air and ground source), sustainable biomass energy systems, anaerobic digestion, solar thermal and other renewable energy driven systems. The city would support the following approaches to achieving these goals:

- a. Developing renewable heating and energy requirements that must be met by natural gas and electric utilities;
- b. Directing the Public Utilities Commission to require utilities to develop incentives and rate structures that support RH&C systems and reflect the value provided to the electric grid;
- c. Directing the Public Utilities Commission to require natural gas utilities to only allow new natural gas infrastructure development when it is demonstrated to be the least cost alternative against comparable investments in RH&C systems, and;
- d. Directing the state to include RH&C mandates into energy objectives for state-owned buildings; and,
- e. Directing the Public Utilities Commission to require electric utilities to upgrade electrical infrastructure to support conversion of existing building stock to RH&C systems.

6. ENHANCE CUSTOMER ELECTRICITY CHOICE

The city supports new financing business models, products, technologies and efforts that enhance the energy choices available to customers by:

- a) Advancing open, competitive retail energy markets in Colorado through such means as eliminating legal energy monopolies, allowing for aggregation of residential or commercial electric customers in municipal purchase of renewable energy on behalf of these groups of customers (a.k.a. community choice aggregation), or by otherwise increasing options for customer electricity choice;
- b) Allowing for new and creative customer options such as peer-to-peer sharing of electricity generation, virtual net metering or microgrid development;
- c) Allowing customer access to diverse energy options through a variety of policies (including net metering, feed-in-tariffs, “value of solar” tariffs) that fully recognize the value of local solar;
- d) Streamlining interconnection requirements for customer-sited energy options such as distributed generation and storage technologies;
- e) Allowing mobile home owners to receive the same rebates, incentives and interconnection options associated with the installation of solar panels as are available to other homeowners;
- f) Increasing or removing the 120 percent cap on net metered generation;
- g) Allowing qualified facilities larger than 100 kW to interconnect and sell output to a utility at the utility’s avoided cost outside of the competitive solicitation during an Electric Resource Plan proceeding pursuant to the Public Utilities Policies Act of 1978 (PURPA);

h) Making any necessary changes to the Renewable Energy Standard (RES) to allow communities to develop, interconnect and own new shared renewable generation to meet their energy goals and enable local ownership of clean energy generation above and beyond RES requirements and without incentives, if a community chooses.

h)i) Modernizing the Colorado Solar Gardens (CSG) statute by removing the requirement that CSG subscribers reside in the same or adjacent county as the CSG project, increasing the size (cap or limit) of individual CSG projects from two megawatts to five megawatts, increasing the total amount of solar energy that may be generated through CSGs, and incentivizing the development of smaller CSGs that serve individual customers and that are sited to support community-based resilience goals.

7. INCREASE PUBLIC ACCESS TO ENERGY DATA

Increase the public's access to energy data by:

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

8. REDUCE EMISSIONS FROM THE ELECTRICITY SECTOR

The city supports the following approaches to reducing emissions from the electricity sector:

- a) Facilitating the early retirement of existing coal-fired and natural gas power plants with appropriate state and federal impact assistance programs requested by communities that are negatively affected by the reduced use of fossil fuels for power production. The methodology for paying these units should occur in the most equitable, cost-effective and competitive manner.
- b) Increasing the retail distributed generation "carve-out" for investor-owned utilities and cooperatives.

- c) Requiring utilities to file grid modernization plans with commitments to distribution grid upgrades that utilize energy efficiency, renewable energy and grid-connected energy storage instead of traditional supply side investments;
- d) Encouraging investments in conservation that focus on load management aligned with better utilization of renewable resources and minimize the consumer's total energy bill;
- e) Including all environmental and health costs and risks, including the social cost of carbon, when evaluating integrated resource plans of electric utilities;
- f) Encouraging the Public Utilities Commission to consider comprehensive performance-based regulation for utilities, which would compensate utilities based on providing customer choice and satisfaction, reliability and resilience, and reduced carbon emissions, as opposed to applying traditional cost of service concepts;
- g) Clarifying that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order;
- h) Supporting legislation that would assist and expedite Colorado's implementation of the federal Clean Power Plan, which although suspended by the current administration is still under judicial review. These rules are designed to reduce carbon emissions from coal-fired power plants across the country. Conversely, opposing any legislation that would delay or prevent the implementation of either the federal rule or prevent Colorado's implementation of the rule; and,
- i) Increasing the state's Renewable Energy Standard to at least 50 percent by 2025 and 100 percent by 2040 and applying that standard to all retail utilities in Colorado.

9. INCREASE ENERGY EFFICIENCY

- a) Increase energy efficiency by establishing high performance residential and commercial building codes. At the state level, update current legislation, which currently requires Colorado cities and counties with building energy codes to adopt and enforce a building energy code at least as stringent as the 2003 International Energy Conservation Code (IECC), to require that they adopt the most current IECC within three years of its release;
- b) Allow local governments to develop regional energy networks that implement energy efficiency programs;
- c) Facilitate community-specific program implementation by distributing demand-side management program dollars to local governments.
- d) Facilitate the development of net zero and outcome-based construction through demand side management programs;
- e) Reinstate the energy-efficient commercial and residential buildings federal tax deductions that expired at the end of 2013;

- f) Support continued and expanded funding for programs that help low-income Coloradoans meet their energy needs such as the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program.
- g) Eliminate federal preemptions prohibiting states and local governments from exceeding the federal lighting, appliance and other equipment efficiency standards.

10. ENCOURAGE WIDESPREAD ADOPTION OF ELECTRIC & EFFICIENT MOTORIZED VEHICLES

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

- a) Extends until at least 2025/2026, and expands the ability to assign, the state tax credits for purchase, lease and conversion of alternative fueled vehicles, especially for electric (EV) and plug-in hybrid (PHEV) vehicles. These credits will otherwise expire at the end of 2021;
- b) Results in Colorado joining the twelve states and the District of Columbia that have already adopted clean car standards that impose more stringent vehicle emission standards than those required by the federal government, including standards for zero emission vehicles;
- c) Prevents the proposed rolling back of existing federal efficiency standards and supports the adoption of the next phase (post-2025) of standards for light duty vehicles and of the next phase of standards for medium and heavy-duty vehicles;
- d) Establishes a state goal for purchase of electric vehicle and strategic deployment of charging stations;
- e) Enables and encourages electric utilities to support greater adoption of electric vehicles by investing in electric vehicle charging, including opportunities to mitigate the impact of demand charges for DC fast charge stations as well as educating customers about EVs and providing customer incentives for consumers and fleet operators to adopt EVs;
- f) Modifies current “HOV Exemption Program,” which provides owners of 2,000 low-emission and energy efficient vehicles free access to high-occupancy-toll lanes, to limit the exemption to three years per vehicles and to allocate the new permits to only the owners of zero emission vehicles.
- g) Requires the state’s vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction;
- h) Provides Colorado counties the option to implement emission fees on the purchase of less efficient vehicles and to offer rebates on the purchase of more efficient vehicles,

with social equity concerns addressed by setting the fee as a percentage of the value of the vehicle and creating a minimum value below which the fee would not apply;

- i) Increases state biofuel infrastructure and develops a statewide biofuels strategy (including renewable diesel);
- j) Encourages the proliferation of public charging stations for electric vehicles by requiring new parking lots and parking structures to provide a minimum number of public charging stations, and;
- k) Extends the federal tax credits for electric vehicles at least until 2025.

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

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

12.PROMOTE WASTE REDUCTION AND DIVERSION EFFORTS

The city supports the recycling goals adopted by Colorado in 2016, as outlined in the Colorado Integrated Solid Waste and Materials Management Plan. These new goals are a first step in addressing Colorado's embarrassing 12% diversion rate, which lags far behind the national average of 34%. Other challenges include Colorado's existing artificially inexpensive landfill tip fees and lack of minimum recycled content standards, which often makes the most environmentally responsible management practices like source reduction and recycling and composting cost prohibitive. The city supports statewide legislation that would:

- a) Encourage product stewardship and take-back programs (a.k.a. "extended producer responsibility");
- b) Ban specific materials from landfills or incineration;
- c) Require post-consumer minimum content standards for product manufactures;
- d) Implement statewide or regional landfill tip fee surcharges to be used for waste reduction;
- e) Create tax credits or other incentives to encourage source reduction, recycling and composting and markets for recycled materials;

- f) Support the implementation of the Colorado Integrated Solid Waste and Materials Management Plan, including the expanded authority of CDPHE to execute the actions in the plan;
- g) Designate state funding to assist rural landfills with coming into and maintaining compliance with state and federal regulations;
- h) Develop data reporting mechanisms to better estimate CO's recycling rate and support data reporting at the municipal and county level; and
- i) Require state government to lead by example by strengthening and enforcing the Green Purchase Order to include recycling and composting in all state agency facilities, and by expanding state agency efforts to reduce food waste.

While the city opposes "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation, the city supports energy capture from anaerobic digestive technologies at composting and wastewater treatment plants. The city also supports energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy products. Examples of this type of beneficial use include woody construction and demolition waste and yard or food waste that is not able to be otherwise diverted from landfills and could be used to produce electricity or liquid fuel components. The city, however, views all energy production uses as last in priority to other beneficial uses such as composting, recycling and re-purposing.

The city also has specific concerns about the environmental hazards posed by electronic waste in landfills. Therefore, the city supports legislation that requires extended producer responsibility that is regulated to be environmentally and socially acceptable. Finally, the city would support repeal of the prohibition contained in state law (C.R.S. Section 25-17-104) on local government bans on "use or sale of specific types of plastic materials or products" or restrictions on "containers . . . for any consumer products."

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

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

that would preempt local authority to establish and enforce regulations over fracking operations.

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

- a) Better protect homes and communities by increasing the minimum distance between oil and gas wells and production facilities from occupied buildings and schools, giving local governments an effective role in controlling the pace and footprint of development in their jurisdictions, and closing loopholes in existing setback rules.
- b) Lift the current prohibition on local governments passing along the cost of inspections to industry.
- c) Eliminates fracking as an exempted activity under the Clean Water Act, Safe Drinking Water Act and other federal environmental laws.
- d) Adopt statewide protections for water including: requiring setbacks from all streams and lakes; requiring baseline and periodic water monitoring at all drilling sites; raising casing and cementing standards to ensure wellbore integrity; adopting a rebuttable presumption that allows water rights owners within a certain distance of an oil/gas well to recoup repair costs if their water supply is contaminated, diminished, or disrupted; requiring operators to formulate a water management plan including planned source of water and substitute water supply plans; and recycling wastewater before acquiring new supplies.
- e) Better protect air quality at and near oil and gas operations, decrease emissions of volatile organic compounds and other ozone precursors, and decrease methane and other greenhouse gas emissions by requiring strict controls on fugitive emissions from oil and gas facilities, including adopting the latest technology in leak detection and repair.
- f) Address the dual mandate and composition of the COGCC to make its primary role the regulation of the oil and gas industry to protect the public health, safety and the environment.
- g) Support further study of air, water, seismic, noise and public health impacts from oil and gas operations and ways to mitigate or avoid impacts.
- h) Support higher bonds and stricter regulations to decrease the problem of “orphan wells” in Colorado.
- i) Give aggrieved landowners standing to require a hearing before the COGCC on applications that will impact public health, safety, or welfare. Also extend standing to affected local governments even if the propose wells or facilities are outside their jurisdiction.
- j) Require consent from governmental bodies before an operator may locate oil and gas facilities on government property, such as open space lands.

14.SUPPORT FOR BUILDING COMMUNITY RESILIENCE

In order for Boulder and other communities around the nation to implement resilience-building strategies, coordination and financial and technical support from the state and federal governments will be necessary. The city will support legislation that further addresses such needs by providing adequate funding for the Corporation for National and Community Service (CNCS) which is the federal agency that administers national service programs, including AmeriCorps VISTA. The city has in the past relied on AmeriCorps VISTA volunteers in support of its resilience programming.

DEMOCRACY AND GOVERNANCE

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

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

ECONOMIC VITALITY

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

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

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

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

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

The labs, the research they conduct, and the researchers and staff they employ are vitally important to the City of Boulder, Boulder County, the Denver metropolitan region, the state and the nation. In March 2017, CU's Leeds School of Business released a study entitled, "Economic Contribution of Federally Funded Research Facilities in Colorado, FY2013-FY2015". According to the report, in FY2015 the total number of federal lab jobs located in Boulder County was 3,883. Salaries and benefits of workers at labs in Boulder totaled of \$388 million. The economic impact of the federal labs on Boulder County totaled \$1.1 billion, led to \$689 million in value added, and supported 7,627 jobs.

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

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

scientists and researchers, jeopardizing new advanced technologies, future businesses formed to commercialize developing technologies, and our global competitiveness.

HOUSING

18.SUPPORT FOR PRESERVATION AND EXPANSION OF FEDERAL AFFORDABLE HOUSING FUNDING

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

- Low Income Housing Tax Credits (LIHTC), both 9% and 4%, administered through the Colorado Housing Finance Authority which serve as the primary source of equity for affordable rental housing.
- Section 8 rental programs, both housing choice vouchers and project-based, which serve the lowest income families in Boulder, 95 percent of whom have incomes below \$14,000 annually and pay an average of less than \$300 per month in rent.
- Public housing and other direct support of the city's housing authority, Boulder Housing Partners.
- HOME Investment Partnerships (HOME) and Community Development Block Grant (CDBG) programs, which provided \$1,216,170 and \$813,445 in 2018 respectively, to invest in expanding affordable housing, strengthening public infrastructure, and improving the quality of life for the city's low and moderate-income residents.
- Private Activity Bonds (PAB), which are tax exempt and enable projects to receive non-competitive 4% LIHTC.

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

19.SUPPORT FOR PRESERVATION AND EXPANSION OF STATE AND LOCAL GOVERNMENT AFFORDABLE HOUSING FUNDING

The city supports legislative efforts to create, expand and preserve state and local government affordable housing funding options, such as the following:

- a. Funding for the state affordable housing trust fund
- b. Protection and expansion of the state low income housing tax credit operated through the Colorado Housing and Finance Authority
- c. Creation of new state affordable housing tax credits for homeownership, employer assisted housing, and other activities

- d. Allowing local governments to impose a real estate transfer tax or document recording fee

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

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

It is the policy of the city to encourage affordable housing ownership, including manufactured housing. The following are examples of the changes that the city may support in this regard:

- a) Create an enhanced enforcement mechanism for the provisions of the Colorado Mobile Park Act and associated funding source;
- b) Require a minimum one-year lease;
- c) Prohibit changes in park rules during term of lease;
- d) Create an opportunity to purchase a mobile home park by residents or non-profit organizations;
- e) Expand (i.e., 6 month) notification requirement if mobile home park is to be closed; and,
- f) Incentivize owners of mobile home parks to submit a dispute to mediation.

HUMAN SERVICES/HUMAN RIGHTS

21.SUPPORT COMPREHENSIVE FEDERAL IMMIGRATION REFORM AND ASSOCIATED STATE LEVEL REFORMS

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

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

Accordingly, the city welcomes and encourages cooperation at all levels of government to work together to support swift and responsible legislative action to produce equitable,

humane, effective and comprehensive federal immigration reform and associated state level reform that provides for:

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

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

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

22. REPEAL THE “SECURE AND VERIFIABLE IDENTITY DOCUMENT ACT” WHICH MAY OPEN MUNICIPAL EMPLOYEES UP TO CIVIL PENALTIES FOR RELYING ON THE COLORADO SB-251 (AKA “BLACK BANNER”) DRIVERS LICENSE, OR SIMILAR DOCUMENTS, IN THE PROVISION OF SERVICES

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

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

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

22-23. SUPPORT FOR THE INDIGENOUS PEOPLE OF COLORADO

In 2016, Boulder passed Resolution No. 1190 declaring the second Monday of October of each year to be Indigenous People’s Day. In it, the city resolved, among other things, that “those now living on these ancestral lands recognize that harm was done and acknowledge that we have a shared responsibility to forge a path forward to address the past and continuing harm to the Indigenous People and the land” and “That in the pursuit of shared responsibility and

of promoting knowledge about Indigenous Peoples, unifying communities, combating prejudice and eliminating discrimination against Indigenous Peoples, the City of Boulder does hereby resolve the second Monday in October of each year to be Indigenous Peoples' Day."

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

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

23-24. SUPPORT THE NECESSARY FUNDING FOR STATE OFFICES TO PROVIDE DRIVER'S LICENSES UNDER THE "COLORADO ROAD AND COMMUNITY SAFETY ACT"

In 2013, Colorado enacted SB 13-251, the "Colorado Road and Community Safety Act," which allowed an estimated 150,000 undocumented Colorado residents, who cannot provide proof of legal presence in the United States, to apply for driver's licenses and ID cards. When the program went into effect the state became the 10th in the country to license undocumented immigrants. Demand has been strong but has been met with long waits and limited D.M.V. appointments. The city believes that licensing immigrants makes the roads safer by educating drivers and making them likelier to carry insurance and supports efforts to provide the necessary funding to allow state offices to meet demand.

24-25. FURTHER THE RIGHTS OF ALL PEOPLE REGARDLESS OF THEIR ACTUAL OR PERCEIVED SEXUAL ORIENTATION OR GENDER VARIANCE STATUS

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

25-26. ALLOW MUNICIPALITIES TO ESTABLISH THEIR OWN MINIMUM WAGE LAWS HIGHER THAN THE STATE OR FEDERAL MINIMUM WAGE

In 2016 Colorado voted to increase the state minimum wage to \$12 by 2020, and yet in many parts of Colorado this increase will be inadequate for families to meet their basic needs. Local governments need the authority to address wage issues at the local level, in a manner that reflects the local self-sufficiency standard and cost of living. Increasing the minimum

wage is an option that the city supports to address wage stagnation for Colorado's low-income workers.

26-27. OPPOSE FURTHER CUTS OR POLICY CHANGES TO STATE AND FEDERALLY FUNDED HEALTH AND HUMAN SERVICE PROGRAMS THAT NEGATIVELY IMPACT ACCESSIBILITY, AVAILABILITY, OR COST OF BASIC HEALTH AND HUMAN SERVICE NEEDS

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

27-28. SUPPORT CRIMINAL JUSTICE REFORM THAT INCLUDES, BUT IS NOT LIMITED TO, SENTENCING AND BOND REFORM, MENTAL HEALTH CARE, ADDICTION RECOVERY AND DISMANTLING OF INSTITUTIONAL AND SYSTEMATIC BIAS

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

INTERNAL ADMINISTRATIVE MATTERS

28-29. PROTECT WORKERS' COMPENSATION SYSTEM

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

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

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

29-30. PROTECT GOVERNMENTAL IMMUNITY

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

30-31. SUPPORT FIX OF SB18-200 WHICH ADDRESSED THE SOLVENCY OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA) WHILE ACCIDENTALLY INCREASING CONTRIBUTIONS REQUIRED OF EMPLOYEES IN THE LOCAL GOVERNMENT DIVISION

SB18-200 was enacted as a comprehensive package of reforms designed to reduce the overall risk profile of the retirement plan and improve PERA's funded status. The city supported this measure. However, during the last-minute negotiations of the measure, a drafting error occurred that resulted in an inadvertent application to the Local Governor Division of an across the board employee contribution increase starting in July 2019. The result is that LGD employees would have the same increase as all other employees on July 1, 2019 – an initial increase of 0.75%. This was an unnecessary increase given the divisions' greater solvency and counter to an agreement between both the House and the Senate that it be

spared from any increases in employer or employee contributions. The LGD would be on track for full funding in 28 years had the bill passed without these new contributions.

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

The city banks with a large American bank that provides a wide-range of complex services, including: holding city operating accounts; facilitating electronic fund transfers, wires, checks, and deposits; providing lockbox services; facilitating credit card processing; administering the city's Purchasing-card program; providing imaging services for various departments, and; providing safekeeping services for all investments made by the city's investment advisor. The city's savings, however, are invested in independent assets that are consistent with city policies and values (i.e., excludes investments in fossil fuels, weapons not used in war, and tobacco).

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

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

LOCAL CONTROL

31-33. OPPOSE THREATS TO LOCAL CONTROL AND HOME RULE AUTHORITY

Several bills are introduced each session that threaten to erode local powers. As a general matter, the city believes that local problems need local solutions and that the current

authority and powers of municipal governments to make decisions on matters related to land use, zoning, personnel, municipal courts, fees and sales tax, should not be further eroded. Legislation threatening local control, that does not further interests otherwise specified in this Legislative Agenda or recognized by City Council, will be opposed by the city.

MUNICIPAL COURTS

32.34. FUND AND PROTECT THE MUNICIPAL JUSTICE SYSTEMS ABILITY TO COMBAT HOMELESSNESS

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

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

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

33-35. PRESERVE THE DISCRETION OF MUNICIPAL JUDGES TO IMPOSE MONETARY BONDING FOR OFFENSES IN INSTANCES OF PUBLIC SAFETY OR FLIGHT RISK

Municipal court ordinance violations are deemed minor offenses. Currently, state legislation does not address bonds in municipal court cases. Legislation was unsuccessfully introduced last session that would have mandated personal recognizance bonds for municipal court defendants. Personal recognizance (PR) bonds allow a person to be released from jail based on their signature and promise to appear – no money need be posted. This makes sense in many situations where a person is arrested (rather than given a citation) on a new offense where there is no risk to public safety. However, where there is a risk to public safety, which is occasionally present in assault or weapons cases, personal recognizance bonds may not be appropriate. Further, problems arise when people fail to appear for court after receiving a ticket with a court date. This leads to the issuance of a warrant. If the person is released on a PR bond after being arrested on the warrant, there is no guarantee that s/he will appear for the new court date. For those that again fail to appear for court, a new warrant is issued, which leads to them getting arrested for a second time, and then getting another PR bond; the cycle can repeat itself many times over. Some of these people will not show up to court again since they know that not showing up means getting arrested and then released on a PR bond soon thereafter. This means that they are never held accountable for their allegedly criminal conduct, i.e., never having to either plead guilty or go to trial, and never having a consequence if appropriate. Accordingly, while the city may support a thoughtful and inclusive process to reform bail/bond, it will oppose legislation that limits the discretion of municipal judges to issue monetary bonds in cases involving a public safety or flight risk.

NATURAL RESOURCES, WILDLIFE AND PARKS

34-36. PROTECT THE ABILITY OF LOCAL GOVERNMENTS AND THE LAND TRUST COMMUNITY TO ACQUIRE AND PROTECT PARKS AND OPEN SPACE

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

35-37. SUPPORT STATE LEGISLATION FURTHERING IMPLEMENTATION OF THE CITY'S ECOLOGICAL CONSERVATION EFFORTS, INCLUDING THE URBAN WILDLIFE MANAGEMENT PLAN AS WELL AS THE FOREST AND GRASSLAND ECOSYSTEM PLANS

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

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

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

36-38. SUPPORT RESTORATION OF LOCAL GOVERNMENT AUTHORITY TO REGULATE CERTAIN PESTICIDE USES AND FOR ADDITIONAL PROTECTIONS FOR POLLINATORS, HUMAN HEALTH AND WATER QUALITY

The Colorado Pesticide Applicators' Act applies to pesticide applicators with the focus primarily on licensing of commercial pesticide applicators. The act is administered and enforced by the Colorado Department of Agriculture which also administers EPA rules and

federal pesticide law in Colorado. Until 2006, when industry-backed legislation was enacted, the Act allowed local governments in Colorado wide discretion to enact pesticide regulations. Since 2006, however, local control to regulate almost all aspects of pesticide use has been preempted by state law. The 2006 legislation expanded state preemption for all pesticide users. The only exception is for the posting of notification of pesticide applications for non-commercial pesticide applicators.

Given the city's vested concerns in regaining some of its former authority to protect human health and the environment from the potential adverse effects of pesticides, the city will advocate for legislation that provides a more balanced perspective on pesticide use that considers recent studies concerning the human health and environmental impacts of pesticides. Specifically, it will support state protections concerning pesticide exposure that affects children, pollinators and water quality and restoration of the ability in specific situations for local governments to regain some authority to restrict pesticide use when immediate risk to human health or the environment cannot be addressed by the federal or state governments to adequately safeguard the public interest in a timely manner. The city will also support funding for increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity.

Rapid decline of honeybees and other pollinators threatens the U.S. agricultural system and the functioning of general ecosystem services. Urgent regulatory action is needed at all levels of government. State restoration of local control would allow municipalities to address pollinator-specific concerns. The city also supports measures for pollinator protections at all levels of government, including federal legislation such as the Saving America's Pollinators Act.

37.39. SUPPORT EFFORTS THAT PROTECT THE BOULDER COMMUNITY FROM WILDFIRE AND PROMOTE ECOLOGICAL FOREST HEALTH

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

PUBLIC HEALTH AND SAFETY

38-40. SUPPORT SAFE USE AND COMMERCIAL REGULATION OF RECREATIONAL MARIJUANA

The city will support or oppose legislation, as necessary, in furtherance of the following goals:

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

The city expects legislation to be introduced in 2019 to allow locations for public consumption of recreational marijuana. Consistent with the above stated principles, the city could support, or at least not oppose, such legislation so long as it requires a local license and does not impede on the city's ability to make time, place, manner and location decisions.

39-41. PROMOTE HEALTH AND SAFETY CONCERNS ASSOCIATED WITH ALCOHOL ABUSE IN THE GREATER COMMUNITY

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

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

- a) Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser;
- b) Require mandatory server training;

- c) Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and,
- d) Permit municipalities to regulate licensees' hours of alcohol service.

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

40-42. SUPPORT EFFORTS TO PREVENT GUN VIOLENCE

The city supports the following specific measures to prevent gun violence:

- a) Universal background checks on all sales of firearms, including private sales. Current federal law allows individuals not “engaged in the business” of selling firearms to sell guns without a license—and without processing any paperwork. Sometimes referred to as the “Gun Show Loophole,” the sales excluded from the federal background check requirement include firearms sold at gun shows and through classified newspaper ads, the Internet and between individuals virtually anywhere. While criminal background checks are currently required for almost all firearm transfers in Colorado, there are states that do not have such laws. In order to ensure that guns are not placed in the hands of criminals in Colorado, a change to federal law is necessary.
- b) Providing family members or law enforcement a legal tool to raise a red flag and take away guns from someone in the midst of a mental health crisis while still protecting due process.
- c) Requiring a firearm owner to keep his or her firearm in a locked container or secured with a locking device if he or she lives with a person prohibited under state or federal law from possessing a firearm.
- d) Banning assault weapons and multi-burst trigger activators.
- e) Repealing state law purporting to limit local gun regulations.

The city will oppose any of the following changes:

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

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

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

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

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

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

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

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

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

45-47. OPPOSE LIMITATIONS ON MUNICIPAL AUTHORITY TO OPERATE RED LIGHT OR PHOTO RADAR CAMERAS TO ENFORCE TRAFFIC SAFETY

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

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

Between 1998, when Boulder first introduced photo enforcement, and 2016, fines associated with violations of the city's photo enforcement program and red-light violations generated \$21,606,061 in revenue at a direct cost to the city of \$19,475,935. When soft costs of overseeing the program are factored in, the costs of running the program essentially run even to the revenue it generates.

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

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

ROCKY FLATS

46-48. SUPPORT CONTINUED FUNDING FOR THE DEPARTMENT OF ENERGY'S OFFICE OF LEGACY MANAGEMENT, AND U.S. FISH AND WILDLIFE SERVICE AS NECESSARY TO ALLOW FOR MONITORING AND LONG-TERM STEWARDSHIP OF BOTH THE ROCKY FLATS' CENTRAL OPERABLE UNIT AND THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

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

The city's supports the following:

- a) **Legacy Management Funding:** DOE's Office of Legacy Management (LM) must be fully funded. LM is charged with conducting ongoing monitoring and maintenance, critical steps to ensuring the \$7.5 billion cleanup remains protective of human health and the environment. The city is particularly interested in ensuring continued robust monitoring by DOE for potential surface and subsurface migration of radioactive contaminants, toxic metals, and volatile organic compounds. As needed, funding must be available for additional monitoring and sampling above today's baseline.
- b) **Refuge Funding:** USFWS' Rocky Flats program, which is charged with managing the Rocky Flats National Wildlife Refuge, must be fully funded. The Refuge is a critical, central piece of land in over approximately 80,000 acres of publicly owned, permanently conserved land. The city strongly supports continued community dialogue that promotes landscape and collaborative species conservation in the Refuge.
- c) **RFSC Funding:** The city strongly supports ongoing DOE funding for RFSC. RFSC provides critical local government and community oversight of Rocky Flats and helps ensure community confidence in the ongoing protectiveness of the cleanup remedies.
- d) **Land Management:** The city remains strongly supportive of the Rocky Flats National Wildlife Refuge Act of 2001, the federal legislation designating Rocky Flats as a national wildlife refuge. Among other requirements, the Refuge Act protects Rocky Flats for its abundant natural resources, while allowing community members at their choosing to recreate on portions of the Rocky Flats National Wildlife Refuge. The Refuge Act also ensures continued federal ownership and ongoing federal management of the historic Rocky Flats site.

- e) **Federal Responsibilities:** The city supports maintaining in perpetuity the current boundaries between the DOE-managed lands and the Rocky Flats National Wildlife Refuge. The DOE lands, called the Central Operable Unit (COU), include the former nuclear weapons manufacturing areas, two landfills, settling ponds, groundwater treatment systems, and water monitoring systems. Maintaining these boundaries helps ensure that the COU, the area of greatest historic contamination, remains separate from the Rocky Flats National Wildlife Refuge.
- f) **Federal Minerals—Retirement:** In the 1950s and in recent years, the federal government has acquired for fair market value various minerals underlying Rocky Flats. Acquisition does not de facto mean that the federal minerals cannot be developed. Accordingly, as provided for under federal law, Congress must pass legislation authorizing DOE to retire its minerals, thereby ensuring they can never be developed.
- g) **Federal Minerals—Acquisition:** The “Rocky Flats Environmental Technology Act of 2005” authorized DOE to acquire “essential minerals.” The November 2018 filing with the COGCC by Highlands Natural Resource Corporation to develop oil and gas resources under the COU and Rocky Flats National Wildlife Refuge brings to light that with new technologies not all of the essential minerals were acquired, thereby leaving Rocky Flats susceptible to future development activities. Congress must provide additional funding for acquisition of essential minerals.
- h) **Regional Trails:** It remains imperative that the development of the Rocky Mountain Greenway comply with all applicable federal and state health and environmental standards.

TAX POLICY

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

This summer the Supreme Court, in *South Dakota v. Wayfair*, struck down the requirement that a retailer have a physical presence in a state in order to be required to collect and remit sales tax. Since then, the Colorado Department of Revenue has announced a requirement for out-of-state retailer who do business in Colorado to obtain a state sales tax license. These two decisions have created the opportunity for Colorado municipalities to also collect sales taxes for such sales. If any legislation proves necessary to facilitate the abilities of local governments to collect these taxes, the city will support it. Appropriate limitations on this authority might include exemptions for small businesses, centralized collection of taxes on non-nexus sales and adoption of a common tax base for non-nexus sales. However, the city will not support changes which would allow the state to collect and remit tax revenues on non-nexus sales based on anything other than each municipality’s individual sales tax rate (e.g., the city opposes use of a blended tax rate) or which would dictate the tax base or

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

Beyond this, the city has an interest in legislation that may result from the General Assembly's creation of a Sales and Use Tax Simplification Task Force which has met for one year and will meet for two more and submit annual reports to the legislature each November. The Task Force is expected to address matters related to definitions, exemptions, collection and auditing, all with the eye toward increasing uniformity and thus reducing the burden on businesses. The city will closely monitor its work and will support and help inform the development of reasonable recommendations, such as the principle that any changes should allow cities to remain revenue neutral in terms of the revenue they already collect or the proposal (already on the table) to require cities to adopt most of the standard definitions developed by tax administrators around the state. Boulder adopted these standards in 2018.

However, the city has significant concerns with several of the other ideas likely to be considered by the Task Force, including:

- a) **Single point of tax collection** - Invariably taxpayers file returns with errors or send payments in without any returns. As a result, the city has to conduct research to resolve these issues. If there was a single point of collection, the city's ability to conduct follow-up could disappear and not be replaced by an adequately-staffed or motivated entity. Moreover, a single point of collection could remove the checks and balances that currently exists. Currently if a taxpayer sends their Boulder sales tax to the Department of Revenue (DOR), DOR deposits the check and calls it good. If Boulder gets a check for state taxes, we send it back to the taxpayer. For the city to get the money from the DOR it must assess the taxpayer and the taxpayer has to file a refund to get their money back from the DOR. In a single point of collection, it is not clear who would be looking out for Boulder's interest.
- b) **Single point for licensing** - This is complicated because each municipality has their own zoning laws and thus unique criteria for determining when such licenses should be approved. Licensing businesses is already difficult, and it is hard to believe that a centralized entity, with less experience and connection to the community, could do it more effectively. Of particular concern is the nexus to the city's liquor and marijuana licensing, which we certainly would not want to yield to an outside entity.
- c) **Centralized Auditing** - The city currently conducts approximately 70 to 80 audits per year, yielding revenues between two to four million dollars annually. Centralized auditing could result in a loss of at least that much revenue. By way of example of how difficult centralization would be, it is worth considering that the city already allows a "Coordinated Audit" by taxpayers licensed in the city and holding a similar sales tax license in at least four other Colorado municipalities that administer their own sales tax collection. These audits are almost never requested, partly because it is difficult to find anyone with experience to audit different municipalities each with different laws.

For this reason, the city is likely to oppose or at least heavily scrutinize recommendations to centralize tax collection, licensing or auditing.

48-50. PRESERVE THE MUNICIPAL BOND FEDERAL INCOME TAX EXEMPTION

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

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

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

TELECOMMUNICATIONS

49-51. EXPAND OR PRESERVE THE AUTHORITY OF MUNICIPALITIES TO PROVIDE BROADBAND SERVICES SUCH AS CITY-WIDE FIBER-TO-THE-PREMISE NETWORKS

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

The authorities that exist to provide these options should not be diminished, including the option to allow a publicly-supported utility to receive the advantages that any other public

program or service may receive, including taxpayer funding, expedited permitting or exemption from taxes.

TRANSPORTATION

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

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

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

- a) Turning to funding sources tied to transportation use, including vehicle registration, car rentals, gasoline consumption or vehicle miles traveled.
- b) Codifying CDOT's Policy Directive 1603.0 which requires that managed lanes be strongly considered during the planning and development of capacity improvements on state highways. Any significant new lane capacity built with state funds should be required to be managed. Managed lanes should result in regulation of demand to ensure choices for the traveler beyond the single occupancy vehicle by providing for the option of travel by bus and free or discounted access to high occupancy vehicles ("HOVs"), as well as allowing pricing to help manage corridor performance, such as dynamic, variable-priced tolls linked to congestion.
- c) Turning to Public-private partnerships (PPPs) to identify funding to construct managed lanes when necessary and when agreements are appropriately structured. The city would support legislation to require all PPPs for managed lanes to undergo a transparent approval process and to demonstrate maximization in the transportation of people (not just vehicles); reinvestment of at least a portion of toll operating revenues into the corridor for continued improvements; and prioritization of travel choices with a portion of toll revenues supporting transit and/or travel demand

management, in order to maximize the value of the transportation investment and to ensure that lower-income residents benefit from the public investment in a toll road. The city would support legislation that would prohibit the use of so called “non-compete” clauses which are sometimes included in PPPs to preclude maintenance of, or improvements to, existing roads (e.g., Highway 93) to increase travel demand on new tolled lanes.

- d) Allocating new or existing funding for regional priorities as determined by the area Metropolitan Organization (MPO), or, where no MPO exists, by the local Transportation Planning Region (TPR) where the improvements are supported by the affected local governments. The city also believes that state legislation should require MPOs and TPRs to model projects for their expected contribution to greenhouse gases and vehicle miles traveled and to prioritize those projects that reduce both.
- e) Ensuring that new funding streams result in a significant share of such new funding (25% or greater) directed to municipalities for local transportation needs and priorities and that an even greater percentage (33% was agreed to as part of earlier MPACT 64 statewide effort) of the remaining state share of new funding be directed to operational and capital transit, bike and pedestrian needs.
- f) Reforming the governance boards of both the Colorado Department of Transportation and the Regional Transportation District, so as to promote increased effectiveness and efficiency in operations and decision-making. This could include changing the district lines to ensure more equitable representation of the metropolitan region.

51-53. SUPPORT POLICIES AND FUNDING MECHANISMS THAT WOULD INCREASE AFFORDABLE TRANSPORTATION ACCESS FOR VULNERABLE POPULATIONS, INCLUDING YOUTH, OLDER ADULTS, THOSE WITH LOWER INCOME AND PEOPLE WITH DISABILITIES

52-54. PROMOTE LEGISLATION THAT ENCOURAGES “COMPLETE STREETS” THAT ACCOMMODATE PEOPLE USING ALL MODES OF TRAVEL

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

53-55. OPPOSE LIMITATIONS ON THE CITY'S ABILITY TO REGULATE VEHICLE USE ON SIDEWALKS, MULTI-USE PATHWAYS, AND BIKE LANES, OR THAT REQUIRES THE CITY TO ALTER ITS CURRENT CODE IN ORDER TO MAINTAIN CURRENT POLICY ON ALLOWED USES OF THOSE FACILITIES

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

54-56. OPPOSE TRANSFERRING THE MAINTENANCE RESPONSIBILITIES FOR REGIONAL HIGHWAYS FROM THE COLORADO DEPARTMENT OF TRANSPORTATION TO LOCAL GOVERNMENTS

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

55-57. SUPPORT FLEXIBLE SOLUTIONS AND NEW FUNDING OPPORTUNITIES TO ADDRESS IMPACTS OF TRAIN HORN NOISE AND SUPPORT CREATION OF QUIET ZONES

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

56-58. SUPPORT STATE AND FEDERAL LEGISLATION THAT ENCOURAGES CONNECTED AND AUTONOMOUS VEHICLE DEPLOYMENT IN FURTHERANCE OF BOULDER'S SUSTAINABILITY GOALS WHILE RETAINING LOCAL AUTHORITY TO ADDRESS COMMUNITY-SPECIFIC POLICY OBJECTIVES THAT CANNOT OTHERWISE BE MET

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

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

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

57-59. SUPPORT MEASURES THAT FURTHER THE CITY'S TRAVEL VISION ZERO SAFETY OBJECTIVE

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

- a) increased penalties for impaired or distracted driving, especially when it results in the death of a vulnerable road user (e.g., SB18-140 defined this term to include pedestrians & bicyclists);
- b) prohibiting use while driving of mobile electronic devices unless through a hands-free device (e.g., as was proposed by SB18-049); or
- c) a requirement for mobile phone manufacturers or carriers to offer technologies that reduce their inappropriate use while driving.

UNIVERSITY OF COLORADO

58-60. SUPPORT A RENEWED COMMITMENT BY THE STATE AND FEDERAL GOVERNMENTS TO FUND THE UNIVERSITY OF COLORADO AND ITS CAPITAL PROGRAMS AND STUDENT FINANCIAL AID

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

CU Boulder directly employed over 18,000 people in fiscal year (FY) 2017-18. Over 9,200 of these were non-students, comprising 5.1% of total county employment, and earning on average \$76,000, 17.2% above the county average.

	Boulder County^a	University of Colorado Boulder^b	CU Percent of Boulder County
Employment	179,825	9,200	5.1%
Average Wages	\$64,824	\$76,000	17.2%

Sources: ^aBureau of Labor Statistics, Current Employment Statistics;

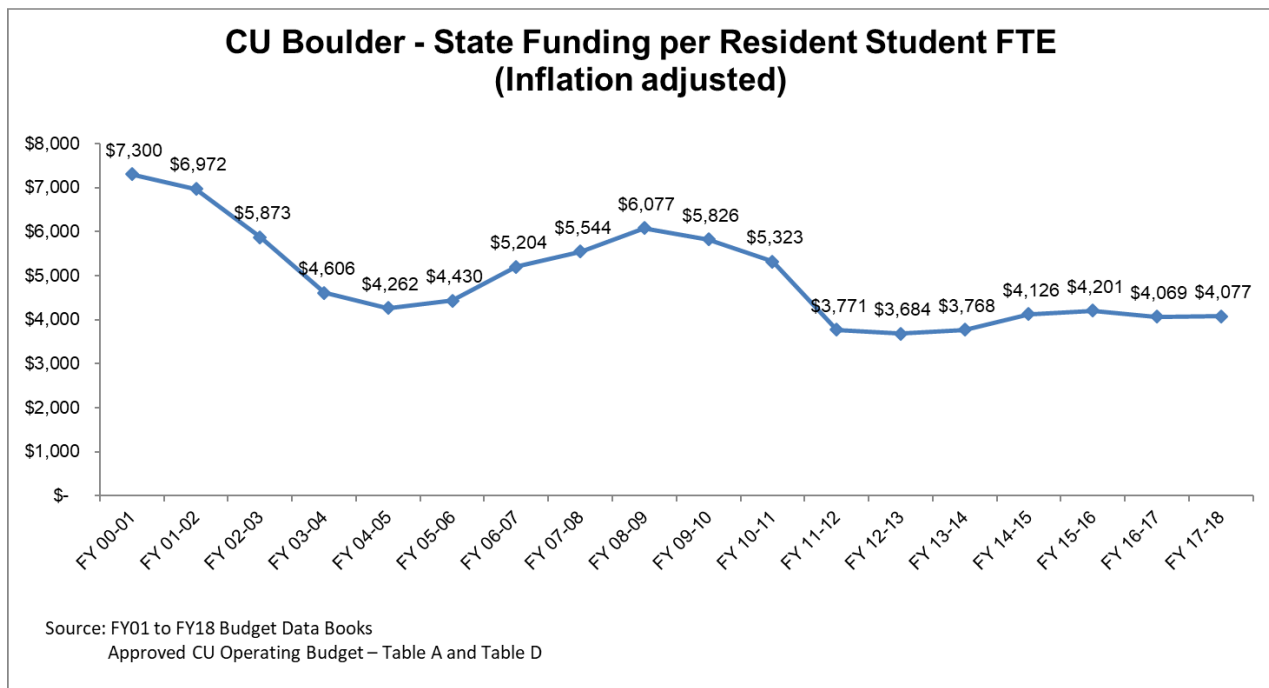
^bUniversity of Colorado Boulder.

The CU Boulder FY 2017-18 budget is \$1.69 billion, and the FY 2018-19 budget is \$1.79 billion. The University is not only a local institution, but much of the supply chain is also inherently local since the primary services delivered include classroom instruction and research. Additional investments in the local economy include operations, construction, student spending and visitation.

Through research, teaching, operations, construction, student spending, and visitation, the

University of Colorado is an economic driver in Boulder County, contributing nearly \$2.6 billion in local economic activity driven off direct expenditures in the Boulder MSA in FY 2016. University funding is largely nonlocal, thus leveraging outside investment for the local economy.

The presence of CU's research facilities and the highly skilled labor force that CU produces, have attracted major federal facilities, satellite institutions, and major private firms to the city.



Yet, as reflected in the above graph, state funding for CU Boulder has seen more than a 44 percent decline in state funding for resident students since FY 2001. In light of the extraordinary importance of CU to the city, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (facing a deferred maintenance backlog of approximately \$525.5 million as of July 2018), and particularly legislation that supports student financial aid.

WATER

59-61. PROMOTE THE EFFICIENT UTILIZATION AND CONSERVATION OF WATER, AND PRESERVATION OF WATER QUALITY

Boulder is on the forefront of support for municipal water conservation, efficient utilization of water, and preservation and improvement of water quality. Boulder uses a water budget rate structure to reward the efficient use of water and penalize wasteful practices. Boulder has

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

60-62. OPPOSE SIGNIFICANT THREATS TO THE CITY'S WATER RIGHTS

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

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

incrementally adjust, or in many cases by-pass, the state constitution's Prior Appropriation Doctrine.

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

C.R.S. 24-72.1

24-72.1-101. Short title This article shall be known and may be cited as the **"Secure and Verifiable Identity Document Act"**.

24-72.1-102. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Children" means children as defined by 42 U.S.C. sec. 1786 (b).
- (2) "Infants" means infants as defined by 42 U.S.C. sec. 1786 (b).
- (3) "Public entity" means an agency, department, board, division, bureau, commission, council, or political subdivision of the state.
- (4) **"Public official" means** an elected or appointed official, an employee, **or an agent of a public entity.**
- (5) **"Secure and verifiable document"** means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies.

24-72.1-103. Identity documents - verifiable

- (1) Except as provided in subsection (3) of this section, **a public entity that provides services** shall not accept, rely upon, or utilize an identification document to provide services unless it is a secure and verifiable document.
- (2) Except as provided in subsection (3) of this section, **a public entity that is issuing an identification card**, license, permit, or official document shall not authorize acceptance of an identification document, nor shall a public official acting in an official capacity accept the holder's identification document before issuing official documents, unless the identification document is a secure and verifiable document.
- (3) The department of revenue may issue a driver's license, minor driver's license, instruction permit, or identification card in accordance with part 5 of article 2 of title 42, C.R.S., but the license, permit, or card is not a secure and verifiable document.

24-72.1-104. Records

Information gathered pursuant to section 24-72.1-105 (2)(a) shall be a public record accessed pursuant to section 24-72-306 unless the subject of the information is a juvenile or the information concerns an ongoing criminal investigation. Such records shall be retained for three years, but may be disposed of after three years.

24-72.1-105. Violations - immunity

- (1) **Actions taken in knowing violation of this article shall not be protected by governmental immunity** provided to public employees by article 10 of this title.
- (2) A peace officer who, in the performance of the officer's duties, utilizes identification that is not secure and verifiable shall not forfeit governmental immunity pursuant to this section if such officer:
 - (a) Gathers all information from such identification; and
 - (b) If feasible, according to any applicable law enforcement agency guidelines, gathers fingerprint information from such person and stores such fingerprints for at least one year as a criminal justice record.

24-72.1-106. Applicability

This article shall not apply to a person reporting a crime; a public entity or official accepting a crime report, conducting a criminal investigation, accepting an application for the provision of services or providing services to infants and children born in the United States pursuant to 42 U.S.C. sec. 1786, or providing emergency medical service; a peace officer in the performance of the officer's duties and within the scope of the officer's employment if such officer complies with section 24-72.1-105 (2); or instances when a federal law mandates acceptance of a document.

24-72.1-107. State auditor - report. (Repealed)

Link to 2008 State Performance Audit: <http://hermes.cde.state.co.us/drupal/islandora/object/co%3A13746>