



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 26, 2023

AGENDA TITLE: Discussion and input on the proposed *2024 Policy Statement on Regional, State and Federal Issues*

PRESENTERS:

Nuria Rivera-Vandermyde, City Manager
Carl Castillo, Chief Policy Advisor

EXECUTIVE SUMMARY

This is an opportunity for council to discuss and provide input on the city's proposed *2024 Policy Statement on Regional, State and Federal Policy Issues* (the Policy Statement). The proposed Policy Statement is included as **Attachment A** with substantive policy changes from the 2023 Policy Statement highlighted using strike-through and double-underline formatting. The Policy Statement changes are also summarized separately, with rationales as necessary, in a table included as **Attachment B**. Staff will incorporate the input received at this meeting and return to ask for approval of the Policy Statement at council's November 16 business meeting.

Once approved, the Policy Statement will be available to inform and provide authority for all city efforts to advocate for the stated positions as opportunities arise during the remainder of 2023 and throughout 2024. Beyond direct advocacy of governmental officials, the city will use the Policy Statement's authority to build coalitions and attempt to influence positions adopted by the intergovernmental organizations it belongs to. By doing so, Boulder enhances its voice and leverages its power to advance its policy positions.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Examples of 2024 efforts expected to contribute to the city’s economic sustainability goals include advocating for federal support for Amtrak to invest in completion of the Northwest Rail Line (B Line) through the Front Range Passenger Rail and for continued and expanded investment in CU and Boulder’s federal labs.
- Environmental – Examples of 2024 efforts expected to contribute to environmental sustainability goals include advocating for policies that harden infrastructure against climate change.
- Social – Examples of 2024 efforts expected to social sustainability include advocating for policy changes that would help reduce and prevent homelessness.

OTHER IMPACTS

- Fiscal – The proposed Policy Statement includes a position in support of preserving and expanding the authority of local governments to audit and collect taxes and to issue sales tax licenses.
- Staff time - Creation of a policy statement and devoting time to advance it, is part of staff’s approved work plan.

BOARD AND COMMISSION FEEDBACK

On October 11, 2023, Council’s Intergovernmental Affairs Committee (Mayor Brockett and Councilmembers Benjamin, Folkerts, and Winer, the “Committee”) met with city staff. They received an update on the status of all the city’s 2023 policy efforts (regional, [state](#) and federal), as well as advances made in furtherance of all of council’s 2023 policy priorities (summarized in “Policy Priorities,” below). They also engaged in a discussion of changes to the proposed 2024 Policy Statement, all which informed the proposal now before council.

BACKGROUND

The purpose of the City of Boulder’s 2024 Policy Statement on Regional, State and Federal Issues (the “Policy Statement”) is to inform city advocacy on policy decisions that, while made outside the city’s jurisdictional authority, have potential to significantly impact the city. This includes legislative decisions by the Colorado General Assembly or the U.S. Congress. It also includes non-legislative decisions made at the federal, state and regional levels, including those of Colorado agencies (e.g., Colorado Department of Public Health and Environment, Public Utilities Commission, Department of Transportation, Department of Regulatory Affairs); federal agencies (e.g., Department of Energy, Department of Transportation, the Federal Communications Commission); regional governments (e.g., Regional Transportation District); and intergovernmental coalitions (e.g., Rocky Flats Stewardship Council, Colorado Municipal League, Metro Mayors Caucus, Northwest Mayors and Commissioners Coalition, Colorado Communities for Climate Action). The Policy Statement is also used to inform decisions

on judicial cases the city should participate in as an amicus curia, including whether to sign on to an amicus brief.

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

The Policy Statement was developed in advance of the convening of the 2024 Colorado General Assembly and the Second Session of the 118th U.S. Congress. Consequently, it does not address legislation by bill number. Instead, it describes the city's goals on various policy matters as well as examples of specific approaches it would support or oppose to achieve those policy goals. With the coordination of the city's Chief Policy Advisor, it will be used by city officials to inform communication of city positions on proposed bills and non-legislative regional, state and federal policy decisions.

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

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

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

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

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

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

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

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

POLICY PRIORITIES

Policy priorities are combinations of one or more policy positions that the city will commit its greatest attention and political capital to in the given year.

Progress on 2023 State Policy Priorities

The following is a summary of the 2023 state policy priorities along with the progress seen so far in furthering them.

1. *Reduce Homelessness – Support the city’s ability to address the challenges presented by family, youth, and single-adult homelessness through expansion of mental/behavioral health prevention and treatment services, reduced barriers to care, and implementation of proposals for state support that may be developed to address high service utilizers especially those providing for systematic and broadly beneficial solutions*

The city supported the enactment of [HB23-1153](#), which will lead to the study of the feasibility of supporting individuals with serious mental illness through a collaboration between the state's behavioral health judicial systems. It also supported the passage of [HB23-1186](#), which will allow parties to an eviction procedure the ability to participate remotely.

2. *Increase Travel Safety – Provide expanded local control to protect travel safety through use of photo radar cameras*

The city played a major role in the drafting and advocacy of [SB23-200](#), which expanded municipal authority to operate photo radar cameras.

3. *Build Resilience and Mitigate Climate Risks of Wildfire and Extreme Heat Through Forestry Solutions – Support coordinated strategies for both wildland fire hazard reduction and urban canopy extreme heat management that rely on an equity-centered workforce development campaign*

The city supported the enactment of [SB23-166](#), which will require local governments to adopt and enforce a code for the hardening of structures and parcels in the wildland-urban interface that meets or exceeds a minimum state standard.

4. *Advance Equity-Centered Improvements to Colorado’s Air While Also Providing Options for Safe Sheltering – Identify and reduce the primary contributors to regional air pollution while prioritizing solutions for populations that live and work closest to emission sources and/or that do not have the ability to shelter in safely-ventilated indoor spaces*

While the city worked with Senator Fenberg, the Colorado Municipal League and the City of Golden to have legislation introduced that would have reduced the impact of vehicle environmental and noise pollution, we were not successful.

Progress on 2023 Federal Policy Priorities

1. *Build Resilience and Mitigate Climate Risks of Wildfire and Extreme Heat Through Forestry Solutions – Support coordinated strategies for both wildland fire hazard reduction and urban canopy extreme heat management that rely on an equity-centered workforce development campaign.*

In 2022, the city helped secure \$1.5 billion in federal funding for urban forestry. In 2023, the city worked with county, regional and national organizations to help influence how these funds would be allocated. In September of 2023, the US Forest Service selected 12 national organizations to serve as “re-grantors” of these funds. This included \$28M for an organization that the city helped form within the Urban Sustainability Directors Network, the Center for Regenerative Solutions (CRS). The city is now actively coordinating with CRS and the other re-grantors to ensure these funds are effectively and equitably allocated to local government recipients, including the City of Boulder, Boulder County, and regional collaborations in which the city is taking a leading role.

2. *Support Congressionally Directed Spending Requests – Support for 2023 and 2024 congressionally directed spending requests including the pending requests for modular affordable housing factory.*

The Fiscal Year 2023 omnibus bill passed by Congress in late December 2022 included \$506,000 in funding for the city's Affordable Housing Modular Factory project, which was championed by Senators Bennet and Hickenlooper. The city submitted three federal FY2024 earmark requests: (1) \$500,000 for Startup Costs for Suicide Prevention Clinic (2) \$2,200,000 for Microgrid Electric Bus Charging Facility Project and (3) Orchard Grove Water Infrastructure Project. While the first two projects were submitted by Senators Hickenlooper and Bennet for committee consideration, they unfortunately did not get included in the final package of FY2024 senate appropriation bills.

3. *Support for Northwest Area Mobility Study Projects - Support for transportation improvements recommended by the Northwest Area Mobility Study, specifically the construction of SH119 multimodal improvements and the Northwest Rail Line (B Line) in conjunction with the Front Range Passenger Rail Line*

The city coordinated with the Northwest Mayors and Commissioners Coalition to apply for the since-awarded \$25M federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for the CO 119 Safety and Mobility Improvements Project.

Recommended 2024 State Policy Priorities

1. **Harden Infrastructure Against Climate Change** – Ensure critical infrastructure, including utilities are built to remain resilient, safe and reliable as the climate continues to evolve and extreme weather events, like wind, wildfire and floods, grow in severity. This includes undergrounding of privately-owned electric, natural gas and telecommunication utilities where feasible, proactive maintenance practices and prioritizing the correction of disparate reliability concerns. It also includes state and federal resources necessary to improve water, wastewater, stormwater and flood management.
2. **Fund and protect the city's ability to reduce and prevent homelessness**
 - Minimum requirements for local governments to combat homelessness.
 - Preserve local government authority to ban camping in public spaces.
 - Increase statewide coordination of efforts that result in funding and programming for prevention and supportive services, expansion of mental and behavioral health prevention and treatment, transitional, and permanent housing options, and proposals that affect targeted populations, including the challenges presented by family, youth, and single-adult homelessness.
3. **Qualified* support for state involvement in land use matters that furthers the city's housing affordability, transportation, climate, resilience and equity goals** (see Position 22 for qualifications)
 - Incentivize local governments to adopt land use policies, such as transit oriented development, that reduce greenhouse gases and discourage single occupancy vehicle travel.

- Reduce barriers to development of accessory dwelling units and multiplexes.
 - Minimum average housing density standards along high-frequency transit corridors and multimodal transit stations.
 - Reduce the number of parking spaces that can be required.
 - Create regional housing assessments that identify housing needs, local housing targets proportional to the needs of all income levels, and a requirement that local governments develop housing production strategies to meet these targets.
4. **State Transit Funding** – Generate new transit operations funding tied to road use, including vehicle registration, car rentals, car shares, retail delivery, gasoline consumption and vehicle miles travelled. Another source of revenue that should be explored is through increases in the state’s severance tax (a tax imposed upon nonrenewable natural resources that are removed from the earth). The city supports prioritizing use of these funds for the restoration and expansion of local and regional transit service, including Bus Rapid Transit, on-demand transit, free transit periods during high ozone periods and free transit for youth.
 5. **Vulnerable Road Users Fees** – Implement one or more “Vulnerable Road User Protection Fee” enterprises in the state’s 12 most populous counties with the fee tied to the weight of vehicles and with the funds available for transportation system improvements that reduce vehicular collisions with vulnerable road users, such as pedestrians or bicyclists.

Recommended 2024 Federal Policy Priorities

1. **Support Congressionally Directed Spending Requests** – Support for the city’s 2025 congressionally directed spending requests.
2. **Support for Northwest Area Mobility Study Projects** – Support transportation improvements recommended by the Northwest Area Mobility Study, specifically the Northwest Rail Line (B Line) in conjunction with the Front Range Passenger Rail Line.

ATTACHMENTS

Attachment A – Proposed City of Boulder *2024 Policy Statement on Regional, State and Federal Issues* (substantive policy revisions reflected)

Attachment B – Table of Proposed Substantive Policy Changes

PROPOSED

City of Boulder 2024 Policy Statement on Regional, State and Federal Issues

(Replace with Cover)

State Policy Priorities

1. **Harden Infrastructure Against Climate Change** – Ensure critical infrastructure, including utilities are built to remain resilient, safe and reliable as the climate continues to evolve and extreme weather events, like wind, wildfire and floods, grow in severity. This includes undergrounding of privately-owned electric, natural gas and telecommunication utilities where feasible, proactive maintenance practices and prioritizing the correction of disparate reliability concerns. It also includes state and federal resources necessary to improve water, wastewater, stormwater and flood management.
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Federal Policy Priorities

1. **Support Congressionally Directed Spending Requests** – Support for the city’s 2025 congressionally directed spending requests.
2. **Support for Northwest Area Mobility Study Projects** – Support transportation improvements recommended by the Northwest Area Mobility Study, specifically the Northwest Rail Line (B Line) in conjunction with the Front Range Passenger Rail Line.

Policy Principles

The following policy principles guide the development, interpretation and application of the positions identified in this policy statement.

Equity, Racial Justice and Social Resilience – Dismantle institutional and systemic racism, prioritize voices, experiences, interests, and needs of communities that have been historically excluded, and reduce the vulnerabilities of groups most susceptible to natural or human caused stressors.

Collaboration – Identify mutual interests that permit the city to support and further the needs of regional, state and federal partners and to engage in a collaborative spirit that advances all interests.

Local Control – Protect local control and home rule authority unless otherwise stated in specified positions or where council has expressed a desire to yield such authority.

Support for City Programs – Provide funds and other support for city programs, so long as doing so does not come at the expense of support for city partners, such as preK-12 and higher education.

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Development and Use of The Policy Statement

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

Policy Positions

Climate Change and Community Resilience

1. *Build community resilience*

Climate change presents a significant threat to the social and economic well-being of the Boulder community. Both acute events like fire and flood and chronic stressors like rising temperatures and declining air quality are emblematic of what the community faces now and into the future. Building the community's resilience to the realities and inevitability of climate change are critical for preserving the vitality of our community and this must be done within the context of equity and climate justice. Accordingly, the city will advocate for the following policies:

- a) **Harden Infrastructure Against Climate Change**~~**Infrastructure Resilience**~~ – Ensure critical infrastructure, including utilities are built to remain resilient, safe and reliable as the climate continues to evolve and extreme weather events, like wind, wildfire and floods, grow in severity. This includes undergrounding of privately-owned electric, natural gas and telecommunication utilities where feasible, proactive maintenance practices, and prioritizing the correction of disparate reliability concerns. It also includes state and federal resources necessary to improve water, wastewater, stormwater and flood management.
- b) **Resilient Land Management** – Funding for state and local governments to promote resilient land management research, monitoring, management practices and decision-making processes that stabilize and protect ecosystems for current and future biodiversity and ecosystem services. This includes support for funding and implementation of urban and wildland local and regional wildlife corridors that establish refugia and connected habitat as well as development of a statewide biodiversity strategy to coordinate federal, state and local resilience planning and action.
- c) **Urban Forestry** – Secure federal funding for enhancing the city's urban canopy and for applied research to inform a coordinated statewide campaign to implement an equity-centered workforce development program to plant these trees. Community benefits include: reducing urban heat islands and their associated illness and death impacts; increasing the absorption of storm water and reducing extreme weather impacts; decreasing energy needs during both extreme heat and cold events and the associated financial impacts on low income residents; and providing enormous potential for local job creation in communities where it is most needed.
- d) **FEMA** - Study the structural and economic impacts of climate resiliency at the Federal Emergency Management Agency (FEMA), including recommendations on how to improve FEMA's use of building codes and standards to prepare for climate change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges. Advocate for local and state policy to address gaps and inequities associated with immigration and housing status.

2. Reduce statewide greenhouse emissions consistent with or greater than the State of Colorado's codified goals

Colorado released its first Greenhouse Gas Pollution Reduction Roadmap in January 2021. This Roadmap laid out a pathway to meet the state's statutory GHG reduction targets of 26% by 2025, 50% by 2030 and 90% by 2050 from 2005 levels. The state is now working to update the Greenhouse Gas Pollution Reduction Roadmap ("Roadmap 2.0"), including an updated inventory of emissions and a new set of near-term actions that will guide implementation in the state. The city will actively support state agency action, as well as any additional legislation needed, to ensure that Colorado achieves or exceeds these emission reductions.

3. Preserve and expand the ability of local governments to engage in climate action efforts

The city supports preserving and expanding the ability of local governments to develop and implement emissions-related strategies to reach their climate action and resilience goals, including their ability to:

- a) **Utility Formation** - Form their own retail energy utilities through a process that is predictable, equitable, safe, reliable and cost-effective.
- b) **Condemnation** - Exercise their constitutional right to condemn and acquire utility assets at fair market value, without having to pay utility lost revenues.
- c) **Streetlights** – Purchase street lighting through cost-effective, transparent and reasonable means to maximize the efficiency of such lighting.
- d) **Natural Gas** – Preserve and strengthen the ability of local governments to support their community's shift away from the use of natural gas.
- e) **Generation and Storage** - Maximize the deployment of local clean energy generation and storage options.
- f) **Financing** - Create new financing and ownership structures for clean energy technologies.
- g) **State and Federal Resources** - Benefit from state or federal facilities, programs, funding or requirements relied on by cities to reduce greenhouse gas emissions.
- h) **Partnerships** - Develop enforceable partnerships between local governments and energy utilities that allow for the deployment of innovative energy solutions and investment in local energy systems.
- i) **Carbon Sequestration** - Optimize the potential for carbon sequestration through methods including carbon capture and storage technologies, use of carbon-storing materials in construction, regenerative agriculture, improved soil health, and ecosystem management.
- j) **Equity** - Incorporate equity, accessibility, and just transition considerations into climate policies and actions.

4. *Continue to ~~r~~Reduce emissions from the electricity sector and prepare the grid for increased new uses*

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

- a) **Grid Investments** – Ensure the grid is ready to support localized load growth from building and transportation electrification.
- ~~a)b)~~ **Distributed Generation** – Expand retail distributed generation, including distributed energy storage. ~~“carve-out” for investor-owned utilities and cooperatives.~~
- ~~b)c)~~ **Load Management** - Encourage investments in conservation that focus on load management aligned with better utilization of renewable resources and minimize the consumer’s total energy bill.
- ~~e)d)~~ **Participation Before the PUC** - Clarify that, for purposes of the rules governing intervention in administrative hearings before the Colorado Public Utilities Commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.
- ~~d)e)~~ **Coal-Fired/Natural Gas Power Plants** – Ensure the successful retirement of all coal power plants. Advocate for limited investment in and use of natural gas (methane) power plants when more economic renewable energy options are available.
- ~~e)f)~~ **Storage** - Encourage and incentivize energy storage technologies as an alternative to investments in fossil fuel based generating facilities.
- g) **Clean Energy Standard** – Create a national clean energy standard that requires utilities to increase the portion of energy produced by renewable resources.
- h) **Bridge the Gap** – Enable customers and communities to work with their electric utility to fully eliminate the emissions associated with their electricity by 2030.
- ~~f)i)~~ **Emerging Technologies** – Encourage investments and regulation that encourage adoption and growth of emerging technologies, such as long duration storage, advanced geothermal and renewably-sourced hydrogen.

5. *Enhance customer electricity choice*

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

- a) **Competitive Markets** - Advance open, competitive 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 energy, or CCE), or by otherwise increasing options for customer electricity choice.
- b) **Grid Modernization** - Expand distributed generation, energy storage, high-levels of renewable energy generation (distributed and utility-scale), and appropriate technologies through grid modernization.
- c) **Creative Customer Options** - Allow for new and creative customer options such as peer-to-peer sharing of electricity generation or microgrid development.

- d) **Diverse Energy Options** - Allow customer access to diverse energy options through a variety of policies (including net metering, feed-in-tariffs, “value of solar” tariffs) that fully recognize and preserve the value of local solar.
- e) **Interconnection Requirements** - Streamline interconnection requirements for customer-sited energy options such as microgrids, distributed generation and storage technologies.
- f) **Mobile Homeowners** - Allow mobile homeowners to receive the same rebates, incentives and interconnection options associated with the installation of solar panels as are available to other homeowners.
- g) **PURPA** - Allow qualified facilities larger than 100 kW to interconnect and sell output to a utility at the utility’s avoided cost outside of the competitive solicitation during an Electric Resource Plan proceeding pursuant to the Public Utilities Policies Act of 1978 (PURPA);
- h) **Renewable Energy Standard** - Change to the Renewable Energy Standard (RES) to allow communities to develop, interconnect and own new shared renewable generation to meet their energy goals and enable local ownership of clean energy generation above and beyond RES requirements and without incentives, if a community chooses; and
- i) **Solar Gardens** - Modernize the Colorado Solar Gardens (CSG) statute by incentivizing the development of smaller and more locally-based CSGs that serve individual customers and that are suitably sited to support community-based resilience goals.

6. *Reduce emissions from the natural gas sector* ~~*Facilitate the beneficial electrification of buildings*~~

The city supports accelerating the transition from natural gas (the major component of which is methane) and propane to electricity for residential and commercial building applications, including space and hot water heating, cooking and laundry. It supports development of a statewide policy framework and set of actions that promotes the adoption of high efficiency and low emission heating and cooling technologies such as electric-driven heat pumps (air and ground source), sustainable biomass energy systems, anaerobic digestion, solar thermal and other renewable energy-ready systems. The city would support approaches to achieving these goals that:

- a) **Demand Side Management** – Support implementation of the Public Utilities Commission’s (PUC) directive to set demand side management (DSM) mandates for both electric and natural gas utilities to encourage natural gas conservation and efficiency programs, switching from natural gas to electric, and investment in income-qualified programs.
- b) **Utility Programs** - Require utilities to develop incentives and rate structures that support beneficial electrification and reflect the value provided to the electric grid.
- c) **Least Cost Alternative** - Require natural gas utilities to only allow new natural gas infrastructure development when it is demonstrated to be the least cost alternative (accounting for the social cost of carbon) against comparable investments in alternatives, including efficiency and beneficial electrification.

- d) **Mandates** - Include electrification mandates into energy objectives for state-owned buildings.
- e) **Infrastructure Upgrades** — Create requirements and incentives for electric utilities to upgrade electrical infrastructure, including customer-side requirements, to support conversion of existing building stock to electric systems.
- f) **Safety Plans** - Require natural gas utilities to develop and revise natural gas infrastructure safety plans to incorporate electrification strategies as a means of addressing deficiencies in aged infrastructure.
- g) **Customer Financing Programs** – Create customer-facing financing options such as tariff-based on-bill financing options.
- h) **HOAs** – Ensure that HOAs cannot prevent the fair access to efficient heating and cooling or block the installation of outdoor heat pump condenser units.

7. Ban or accelerate the phase-out of hydrofluorocarbons (hfc) and other climate-warming refrigerants

HFCs are used as refrigerants and in air conditioning, foams, aerosols, and other applications. They are the fastest growing source of greenhouse gas emissions in the U.S. and globally are thousands of times more potent than CO₂. Coupled with efficiency opportunities in refrigeration and cooling, phasing down the use of HFCs could deliver significant climate and energy efficiency benefits.

8. Create a carbon cap and any market-based mechanisms necessary to decrease carbon emissions

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

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

9. Increase public access to energy data

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

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

10. Increase energy efficiency and energy affordability

- a) **Energy Insecurity** – Direct the PUC to require utilities to revise and implement programs and services that reduce the energy cost burden for customers.
- ~~a)b)~~ **Regional Energy Networks** - Allow local governments to develop regional energy networks that implement energy efficiency programs.
- ~~b)c)~~ **DSM Program Dollars to Local Governments** - Facilitate community-specific program implementation by distributing demand-side management program dollars to local governments.
- ~~e)d)~~ **Net Zero and All-Electric Construction** - Facilitate the development of net zero and outcome-based construction through demand side management programs.
- ~~d)e)~~ **Expand Program Access** - 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, while also considering a more expansive series of indicators, beyond income, to identify those in need.
- ~~e)f)~~ **Lighting and Appliance Efficiency Standards** - Eliminate federal preemptions prohibiting states and local governments from exceeding the federal lighting, appliance and other equipment efficiency standards.
- ~~f)g)~~ **Affordable and Multi-housing Homes** - Direct the PUC to require utilities to revise and implement DSM programs that facilitate the construction of affordable and multi-housing net-zero energy homes.

11. Encourage widespread adoption of electric and efficient motorized vehicles and adoption of a low- carbon fuel standard

The city supports policy changes that reduces energy use and emissions of air pollutants from vehicles, specifically through means that:

- a) **Fuel Efficiency Information** - Require the state's vehicle registration database to be structured to allow local governments to have access to fuel efficiency information of the vehicles registered in their jurisdiction.
- b) **County Emission Fees** - Provide Colorado counties the option to implement emission fees on the purchase of less efficient vehicles and to offer rebates on the purchase of more efficient vehicles, with social equity concerns addressed by setting the fee as a percentage of the value of the vehicle and creating a minimum value below which the fee would not apply.
- b)c) **Electric Vehicle Sales Requirements** - Adopt regulation that accelerates the transition to vehicle electrification, such as the Advanced Clean Cars II and Advanced Clean Trucks rules.
- e) **Low Carbon Fuel** - Create a low carbon fuel standard similar to California's requirement of a reduction in the carbon intensity of the transportation fuels by 20 percent by 2030.
- d) **Public Charging Access and Time Shifting** - Encourage the proliferation of public and private charging infrastructure with an emphasis on expanding access to home charging for residents of multi-unit dwellings, income-qualified customers, and disproportionately impacted communities. Also encourage EV charging during the time of day when the largest amount of clean energy is available on the grid. that allows for the measurement and verification of the charge provided.
- e) **Electric Buses** - Remove barriers to electric bus adoption including the upfront start-up costs of bus purchases, charging infrastructure and garage and maintenance facilities. Create a new tariff structure that is more favorable for electric buses.

12. Advance circular materials economy by promoting waste reduction and diversion efforts

The city has a vision of a circular materials economy where waste is designed out of products and systems, materials are kept in use as long as possible, and natural systems are regenerated. Boulder's zero waste goals around waste reduction and diversion are a necessary part of this vision and changes at the state level are necessary to support it. Colorado's low 15.9% percent diversion rate lags far behind the national average of 34 percent partly as a result of inexpensive landfill tip fees, the lack of recycling markets in Colorado and lack of convenient curbside recycling and composting programs for all residents and businesses, particularly along the Front Range. Taken together, low landfill fees and low demand for recyclable materials feedstock, often make the most environmentally responsible material management choices cost prohibitive. To address these challenges, the city supports state policy changes that would:

a) **Producer Responsibility – Implement and create incentives and requirements for producers to maintain responsibility for their products across all sectors of the economy.**

a)b) **End Markets** - Incentivize the creation or expansion of Colorado-based end-market businesses which source recycled materials for their products using options like tax credits or other approaches to encourage source-reduction, recycling, composting and markets for recycled materials.

b)c) **Compost** – Support sequestration of carbon in agricultural soils using compost, biochar and other regenerative techniques, in order to both reduce state carbon emissions and build markets for finished compost.

e)d) **Materials Banned from Landfill** - Ban specific materials from landfills or incineration, such as cardboard, organics and beverage containers or lithium ion batteries.

d)e) **Landfill Tip Fees** - Increase statewide landfill tip fee surcharges to be used for waste reduction.

e) ~~**Data Reporting** - Develop data reporting mechanisms to better estimate the state's recycling rate and support data reporting at the municipal and county level.~~

f) **Waste to Energy** - Prevent "waste to energy" technologies involving trash incineration or incentivizing landfilling for the sake of energy creation.

g) **Anaerobic Digestive Technology** - Capture energy from anaerobic digestive technologies at composting and wastewater treatment plants.

h) **Organic Matter for Energy** - Support energy production from the organic matter portions of the waste stream that would otherwise end up in a landfill if not used to make energy or energy products. Examples of this type of beneficial use include woody construction and demolition waste and yard or food waste that is not able to be otherwise diverted from landfills and could be used to produce electricity or liquid fuel components.

13. Strictly regulate the oil and gas industry, especially with regard to ensuring a 60 percent reduction in greenhouse gas emissions by 2030 compared to 2005 levels

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

a) **Greenhouses Gas Emissions** - Reducing GHG emissions from the oil and gas sector by 60% by 2030, compared to 2005 levels, as prescribed by the state's GHG Emissions Reduction Roadmap.

b) **Applicability of Federal Laws** - Eliminate fracking as an exempted activity under the Clean Water Act, Safe Drinking Water Act and other federal environmental laws.

c) **Water Quality** - Provide statewide protections for water including: requiring setbacks from all streams, ~~and~~ lakes ~~and wetlands~~; 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.

- d) **Air Quality** - 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.
- e) **Impact Mitigation** - Study air, water, seismic, noise and public health impacts from oil and gas operations and ways to mitigate or avoid impacts.
- f) **Local Consent** - Require consent from governmental bodies before an operator may locate oil and gas facilities on government property, such as open space lands.

Democracy and Governance

14. Amend the U.S. Constitution to abolish 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

15. Protect core provisions of the Colorado Urban Renewal Law, which provides effective redevelopment tools for municipalities such as tax increment financing and eminent domain

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

16. Continue funding and support for the federally funded labs located in Boulder

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

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

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

~~17. Reform the federal Opportunity Zone incentive to increase transparency and local government involvement~~

~~Qualified Opportunity Zones (OZ) are designed to spur economic development and job creation in distressed communities by providing tax benefits to investors who invest eligible capital into these communities. Taxpayers may defer tax on eligible capital gains by making an appropriate investment in a Qualified Opportunity Fund and meeting other requirements. The city supports increased transparency and mechanisms to allow for more local government involvement in OZs including approaches proposed in the past that would have required the Government Accountability Office to provide a comprehensive examination~~

~~of the OZ program, required a public listing of all qualified opportunity zone funds and relevant information about those funds and increased reporting requirements.~~

Housing and Land Use

18.17. Create, preserve, and expand federal affordable housing funding options

The city supports creation, expansion and preservation of federal funding for local governments where such funds can be used flexibly to address locally-defined housing goals, including to provide for low and middle-income housing outcomes. Examples of funding options that the city will support are as follows:

- a) **LIHTC** – Low Income Housing Tax Credits, both 9 percent and 4 percent, administered through the Colorado Housing Finance Authority which serve as the primary source of equity for affordable rental housing.
- b) **Section 8** – Section 8 rental programs, both housing choice vouchers and project-based, which serve the lowest income families in Boulder.
- c) **Boulder Housing Partners** – Direct support of the city’s housing authority, Boulder Housing Partners.
- d) **HOME & CDBG** – HOME Investment Partnerships and Community Development Block Grant programs, which in past years have allowed the city to invest in expanding affordable housing, strengthened public infrastructure, and improved the quality of life for the city’s low and moderate-income residents.
- e) **PABs** – Private Activity Bonds, which are tax exempt and enable projects to receive non-competitive 4 percent LIHTC.

19.18. Create, preserve, and expand state and local government affordable housing funding options

The city supports creation, expansion and preservation of state and local government funding where such funds can be used flexibly to address locally-defined housing goals, including to provide for low and middle-income housing outcomes. Examples of funding options that the city will support are as follows:

- a) **Real Estate Transfer Tax** – Allow local governments to impose a real estate transfer tax or document recording fee.
- b) **Housing Trust Fund** – Fund the state affordable housing trust fund.
- c) **Low Income Housing Tax Credit** – Protect and expand the state low-income housing tax credit operated through the Colorado Housing and Finance Authority.
- d) **New Tax Credits** – Create new state affordable housing tax credits for homeownership, employer assisted housing, and other activities.

19. Reform the state's construction defect law so as to increase the supply of diverse housing options, including condominiums

The city will support revisions to the state's construction defect law which will provide for consumer protections while removing barriers that discourage developers from building condominiums for fear of costly lawsuits.

20. Enhance and preserve the rights and interests of residents of manufactured home communities

While mobile and manufactured homes provide relatively affordable housing options, residents are nonetheless subject to unique vulnerabilities inherent in the divided ownership of the home and the lot it sits on. One such vulnerability is being subject to significant increases in rent in any given year. Accordingly, the city will support being granted the authority to place limits on the rent increases that can be imposed on such pads.

21. Allow Colorado local governments to implement rent control measures

Boulder supports the repeal of the portion of state law, C.R.S. 29-20-104, that prevents cities and counties from controlling rent on private houses and housing units.

22. Qualified support for state involvement in land use matters that furthers the city's housing affordability, transportation, climate, resilience and equity goals

The General Assembly is expected to consider a series of bills over multiple sessions that would result in the state assuming some level of authority or oversight on zoning and land use matters currently under the exclusive control of local governments. The city is traditionally reluctant to cede local control, especially when it results in unfunded mandates. The justification for such hesitancy is rooted in the view that local problems demand local solutions, and that one size cannot fit all. However, under circumstances where the problems sought to be addressed by the state overlaps with city goals that transcend local borders and which cannot be achieved by acting alone, Boulder has supported the creation of minimal state standards narrowly tailored to meet those goals. A prime example of such a problem is the housing affordability crisis in and around Boulder. Addressing this crisis, especially when doing so advances climate, resilience, transportation and equity goals, is a city priority. Like many of its neighboring cities, Boulder has dedicated a substantial amount of attention and resources toward achieving this goal and has seen some progress. However, making a meaningful impact will require a coordinated and shared commitment among all local governments.

For these reasons, the city supports state policy changes that incentivize and encourage local governments to adopt land use policies, such as transit oriented development, that reduce

greenhouse gases and discourage single occupancy vehicle travel. The city may also support state policies that go beyond incentives if such policies meet the following conditions:

- a. Narrowly targeted to further the goals of the Boulder Valley Comprehensive Plan,
- ~~b.~~ Allow for flexibility in implementation.
- ~~b-c.~~ City determination that it has sufficient water supplies and water and sewer infrastructure to serve the mandated land use changes without jeopardizing system reliability including considerations of climate change impacts, and
- ~~e-d.~~ Clarity on how local governments already meeting state standards can be exempted.

The following are four policy categories that the city expects will soon be considered by the statehouse. To the extent that they are consistent with the above qualifications and the below descriptions, the city will support them.

- a) Reduce barriers to development of accessory dwelling units and multiplexes.
- b) Create minimum average housing density standards along high-frequency transit corridors and multimodal transit stations.
- c) Reduce the number of parking spaces that can be required.
- d) Create regional housing assessments that identify housing needs, local housing targets proportional to the needs of all income levels, and a requirement that local governments develop housing production strategies to meet these targets.

Human Services/Human Rights

23. Fund and protect the city's ability to reduce and prevent homelessness

The city's homelessness strategy is built around the belief that Boulder community members should have the opportunity for a safe and stable place to live. The strategy expands pathways to permanent housing and increases access to programs and services. The city supports state legislation that funds and facilitates such efforts. Furthermore, it will advocate for the following:

- a) Minimum requirements for local governments to combat homelessness.
- b) Preserving local government authority to ban camping in public spaces.
- c) Increased ~~d-statewide~~ coordination of efforts that result in funding and programming for prevention and supportive services, expansion of mental and behavioral health prevention and treatment, transitional ~~temporary~~ and permanent housing options, and proposals that affect targeted populations, including the challenges presented by family, youth, and single-adult homelessness.

24. Increase mental/behavioral health services

Residents in Boulder and across the nation report significant need for increased access to, mental/behavioral health services. The city relies on its regional partners (county, local Managed Care Service Organization, local community mental health center, mental health providers/practitioners, community health workers, etc.) to collaborate and implement programs needed by our residents. Nevertheless, the city supports policy changes that would expand mental/behavioral health services and reduce barriers to care, including ones that would:

- a) Expand access to substance abuse treatment, including residential treatment, particularly for people experiencing homelessness who otherwise lack a suitable environment in which to pursue recovery;
- b) Ensure treatment and recovery options for people who use methamphetamine, which involves unique challenges due to a lack of medication treatment options and housing barriers for people using this drug. This includes the development of housing to assist people experiencing homelessness with recovery-supported housing specific to methamphetamine use ;
- c) Ensure a collaborative comprehensive continuum of mental/behavioral treatment level options from crisis/emergency services (e.g., the city's Crisis Intervention Response Team and Community Assistance Response and Engagement programs) to ongoing community care that meets individual needs and avoids duplication of effort;
- d) Expand permanent supportive housing resources – the most effective solution to homelessness – for people experiencing chronic homelessness and who have either active or a history of addiction;
- e) Support services that are culturally competent; language accessible; and meet the needs of populations with access barriers including transportation, work and childcare schedules;
- f) Address workforce shortages in the mental/behavioral health field to enable service expansion for youths and adults; and
- g) Reduce stigma surrounding mental/behavioral health issues.

25. Protect reproductive freedoms including the right to access abortions

While Colorado has passed legislation protecting the right to access abortion, there is still a need for additional complementary legislation at both the state and federal levels, including:

- a) ~~P~~privacy protections ~~for personal reproductive and sexual health information against the out of state use and/or subpoena of security videos and the like (e.g., Ring, Arlo) to track people seeking reproductive care.~~
- b) ~~S~~trengthening criminal/civil laws against those that chase/harass people seeking reproductive access and care.
- a)c) ~~P~~rohibitions against states banning patients from entering Colorado to seek abortions.

26. Support local cash assistance programs benefitting low-income community members

The city intends to implement a guaranteed income pilot project in 2023, in which no-strings-attached direct cash payments would be provided to a portion of the city's low-income community. As of fall 2022, an estimated 100 guaranteed income projects are currently or will soon be in place across the country. Action from state and federal agencies to remove policy barriers and support cash assistance processes can help ensure maximum positive impact for individual participants and address poverty on a more systemic level. The city will support specific policy changes that can advance guaranteed income programs, such as:

- a) Waivers on income-ceiling eligibility for basic needs assistance programs (e.g., Supplemental Nutritional Assistance Programs, aka "SNAP"), so that participants can avoid losing critical benefits while receiving direction cash assistance.
- b) A permanent federal Expanded Child Tax Credit, which in 2021 lifted an estimated four million children (nationally) out of poverty.

27. Comprehensively reform federal immigration laws while adopting associated state level reforms that allow and provide for support of all people regardless of immigration status

As detailed in Ordinance 8162, Boulder is a sanctuary city committed to fostering and ensuring equity, social justice and freedom from persecution and the protection of civil and human rights for all people. It believes in the dignity of all its residents, regardless of immigration status, and recognizes the importance of their many contributions to the social, religious, cultural and economic life of the city. Many undocumented persons contribute taxes and are entitled to access city services and all city facilities. 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) **Enforcement** - Enforceable immigration laws;
- b) **VISAs** - 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;
- c) **Purple Card** - 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);
- d) **Rate of Immigration** - A rate and system of controlled immigration that matches the needs of our economy;
- e) **Integration** - Social integration for our existing immigrant workforce and their families;
- f) **Minors** - Unaccompanied minors receiving appropriate child welfare services, legal support and expeditious reunification with their families already in the United States;

- g) **Employers** - Recognition of employers as key allies in implementing immigration policy and enhancing enforcement of labor laws to remove the market advantage that leads to exploiting immigration status to pay lower wages, avoid taxes and violate labor laws;
- h) **Border Control** - A system which ultimately aids in border control;
- i) **Economic Development** - Bilateral partnerships with other countries to promote economic development that will reduce the flow of immigrants;
- j) **DREAM Act** - Qualification of 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 (i.e., the “DREAM Act”);
- k) **DACA** - Consistent with council Resolution 1215, continuation of the federal program that permits these DREAMERS to request consideration of deferred action for a period of two years, subject to renewal, and eligibility for work authorization (i.e., Deferred Action for Childhood Arrivals or DACA);
- l) **Sexual Orientation** - The Uniting American Families Act, which would ensure that all Americans, regardless of sexual orientation, receive equal treatment under immigration laws, and
- m) **Repeal of Laws Hostile to Immigrant Rights** - Repeal of federal policies that were designed to diminish the rights of immigrants, non-white people and those without proper documentation.
- ~~m)n) **State Employment Opportunities** - Allow all state of Colorado employment opportunities to Colorado residents regardless of immigration status.~~

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

28. End the mistreatment of migrants in U.S. Immigration and Customs Enforcement detention facilities as well as in alternatives to detention programs

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

detainees are held.” The city supports congressional action to address these concerns, specifically action that:

- a) **Transparency** - Provides stricter oversight and inspection requirements of ICE detention facilities, and all necessary funding to ensure transparency;
- b) **PBNDS** - Fully implements and enforces the 2011 Performance-Based National Detention Standards (2011 PBNDS) at all facilities that hold immigrant detainees, as recommended by the American Bar Association;
- c) **For-Profit Prisons** - Ends the practice of contracting with for-profit prisons and paying them based on minimum bed quotas, and;
- d) **ATD** - Reform ICE’s Alternatives to Detention (ATD) programs by increasing providing for greater support for the immigrants through community engagement, legal services, and increased transparency and eliminating the ability of these programs by or-profit private prison corporations.

29.Repeal the “Secure and Verifiable Identity Document Act” which prohibits municipalities from determining which forms of identification to accept in the provision of purely municipal services

C.R.S. Section 24-72.1, enacted in 2003 as HB1224, 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. 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. 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.

30.Support the Indigenous peoples of Colorado

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

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

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

31. Avoid further cuts or policy changes to state and federally funded health and human service programs that negatively impact accessibility, availability, quality and affordability of cost of basic health and human service needs

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

32. Support Criminal Justice Reform

The city supports criminal justice reform that includes, but is not limited to, sentencing and bond reform, mental health care, addiction recovery and dismantling of institutional and systematic biases. Mass incarceration has a disproportionate impact on communities of color, particularly African American males who are significantly over-represented in prison populations. The city supports initiatives that emphasize restorative justice and 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 that 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 people with mental illness.

33. Require insurance companies contracted by "Health First Colorado" to pay qualified behavioral health providers at an amount equal to the Medicaid fee schedule developed by Colorado's Department of Health Care Policy and Financing

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

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

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

34. Eliminate or reduce excessive documentation and administrative procedures required to access government benefits

A variety of health, human services, housing, and other public benefit and safety-net programs place an excessive and often unnecessary burden of proof on eligible participants to demonstrate their need and eligibility to access programs, creating barriers that often prevent qualified individuals from receiving assistance when they need it most. Documentation requirements are often time-consuming, invasive, excessive, and difficult to understand. Administrative procedures place unnecessary burden on the elderly, disabled, low-income and Black and Latino persons and families, impeding their access to entitlements or direct-benefit programs. Public benefit programs at all levels of government must simplify and improve accessibility to application processes; reduce unnecessary, burdensome procedures and requirements; and identify cross-coordination and programmatic efficiencies to remove barriers to public benefits for which they are eligible. Tangible actions that should be implemented include:

- a) Promote cross-program enrollment into programs wherever possible;
- b) Suspend or curtail rules that focus on documentation and compliance versus access;
- ~~c) Remove penalties for overpayments and provide flexibility to recoup those versus threat of criminal charges, and;~~
- ~~d) Target efforts to reach specific populations that were harmed by the Trump Administration's Public Charge rules.~~

35. Reduce health disparities and promote equity and wellness for people with disabilities

The opportunity to take part in and benefit from all city offerings by all those eligible, including people with disabilities, is a priority of the city. To accomplish this, the city has invested in a dedicated Americans with Disabilities Act Coordinator position and ongoing funding to address needed changes to support access for all in programming, services, activities, and employment. The city supports the reduction of disparities and strives to promote equity and wellness for people with disabilities. It also supports policies that create inclusive healthy communities and full accessibility, including maintenance of existing protections provided by the ADA. Additionally, the city supports Affordable Care Act Section 1557, prohibitions against discrimination.

Internal Administrative Matters

35.36. *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, while the city will support legislation that improves the administrative efficiency of the State of Colorado's Division of Workers' Compensation, it 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. It will also oppose efforts to expand the definition of a "presumptive disease" to further shift the burden of proof for workers compensation claims.

36.37. *Protect the autonomy of employment and personnel decisions made by municipal collective bargaining units*

Many employees of the city are part of one of three collective bargaining units. As part of those units, they have the right to negotiate the terms of their employment. The city may oppose 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.

37.38. *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, excepting established under the Colorado Governmental Immunity Act, 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.

38.39. *Allow local governments increased options for banking, including the option to create a public bank or to invest with, and receive other banking services from, NCUA-insured credit unions*

While the city has been generally satisfied with currently available banking services, it has begun to consider the disadvantages of continuing to invest with financial institutions that do not always align with the city's values and priorities. It has also begun to consider the

possibility of creating a public bank that provides investment and lending opportunities that would align with city values and priorities. It is in the early phase of exploring this possibility and has not yet dedicated the necessary resources to fully explore the desirability or viability of creating a Boulder public bank, nor those necessary to identify the various state and federal statutory, and possibly constitutional, impediments that exist. Nevertheless, it supports any state or federal changes necessary to remove those impediments. The city also supports having the option to bank with credit unions. Credit unions, as local banking entities, may provide better options for local governments by keeping funds invested within the community. Consequently, the city supports changes in state law to allow credit unions that meet certain requirements (e.g., adequate reporting, National Credit Union Association (NCUA) insurance equal to FDIC rates that are required of private banks, pledging requirements for collateral on investments placed with the credit union) to be used by home rule cities in Colorado.

Municipal Courts

39.40. Protect the institution and autonomy of the municipal courts while accepting necessary state oversight that ensures consistent protection of the constitutional rights of defendants

Municipal courts play a vital role in creating safe and welcoming communities. Municipal laws can be uniquely crafted to address criminal behaviors impacting the local quality of life. Municipal courts can, in turn, reinforce societal expectations using sanctions that reflect local community values. In Boulder, these sanctions often take a restorative, problem-solving approach (i.e., they seek to address the root cause(s) of the criminal behavior). Boulder's Municipal Court has been a state leader in providing innovative and restorative justice sentencing alternatives. The city consequently will oppose legislation that threatens the ability for its city municipal court to maintain adequate autonomy to continue to function at the highest levels and support legislation that restores such autonomy. For example, it will support modest changes to the state bond statute (C.R.S. Sec. 6-4-113) to allow judges discretion to hold a defendant facing criminal charges in custody pending trial if that defendant has persistently failed to appear for court. It will, however, support changes to state laws that provide fair and necessary oversight that ensure that the constitutional rights of defendants are protected statewide. Recent examples of added state oversight that the city has considered appropriate include reforms to guarantee that indigent defendants have access to independent defense counsel, that municipal defendants are not held in jail for longer than is reasonably necessary before seeing a judge, and that indigent defendants are not jailed for the inability to pay monetary fines and fees.

Policing and Criminal Justice

40.41. Prevent local government mandates to enforce 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.

41.42. Prevent the 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. The city would oppose such a requirement.

42.43. 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.

Public Health and Safety

43.44. Continued support from state and federal government for COVID pandemic response and recovery and the associated economic and fiscal crisis

The city supports continued direct and flexible emergency financial assistance to local governments to help address both the health challenges presented by COVID-19 as well as the associated economic and fiscal crisis.

44.45. *Discourage e-cigarette and tobacco use, particularly among youth, by banning flavored vapor products*

In the past few years, a public health crisis has emerged with regard to vaping and nicotine addiction among youth across the United States. Colorado and Boulder County youth have been hit particularly hard. High school youth in the Boulder Valley School District are using e-cigarettes at rates higher than the state and national average (33 percent compared to 26 percent and 13 percent respectively) according to data from the 2017 Healthy Kids Colorado Survey. Far more alarming trends have begun to emerge since the summer of 2019, where several hundred cases of a vaping-related illness have been reported across the nation, with 33 fatal cases as of October 1, 2019. The city has taken steps to ban flavored vapor products and increase the sales age for tobacco and nicotine-containing products to 21 years. However, to truly tackle this health crisis, it will require the support of the state and federal government. Therefore, with acknowledgement given that some individuals turn to vaping as a smoking cessation device, the city supports changes at the state and federal level that would ban flavored nicotine vapor products.

45.46. *Ensure the safe use and commercial regulation of marijuana*

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

- a) **Children** - 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) **Licensing** - Maintain a dual licensing system to allow both the state and local governments to issue and enforce licensing of commercial marijuana facilities;
- c) **Cost Recovery** - Allow local governments to recover the full costs of any commercial licenses they choose to allow;
- d) **Barriers to Business** - Remove legal and administrative barriers to standard business infrastructure for marijuana businesses, such as banking and auditable records;
- e) **Safety** - 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 mandates, to adopt additional requirements and monitor and enforce those rules;
- f) **THC Levels** - Regulating high potency THC marijuana products (e.g., shatter & wax) so as to protect youth by exploring the creation of limits on its potency as supported by outcomes of research, messaging, and marketing and by increasing education on the dangers of such products on youth; and
- g) **Organics** – Adopt a state-administered organic certification program for marijuana, modeled on the existing USDA organic certification program administered by the Colorado Department of Agriculture.

46.47. *Address the health and safety concerns associated with alcohol and substance 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. Boulder is committed~~ to finding solutions to address the critical issues of health, safety and well-being stemming from alcohol and substance abuse within the city. Accordingly, the city will support policy changes that would:

- a) **Kegs** - Require the sale of kegs containing alcohol to have a tag attached that would permit tracing of the purchaser, similar to the practices required for marijuana purchases;
- b) **Server Training** - Require mandatory server training;
- c) **Public Drunkenness** - Repeal the provision contained in C.R.S. Section 27-81-117 preventing municipalities from adopting public drunkenness ordinances; and,
- d) **Hours of Service** - Permit municipalities to regulate licensees' hours of alcohol service.
- ~~d)e)~~ **Harm Reduction Centers** – Grant local control to municipalities to permit (but not require) overdose prevention centers to reduce the likelihood that persons suffering from substance abuse disorders overdose in public areas such as parks, libraries, and in and around local businesses.

~~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.~~

47.48. *Provide greater healthcare at a lower cost*

The rapidly increasing cost of health care and health insurance is a barrier to equitable health outcomes and economic gains among many Boulder residents. Current proposals under consideration to reform the system include a single payer universal health care system, a multi-payer universal health care system and expanding the Affordable Care Act, among others. The city encourages lawmakers to determine which approach can provide the greatest access to affordable, quality healthcare for the greatest number of people at the lowest cost.

48.49. *Prevent gun violence*

In 2022, Boulder City Council adopted five ordinances that included the ban on the sale and possession of assault weapons, large-capacity magazines, multi-burst trigger activators, ghost guns in the city. The city has temporarily paused the enforcement of the ordinance due to ongoing litigation. To achieve the goal of these ordinances, the city will also require the increased support of the state and federal government. Toward that end, the city supports measures to prevent gun violence, including:

- a) **Background Checks** – Require universal background checks on all sales of firearms, including private sales.
- b) **Assault Weapons** – Ban assault weapons at the state or federal levels.
- ~~e) **Waiting Period** – Require a waiting period of at least six days for purchase of a firearm under state or federal law.~~
- ~~d) **Minimum Age** – Increase the minimum age to purchase and possess firearms.~~
- ~~e)c) **Short-Barreled Firearms** Regulation of short-barreled firearms equipped with pistol braces.~~
- d) **Open Carry Prohibitions** – Any state or federal regulation banning open carry of firearms.
- e) **Insurance Requirements** – Require firearms owners to obtain and maintain liability insurance.
- f) **Merchant Category Code** – Require a separate code for credit card purchases of guns, as exists for other business types, to allow law enforcement to recognize dangerous firearm purchasing trends.
- g) **Lie and Try Enforcement** – Require FBI to alert state and local law enforcement of a prohibited person’s failed attempt to buy a gun as indicated through lying on a federal background check form.
- h) **Prohibit Firearms in “Sensitive Places”** - In addition to keeping guns out of schools and off of college campuses, legislation could prohibit civilians from carrying guns in daycare centers, playgrounds and other places where children gather, bars and restaurants that serve alcohol, public demonstrations and rallies, airports, and courthouses.
- ~~f) **Permit to Sell** - Require federal firearm licensee to acquire a state license to sell firearms in Colorado ensuring the state has enforcement authority with respect to state laws and the ability to stop bad sellers.~~
- i) **Expanded Concealed Carry Requirements** – Expand the requirements necessary to obtain a concealed carry weapon permit including requiring live fire training.
- j) **Exception for Background Checks if Suicidal** – Allow a firearm to be temporarily and voluntarily transferred to a friend or family member without a background check if the gun owner is suicidal.

The city will oppose any policy changes that:

- a) **Make My Day Law** - Expand the immunity given to homeowners if they shoot and kill intruders, also known as the “make my day” law, to places of business.;
- b) **Concealed Weapons** - Limit the state’s ability to regulate concealed weapons or local government’s ability to restrict possession of weapons in public facilities; and
- c) **Repeal Previously Passed Legislation to Reduce Gun Violence**

Regional Environmental Quality, Natural Resources and Parks

49.50. *Restore clean air to Colorado*

Colorado is suffering from a serious and growing air quality problem, failing year after year to meet federal standards for air that's healthy and safe to breathe. Pollution levels are often high enough to cause both acute and chronic health effects. The primary contributors to our air quality challenges originate from industrial emissions, building appliances, vehicle emissions, all exacerbated when combined with wildfire smoke and warmer temperatures. The city supports efforts to identify and reduce these contributors to our air quality concerns and to bring the Front Range into compliance with EPA air quality standards for ozone and particulate matter. In particular, the city supports efforts to:

- a) Strengthen regulation, permitting and enforcement of high pollution emitters, including oil and gas exploration, industrial processing, power generation and natural gas transport and distribution.
- b) Eliminate air pollution from combustion appliance use in buildings which not only result in indoor air quality challenges but contribute to poor outdoor air quality.
- c) Strengthen state regulation and enforcement over motor vehicle exhaust that violates standards either unintentionally through poor maintenance or intentionally, such as "rolling coal" modification to diesel vehicles.
- d) Secure funding and enact policies and programs to provide for safe indoor sheltering and health services, especially for those most impacted by outdoor air pollution.
- ~~d)e)~~ Support regulation and market transformation initiatives that reduce and ultimately eliminate the use of gas-powered landscaping equipment.

50.51. *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.

51.52. *Support the implementation of the city's ecological conservation efforts, including the Urban Wildlife Management Plan as well as the Forest and Grassland Ecosystem plans*

The city has an Urban Wildlife Management Plan (UWMP) that guides 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 city will support state and federal policy that complements the city's conservation and conflict management efforts, including ones that:

- a) Provide funding for mosquito management to address state or federal public health issues/mandates;
- b) Encourage the evaluation of relocation opportunities for prairie dogs and modify laws to allow prairie dog relocation to willing landowners in other counties without commissioner approval;
- c) In cases where lethal control becomes necessary on land development sites, encourage humane methods for such controls (e.g., restriction of anti-coagulant bait products that cause poisoning of pets and wildlife);
- d) Modify in-stream flow policy that allows cities to retain the value of water rights while simultaneously conserving native and sport fisheries; and
- e) Encourage partnerships between Colorado Parks and Wildlife, municipalities and waste management companies resulting in policies that reduce the accessibility of human food sources to bears in urban areas, reduce human-bear conflicts and improve co-existence.

52.53. *Restore local government authority to regulate certain pesticide uses and provide for additional protections for pollinators, human health and the environment*

Our food system, urban landscaping practices and mosquito and pest management approaches are all heavily pesticide reliant. While pesticides can be effective in killing insects or weeds in the short term, there is now overwhelming evidence that pesticides and other chemical pollutants pose a significant risk to people, particularly children and other non-target organisms such as pollinators, birds and other wildlife. These pesticides can disrupt ecosystems, contribute to biodiversity loss, degrade soil health and destroy habitat. There is also a nexus between pesticide use and climate change. In chemically-intensive agriculture, greenhouse gas emissions result from the use of nitrogen fertilizer, synthetic herbicide and insecticide petrochemicals, fossil fuel consumption associated with extraction, refinement and manufacture of petrochemicals and synthetic fertilizers, and the transportation of materials and products to and from the farm. Moreover, organic regenerative farms are more resilient to climate change due to healthy, living soils that sequester carbon and hold more water, and from increased biodiversity that creates higher functioning ecosystems. Accordingly, the city supports state and federal policy changes that:

- a) **Local Control** - Authorize local governments with the authority, and option to exercise that authority, to regulate pesticide uses and applications on privately-owned lands.
- b) **Human Health and the Environment** - Protect human health and the environment, including impacts to children, pollinators and water quality, from the potential adverse effects of pesticides.
- c) **Education & Research** - Fund increased education or research on alternatives to pesticides and programs that provide increased pesticide-free habitat, sustainable agriculture and preservation of biodiversity.

53.54. *Support efforts that protect the Boulder community from wildfire and promote ecological forest and grassland health*

The city owns and manages thousands of acres of forested and grassland open space and mountain parks land, almost all outside the boundaries of the city but immediately adjacent to residential areas. The health of these grasslands and forests are critical to preventing catastrophic fires and to supporting biodiversity and creating resiliency. Much of this area also protects the city's watershed and water supplies. Historic fire suppression has led to 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 grasslands and 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 advocate for federal and state policy changes that promote wildfire mitigation and grassland and forest health/restoration efforts in the wildland/urban interface. More specifically, the city will advocate for:

- a) Resources to mitigate fire dangers that accumulate along ditches impacting multiple public and private entities.
- b) Increased flexibility on periods when prescribed burns can be conducted.
- c) Development of, and support for, an equity-centered workforce program aimed at addressing wildland and wildland-interface fire mitigation.
- d) Firefighting resources that can assist the city and its regional partners in responding to wildfires.
- e) Accelerated utility wildfire mitigation and vegetation management.
- f) Requirements and resources for utilities to underground their wires in high-risk areas, including urban areas where vegetation density is a concern.
- g) Requirements and resources for utilities to have robust and proactive asset management practices to mitigate risk of equipment failure serving as an ignition source.
- h) Resources to conduct fuel mitigation on residential lands
- i) Resources to address forest health
- j) Strategic-location of and protection of water resource infrastructure for firefighting purposes

Rocky Flats

54.55. *Continue to fund the 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

~~55.56.~~ ***Restore, preserve and expand the authority of local governments to audit and collect taxes and to issue sales tax licenses***

The city has an interest in legislative proposals that result from the General Assembly's Sales and Use Tax Simplification Task Force which has met since 2017 and is approved to meet through July 1, 2026. The Task Force is expected to continue its work around matters related to the state's Sales and Use Tax System (SUTS), business licensing, definitions, exemptions, collection and auditing, all with the eye toward increasing uniformity and thus reducing the burden on businesses. The city will support and help inform the development of reasonable simplification recommendations, while seeking to ensure that any changes allow cities to at least remain revenue neutral in terms of the revenue they already collect, and do not preempt the city's authority to determine its own tax base, rates, and collection administration.

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

- ~~a) **GIS-Based Sourcing System for Tax Determination**—The city supports the implementation of SB19-006 which requires creation of a Geographic Information System (GIS) database and software to assist vendors in remitting sales and use taxes to Colorado local governments.~~
- ~~b) **File and Pay Portal for Remote Sellers**—A tax collection system called the Sales and Use state Uniform Tax System (SUTS) was recently developed for voluntary use by all Colorado governments through execution of an IGA with the Colorado Department of Revenue. SUTS was created with the intention of eventually serving as a one-stop file and pay portal that remote sellers could use to file and pay any jurisdiction's taxes, including taxes of local collected home rule jurisdictions, like Boulder. While SUTS is still in the development phase (it is currently limited to only sales tax collection and only being used by smaller home rule municipalities), the state would like all municipalities to eventually rely on it. The city understands the value of such uniform system but will only agree to participate once it can securely and fully integrate with the city's GenTax software system. Moreover, the city will need to be assured that SUTS would not allow the collection and remittance of tax revenues based on anything other than its own sales tax rate and tax base. Finally, the city~~

- would need to know that participation would does not result insupport the state assuming authority to collect revenues on sales which the city currently has.
- e) ~~**Uniform Economic Nexus Standard for Home Rule Municipalities**~~—The passage of HB19-1240 resulted in a new economic nexus standard for state-collected sales taxes on remote sellers that have customers in the state and make more than \$100,000 in sales per year to those customers, and new destination-based tax collection responsibilities on all Colorado businesses except for very small businesses. Home rule cities, however, are not subject to this standard and are left with the option of either adopting their own standard or having the state adopt a uniform standard. The city could consider supporting a uniform standard so long as it would not negatively impact our sales tax revenue or provoke a challenge of the Supreme Court's decision in *South Dakota v. Wayfair*, which struck down the requirement that a retailer have a physical presence in a state in order to be required to collect and remit sales tax.
 - d) ~~**Single Point of Tax Collection**~~—The city opposes any proposal to allow a single point of tax collection for all sales. Invariably taxpayers file returns with errors or send payments in without any returns. As a result, the city must conduct research to resolve these issues. If there was a single point of collection, the city's ability to conduct follow-up could disappear and not be replaced by an adequately staffed or motivated entity. Moreover, a single point of collection could remove the checks and balances that currently exist. Currently if a taxpayer sends their Boulder sales tax to the Department of Revenue (DOR), DOR simply deposits the check. If Boulder gets a check for state taxes, it sends it back to the taxpayer. For the city to get the money from the DOR it must assess the taxpayer and the taxpayer has to file a refund to get their money back from the DOR. In a single point of collection, it is not clear who would be looking out for Boulder's interest.
 - e) ~~**Single Point for Licensing**~~—The city would oppose a single point of licensing. Such change would be very challenging because each municipality has its own zoning laws and thus unique criteria for determining whether licenses should be approved. A centralized entity, with less experience and connection to the community, is not likely to effectively license businesses. Of particular concern is the nexus to the city's liquor and marijuana licensing.
 - f) ~~**Centralized Auditing**~~—The city opposes any proposal to require centralized auditing. The city currently conducts approximately 70 to 80 audits per year, yielding revenues between \$2 to \$4 million dollars annually. Centralized auditing could result in a significant loss of revenue. By way of example, the city already allows a "Coordinated Audit" by taxpayers licensed in the city and holding a similar sales tax license in at least four other Colorado municipalities that administer their own sales tax collection. These audits are almost never requested, partly because it is difficult to find anyone with experience to audit different municipalities each with different laws.

56-57. *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.

Telecommunications

57.58. Expand or preserve the authority of municipalities to regulate the private deployment of cellular wireless facilities and of wired broadband networks.

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

59. Preserve and expand benefit programs that help ensure that households can afford the broadband needed for work, school, healthcare and more.

The city is committed to narrowing the digital divide that prevents any member of our community from accessing high-speed, reliable, affordable broadband internet. About 5% of city households currently benefit from a federally funded connectivity program that provides a discount of up to \$30 per month toward internet service for eligible households. The city supports continued funding of this federal program as well as others with similar objectives.

Transportation

58.60. Increase and prioritize transportation infrastructure funding with a focus on for projects that maintenance of existing infrastructure and projects, that are multimodal in design and that reduce greenhouse gas emissions

~~In 2021, the state created new fees on gasoline, diesel, electric vehicles, residential deliveries, and rideshare trips that will provide substantial new funding to repair and expand Colorado's decaying transportation system and clean up its air pollution. The state has adopted rules that require CDOT and MPOs to establish plans that meet greenhouse~~

~~reduction targets through a mix of projects that limit and mitigate air pollution and improve quality of life. These rules are designed to incentivize mitigation projects such as bus rapid transit facilities and services, enhanced first and last mile connections to transit, bike-sharing services, improved pedestrian facilities and investments that support compact, transit-supportive land use and walkable neighborhoods. The city supports all efforts necessary to implement such policy change at the regional level including through the DRCOG project selection process and implementation of a DRCOG Greenhouse Gas Emissions Mitigation Plan.~~

The city supports generating new transportation infrastructure funding tied to road use, including vehicle registration, vehicle weight, car rentals, car shares, retail delivery, gasoline consumption and vehicle miles travelled. It also ~~The city~~ supports prioritizing use of these and any other regional, state or federal transportation funding to maintain existing infrastructure, for projects that are multi-modal in design, for travel demand management activities that would increase the efficiency of the existing system, for projects that help increase the safety of bikerscyclists and pedestrians -and for other purposes that would decrease the greenhouse emissions from the transportation sector. In particular, the city will support the funding of projects recommended by 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.

61. Increase funding for transit operations that results in restoration and expansion of service to the Boulder region

The city supports generating new transit operations funding tied to road use, including vehicle registration, car rentals, car shares, retail delivery, gasoline consumption and vehicle miles travelled. The city also supports generating new transit funding through increases in the state's severance tax (a tax imposed upon nonrenewable natural resources that are removed from the earth). The city supports prioritizing use of these funds for the restoration and expansion of local and regional transit service, including Bus Rapid Transit, on-demand transit, free transit periods during high ozone periods and free transit for youth.

59.62. Support funding, construction and operation of the Northwest Rail line and the Front Range Passenger Rail line as a means towards its completion

The Northwest Rail line is a component of RTD FasTracks program that the voters approved in 2004. The "B Line" will eventually connect Denver Union Station to Longmont. It follows the Burlington Northern-Santa Fe rail corridor, roughly parallel to US 36 to Boulder, then SH 119 to Longmont. Today, the B Line only provides rail service from Denver to Westminster, but full build-out would result in commuter rail service passing through Boulder, with a stop at Depot Square Station in Boulder Junction. Completion of this much-delayed line recently became more likely after it emerged as the favored alignment for a

shared track with the Front Range Passenger Rail Line which is proposed to be built by Amtrak between Fort Collins and Pueblo. The city supports RTD's completion of both the Northwest Rail line as well as the Front Range Passenger Rail Line as a means toward ensuring RTD fulfills its obligation to our region. The city also supports ensuring that rail service along this line include stops at all stations between Denver and Longmont that were identified by the FasTracks plan.

~~60-63.~~ Increase transportation access for vulnerable populations, including youth, older adults, those with lower income and people with disabilities

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

~~61-64.~~ Encourage “complete streets” that accommodate people using all modes of travel and ensure that new infrastructure investments include improvements that prepare for the future and provide alternatives to single occupancy vehicle travel

The city has historically invested in a multimodal transportation system that includes infrastructure and programs supportive of a high level of bicycle, transit and pedestrian travel. Consequently, 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.

~~62. Preserve 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 shared or privately owned Segways or motorized “toy vehicles” such minibikes or pocket 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.~~

~~63.65.~~ Encourage greater local road maintenance by ~~Prevent the transfer of 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.~~

64.66. Encourage automated vehicle deployment in furtherance of Boulder’s sustainability goals while retaining local authority to address community-specific policy objectives that cannot otherwise be met

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

~~65.67.~~ Further the city’s Vision Zero Action Plan

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

- ~~a) Expand municipal authority to operate red light or photo radar cameras to enforce traffic safety and oppose any new limitations~~
- ~~b)a) Prohibit use while driving of mobile electronic devices unless through a hands-free device~~
- ~~c)b) Lower blood alcohol content levels for DUIs, and~~
- ~~c) Require mobile phone manufacturers or carriers to offer technologies that reduce inappropriate use while driving.~~
- d) Implement one or more “Vulnerable Road User Protection Fees” in the state’s 12 most

populous counties with the fee tied to weight of vehicles and with the funds available for transportation system improvements that seek to prevent vehicular collisions with vulnerable road users, such as pedestrians or bicyclists.

66-68. Expedite Regional Transportation District transit service restoration and improve the organization's functioning, oversight and governance of the Regional Transportation District

The city supports changes that would improve RTD's financial sustainability, effectiveness in delivering equitable transit services and commitment towards working with local governments to achieve such ends. ~~in the process.~~ More specifically, the city will seek to restore local and regional service that was lost during the onset of the pandemic. ~~With RTD's System Optimization Plan calling for a district-wide 85% restoration of pre-pandemic transit service levels by 2027, and with no definitive timeline for phasing or restoration during this timeframe, t~~The city will advocate for the expedited restoration of important local and regional routes (like the FF's) that have been discontinued or suspended, service to Boulder Junction and re-opening of the transit center, and improved frequencies and service spans for routes that have been degraded. More generally, the city will continue to support the recommendations included in the 2021 final report of the RTD Accountability Committee, specifically those that would improve governance through board structural modifications, increase financial stability through improved reporting metrics and transparency and increase services to all riders by leveraging partnerships for resources through RTD's local services councilsSubregional Service Councils. ~~and service and by simplifying fares and pass programs.~~

69.Minimize the impact of local airport overflights, noise and pollution on neighboring communities

The city supports fostering the continued success of local airport business while advocating for policies that would:

- a) Permit local municipalities to adopt reasonable restrictions on airport operations to minimize the impact to local communities during noise-sensitive hours.
- b) Provide state and federal incentives to transition to use of unleaded fuel.
- a)c) Evaluate airspace along the Front Range to address flight safety and enhanced airspace capacity while minimizing impacts to existing residential areas by aligning flights activities over the most compatible land uses.

University of Colorado

67.70. Provide a renewed commitment by the state and federal governments to fund the University of Colorado and its capital programs and student financial aid

The City of Boulder has been the proud home to the flagship campus of the University of Colorado since 1876. CU Boulder brings to the city the Colorado Shakespeare Festival, the Conference on World Affairs, the CU Concerts and Artist Series, CU on the Weekends, Science Discovery camps, access to libraries, museums, athletic events, noncredit courses, and numerous other social and cultural offerings, all of which significantly contribute to the city's economic vitality and cultural vibrancy. The university is not only a local institution, but much of the supply chain is also largely local since the primary services delivered include classroom instruction and research. Additional investments in the local economy include operations, construction, student spending and visitation. The presence of CU Boulder's research facilities and the highly skilled labor force that the university produces compliment the major federal facilities, support satellite institutions, and attract private firms to the city. The university is also deeply connected to and supportive of the broader Boulder business and entrepreneurial community. In light of its extraordinary importance, the city will support state and federal legislation that provides a renewed attention to funding CU, its capital programs (including its large, deferred maintenance backlog), and legislation that supports student financial aid. The city will also support policies that result in increased student housing and mental healthcare.

Water

68.71. Promote the efficient utilization and conservation of water, and preservation of water quality

Boulder supports municipal water conservation, efficient utilization of water, and preservation and improvement of water quality. Water conservation can be an important public outreach and educational tool and, when used in conjunction with water supply planning, can help meet the city's adopted reliability criteria for municipal water supplies. 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, some conserved water can be provided for non-permanent uses such as annual agricultural leasing that supports local agriculture within Boulder County or instream flow enhancement that supports riparian habitat and provides other ecological benefits in the Boulder Creek basin. 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 Agency's 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 or to rate payers. By way of example, the city will support the following:

- a) Mandating incremental improvements in water quality that are supported by the best available science and that consider holistic environmental impacts of wastewater treatment, including potential increases in greenhouse gas emissions and the generation of additional waste.
- b) Addressing nonpoint source contributions of pollution into our water supplies and watershed approaches to improving water quality.
- c) Limiting the city's liability under the Comprehensive Response, Compensation, and Liability Act (CERCLA) for disposal of residual waste from water and wastewater treatment that contains PFAS or other contaminants that the city did not create.
- a) Limiting the introduction of PFAS into waterways and the waste stream by limiting the manufacture and sale of PFAS-containing products.

69.72. *Protect against significant threats to the city's water rights*

The city's water rights portfolio is arguably one of its most valuable assets and has been developed over the past century in alignment with long-term water supply planning that also considers the uncertainty of climate change impacts on water supply and demand. 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 replace the jurisdiction of the water courts with state engineer authority or change the prior appropriation system in a manner that is not protective of the city's water rights, ~~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 municipal water system or hydroelectric facility operations or 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, including the operation and/or maintenance of irrigation ditches.

Summary of Substantive Changes from 2023 Policy Statement

Position Number	Position in Short	Proposed Change	Rationale (if needed)	Equity Considerations (if relevant)
CLIMATE CHANGE AND COMMUNITY RESILIENCE				
1(a)	Hardening infrastructure against climate change	Specified weather events and utilities of concern, and examples of how to build resilience (i.e., undergrounding, where feasible, proactive maintenance and prioritizing the correction of disparate reliability concerns).		Utility maintenance has historically been neglected in lower income neighborhoods. The proposed revision to this position advocates prioritizing investments in these areas as a way of leveling the playing field.
3(i)	Carbon sequestration	Indicate support for carbon capture and storage technologies	Carbon capture technologies can set up a vacuum-and-filter machine that pulls the ambient carbon into filters. Colorado is joining with other states to pursue carbon capture “hub” status, which might lead to grants, tax credits and industry investment. Colorado was already awarded a \$32 million U.S. Department of Energy grant to pay for a carbon capture test well. More recently, Colorado also won a separate \$3 million DOE grant to promote studies and marketing for a potential direct carbon capture hub.	The negative impacts of the climate crisis have been shown to disproportionately affect developing countries, indigenous communities, people of color, and women. Carbon sequestration is one way to combat the crisis. Nonetheless, carbon capture technologies, can, if not thoughtfully deployed, destroy habitats, consume excess amounts of water, and increase seismic activity. The city will advocate for such thoughtful deployment.

Summary of Substantive Changes from 2023 Policy Statement

4	Reduce emissions from electricity sector	Revise position to indicate support for: (a) preparing the grid for increased demands, (b) for distributed energy storage, (h) allowing communities to fully eliminate emissions by 2030, (i) invest in and regulate emerging technologies	As individuals transition from natural gas to electricity, it will place increased demands on the grid.	
6	Beneficial electrification	Revised position to focus on reducing emissions from the natural gas sector		Included support for income-qualified programs for natural gas conservation and efficiency programs
10	Energy efficiency	Added support for energy affordability.		Position allows city to advocate before the PUC to require utilities to revise and implement programs and services that reduce the energy cost burden for customers
11	Electric and efficient motorized vehicles and adoption	Updated position to indicate support for: (c) new electric vehicle sales requirements (d) charging access and time shifting and (e) electric busses	Advanced Clean Cars II is the CA regulation that targets 100% of new vehicle sales in 2035 to be electric. The Colorado EV Plan proposes a modified version of this - ~80% by 2032 - that is currently under consideration by AQCC. Colorado Clean Trucks is also under consideration by AQCC.	Calls out support for expanding access to home charging for residents of multi-unit dwellings, income-qualified customers and disproportionately impacted communities

Summary of Substantive Changes from 2023 Policy Statement

12	Waste reduction and diversion efforts	<p>(a) Re-introduce provision of support for product stewardship, aka extended producer responsibility</p> <p>(e) Struck reference to data reporting</p>	<p>(a) While legislative progress was made through passage of the city-supported HB22-1355, program-implementation will still require approval in 2024 by the General Assembly's Joint Budget Committee. Moreover, there is still need for additional legislation to expand the coverage of this program to other sectors of the economy.</p> <p>(e) Data reporting is considered by advocates as a lower priority and not likely to be addressed anytime soon though legislation.</p>	
13	Oil and gas industry	Add "wetlands" to the areas of water quality concern	The U.S. Supreme Court recently reduced EPA protections of wetlands under the Clean Water Act.	
ECONOMIC VITALITY				
Former 17	Opportunity zones	Struck provision	Federal legislation created Opportunities Zones (OZs) in 2017. The state nominated eligible census tracts for consideration and the Treasury Department certified the final list of census tracts designated as OZs. The designation provides federal tax benefits to taxpayers who reinvest capital gains into qualified businesses, real estate	

Summary of Substantive Changes from 2023 Policy Statement

			and other investments in the economically distressed areas designated as OZs. In Boulder's OZ (Census Tract 122.03), we are not aware of any site selection, investment or redevelopment decisions that were based on the OZ designation or if property owners/investors were aware of or made use of the federal tax incentive. Irrespective, much of the opportunity to reduce the tax on reinvested capital gains has passed and OZ designations are set to expire in 2026.	
HOUSING AND LAND USE				
19	Reform construction defect law	New position in support of construction defect legislation. While specific bills are being promoted by the Home Builders Association (i.e., statewide warranty standard and delegable duties for design and trade professionals and a right to remedy with a right to remedy), Council's Intergovernmental Affairs Committee thought it premature to lend support to these or any other	New condominium construction in Colorado has plummeted over the past two decades, decreasing options for people looking for one of the most common types of entry-level housing. Many see this resulting from laws that leave developers susceptible to costly lawsuits over things like leaks, concrete leveling and defective cabinetry, which in turn makes it too difficult and expensive to find insurers willing to underwrite condo projects. State law prevents builders from limiting buyers' right to sue and spreads liability for any construction	

Summary of Substantive Changes from 2023 Policy Statement

		specific ideas for legislation.	errors among all the contractors and subcontractors who work on a project, even if they didn't cause the defect.	
22	Land use	Minor revisions including referencing need to ensure cities have sufficient water to meet the needs of any mandated housing.	Water service for increased densification will change system operations and has a cost (such as impacts to the water leasing program that subsidizes/supports local agriculture) and water operations that support in-stream flow and riparian habitat.	
23	Homelessness	Revised to focus not only on reducing, but also on preventing homelessness, and to encourage not only funding for but coordination of efforts, and to replace term "temporary" with "transitional"		
25	Reproductive freedoms	Added more specific examples of privacy protections and indicated support for protections against harassment	State law was enacted this year (SB23-188) that protects people who travel to Colorado for abortion or gender-affirming care from lawsuits and criminal prosecution initiated in other states. It also protects providers and people who assist patients from that prosecution. However, there is still need for federal law and additional state legislation, as specified in the new language.	

Summary of Substantive Changes from 2023 Policy Statement

HUMAN SERVICES/HUMAN RIGHTS				
27	Immigration reform	(n) Added support for allowing all State of Colorado employment opportunities to Colorado residents regardless of immigration status.	The Immigrant Legal Center of Boulder County is supporting legislation that relies on a new legal analysis identifying states to be exempt from federal immigration employment restrictions. Discussions are underway with CU, and a national consortium of universities, to pursue such opportunities should they become permitted by law. Depending on state definitional interpretations, employment opportunities may include those directly with the state, at state universities, and even at the county and city level.	Immigrant community members are advocating for inclusion of all employment positions that fall within the new analysis.
34	Access to government benefits	(d) Removed reference to Trump Administration's Public Charge rules.	Under longstanding immigration policy, federal officials can deny entry to the U.S. to someone they determine to be a public charge. On September 9, 2022, the Biden Administration published new public charge inadmissibility regulations that reversed those implemented by the Trump Administration in 2019 that had newly considered the use of noncash assistance programs, including Medicaid, in public charge determinations. Under the final rule the government will not	

Summary of Substantive Changes from 2023 Policy Statement

			consider use of noncash benefit programs, including Medicaid coverage when making public charge determinations.	
35	People with disabilities	New position	Proposed by Council Member Friend and drafted in coordination with input from Disability Law Colorado	
MUNICIPAL COURTS				
40	Municipal courts	Indicated support for providing municipal judges authority to deny PR bonds when a defendant persistently fails to appear in court	A 2019 amendment to state law (HB19-1225) restricted the ability of municipal judges to issue monetary bonds for certain low-level offenses. The proposal is to partially rollback the impact of that bill, as described. Staff submits this proposal in response to a request made by Council Member Wallach.	
PUBLIC HEALTH AND SAFETY				
47	Alcohol and substance abuse	Add support for local control to permit harm reduction centers	The General Assembly's Opioid and Other Substance Use Disorders Study Committee is considering introducing a bill that would allow a municipality to authorize and approve a pilot program that would establish a harm reduction center, which would have to meet minimum standards adopted by	

Summary of Substantive Changes from 2023 Policy Statement

			rules of the Colorado Department of Public Health and Environment.	
49	Prevent gun violence	Struck reference to waiting periods and minimum age. Added references to support for new gun violence prevention measures expected to be considered by the General Assembly in 2024.	State laws enacted in in 2023 raised the age to buy any firearm to 21 from 18, and made it illegal to sell any gun to someone younger than 21 (SB23-169) and mandated a three-day waiting period between buying and receiving a gun (HB23-1219).	
REGIONAL ENVIRONMENTAL QUALITY, NATURAL RESOURCES AND PARKS				
50	Clean air	(e) Indicated support for reducing the use of gas-powered landscaping equipment.		
TAX POLICY				
56	Local control for tax policy	Removed outdated references to specific policies and replaced them with overarching principles of protecting the city's authority on tax policy matters.	The state passed legislation in 2019 (SB19-006) which created a GIS database and software to assist vendors in remitting sales and use taxes to Colorado local governments. It also creates a Sales and Use Tax System (SUTS) to serve as a one-stop file-and-pay portal for remote sellers to use and the city is participating in the platform. Finally, the city has also adopted the standard definition for nexus, which includes the state's threshold.	

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TELECOMMUNICATIONS				
59	Preserve and expand benefit programs that help ensure that households can afford the broadband they need for work, school, healthcare and more.	New position		About 5% of city households currently benefit from a federally funded connectivity program that provides a discount of up to \$30 per month toward internet service for eligible households.
TRANSPORTATION				
60	Transportation funding	Clarified focus of position on infrastructure, rather than operations or service needs. Struck outdated references to 2021 policy changes, added reference to sources of revenue that the city would support (those tied to road usage).		
61	Transit funding	New position indicating sources of funding the city would support as well as how it would support those funds being used	Legislation is expected to be introduced in 2024 that would identify new sources of transit funding	
Former 62	City authority to regulate use on sidewalks, paths and bike lanes	Struck provision	The facts and proposed policy described in this position are badly outdated. Staff is not yet prepared to propose new language.	

Summary of Substantive Changes from 2023 Policy Statement

65	CDOT devolution of road maintenance to local governments	Revised to remove outdated threat of devolution and to instead focus on encouraging greater local road maintenance by CDOT.		
67	Vision Zero Action Plan	(a) Remove reference to expanding local authority to use photo radar camera speed enforcement. (d) Added reference to support for fees on vehicle weight to fund “vulnerable road user” enterprises	Expanded photo enforcement authority granted in 2023 through SB23-200 There are one or two bills are expected to be introduced that would impose fees on heavier vehicles and have the revenues go toward improvements that protected vulnerable road users.	
68	RTD governance	Updated to include reference to service restoration and interest in changes that result in more partnerships through RTD’s local service councils		
69	Local airports	New position relating to noise and pollution impacts		
WATER				
71	Water conservation and quality	Struck outdated language related to support for a phased-in requirement for more efficient indoor water fixtures.	(a) This is in response to the new nutrient standards and other new standards (temperature) that will result in stringent permit limits. The city wants to ensure that those standards are a product of a robust analysis of all	

Summary of Substantive Changes from 2023 Policy Statement

		<p>Also, added the following examples of water quality legislation city would support:</p> <ul style="list-style-type: none"> (a) mandating incremental water quality improvements that factor holistic environmental impacts; (b) Addressing nonpoint source contributions; (c) limiting city CERCLA liability (d) Limiting PFAS 	<p>environmental impacts of treatment--for example, building a cooling tower would result in increased carbon emissions, at least in the short-term, and it's unclear to the city that the water quality benefit is enough to justify those emissions. This is anticipated to be considered in 2024.</p> <p>(c) Legislation has been considered on this topic at the federal level and will likely continue to be. EPA has stated a commitment to not go after water utilities when designating new hazardous waste sites that contain PFAS, but that is likely not durable and does not account for third-party lawsuits. I would anticipate this will come up again at the federal level.</p> <p>(d) Recent state legislation was passed relating to PFAS but without sufficient enforcement mechanisms. Water utilities are increasingly talking about advocating for source control (Denver Water is interested in this, for example).</p>	
72	Water rights	Revised to explain in more detail the city's interest in protecting its water rights		

Summary of Substantive Changes from 2023 Policy Statement