



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 5, 2024

AGENDA TITLE

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

PRESENTERS

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

EXECUTIVE SUMMARY

At the regular council meeting on June 20, 2024, the City Council requested that a ballot item be prepared amending Charter Sec.130 authorizing City Council to set the terms and eligibility of board and commission members and amend the language regarding removal of board and commission members. As directed, staff drafted Proposed Ordinance 8639 as shown in **Attachment A**. **Attachment A** reflects the change made by council at second reading on August 13, 2024, to remove language pertaining to eligibility criteria of board members.

In summary, the draft changes will amend Charter Sec. 130 to authorize City Council to set the terms and eligibility of board and commission members for those boards and

commissions without unique controlling Charter sections and amend the language regarding removal of board and commission members except where limited by other Charter sections for specific boards and commissions.

STAFF RECOMMENDATION

Suggested Motion Language:

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

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

ANALYSIS

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

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

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

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

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

The proposed language shown in **Attachment A** keeps the current requirements, except for the requirement removed by council at second reading on August 15, 2024, that members "...who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions and..." The other requirements found in Sec. 130 would be a default for current Sec. 130 boards and commissions and to new boards and commissions unless council makes changes by ordinance.

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

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

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

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

Due to the council change made at second reading removing "...who are well known for their ability, probity, public spirit, and particular fitness to serve on such respective commissions and..." from subsection (b) a third reading or Proposed Ordinance 8639 is necessary.

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

NEXT STEPS

Third reading and adoption on consent of Proposed Ordinance 8639 is scheduled for September 5, 2024.

ATTACHMENT

A – Proposed Ordinance 8639

ORDINANCE 8639

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

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

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

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

Sec. 130. - General provisions concerning advisory commissions.

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

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

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

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

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

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

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

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

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

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

14 **Ballot Question No. ____**

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

20 For the Measure ____ Against the Measure ____

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY

2 TITLE ONLY this 1st day of August 2024.

3 _____
4 Aaron Brockett,
5 Mayor

6 Attest:

7 _____
8 City Clerk

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

11 _____
12 Aaron Brockett,
13 Mayor

14 Attest:

15 _____
16 City Clerk

17 READ ON THIRD READING AND ADOPTED this 5th day of September 2024.

18 _____
19 Aaron Brockett,
20 Mayor

21 Attest:

22 _____
23 City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 5, 2024

AGENDA TITLE

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

PRESENTERS

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

EXECUTIVE SUMMARY

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

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

STAFF RECOMMENDATION

Suggested Motion Language:

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

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

ANALYSIS

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

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

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

Prior to the second reading and public hearing of Proposed Ordinance 8640, the proposed ordinance was updated to provide for a clarification in the form of the ballot question by adding the implementation date of the compensation increase of City Council members and the Mayor. This was a clerical change and did not require any additional reading.

NEXT STEPS

Continued second reading and adoption on consent of Proposed Ordinance 8640 is scheduled for September 5, 2024.

ATTACHMENT

A – Proposed Ordinance 8640

ORDINANCE 8640

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

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

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

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

Sec. 7. - Compensation.

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

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

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

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

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

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

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

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

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

22 **Ballot Question No. _____**

23 Shall Sec. 7 of the Boulder Home Rule Charter be repealed and
24 replaced to set compensation for City Council members at 40% of
25 the Area Median Income and 50% of the Area Median Income for
Mayor, commencing on the swearing-in date of the newly elected
City Council in December of 2026, as more specifically provided in
Ordinance 8640?

For the Measure _____

Against the Measure _____

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

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

1 for public inspection and acquisition.

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

4 _____
5 Aaron Brockett,
6 Mayor

7 Attest:

8 _____
9 City Clerk

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

12 _____
13 Aaron Brockett,
14 Mayor

15 Attest:

16 _____
17 City Clerk

18 READ ON CONTINUED SECOND READING AND ADOPTED this 5th day of
19 September 2024.

20 _____
21 Aaron Brockett,
22 Mayor

23 Attest:

24 _____
25 City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 5, 2024

AGENDA TITLE

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

PRESENTERS

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

EXECUTIVE SUMMARY

At the regular council meeting on June 20, 2024, the City Council requested that a ballot item be prepared amending Charter Sec. 9 and adding A NEW Charter Sec. 21A. to authorize executive sessions for City Council. As directed, staff drafted Proposed Ordinance 8641 as shown in **Attachment A**. **Attachment A** reflects the change made by council at second reading on August 15, 2024, to clarify which finalists may be interviewed in executive sessions.

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

STAFF RECOMMENDATION

Suggested Motion Language:

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

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

ANALYSIS

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

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

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

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

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

A council change was made at second reading adding "...for the positions of city manager, city attorney, presiding municipal court judge, and city auditor..." to subsection (a)(8). Due to this change, a third reading is necessary.

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

NEXT STEPS

Third reading and adoption on consent of Proposed Ordinance 8641 is scheduled for September 5, 2024.

ATTACHMENT

A – Proposed Ordinance 8641

ORDINANCE 8641

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

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

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

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

Sec. 9. - Meetings of council.

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

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

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

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

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

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

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

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

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

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

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

32 Section 3. The official ballot shall contain the following ballot title, which shall also
33 be the designation and submission clause for the measure:
34
35

Ballot Question No. ____

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

For the Measure ____

Against the Measure ____

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

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

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

Aaron Brockett,
Mayor

Attest:

City Clerk

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

Aaron Brockett,
Mayor

Attest:

City Clerk

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READ ON THIRD READING AND ADOPTED this 5th day of September 2024.

Aaron Brockett,
Mayor

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: September 5, 2024

AGENDA TITLE

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

AND

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

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

PRESENTERS

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

EXECUTIVE SUMMARY

Proposed Ordinance 8638 (**Attachment A**) and Proposed Ordinance 8643 (**Attachment B**) are the result of an initiative petition process. On June 20, 2024, the city clerk issued her Certificate of Sufficiency of initiated ballot measures entitled “Repurpose Our Runways” and “Runways to Neighborhoods.” There are sufficient signatures to place both measures before the voters at the November 5, 2024, Special Municipal Coordinated Election. A clerical correction has been made to refer to the “Boulder Municipal Airport” instead of solely the “Airport” so that voters are clear as to what airport would be decommissioned.

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

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

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of one of the pairs of following motions:

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

AND

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

Motion to adopt Ordinance 8643 submitting to the registered electors of the city of Boulder at the Special Municipal Coordinated Election to be held on Tuesday, November 5, 2024, the question of, if Ballot Measure “Repurpose Our Runways” is passed, whether or not to adopt Section 11-4-8(e), “Decommissioning the Airport,”

B.R.C. 1981, to repurpose the decommissioned Boulder Municipal Airport site as sustainable mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents and whose development shall be guided with input from a community board; specifying the form of the ballot and other election procedures; and setting forth related details

ANALYSIS

“Repurpose Our Runways”

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

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

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

City Charter Sec. 48 sets the standard for the title of ballots. In part, it states that ballot titles “shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure or charter amendment.” The ballot title proposed, see **Attachment A**, is based on the language that was in the petition which was circulated for signatures. For initiatives, the Charter requires the council to seek input from the committee of the petitioners prior to setting the ballot title. This was satisfied at the second reading public hearing held on August 15, 2024. In addition, Deputy City Attorney, Erin Poe, met with a member of the petition committee on July 16, 2024, to review the proposed ballot title.

“Runways to Neighborhoods”

The council is requested to consider Proposed Ordinance 8643 which sets the ballot title for an initiated measure that has been commonly referred to as the Runways to

Neighborhoods initiative. This people’s ordinance proposes to amend Chapter 11-4, “Airport,” B.R.C. 1981, by adding a subsection to repurpose the Boulder Municipal Airport as sustainable, mixed-use neighborhoods, with at least 50% of on-site housing units designated as permanently affordable for low-, moderate-, and middle-income residents, and whose development shall be guided with input from a community board.

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

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

City Charter Sec. 48 sets the standard for the title of ballots. In part, it states that ballot titles “shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure or charter amendment.” The ballot title proposed in **Attachment B** is based on the language that was in the petition that was circulated for signatures. For initiatives, the Charter requires the council to seek input from the committee of the petitioners prior to setting the ballot title. This was satisfied at the second reading public hearing held on August 15, 2024. In addition, Deputy City Attorney, Erin Poe, met with a member of the petition committee on July 16, 2024, to review the proposed ballot title.

NEXT STEPS

Continued second reading and adoption on consent of Proposed Ordinances 8638 and 8643 is scheduled for September 5, 2024.

ATTACHMENTS

A – Proposed Ordinance 8638

B – Proposed Ordinance 8643

ORDINANCE 8638

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

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

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

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

Section 3. At the election, an initiative will be set forth for voters to consider adopting

1 Section 11-4-8, B.R.C. 1981, to decommission the Boulder Municipal Airport as soon as
 2 reasonably feasible and prohibiting acceptance of state or federal funding that comes with
 3 obligations that would delay decommissioning of the Boulder Municipal Airport.

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

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

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

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

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

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

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

11 **Ballot Question No. ____**

12 **Repurpose Our Runways**

13 Shall Section 11-4-8, B.R.C. 1981, be adopted to decommission the
14 Boulder Municipal Airport as soon as reasonably feasible with the
15 exception that a portion of the site may continue to be used for
16 emergency-only helicopters; prohibit acceptance of state or federal
17 funding which comes with obligations that would delay
18 decommissioning of the Boulder Municipal Airport; and guide site
19 activities prior to decommissioning, pursuant to Ordinance 8638?

20 For the Measure ____ Against the Measure ____

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

23 Section 8. The City Council deems it appropriate that this Ordinance be published by
24 title only and orders that copies of this Ordinance be made available in the office of the city clerk
25 for public inspection and acquisition.

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

3
4 _____
Aaron Brockett,
Mayor

5 Attest:
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7

8 _____
City Clerk

9
10 READ ON SECOND READING, PASSED AND CONTINUED, this 15th day of
11 August 2024.

12 _____
13 Aaron Brockett,
Mayor

14 Attest:
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16

17 _____
City Clerk

18 READ ON CONTINUED SECOND READING AND ADOPTED this 5th day of
19 September 2024.

20 _____
21 Aaron Brockett,
Mayor

22 Attest:
23
24

25 _____
City Clerk

ORDINANCE 8643

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

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

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

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

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

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

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

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

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

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

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

3
4 _____
5 Aaron Brockett,
6 Mayor

7 Attest:

8 _____
9 City Clerk

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

12 _____
13 Aaron Brockett,
14 Mayor

15 Attest:

16 _____
17 City Clerk

18 READ ON CONTINUED SECOND READING AND ADOPTED this 5th day of
19 September 2024.

20 _____
21 Aaron Brockett,
22 Mayor

23 Attest:

24 _____
25 City Clerk