

Mayor

Aaron Brockett

Council Members

Matt Benjamin
 Lauren Folkerts
 Rachel Friend
 Junie Joseph
 Nicole Speer
 Mark Wallach
 Tara Winer
 Bob Yates



Council Chambers
 1777 Broadway
 Boulder, CO 80302
 February 22, 2022
 6:00 PM

City Manager

Nuria Rivera-Vandermyde

City Attorney

Teresa Taylor Tate

City Clerk

Elesha Johnson

STUDY SESSION BOULDER CITY COUNCIL

Boulder County Health Update - COVID, Fentanyl and Teen Suicide 60 min

Tribal Consultation Preparation and Indigenous Peoples-Related Projects 60

Financial and Revenue Strategies for Climate Work 60 min

3:00 hrs

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COVER SHEET

MEETING DATE

February 22, 2022

STUDY SESSION ITEM

Boulder County Health Update - COVID, Fentanyl and Teen Suicide

PRIMARY STAFF CONTACT

Pam Davis, Assistant City Manager

ATTACHMENTS:

Description

No Attachments Available



COVER SHEET

MEETING DATE

February 22, 2022

AGENDA ITEM

Tribal Consultation Preparation and Indigenous Peoples-Related Projects

PRIMARY STAFF CONTACT

Nuria Rivera-Vandermyde, City Manager

Pam Davis, Assistant City Manager

Dan Burke, Director, Open Space and Mountain Parks (OSMP)

Phillip Yates, City Communications and Engagement, OSMP

Aimee Kane, Equity Program Manager

Clay Fong, Manager, Housing and Human Services (HHS), Community Relations & Office of Human Rights

ATTACHMENTS:

Description

- ▣ **Tribal Consultation Background and Preparation**



STUDY SESSION MEMORANDUM

TO: Mayor and Members of City Council

FROM: Nuria Rivera-Vandermyde, City Manager
Pam Davis, Assistant City Manager
Dan Burke, Director, Open Space and Mountain Parks (OSMP)
Phillip Yates, City Communications and Engagement, OSMP
Aimee Kane, Equity Program Manager
Clay Fong, Manager, Housing and Human Services (HHS), Community Relations
& Office of Human Rights

DATE: February 22, 2022

SUBJECT: Study Session for February 22, 2022
Tribal Consultation Preparation and Indigenous Peoples-Related Projects

EXECUTIVE SUMMARY

The purpose of this memo is to provide the Boulder City Council an overview of the city's ongoing consultations with federally recognized American Indian Tribes and related citywide Indigenous Peoples projects:

- **Tribal sovereignty and background on government-to-government consultations.** The city follows federal and state guidelines and American Indian Tribal Nation desires when conducting formal consultations with federally recognized American Indian Tribal Nations. (See page 2)
- **City of Boulder agreements with Tribal Nations.** Boulder is one of the few cities in the United States that has formal government-to-government relationships and agreements with Tribal Nations. These relationships were memorialized in several agreements developed in the late 1990s and early 2000s. A focus of current consultations is to update and condense those agreements into one revised Memorandum of Understanding. (See page 3)
- **Background on City of Boulder consultations with Tribal Nations.** Since the late 1990s, the City of Boulder has hosted and participated in several consultations with federally recognized American Indian Tribes, including in 2019 and 2021. In 2019, it also invited Tribal Representatives to participate in a working group that helped develop a draft of an updated city/Tribal Nation Memorandum of Understanding. The city also has invited Tribal Representatives to participate in a working group to help create education and interpretative materials for The Peoples' Crossing area. (See page 4)

- **Anticipated 2022 online consultation items.** Due to the increase in COVID cases from the Omicron variant, the difficult decision was made to move the in-person, two-day consultation in March to a one-day virtual meeting – likely March 16, 2022. City staff have proposed spending most of the March 2022 consultation to help finalize updates to agreements the city shares with Tribal Nations. The city also plans to speak with Tribal Representatives about a ceremony to commemorate the recent renaming of Settler’s Park to The Peoples’ Crossing. Staff also plan to provide updates about The Peoples’ Crossing Working Group and a city staff land acknowledgment. Staff also anticipate soliciting feedback on a proposed city Indigenous artist fellowship program. (See page 6)
- **Ongoing and planned city projects.** Beyond conducting tribal consultations, city staff are focused on several other related projects, including:
 - Fort Chambers/Poor Farm Management Plan (See page 6)
 - A city staff land acknowledgment (See page 8)
 - The Peoples’ Crossing Education/Interpretation Working Group (See page 11)
 - [Indigenous Peoples Day](#) celebrations (See page 12)

City of Boulder efforts to collaborate, support and work with federally recognized American Indian Tribal Nations and Indigenous community members is currently guided by:

- [Four agreements the City of Boulder](#) shares with 13 Tribal Nations who have historical connections to the Boulder area.
- [Government-to-government consultations](#) with Tribal Nations and statements developed at the end of the [2019](#) and [2021](#) consultations.
- The city’s [2016 Indigenous Peoples Day Resolution](#). (Attachment A)
- The city’s [Racial Equity Plan](#).
- A draft city staff land acknowledgment (Attachment B) that is based on the city’s [Indigenous Peoples Day Resolution](#) and has incorporated guidance and input from American Indian Tribal Nations and the community.
- The [Boulder Valley Comprehensive Plan](#), which states that the city follows a government-to-government consultation process with Tribal Nations. The plan also recognizes that meaningful engagement with Tribal Nations needs to also happen at a regional level.
- The [Open Space and Mountain Parks \(OSMP\) Master Plan](#) and [open space purposes](#) in the Boulder City Charter. Current agreements with Tribal Nations recognize that tribes and the city have common interests in recognizing open space purposes identified in the city charter.
- Federal ([Clinton](#), [G.W. Bush](#), [Obama](#), [Biden](#)) and [state consultation guidelines](#).

TRIBAL SOVEREIGNTY AND CONSULTATIONS

Federally recognized American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders and court decisions.

Tribal consultation is broadly defined as a process of meaningful government-to-government communication and coordination between U.S. government agencies and tribal governments before an agency takes actions or implements decisions (“undertakings”) that may affect tribes or tribal interests. Federal consultation practices have been established as a federal government

policy in several presidential directives ([Clinton](#), [G.W. Bush](#), [Obama](#), [Biden](#)). These practices are also a result of Congressional Acts, such as the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act. Numerous states and municipalities have also sought to include input from Tribal Governments when their actions are thought to affect tribal interests. The City of Boulder is one of the only cities in the country that seek tribal input through the consultation process.

The City of Boulder respects and honors American Indian Tribal sovereignty and self-determination and conducts government-to-government consultations with federally recognized Tribal Nations that share agreements with the city. The city follows federal and state consultation guidelines and guidance for consultations with Tribal Nations, including those that share agreements with the city. It also bases its consultation practices on direction and wishes provided by Tribal Representatives during ongoing consultations. City consultation with federally recognized American Indian Nations is also guided by the [State of Colorado Tribal Consultation Guide](#) prepared by the Colorado Commission of Indian Affairs.

As common with government-to-government consultations, the City of Boulder-Tribal consultations are typically closed sessions in order to facilitate conversations among city staff, Tribal Representatives and elected and appointed community leaders. Those conversations may include sensitive topics, such as sacred traditions and stories, along with the location of Native American cultural resources.

However, the city recognizes the public interest in citywide consultations with American Indian Tribes. Staff seek permission from Tribal Representatives to develop a joint city-tribal statement at the end of each consultation (see [2019](#) and [2021](#) statements, **(Attachment C)**). City staff create these collaborative statements in partnership with Tribal Representatives. When in-person, there is also an effort to provide community members the opportunity to attend pre- and post-consultation discussions, such as the opening and closing sessions.

The upcoming online consultation in March will again be closed to support continued city/tribal agreement conversations and negotiations that began in 2019 and continued in 2021. City/Tribal Nation progress on updating shared agreements were, unfortunately, slowed down because COVID-19 led to the postponement of the March 2020 consultation.

CITY OF BOULDER AGREEMENTS WITH TRIBAL NATIONS

The City of Boulder currently has four legal agreements with 13 federally recognized American Indian Tribes. These agreements resulted from formal city-tribal consultations in the late 1990s and the early-2000s. Consultations initially began because of issues related to the construction of a National Institute of Standards and Technology (NIST) building in the 1990s.

These conversations resulted in a 1998 Memorandum of Agreement between the federal government and the tribes. That agreement, among other things, protected part of the property from development and allowed members of federally recognized tribes to conduct ceremonies at the site. The city also assumed responsibility for overseeing a conservation easement designed to protect the undeveloped portions of the NIST property.

After 1998, the city continued to consult with the tribes independently, and resulting agreements recognized that the tribes and the city had common interests in:

- Recognizing open space purposes identified in the City Charter;

- Preserving open space and cultural resources on city land;
- Providing opportunities for ceremonial practices on city open space;
- Establishing yearly government-to-government consultations when financially feasible; and
- Notifying tribes if Native American cultural resources are inadvertently discovered on OSMP land.

Copies of the agreements are [available online \(see “City-Tribal Nation Agreements” section\)](#) and are included as attachments in this memo. **(Attachment D)**

BACKGROUND ON CONSULTATIONS WITH TRIBAL NATIONS

Regular consultations between the city and Tribal Nations paused in the mid-to-late 2000s. The city’s adoption of the Indigenous Peoples Day Resolution in 2016 – which directed the city to receive input from Tribal Nations to rename Settler’s Park – and staff’s desire to re-establish relationships with Tribal Nations led the city to host a consultation with American Indian Tribes in Boulder in March 2019. The city recognizes the benefits the consultation process has in deepening relationships with Tribal Nations and understands it needs to sustain ongoing consultations in the future.

The city’s consultation framework with American Indian Tribal Nations is based on the agreements the city shares with Tribal Nations, discussions with Tribal Representatives and guidelines established by the federal government and the state of Colorado. The city recognizes and understands that it needs better standard practices to collaborate with local Indigenous community members on a broader, community-wide basis.

Since 2019, the City of Boulder has held three citywide consultations with federally recognized American Indian Tribes. Key actions that resulted from the consultation are:

- **March 16-17, 2019:** The [consultation ended with the City of Boulder and Tribal Representatives](#) determining that current agreements need to be updated. There was also agreement that a working group should be established to draft agreement updates that would be discussed at a March 2020 consultation meeting. The March 2020 consultation, unfortunately, was postponed because of COVID-19.
- **Feb. 18, 2021:** City staff held an informal conference call with Tribal Representatives to hear their preference for formal government-to-government consultations with the City of Boulder during 2021. During the meeting, city staff and Tribal Nations agreed to conduct an online consultation in April 2021 to discuss updates to city/tribal agreements, a final renaming recommendation for Settler’s Park and a land acknowledgment.
- **April 7, 2021:** [Tribal Representatives and the city agreed to:](#)
 - Meet again for consultation in 2022, hopefully in-person.
 - Continue making progress on revising current city-tribal agreements. During the consultation, the city and Tribal Representatives recognized the importance of ceremonial access on city Open Space.
 - Rename Settler’s Park in west Boulder to The Peoples’ Crossing.

- Collaborate with a city/Tribal Nation working group to develop education and interpretation materials for [The Peoples Crossing](#) and help finalize a draft land acknowledgment.

The City of Boulder has invited Tribal Representatives to participate in two working groups:

- **Memorandum of Understanding Working Group:** The city hosted several meetings with Tribal Representatives between May and August 2019 to discuss and suggest changes to four agreements the city shares with American Indian Tribal Nations. Broadly, there was agreement to:
 - Continue to recognize open space purposes in the City Charter.
 - Collaborate on city Indigenous education and interpretation materials.
 - Conduct ongoing consultation and guidance on cultural resources to avoid impacts to significant landscape features and to identify areas where projects and activities require tribal notification.
 - Ensure that no more than four years lapse in between consultations.
 - Consolidate all agreements into one document.
 - Include revisions to update sections with current legislation, rules and ordinances that now apply.

The Peoples’ Crossing Working Group: City staff have invited Tribal Representatives to participate in a working group to help inspire community education, reflection and initiate meaningful action, as called for in city staff’s land acknowledgment. More specifically, it seeks to help educate community members about the Indigenous presence on Boulder-area lands and The Peoples Crossing area, which have existed *since time immemorial*.

This work seeks to fulfill agreements and conversations during consultations in 2019 and 2021. It also will help fulfill the Indigenous Peoples Day Resolution, which calls on the city to “correct omissions of the Native American presence in public places, resources and cultural programming.” City staff held a working group meeting in October 2021 and February 2022 to receive preliminary feedback on this work and to receive feedback on a draft staff land acknowledgment.

2022 TRIBAL CONSULATION

The city is committed to hosting a safe and productive consultation and, recognizing how coronavirus has affected Indigenous communities, the city has decided to host a virtual, one-day consultation in March 2022. It has invited the following federally recognized American Indian Tribes to participate in this consultation:

- | | |
|---|--|
| ● Apache Tribe of Oklahoma | ● Northern Cheyenne Tribe |
| ● Cheyenne and Arapaho Tribes of Oklahoma | ● Oglala Sioux Tribe |
| ● Cheyenne River Sioux Tribe | ● Pawnee Nation of Oklahoma |
| ● Comanche Nation of Oklahoma | ● Rosebud Sioux Tribe |
| ● Eastern Shoshone Tribe | ● Southern Ute Indian Tribe |
| ● Jicarilla Apache Nation | ● Standing Rock Sioux Tribe |
| ● Kiowa Tribe of Oklahoma | ● Ute Mountain Ute Tribe |
| ● Northern Arapaho Tribe | ● Ute Indian Tribe of the Uintah & Ouray Reservation |

As a standard practice, the City of Boulder invites Tribal Representatives to provide feedback on proposed consultations items and to suggest topics that could be added to the consultation agenda. The City of Boulder has proposed to the tribes the following items for the 2022 consultation:

- **Draft MOU:** The City of Boulder has suggested spending most of the 2022 consultation to finalize the draft MOU. The updated draft agreement seeks to condense the four current agreements into one document. Any necessary revisions will be negotiated amongst all participating parties at the consultation before a new agreement is shared with Tribal Governments and the Boulder City Council for adoption. Because Tribal Representatives and Tribal Governments conduct consultations with federal, state and local agencies across the West, the adoption of this updated MOU will continue to take time.
- **Ceremony:** The city is also interested in hearing Tribal Representatives' ideas and suggestions, based on recent consultations and working group meetings, for a ceremony to commemorate the recent naming of Settler's Park to The Peoples' Crossing. During a working group meeting in October, Tribal Representatives requested a closed session among themselves to discuss this topic.
- **City Updates:** City staff anticipate updating Tribal Representatives about several topics, including:
 - A city staff land acknowledgment, which is based on the city's Indigenous Peoples Day Resolution and input from American Indian Tribal Nations and the community.
 - Updates on The Peoples' Crossing Working Group, which met in October. Last year, OSMP installed a new trailhead identification sign, along with wayfinding signs and a new kiosk in the area to commemorate the new name. ["The Peoples' Crossing" name](#) is also on [OSMP's webpages](#), [its interactive webmap](#), GoogleMaps, the Boulder Area Trails App and [Colorado Trail Explorer \(COTREX\)](#).

CITY INDIGENOUS PEOPLES-RELATED PROJECTS

Beyond hosting and participating in city-tribal consultations, city staff are also managing several projects with significant Indigenous Peoples elements and implementing other recently approved efforts. Those include:

Fort Chambers/Poor Farm Property Management Plan

In 2018, the City of Boulder purchased the 110-acre Fort Chambers/Poor Farm property east of 63rd Street and north of Valmont Road for Open Space purposes in the City Charter.

It is very likely that a portion of this property was the location of Fort Chambers, a fort constructed in 1864. From Aug. 28 to Sept. 16, 1864, more than 100 Boulder County men trained and mobilized into Company D of the Third Colorado Cavalry at Fort Chambers. Company D – which included 46 Boulder men and prominent Boulder County residents – later participated in the barbaric massacre of peaceful Tsistsistas and Hinono'eino' at Sand Creek on

Nov. 29, 1864. Among those killed in the massacre were women, children, elders and chiefs, including Hinono'ei neecce ("Arapaho Chief") Nowoo3 ("Niwot," "Lefthand") and Tsistsistas Chief White Antelope. Despite having participated in horrific atrocities, members of Company D received a heroes' welcome upon their return home.

One of the earliest and most detailed histories of the Boulder Valley said that Boulder County residents took a "prominent part" in the massacre. Today, a marker installed near the Fort Chambers/Poor Farm property line states: "Site of old Fort Chambers. ¼ mile east built on the farm of Geo. W Chambers in 1864 and used during the Indian uprising."

The city recognizes that the history of Fort Chambers and the marker on or near the property are local legacies of American-European colonization that violently exiled Indigenous Peoples from their homelands and are a direct, local connection to the Sand Creek Massacre. The city also acknowledges that the participation of community members in the massacre has caused intergenerational trauma for Indigenous Peoples and Nations. As part of this project to develop a management plan for this property, the city will work with impacted Tribal Nations to reinterpret the marker to accurately describe Company D's role in the Sand Creek Massacre.

The City of Boulder Open Space Board of Trustees recommended and the Boulder City Council approved acquisition of the property because it includes values and elements associated with nearly all open space purposes in the city charter:

- Has agricultural land of statewide significance
- Supports a diverse suite of habitats and species
- Has significant historical features and values
- Abuts other OSMP managed properties
- Has the potential for education and recreational opportunities.

The property also has these important agricultural, natural and historic characteristics:

- The property is listed on the National Register of Historic Places and was once was the Boulder County Poor Farm, a function it served from 1902 through 1918. It is also listed for its association with agricultural developments in the county from 1897 to 1951 and for a distinctively engineered waterworks system. The main home, of iconic Queen Anne Victorian architecture, remains in original condition and is a distinctive architectural style for rural Boulder County.
- The property has long been a working agricultural operation predominantly used for cattle grazing and hay production. A subset of the property, about 12 acres, has suitable soils and adequate water for diversified vegetable production and is currently under a short-term lease to that end.
- The gravel ponds, wetlands and cottonwoods on the property support a diverse suite of species, including fish, ducks, painted turtles, and great-horned owls. It also offers migrating waterfowl a year-round strategic stop over and provides habitat for a diversity of songbirds.

The land management plan will guide how OSMP will continue to manage the property to help fulfill specific [open space purposes](#) that Boulder voters adopted in 1986 and are codified in the city charter. Those purposes, which Tribal Nations recognized in a 2002 agreement with the city, include preserving:

- **Natural areas characterized by or including terrain, geologic formations, flora, or fauna that are unusual, spectacular, historically important, scientifically valuable, or unique.** OSMP is conducting a cultural resource and historical inventory of the property to identify the location of the fort – to the extent possible – and any associated artifacts.
- **Water resources, scenic areas or vistas, wildlife habitats and fragile ecosystems.** The property's location next to other OSMP lands help to protect large habitats for wildlife and plants.
- **Agricultural uses of the land and lands suitable for agricultural production.** OSMP currently leases the property for local agricultural production. The department does not believe that continued agricultural uses of the property pose risks to significant cultural resources that may be related to either Fort Chambers or the operation of the former county “poor farm.”

Because of the property’s role in the Sand Creek Massacre, as part of this upcoming planning process the city will be actively working with and seeking meaningful participation and input from Tribal Nations affected by the Sand Creek Massacre to:

- Identify the desired long-term relationship the Tribal Nations wish to have with this property, which may include a permanent role in management and ownership.
- Help develop a plan for the long-term management of the Fort Chambers / Poor Farm property.
- Reinterpret the marker to accurately describe Company D’s role in the Sand Creek Massacre.

The city specifically seeks to consult with the following Tribal Nations for this project: Cheyenne and Arapaho Tribes of Oklahoma, the Northern Arapaho Tribe and the Northern Cheyenne Tribe.

As part of this project, the city may hold closed sessions with representatives of federally recognized American Indian Tribal Nations in order to facilitate conversations that may include sensitive topics, such as sacred traditions and stories, along with the location of Native American cultural resources.

This planning effort, expected to be completed in late 2023, also will include community engagement opportunities with other important stakeholders, such as Indigenous community members and those interested in agriculture, natural resources and historic preservation, among others.

City Staff Land Acknowledgment

Since early 2021, the City of Boulder has been developing a standard, city staff land acknowledgement to honor Indigenous Peoples who have traversed, lived in and stewarded lands in the area since time immemorial.

This land acknowledgment effort, which builds on the city's Indigenous Peoples Day Resolution, also seeks to help the city reckon honestly with the legacy of American-European colonization of Indigenous lands and a history of removal policies that violated human rights and broke government treaties.

The City of Boulder recognizes it must take action beyond acknowledgment words. Staff are committed to using the land acknowledgment to help inspire reflection and action for American Indian Tribal Nations and Indigenous community members, including when the city:

- Develops work plans that guide day-to-day city work;
- Begins new projects;
- Starts long-term community plans;
- Recruits and retains staff;
- Provides community education programs;
- Communicates with the public; and
- Conducts internal staff trainings.

The development and use of a city-wide land acknowledgment also will help the city to:

- Take additional steps to fulfill the Indigenous Peoples Day Resolution, which states 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."
- Advance strategies and goals in the city's Racial Equity Plan.

The city's staff land acknowledgement is based on language in the city's Indigenous Peoples Day Resolution, community input gathered in March 2021, Tribal Representatives' feedback during an April 7, 2021, tribal consultation, staff research and additional feedback from Tribal Representatives throughout 2021 and early 2022. This collective input has led to content themes that the city plans is including in its planned acknowledgment:

- Recognize that it will continue to evolve with time.
- Develop a consistent city staff acknowledgment to help staff and others learn about the strong and enduring connection Indigenous Nations and communities have with Boulder-area lands.
- Identify ways the acknowledgment can initiate meaningful action for American Indian Tribal Nations and Indigenous community members.
- Honor the language community members used in the city's Indigenous Peoples Day Resolution, which community members developed and the Boulder City Council adopted in 2016.

- Acknowledge and reckon with the past by including statements from the city's Indigenous Peoples Day Resolution, along with additional historical facts and events.
- Include Indigenous Peoples who have traversed, lived in and stewarded lands in the Boulder Valley since time immemorial and acknowledge Indigenous Nations who have agreements with the City of Boulder and historical connections to Colorado.
- Honor Indigenous Peoples with their own names and in their own languages.
- Recognize that Indigenous knowledge, oral histories, and languages handed down through generations have shaped profound cultural and spiritual connections with Boulder-area lands and ecosystems — connections that are sustained and celebrated to this day.
- Refute past justifications for the colonization of Indigenous lands – such as "Manifest Destiny" and the "Doctrine of Discovery."
- Recognize important Boulder historical events that led to the colonization of Indigenous lands.
- Acknowledge the participation of Boulder-area residents in the Sand Creek Massacre.

The city appreciates community members who developed the Indigenous Peoples Day Resolution and has based its staff land acknowledgment on their hard work. With the resolution serving as the foundation for a city acknowledgment, city staff has taken several additional steps to develop a city-wide land acknowledgment that included:

- **Feb. 18, 2021: Consultation Planning Meeting:** City and Tribal Representatives from federally recognized American Indian Tribes agreed during a Feb. 18, 2021, conference call to discuss a city land acknowledgment at the city/Tribal consultation on April 7, 2021.
- **Feb. 22, 2021: Human Relations Commission Meeting:** Staff presented preliminary plans for the acknowledgment and received guidance to solicit community feedback to help inform document language.
- **March 3 – March 24, 2021: Community engagement:** The city received community input on themes NOT in the Indigenous Peoples Day Resolution that could be considered for the land acknowledgment.
- **April 6, 2021: Boulder City Council Meeting:** City staff updated the Boulder City Council about the acknowledgment effort in advance of a consultation with American Indian Tribal Nations the next day.
- **April 7, 2021: City-Tribal Nation Consultation:** City staff used community input to create a draft land acknowledgment and received Tribal Representatives' feedback at the April 7, 2021, consultation.
- **Summer 2021: Revisions Following Spring Consultation:** The City of Boulder incorporated additional Tribal Nation feedback and additional city historical research into the land acknowledgment.

- **Aug. 3, 2021: Boulder City Council Meeting:** City staff provided updates to the Boulder City Council.
- **Oct. 5, 2021: City/Tribal Working Group:** City staff presented a revised acknowledgment to a city/tribal working group to help finalize the document – as agreed to at the April 2021 consultation.
- **Fall/ Winter 2021-2022: Tribal Nation Follow-Up:** City staff are following up with Tribal Nations to confirm appropriate usage of Indigenous language in the document and to hear additional concerns.

City staff are continuing to work to update this document with any additional feedback from Tribal Representatives and plan to translate it into Spanish. Staff recognize that this is not a static document and it will continue to evolve with time. The current version of the land acknowledgement is included in this memo. **(Attachment D)**

Upon completion, city staff anticipate that the full acknowledgment will appear on the city website. Staff intend to develop several shorter versions of the full land acknowledgment to help share it broadly, including through education, interpretative and communication formats and through meetings. Staff also plan to develop a guide to help staff use the land acknowledgement with intention and meaning. The city does not intend this document to be a prescriptive, rote recitation of information.

City of Boulder staff want to extend their gratitude to Tribal Representatives and community members for providing guidance and insights that have shaped the land acknowledgment.

The Peoples' Crossing Working Group

The City of Boulder has invited Tribal Representatives from federally recognized American Indian Tribal Nations to participate in a working group to develop interpretative materials and education items to:

- Inspire community education, reflection and initiate meaningful action in partnership with Tribal Nations.
- Educate community members about the Indigenous presence on Boulder-area lands and The Peoples Crossing area.
- Fulfill agreements and conversations that occurred at City of Boulder-Tribal Nation consultations in 2019 and 2021.
- Help establish a framework for how the city can initiate, conduct and complete meaningful projects in partnership with Tribal Nations.

The city anticipates this work will help create education and interpretative items, such as new interpretative panels, for The Peoples' Crossing area. The city also will seek a recommendation from Tribal Representatives about how to manage an existing Settler's Park inscription on a city underpass now that the city has renamed the area to The Peoples' Crossing. City staff has held working group meetings in October 2021 and February 2022.

Indigenous Peoples Day celebrations

The city's Indigenous Peoples Day resolution – which community members developed and the Boulder City Council adopted in 2016 – declared the second Monday in October as Indigenous Peoples' Day in Boulder. For the last six years, the City of Boulder and community organizations have worked together to celebrate Indigenous Peoples Day and honor Indigenous Peoples, their cultures and their strong and continuing connections to the Boulder area.

In fall 2021, the city helped sponsor numerous community events, with grant funds provided by the Human Relations Commission (HRC) in collaboration with the Office of Arts + Culture (OAC). Information about these past events is [available online](#). As the community celebrates Indigenous Peoples Day last year, the city encouraged community members to visit “The Peoples Crossing” area and reflect on stories emphasized in current education signs in the area and think about the perspectives that are not included. For 2022, the HRC will award Indigenous Peoples Day grants in June, with additional funds again being provided by OAC.

ATTACHMENTS

- **Attachment A:** Indigenous Peoples Day Resolution
- **Attachment B:** Draft City Staff Land Acknowledgement
- **Attachment C:** 2019 and 2021 Consultation Final Statements
- **Attachment D:** Existing Agreements with Federally Recognized American Indian Tribes

RESOLUTION NO. 1190

A RESOLUTION DECLARING THE SECOND MONDAY OF OCTOBER OF EACH YEAR TO BE INDIGENOUS PEOPLES' DAY

WHEREAS, Indigenous People in Boulder respect the interdependence of all humanity and living things and celebrate a vast and rich living tradition through ancestral recognition and diversity of knowledge and perspectives, including sustainable practices; and

WHEREAS, Indigenous People in Boulder have, as in all parts of Americas, endured centuries of cruelty, exploitation and genocide; and

WHEREAS, the Boulder area encompasses ancestral homelands of Indigenous Peoples' Nations; and

WHEREAS, facing and acknowledging our past, good as well as bad, makes our community stronger and more resilient; and

WHEREAS, Southern Arapaho Chief Left Hand notified a party of Nebraska gold seekers that they could not remain on Indian land at what is now known as Settlers Park, but the gold seekers planned to go into the mountains in the spring in search for goldⁱ; and

WHEREAS, after gold was discovered at Gold Run in January of 1859, Boulder City Town Company was founded by settlers on February 10 of 1859, thereby going against the agreement of the 1851 Treaty of Fort Laramie (also known as the Horse Creek Treaty)^{ii iii}; and

WHEREAS, in August of 1864, nearly 100 Boulder County residents mobilized into Company D of the Third Colorado Cavalry of U.S. Volunteers at Fort Chambers (near 63rd and Valmont Streets), to become 'Indian Fighters'^{iv v vi}; and

WHEREAS, under the command of Colonel John Chivington, on November 29 of 1864 an estimated 230 peaceful Arapaho and Cheyenne people were killed along the Big Sandy Creek in southeastern Colorado by the First and Third Colorado Cavalry of U.S. Volunteers^{vii}; and

WHEREAS, Captain David Nichols, a former Boulder County Sheriff, led the Company D volunteers, including 46 Boulder residents, in what is now known as the Sand Creek Massacre from which the Boulder troops enjoyed a heroes welcome upon their return^{viii ix x}; and

WHEREAS, Boulder has benefited directly from Indian removal policies that violated human rights, broke government treaties and forced Arapaho People from their homeland; and

WHEREAS, Boulder is honored to be home of several prominent Native organizations including the Native American Rights Fund founded in 1970, which is the largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations and individuals nationwide.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOULDER:

Section 1. 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.

Section 2. That in the pursuit of shared responsibility and of promoting knowledge about Indigenous Peoples, unifying communities, combating prejudice and eliminating discrimination against Indigenous Peoples, the City of Boulder does hereby resolve the second Monday in October of each year to be Indigenous Peoples' Day.

Section 3. That on the second Monday in October of each year the City of Boulder will support events that encourage understanding and appreciation of Indigenous Peoples, their traditions, culture and our shared history in these ancestral lands known as the Boulder Valley.

Section 4. That City Council directs its City Manager to work with City departments, Native Americans and historians to correct omissions of the Native American presence in public places, resources and cultural programming.

Section 5. That as a first step, in recognition of a Memorandum of Understanding that the city entered into with Indigenous tribes concerning open space lands, the city requests input from representatives of those tribes and other interested parties regarding a name that commemorates the Indigenous presence on the park land known as Settlers Park and second, the city manager considers any application submitted to rename the park land based on the input of the Indigenous tribes and interested parties.

Section 6. That the City of Boulder, will work together in partnership with Native Americans to encourage all educational institutions in the city to implement accurate curricula relevant to the traditions, history and current issues of Indigenous People inclusive of and as part of our shared history.


APPROVED this 2ND day of AUGUST, 2016

CITY OF BOULDER, COLORADO



Mayor

ATTEST:



City Clerk

ⁱ Coel, Margaret. *Chief Left Hand*. Norman: University of Oklahoma Press, 1981. Pages 66-67. Print.

ⁱⁱ Coel, Margaret. *Chief Left Hand*. Norman: University of Oklahoma Press, 1981. Pages 80, 83. Print.

ⁱⁱⁱ *Sand Creek Massacre National Historic Site*. National Park Service. Web. 13 July 2016.

^{iv} Oliver, Arch. Roster of Company D, Third Colorado Cavalry from Boulder, Colorado Territory, 1943. Carnegie Branch Library for Local History, Boulder Public Library. (BHS 328-9-34). Print.

^v Valentine, Jane Barker. "Chambers Homestead." *Historic Homes of Boulder County*. Boulder: Pruett Publishing, 1979. Page 143. Print.

^{vi} *Attention! Indian Fighters*. Poster. August 1864. Denver: History Colorado. (Military – Wars-Indian Wars – Sand Creek – posters, Scan #10025731). Print.

^{vii} *Sand Creek Massacre National Historic Site*. National Park Service. Web. 13 July 2016.

^{viii} Limerick, Patricia Nelson. *What's in a Name? Nichols Hall: A Report*. Boulder: University of Colorado. September 1987. Page 55. Print.

^{ix} Coel, Margaret. *Chief Left Hand*. Norman: University of Oklahoma Press, 1981. Page 280. Print.

^x Coel, Margaret. *Chief Left Hand*. Norman: University of Oklahoma Press, 1981. Page 291. Print.

City Staff Land Acknowledgement

The full city staff acknowledgment below will appear on the city website. However, staff intend to develop several shorter versions of the full land acknowledgment to help share it through other education, interpretative and communication formats. The text below is based on the city's Indigenous Peoples Day Resolution, community input gathered in spring 2021, Tribal Representative feedback provided at the 2021 consultation, additional city research, comments received at city/tribal working group meetings in 2021 and 2022, and additional follow-up with Tribal Nations.

Acknowledgment Text

The City of Boulder acknowledges the city is on the ancestral homelands and unceded territory of Indigenous Peoples who have traversed, lived in and stewarded lands in the Boulder Valley since time immemorial. Those Indigenous Nations include the: Di De'i (Apache), Hinono'eiteen (Arapaho), Tsistsistas (Cheyenne), ~~Namunuu~~ (Comanche), Kiowa, Čariks i Čariks (Pawnee), Sosonih (Shoshone), Oc'eti S'akowin (Sioux) and Núuchiu (Ute).¹

We honor and respect the people of these Nations and their ancestors. We also recognize that Indigenous knowledge, oral histories, and languages handed down through generations have shaped profound cultural and spiritual connections with Boulder-area lands and ecosystems — connections that are sustained and celebrated to this day.

The City of Boulder recognizes that those now living on these ancestral lands have a responsibility to acknowledge and address the past. The city refutes past justifications for the colonization of Indigenous lands and acknowledges a legacy of oppression that has caused intergenerational trauma to Indigenous Peoples and families that includes:

- For more than 10,000 years, generations of Indigenous Peoples have lived and thrived on ancestral homelands that Euro-Americans colonized as Boulder.
- Indigenous Peoples in Boulder have, as in all parts of the Americas, endured centuries of cruelty, exploitation and genocide.
- The westward expansion of Euro-American population and culture in the 19th century caused extensive hunger and diseases that devastated Indigenous Peoples' way of life.²
- In October 1858, Hinono'ei neecee ("Arapaho Chief") Nowoo3 ("Niwot," "Lefthand") told a party of gold-seekers camped in what is now known as Boulder that they could not remain on Indigenous land as defined by the 1851 Treaty of Fort Laramie.³
- After gold was found west of Boulder in January 1859,⁴ many of those same gold-seekers helped found the Boulder Town Company on Feb. 10, 1859,⁵ in violation of the 1851 Treaty of Fort Laramie.⁶
- By the summer of 1859, thousands of gold seekers were in the Boulder area,⁷ and many squatted on Indigenous lands,⁸ continuing the dramatic expansion of Euro-American occupation of Indigenous lands that soon exiled Indigenous peoples from the Boulder area.

- In August 1864, more than 100 Boulder County residents mobilized into Company D of the Third Colorado Cavalry at Fort Chambers along Boulder Creek east of what is now known as Boulder.⁹
- Company D – which included 46 Boulder men¹¹ and prominent Boulder County residents¹² – later participated in the barbaric massacre of peaceful Tsistsistas and Hinono'eino' at Sand Creek on Nov. 29, 1864.¹³ Among those killed in the massacre were women, children, elders and chiefs, including Nowoo³¹⁴ and Tsistsistas Chief White Antelope.¹⁵ Despite having participated in horrific atrocities, members of Company D received a heroes' welcome upon their return home.¹⁶
- The city has benefited and continues to benefit directly from the colonization of Indigenous lands and from removal policies that violated human rights, broke government treaties and forced Indigenous Peoples from their homelands.

We must not only acknowledge our past but work to build a more just future. We are committed to taking action beyond these words. We pledge to use this land acknowledgment to help inspire education and reflection and initiate meaningful action to support Indigenous community members and our federally recognized American Indian Tribal Nation partners.

We intend to use this acknowledgment when the City of Boulder develops work plans that guide day-to-day work, begins new projects, starts long-term community plans, and recruits and hires staff.

Let this formal acknowledgment – which honors and builds on the city's Indigenous Peoples Day Resolution (1190) – stand as a critical step in our work to unify Boulder communities, combat prejudice and eliminate discrimination against Indigenous Peoples.

References

1. Interviews with Tribal Representatives. June 2021 through February 2022. **Please note:** The appropriate Kiowa Indigenous name has not yet been obtained from Tribal Representatives.
2. Coel, Margaret. *Chief Left Hand: Southern Arapaho*. (Norman, Oklahoma: University of Oklahoma Press, 2000), 18-19
3. Crifasi, Bob. *A Land Made from Water: Appropriation and the Evolution of Colorado's Landscape, Ditches, and Water Institutions*. (Boulder, Colorado: University of Colorado Press, 2016), 130
4. Smith, Phyllis. *Boulder: From Settlement to City* (Boulder, Colorado: Pruett Publishing, 1981), 12
5. Smith, Phyllis. *Boulder: From Settlement to City* (Boulder, Colorado: Pruett Publishing Company, 1981), 240
6. Crifasi, Bob. *A Land Made from Water: Appropriation and the Evolution of Colorado's Landscape, Ditches, and Water Institutions*. (Boulder, Colorado: University of Colorado Press, 2016), 130
7. Perrigo, Lynn. *A Municipal History of Boulder 1871-1946*. (Boulder, Colorado: Boulder Historical Society and the City of Boulder 1946), 4
8. Crifasi, Bob. *A Land Made from Water: Appropriation and the Evolution of Colorado's Landscape, Ditches, and Water Institutions*. (Boulder, Colorado: University of Colorado Press, 2016). 131
9. Crifasi, Bob. *A Land Made from Water: Appropriation and the Evolution of Colorado's Landscape, Ditches, and Water Institutions*. (Boulder, Colorado: University of Colorado Press, 2016), 141
10. Crifasi, Bob. *A Land Made from Water: Appropriation and the Evolution of Colorado's Landscape, Ditches, and Water Institutions*. (Boulder, Colorado: University of Colorado Press, 2016), 142
11. Coel, Margaret. *Chief Left Hand: Southern Arapaho*. (Norman, Oklahoma: University of Oklahoma Press, 2000), 280
12. Taylor, Carol. "Boulder County Shares in Sand Creek Massacre Infamy." Boulder Daily Camera, Nov. 15, 2014, <https://www.dailycamera.com/2014/11/15/boulder-county-shares-in-sand-creek-massacre-infamy/>
13. U.S. Congress. Report of the Joint Committee on the Conduct of War. 38th Congress, 2nd Session, 1865, 5
14. Coel, Margaret. *Chief Left Hand: Southern Arapaho*. (Norman, Oklahoma: University of Oklahoma Press, 2000), 291
15. Kelman, Ari. *A Misplaced Massacre: Struggling Over the Memory of Sand Creek*. (Cambridge, Massachusetts: Harvard University Press, 2013), 39
16. Coel, Margaret. *Chief Left Hand: Southern Arapaho*. (Norman, Oklahoma: University of Oklahoma Press 2000), 293

Final 2019 City of Boulder Tribal Consultation Statement

The City of Boulder is deeply appreciative of the opportunity to listen and learn from 14 American Indian Tribes who participated in a government-to-government consultation with the city on Tuesday, March 19, and Wednesday, March 20. This year's consultation is a renewed effort to work with Tribal Nations that have signed four Memorandum of Understanding agreements with the city in the late 1990s and the early 2000s.

The City of Boulder thanks participating tribal representatives for this opportunity to re-establish relationships with the Tribes and for allowing the city to share topics that received city and tribal representative support during this 2019 winter consultation:

- Current agreements need to be updated and that the City of Boulder and Tribal Nations should meet in March 2020 to collaborate on suggested updates.
- A working group made up of city staff and one representative from each tribal nation should be established to help facilitate frequent consultations regarding agreement updates in advance of the 2020 March meeting. The tribes will attempt to designate representatives by April 20, 2019. There also was interest in inviting other Tribal Nations to participate in this ongoing conversation.
- The working group also will be charged with making a recommendation regarding the commemoration and recognition of federally recognized Native American Nations – including a potential new name for Settlers Park with appropriate commemoration and interpretation – which will be decided at the 2020 consultation.

The City of Boulder recognizes and appreciates that tribal representatives will need to have further discussion with their Tribal governments before any changes to the current agreements can occur. Any revised agreements between the City of Boulder and Native American governments will be available to the public once when they're presented to Boulder City Council members for their approval.

The city would like to thank Holly Norton, the state's archaeologist, along with Ernest House, Jr. with the Keystone Policy Center and Jessica Yaquinto with Living Heritage Anthropology, for helping the city to conduct this government-to-government consultation. The city also would like to thank community members for attending the public portions of this consultation and showing their support of American Indian Tribes and Indigenous Peoples in our community.

The City of Boulder again thanks Tribal representatives for sharing their insights and wisdom with city elected and appointed leaders and city staff, and the City of Boulder looks forward to continuing consultations and collaboration with federally recognized Native American Nations in the future.

Final 2021 City of Boulder Tribal Consultation Statement

The City of Boulder extends its gratitude to 11 federally recognized American Indian Tribes who participated in a formal government-to-government consultation with the city on Wednesday, April 7, 2021. The city recognizes Tribal Representatives actively consult with many federal, state, and local agencies across the country. We appreciate their time in speaking with the city and for the opportunity to continue building relationships with Tribal Nations.

During the Wednesday, April 7 consultation, the city and Tribal Representatives continued discussions that began at a March 2019 consultation and were expected to continue at a 2020 consultation, which was postponed because of COVID-19. The city and Tribal Representatives agreed to:

- Rename Settler's Park in west Boulder. The city anticipates informing the community about the agreed-upon name change when it submits an application for the formal name change in early May 2021. The city will invite Tribal Representatives to participate in a city/Tribal Nation working group to develop signage and education that commemorates Indigenous Peoples' connection to the area.
- Continue progress on revising current city-tribal agreements this year. Once the city and Tribal Representatives reach a consensus on updates, the city plans to present a revised agreement to Tribal Governments for their review and possible acceptance.
- Meet again during a planned in-person formal consultation in March 2022.

The city also received feedback and guidance on Wednesday to develop a formal land acknowledgment. This effort has several goals, including:

- Honoring all Indigenous Peoples who have traversed, lived in and stewarded lands in the area since time immemorial.
- Emphasizing that traditions and oral histories still connect Tribal Nations and Indigenous Peoples with the Boulder area.
- Acknowledging the harm caused by the colonization of Indigenous lands.
- Celebrating the generational knowledge and wisdom of Indigenous Peoples.
- Building a foundation to take action for Indigenous Peoples now and into the future.
- Addressing the interests of Indigenous community members and federally recognized American Indian Tribes that consult with the city.
- Developing a consistent approach for land acknowledgments across the city.

City staff will work with the planned city/Tribal Nation working group to help finalize the city's planned land acknowledgment. City staff anticipates providing the Boulder City Council an update about its land acknowledgment effort in late summer or early fall 2021.

The city thanks consultants Ernest House, Jr. with the Keystone Policy Center and Jessica Yaquinto with Living Heritage Anthropology for their continuing assistance in helping the city conduct government-to-government consultation with Tribal Nations.

The city knows it has much work ahead of it in listening and addressing matters of importance to Tribal Nations and Indigenous community members. The city again extends its gratitude for the opportunity to continue building relationships with Tribal Nations and for their guidance and partnership in the years to come.

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MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("Agreement"), made this 18 day of March, 1999, by and between The Southern Ute, The Ute Mountain Ute, The Jicarilla Apache, The Apache of Oklahoma, The Kiowa of Oklahoma, The Comanche of Oklahoma, The Cheyenne and Arapaho Tribes of Oklahoma, The Pawnee of Oklahoma, The Eastern Shoshone, The Northern Arapaho, The Northern Cheyenne, The Oglala Sioux, and The Rosebud Sioux (the "Tribes"), the Medicine Wheel Coalition for Sacred Sites (also included in the term "Tribes"), and the City of Boulder ("City"),

WITNESSETH:

WHEREAS, the Tribes and the City seek by this Agreement to create a spiritual, moral and policy partnership for the protection of the land set forth in Exhibit A (the "Area"); and

WHEREAS, the City is trustee of the City Open Space land in the Area; and

WHEREAS, no party is obligated by this Agreement to any permit or consultation process, any expenditure of funds or any participation in litigation.

NOW, THEREFORE, the parties hereby agree as follows:

- (1) The Tribes agree to provide spiritual, moral and policy support for Open Space acquisition of land and interests in land in the Area by the City, in accordance with the Boulder City Charter.
- (2) The Tribes agree to provide spiritual, moral and policy support for preservation of the Open Space character of the land and the natural resources, flora and fauna in the Area by governments and governmental and non-governmental not-for-profit agencies, especially the federal government.
- (3) The Tribes agree to provide spiritual, moral and policy support to the City in studying the Area and in protecting identified areas of religious and cultural significance and identified cultural resources in the Area.
- (4) The Tribes and the City agree to consider joint policy and litigation positions concerning the Area, on a case-by-case basis.
- (5) Some of the Tribes may be represented with respect to this Agreement by the United Tribes of Colorado ("UTC") when it has been formed, to the extent set forth in the articles and bylaws of the UTC.



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- (6) Initially, this Agreement shall be binding on the Tribes which execute it, and additional Tribes may agree in any form to its provisions.

AGREED, as of the date first above written.

THE TRIBES

The Southern Ute

The Ute Mountain Ute

The Apache of Oklahoma

The Kiowa of Oklahoma

The Comanche of Oklahoma

The Cheyenne and Arapaho Tribes of Oklahoma

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AGREED, as of the date first above written.

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The Ute Mountain Ute

The Apache of Oklahoma

The Kiowa of Oklahoma

The Comanche of Oklahoma



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The Cheyenne and Arapaho Tribes of Oklahoma

The Pawnee of Oklahoma

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

William Newberry

The Oglala Sioux

The Rosebud Sioux





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The Cheyenne and Arapaho Tribes of Oklahoma

The Pawnee of Oklahoma

The Eastern Shoshone

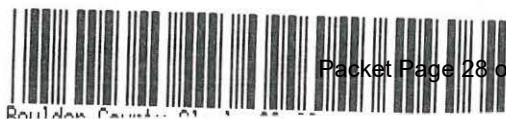
The Northern Arapaho

The Northern Cheyenne

The Oglala Sioux

John Yellow Bird Steele

The Rosebud Sioux



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The Pawnee of Oklahoma

William H. Howell, Head Chief - Northern Council

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

The Oglala Sioux

The Rosebud Sioux

THE MEDICINE WHEEL COALITION FOR SACRED SITES



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The Pawnee of Oklahoma

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THE MEDICINE WHEEL COALITION FOR SACRED SITES

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The Cheyenne and Arapaho Tribes of Oklahoma

Joe Big Medicine
The Southern Cheyenne Tribe

George Sankey
The Southern Arapaho Tribe

The Pawnee of Oklahoma

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

The Oglala Sioux

The Rosebud Sioux



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Boulder County Clerk, CO AG

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CITY OF BOULDER, COLORADO

By: [Signature]
City Manager

Attest:

[Signature]
Director of Finance and Record
Ex-Officio City Clerk

Approved as to form:

[Signature]
City Attorney



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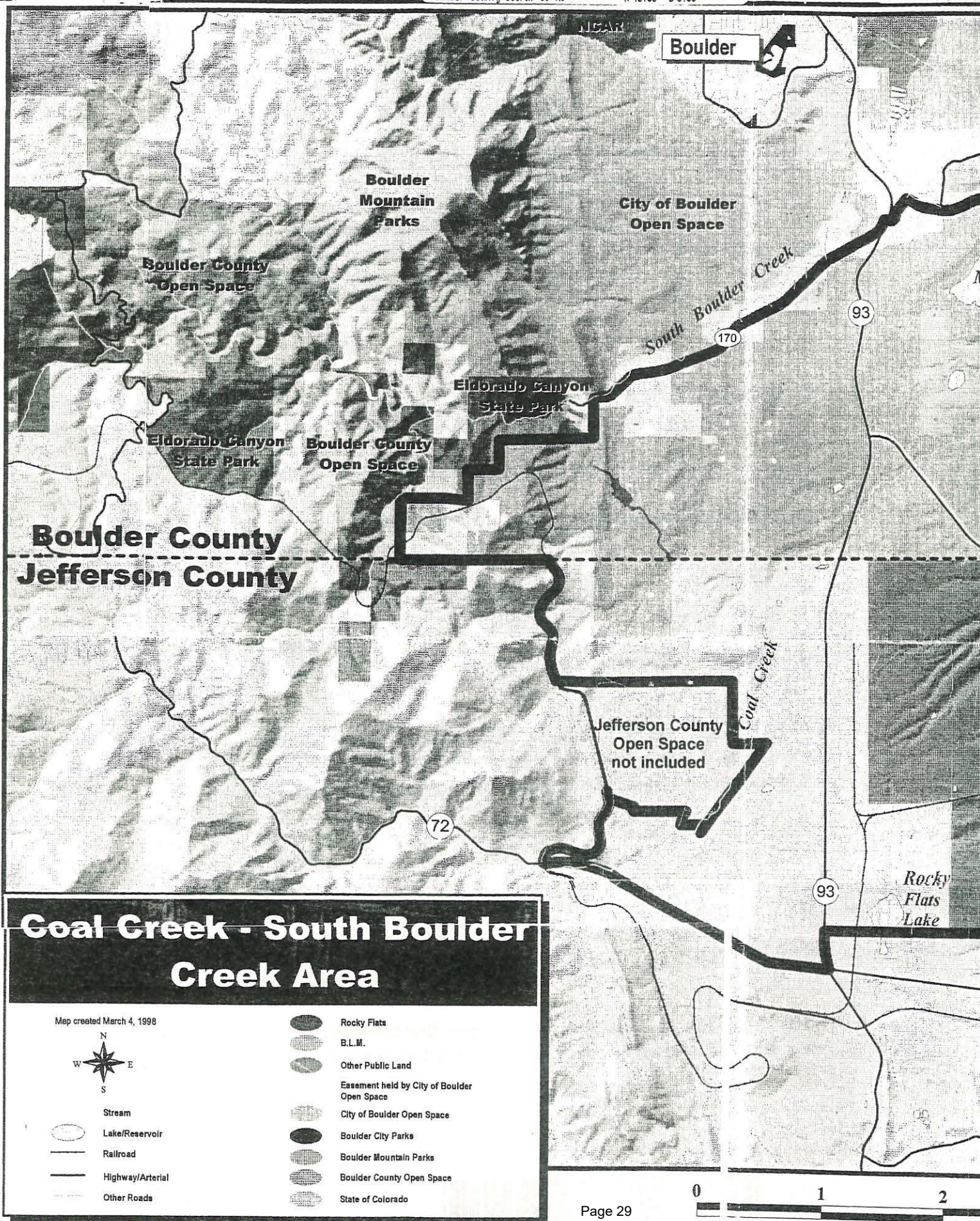
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MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("Agreement"), made this 15th day of March, 1999, by and between The Southern Ute, The Ute Mountain Ute, The Apache of Oklahoma, The Kiowa of Oklahoma, The Comanche of Oklahoma, The Cheyenne and Arapaho Tribes of Oklahoma, The Pawnee of Oklahoma, The Eastern Shoshone, The Northern Arapaho, The Northern Cheyenne, The Ojibwa Sioux, and The Rosebud Sioux (the "Tribes"), the Medicine Wheel Coalition for Sacred Sites (also included in the term "Tribes"), and the City of Boulder ("City"),

WITNESSETH:

WHEREAS, the City and the Tribes have entered into a Programmatic Agreement concerning the NOAA/NIST site at 325 South Broadway in Boulder, Colorado; and

WHEREAS, the Tribes and the City seek by this Agreement to obtain approval for a utility easement on the NOAA/NIST site, as set forth in Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

- (1) The City requests a utility easement on the tribal protected area on the NOAA/NIST site parallel to Broadway, as shown in Exhibit A. This may require an amendment to the Tribal Easement and the Programmatic Agreement for the site. The Tribes approve such request, and this Agreement constitutes such amendment.
- (2) The City requests the support of the Tribes in obtaining this easement from the federal government. The Tribes agree to such support.
- (3) The City recognizes the Tribes' request for the presence of a tribal monitor during the construction's activities on this utility easement, in accordance with procedures similar to those used for the NOAA Building construction, attached as Exhibit B. The City agrees to abide by such procedures, subject only to agreement by the appropriate authority within the federal government.
- (4) The Tribes recognize the concern of the City regarding fire ban ordinances that affect cultural use within the Protected Areas at the NIST site.
- (5) The City agrees to provide reasonable fire protection services for any authorized Tribal cultural use on the Protected Area at the NOAA/NIST site during a fire ban. Such fire protection may include fire extinguishers, wildfire suppression apparatus or other preventive measures.

- (6) Initially, this Agreement shall be binding on the Tribes which execute it, and additional Tribes may agree in any form to its provisions.

AGREED, as of the date first above written.

THE TRIBES

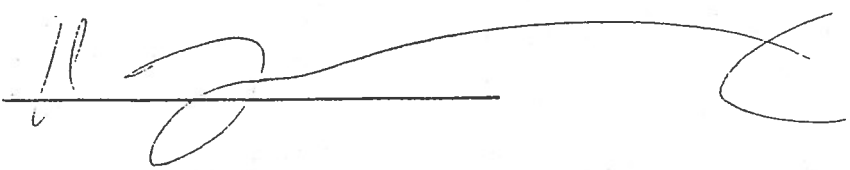
The Southern Ute

The Ute Mountain Ute

The Apache of Oklahoma

The Kiowa of Oklahoma

The Comanche of Oklahoma


The Cheyenne and Arapaho Tribes of Oklahoma

- (6) Initially, this Agreement shall be binding on the Tribes which execute it, and additional Tribes may agree in any form to its provisions.

AGREED, as of the date first above written.

THE TRIBES

The Southern Ute

The Ute Mountain Ute

The Apache of Oklahoma

The Kiowa of Oklahoma

Greg Hainflan

The Comanche of Oklahoma

The Cheyenne and Arapaho Tribes of Oklahoma

The Pawnee of Oklahoma

William A. Howell Head Chief - Northern Council

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

The Oglala Sioux

The Rosebud Sioux

THE MEDICINE WHEEL COALITION FOR SACRED SITES

The Pawnee of Oklahoma

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

William Red Horse

The Oglala Sioux

The Rosebud Sioux

THE MEDICINE WHEEL COALITION FOR SACRED SITES

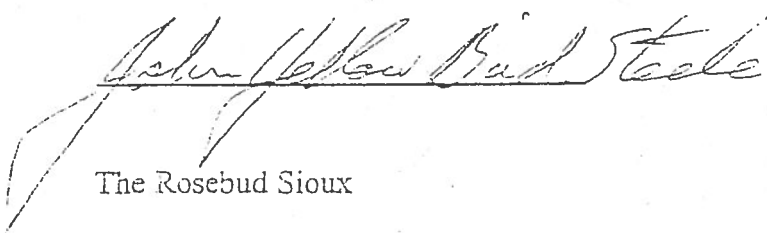
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The Pawnee of Oklahoma

The Eastern Shoshone

The Northern Arapaho

The Northern Cheyenne

The Oglala Sioux

The Rosebud Sioux

THE MEDICINE WHEEL COALITION FOR SACRED SITES





EXHIBIT A

LEGAL DESCRIPTION

Of a parcel of land located in sections 5 and 6, T. 1 S., R. 70 W., 6TH P.M., City and County of Boulder, State of Colorado, more particularly described as follows:

The easterly 75 feet of the NIST/NOAA property as described and shown on the William J. Stengel land survey plat filed at the Boulder County Land Use Department as No. LS - 93 - 122;

Said parcel is parallel to and adjoining the westerly right-of-way of Colorado State Highway No. 93 (S. Broadway).

Total area of said tract is 4.52 acres or 196,978 square feet.

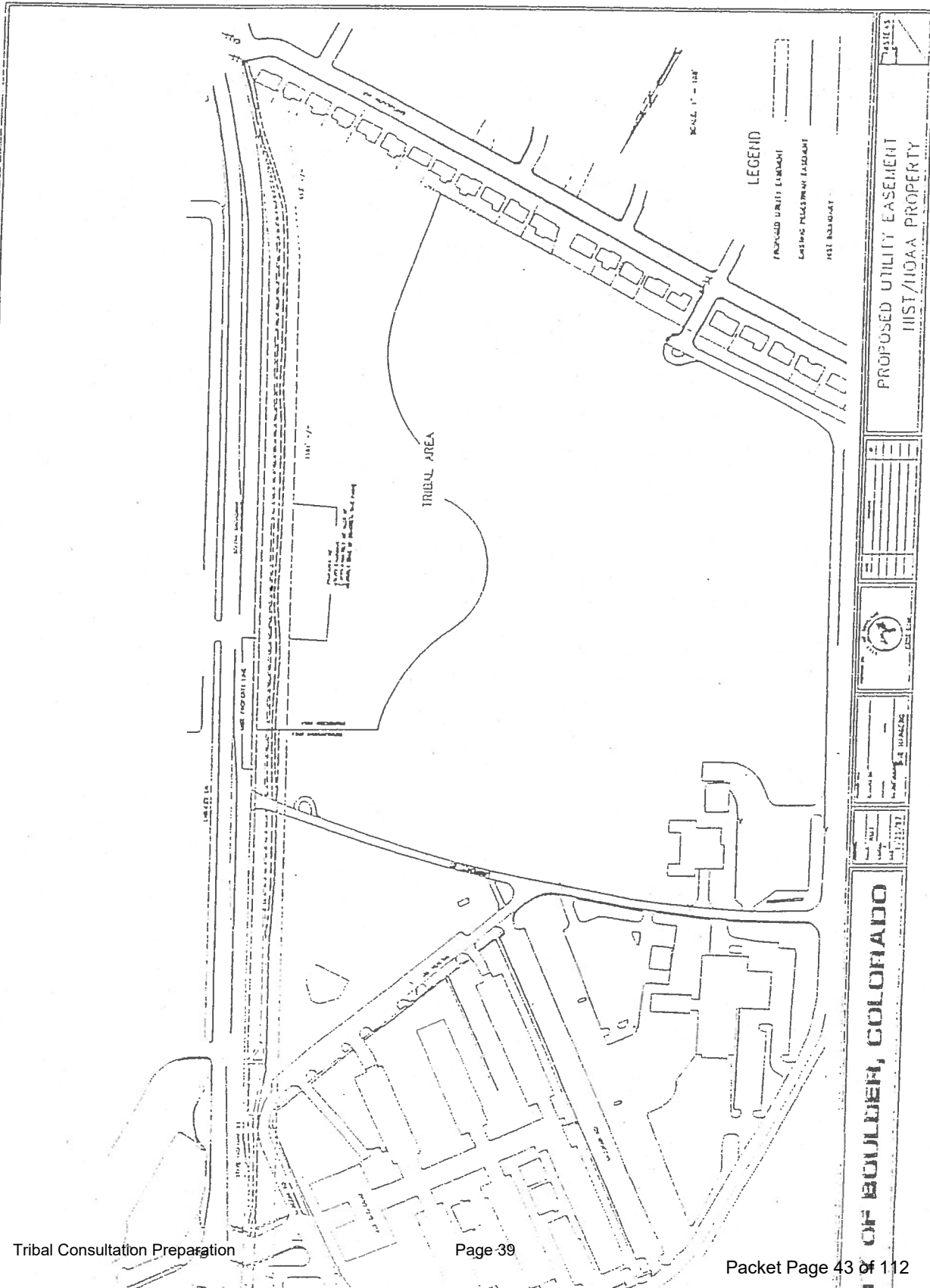


Exhibit B

Cultural Resources Monitor
Statement of Work and Qualifications

Project Description:

Purpose: Implement a Tribal Monitoring Program for Archeological Oversight of Cultural Resources during Ground Disturbing Construction Activities

Project: City of Boulder/Public Service Company of Colorado: South Broadway Electric Line Undergrounding

Agency Contact:

Construction Manager:

Other:

Monitor Program: A tribal monitor will be present during ground disturbing activities on the "Protected Area", in this instance for the ground disturbing activities for underground utility lines parallel to Broadway. "Construction" includes ground breaking, lot over grading and machine excavation, up to a depth of 5 feet. The purpose of monitoring is to ensure the safeguarding of any archeological resources or culturally sensitive items which might be discovered in the construction process.

The schedule of ground disturbing activities will be set by the City of Boulder and Public Service Company of Colorado. The schedule will be coordinated with the tribal monitor. The schedule of times and number of hours of the monitoring activity will be established as soon as practical. The monitor will be required to attend all meetings, especially to establish working requirements and the start of work.

The following laws and regulations may apply to this federal site in the event that any archeological resources or cultural sensitivities are discovered:

National Historic Preservation Act of 1966, as amended
National Environmental Policy Act of 1969, as amended
Archeological and Historic Preservation Act of 1974, as amended
Archeological Resources Protection Act of 1979
Native American Graves Protection and Repatriation Act of 1990
American Indian Religious Freedom Act of 1978

Religious Freedom Restoration Act 199(3)?
 Antiquities Act of 1906, as amended
 The Executive Order on Sacred Sites 1996

In the event that archeological resources or culturally sensitive items are discovered during ground disturbing activities, procedures must be followed to conserve the resources. In this event, ground disturbing activities shall be halted until action can be taken that conserves the resources.

POSITION DESCRIPTION - Cultural Resource Monitor

I. Job Description and Duties

- A. The monitor must be present at the agreed upon days and hours during ground disturbing activities. These activities include: ground breaking, lot over grading and machine excavation, up to a depth of 5 feet. The monitor will also be required to attend any and all meetings prior to the start of and during ground disturbing activities.
- B. The monitor will walk the ground disturbing site and observe all ground disturbing activities as they occur. The monitor will be looking for, but not limited to the following types of items: artifacts, human remains, and items of cultural significance.

In the event that any items of cultural significance are found, the tribal monitor and the agency involved shall immediately notify the signatory tribal offices and work together to ensure that all appropriate procedures and documentation are followed as directed by applicable federal laws and regulations.

Agencies will work in partnership with the monitor and the signatory tribes to ensure proper processing and disposition of any discovered resources.

- C. The monitor shall coordinate all on-site activities with the construction contractor.
- D. The monitor shall submit a daily record and report of activities to the construction contractor.
- E. The monitor shall submit a weekly time sheet.
- F. The monitor shall submit a final report at the end of ground disturbing activities to the City of Boulder and to the site manager of the National Institute of Standards and

Technology facility on the site ("NIST"), with a copy to the signatory tribes, summarizing the monitoring program and findings. This report is due fourteen days following the completion of monitoring activities. If significant portions of the work are separated and do not follow consecutively, a report will be due fourteen days after each separate portion of work is completed.

2. Security Procedures: Prior to arriving at the job site, if required by NIST, the monitor shall present and obtain site manager approval of:
 - a. Two copies of a fingerprint card, which can be obtained from GSA or local police authorities.
 - b. A completed security clearance form.
 - c. A clearance from the State Police stating whether or not the individual has a criminal record in his state of residence.
3. Safety: The monitor shall comply with both the safety requirements of the contractor and the NIST safety program.

QUALIFICATIONS - CULTURAL RESOURCE MONITOR

1. Background Experience: The tribal monitor must be an enrolled tribal member or a designated representative of one of the signatory tribes and meet the requirements of either a) or b) as described below.
 - a) The monitor shall be chosen by tribal traditional elders or appointed by the tribes' cultural resource committees; the monitor should be a person knowledgeable in traditional ways and ceremonial practices; this appointed person shall submit to the City and NIST a letter of authorization from a majority of the signatory tribes' tribal elders or cultural resources committees which indicates that he or she shall act as a monitor in this endeavor.
 - b) The monitor shall be a fourth year university student in good standing, pursuing either a degree in Cultural Resource Management, or Anthropology and Archeology. This person should have received appropriate training and participated in official tribal cultural resource management programs. This person shall submit to the City and NIST a letter of authorization from a majority of the tribes' tribal

Hourly Payment @ \$10/hour or \$20/hour with no per diem and miscellaneous expenses, at the election of the City

Lodging @ \$93/night

Per Diem @ \$34/day

Miscellaneous Expense

Phone - \$3/day

Daily mileage to work site @ \$0.31/mile

Round Trip Mileage (to & from home) @ \$0.31/mile

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("Agreement"), made this 14th day of August, 2002, by and between The Southern Ute, The Ute Mountain Ute, The Jicarilla Apache, The Kiowa Nation, The Comanche Nation of Oklahoma, The Southern Cheyenne Tribe of Oklahoma, The Southern Arapaho Tribe of Oklahoma, The Pawnee Nation of Oklahoma, The Eastern Shoshone, The Northern Arapaho, The Northern Cheyenne, The Oglala Sioux, and The Rosebud Sioux (the "Tribes"), the Medicine Wheel Coalition for Sacred Sites, and the United Tribes of Colorado (collectively, the "Representatives") and the City of Boulder (the "City"),

WITNESSETH:

WHEREAS, American Indians had an historic presence on Open Space and Mountain Parks lands; and

WHEREAS, the City is trustee of the Open Space and Mountain Parks land; and

WHEREAS, Section 176 of the City Charter limits the use of Open Space and Mountain Parks land as follows:

Sec. 176. Open space purposes—Open space land.

Open space land shall be acquired, maintained, preserved, retained, and used only for the following purposes:

(a) Preservation or restoration of natural areas characterized by or including terrain, geologic formations, flora, or fauna that are unusual, spectacular, historically important, scientifically valuable, or unique, or that represent outstanding or rare examples of native species;

(b) Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats, or fragile ecosystems;

(c) Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing;

(d) Preservation of agricultural uses and land suitable for agricultural production;

(e) Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth;

(f) Utilization of non-urban land for spatial definition of urban areas;

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9/19/02

(g) Utilization of land to prevent encroachment on floodplains; and

(h) Preservation of land for its aesthetic or passive recreational value and its contribution to the quality of life of the community.

Open space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or to provide for passive recreational, open agricultural, or wildlife habitat use of the land.

WHEREAS, the City is committed to the preservation of the Open Space and Mountain Parks land and the cultural resources located thereon and desires to protect areas of religious and cultural significance; and

WHEREAS, the Representatives have a unique capacity to gather information and advice concerning cultural resources; and

WHEREAS, no party is obligated by this Agreement to any expenditure of funds or any participation in litigation; and

WHEREAS, the Representatives and the City seek by this agreement to create a partnership for the protection of any cultural resources that may exist on Open Space and Mountain Parks land and particularly the Jewel Mountain located in Jefferson County across Colorado Highway 93 from Rocky Flats.

NOW, THEREFORE, the parties hereby agree as follows:

- (1) The Representatives agree to provide cultural resource evaluation and advice in support of Open Space and Mountain Parks land acquisition in accordance with the City Charter.
- (2) The Representatives agree to provide cultural resource evaluation and advice in support of Open Space and Mountain Parks land management.
- (3) The Representatives and the City agree to an ongoing consultation about cultural resources on Open Space and Mountain Parks land for the purpose of identifying and protecting areas of religious and cultural significance and recognizing cultural resources in the area.
- (4) The City agrees, subject to annual budget appropriations, to host an annual consultation with the Representatives in Boulder to facilitate the ongoing consultation contemplated by this agreement.
- (5) Open Space is closed to public vehicular traffic. The City agrees that the Tribes need no prior permission for pedestrian use of Open Space and Mountain Parks. Ceremonies requiring the building of a temporary structure (for example a sweat lodge or tipi) do require permission from the City. The permit procedure for ceremonies requiring a temporary structure is as follows:

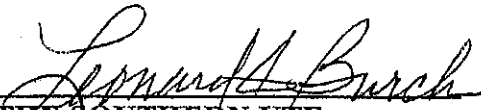
- (a) At least 30 days prior to the ceremony, a letter of request from a participating Tribe must be submitted to the Director of Open Space and Mountain Parks, P.O. Box 791, Boulder, CO 80306, outlining the activity, the number of people expected to attend, the duration of the activity and how the Tribal members have addressed and will address issues of safety, environmental hazards, restoration of the use area and parking.
 - (b) The Tribal contact list in effect as of the date of this agreement is attached as Exhibit A. Such list shall be revised from time to time upon the request of any Tribe.
 - (c) The City will notify the requesting Tribal contact of permit approval or denial in writing, with any restrictions or conditions included in the permit. The City will approve any *bona fide* Tribal request providing it involves no monetary gain whatsoever, does not interfere with previously scheduled activities and does not conflict with the City Charter and ordinances.
 - (d) No permanent structures will be permitted. Temporary structures must be removed within seven days after the ceremony is concluded. Tribal members using the site will be responsible for leaving the area in the same condition as they found it.
 - (e) The City agrees to provide reasonable fire protection services for any authorized Tribal cultural use on Open Space and Mountain Parks land. Such fire protection may include fire extinguishers, wildfire suppression apparatus or other preventative measures.
 - (f) The area must be fully restored after the activity. The requesting Tribe is responsible for any restoration.
- (6) The City agrees that bicycle and pedestrian trails, parking lots, plowing or cultivating, intentional burning, and mineral extraction, to the extent of City mineral ownership, on the Jewel Mountain Open Space Area shall be reviewed by the Tribes prior to authorization by the City. Should it be determined that there is a conflict, the City and the Tribes shall meet to resolve the conflict or provide measures by which the conflict can be resolved. Such uses shall not be authorized by the City unless and until at least fifty percent of the Tribes signing this agreement shall have approved a management plan for such use, including without limitation monitoring to safeguard cultural resources during the construction process. Note: the City does not own the mineral rights under all of its land. Whoever owns the mineral rights has certain rights to extract the minerals against the wishes of the City.
- (7) The City agrees that inadvertent discovery on Open Space and Mountain Parks land of American Indian cultural resources, including funerary objects and human remains shall be reported to the Tribes and protected by the City until the Tribes can advise the City about reinterment. The City shall comply with federal and state law.
- (8) Initially, this Agreement shall be binding on the City and the Representatives that execute it, and the City and additional Tribes may agree in any form to its provisions with the consent of at least half of the Representatives.

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- (6) The City agrees that bicycle and pedestrian trails, parking lots, plowing or cultivating, intentional burning, and mineral extraction, to the extent of City mineral ownership, on the Jewel Mountain Open Space Area shall be reviewed by the Tribes prior to authorization by the City. Should it be determined that there is a conflict, the City and the Tribes shall meet to resolve the conflict or provide measures by which the conflict can be resolved. Such uses shall not be authorized by the City unless and until at least fifty percent of the Tribes signing this agreement shall have approved a management plan for such use, including without limitation monitoring to safeguard cultural resources during the construction process. Note: the City does not own the mineral rights under all of its land. Whoever owns the mineral rights has certain rights to extract the minerals against the wishes of the City.
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- (8) Initially, this Agreement shall be binding on the City and the Representatives that execute it, and the City and additional Tribes may agree in any form to its provisions with the consent of at least half of the Representatives.

AGREED, as of the date first above written.

SIGNATURE


 THE SOUTHERN UTE CHAIRMAN


 DATE

 THE UTE MOUNTAIN UTE

 DATE

 THE KIOWA OF OKLAHOMA

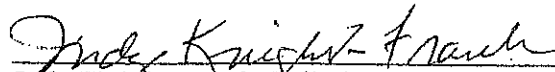
 DATE

 THE JICARILLA APACHE

 DATE

AGREED, as of the date first above written.

SIGNATURE:



Judy Knight-Frank, Tribal Chairman

The Ute Mountain Ute Tribe

Date

CITY OF BOULDER

By:

Ronald A. Secrist
City Manager

ATTEST:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney's Office


THE MEDICINE WHEEL COALITION
FOR SACRED SITES

7-4-02
DATE

THE UNITED TRIBES OF
COLORADO

DATE

CITY OF BOULDER

By: _____
Ronald A. Secrist
City Manager

ATTEST:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney's Office

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AGREED, as of the date first above written.

SIGNATURE

THE SOUTHERN UTE

DATE

THE UTE MOUNTAIN UTE

DATE

Billy Evans Horse

THE KIOWA OF OKLAHOMA

5-06-02-

DATE

THE JICARILLA APACHE

DATE

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- (8) Initially, this Agreement shall be binding on the City and the Representatives that execute it, and the City and additional Tribes may agree in any form to its provisions with the consent of at least half of the Representatives.

AGREED, as of the date first above written.

SIGNATURE

THE SOUTHERN UTE

DATE

THE UTE MOUNTAIN UTE

DATE

THE KIOWA OF OKLAHOMA

DATE

Adelaide Ruiz

THE JICARILLA APACHE

4-17-02

DATE

CRS/archaeologist
Final MOU 2002



THE COMANCHE OF
OKLAHOMA

2-27-02

DATE

THE SOUTHERN CHEYENNE
OF OKLAHOMA

DATE

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

DATE

THE PAWNEE NATION OF
OKLAHOMA

DATE

THE EASTERN SHOSHONE

DATE

THE NORTHERN ARAPAHO

DATE

THE OGLALA SIOUX

DATE

THE ROSEBUD SIOUX

DATE

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THE COMANCHE OF
OKLAHOMA

DATE



THE NORTHERN CHEYENNE

4-28-02

DATE

THE SOUTHERN CHEYENNE
OF OKLAHOMA

DATE

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

DATE

THE PAWNEE NATION OF
OKLAHOMA

DATE

THE EASTERN SHOSHONE

DATE

THE NORTHERN ARAPAHO

DATE

THE OGLALA SIOUX

DATE

THE ROSEBUD SIOUX

DATE

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THE COMANCHE OF
OKLAHOMA

DATE

Joe Big Medicine J.

THE SOUTHERN CHEYENNE
OF OKLAHOMA

Feb. 25-02

DATE

William L. Pedro

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

Feb. 25-02

DATE

THE PAWNEE NATION OF
OKLAHOMA

DATE

THE EASTERN SHOSHONE

DATE

THE NORTHERN ARAPAHO

DATE

THE OGLALA SIOUX

DATE

THE ROSEBUD SIOUX

DATE

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THE COMANCHE OF
OKLAHOMA

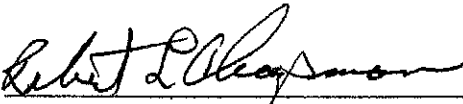
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THE SOUTHERN CHEYENNE
OF OKLAHOMA

DATE

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

DATE



THE PAWNEE NATION OF
OKLAHOMA

3-1-02

DATE

THE EASTERN SHOSHONE

DATE

THE NORTHERN ARAPAHO

DATE

THE OGLALA SIOUX

DATE

THE ROSEBUD SIOUX

DATE

Attachment D - Existing Agreements

THE COMANCHE OF
OKLAHOMA

DATE

THE NORTHERN CHEYENNE

DATE

THE SOUTHERN CHEYENNE
OF OKLAHOMA

DATE

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

DATE

THE PAWNEE NATION OF
OKLAHOMA

DATE

THE EASTERN SHOSHONE

DATE



THE NORTHERN ARAPAHO

5-21-02

DATE

THE OGLALA SIOUX

DATE

THE ROSEBUD SIOUX

DATE

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THE COMANCHE OF
OKLAHOMA

DATE

THE SOUTHERN CHEYENNE
OF OKLAHOMA

DATE

THE SOUTHERN ARAPAHO
TRIBES OF OKLAHOMA

DATE

THE PAWNEE NATION OF
OKLAHOMA

DATE

THE EASTERN SHOSHONE

DATE

THE NORTHERN ARAPAHO

DATE



THE OGLALA SIOUX

3/05/02

DATE

THE ROSEBUD SIOUX

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THE MEDICINE WHEEL COALITION
FOR SACRED SITES

DATE

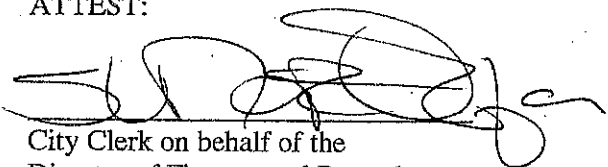
THE UNITED TRIBES OF
COLORADO

DATE

CITY OF BOULDER

By: Kathleen Love
for Christine Andersen
Acting City Manager

ATTEST:



City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney's Office

final MOU.021502

CITY OF BOULDER, a Colorado home rule city

By: Ronald A. Secrist
Ronald A. Secrist, City Manager

ATTEST:

By: [Signature]
City Clerk, on behalf of the
Director of Finance and Record

APPROVED AS TO FORM:

By: [Signature]
City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 10th day of May, 2002, by
Ronald A. Secrist as _____ City Manager and
Sandy North as _____ City Clerk on behalf of the Director of
Finance and Record of the City of Boulder, a Colorado home rule City.

Witness my hand and official seal.
My commission expires:

[SEAL]



Susan Smith
Notary Public

Exhibit A

Listing of Consulting Tribes:

James Pedro, Chairman
Cheyenne & Arapaho Tribes of Oklahoma
P.O. Box 41
Concho, OK 73022

William L. (Lee) Pedro
Southern Arapaho of Oklahoma
P.O. Box 41
Concho, OK 73022
Home: 405-422-3270
Work: 405-262-1770

Joe Big Medicine
The Southern Cheyenne
500 South Leech, Apt 36
Watonga, OK 73772
Home: 580-623-2810
work: 405-262-0345
FAX 405-262-0745

Billy Evans Horse, Chairman
The Kiowa Tribe of Oklahoma
P.O. Box 297
Hobart, OK 73651
580-654-2300

George Daingkau
NAGPRA Representative
The Kiowa Tribe of Oklahoma
118 N. Stephens
Hobart, OK 73651
Ph: 580-726-3708
Fax: 580-726-3708
Cell: 580-550-0040
Email: delaware_ed@hotmail.com

Francis B. Brown, President
Medicine Wheel Coalition for Sacred Sites of Northern America
P.O. Box 601
Riverton, WY 82501
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9/19/02

First Amendment to the Memorandum of Understanding between the City of Boulder and the Tribes dated August 17, 2002

WHEREAS, this First Amendment to the Memorandum of Understanding between the City of Boulder and the Tribes dated August 17, 2002 is intended to clarify the traditional use ceremonies on City of Boulder Open Space and Mountain Parks lands when structures are used; and

WHEREAS, the following provisions were recommended to the Open Space and Mountain Parks Department, City of Boulder (the "City") at the Consultation Meeting, February 18, 2004, with representatives of federally recognized Tribal governments (the "Tribes"); and

WHEREAS, the Tribes recommended that the policy for ceremonies requiring structures as set forth in the Memorandum of Understanding between the Tribes and the City, dated August 17, 2002, be amended as set forth below.

NOW, THEREFORE, Paragraph (5) of the Memorandum of Understanding is hereby rescinded in its entirety and amended to read as follows:

- (5) Open Space is closed to public vehicular traffic. The City agrees that the Tribes need no prior permission for pedestrian use of Open Space and Mountain Parks. Ceremonies requiring the building of a temporary structure (for example a sweat lodge or tipi) do require permission from the City. The permit procedure for ceremonies requiring a temporary structure is as follows:
 - (a) At least 15 days prior to the ceremony, a letter of request from a participating Tribe must be submitted to the Director of Open Space and Mountain Parks, PO Box 791, Boulder, CO 80806, outlining the activity, the number of people expected to attend, the duration of the activity and how the Tribal members have addressed and will address issues of safety, environmental hazards, restoration of the use area and parking;
 - (b) The Tribal contact list in effect as of the date of this agreement is attached as Exhibit A to the original agreement. Such list shall be revised from time to time upon the request of any Tribe;
 - (c) The City will notify the requesting Tribal contact of permit approval or denial in writing, with any restrictions or conditions included in the permit. The City will approve any *bona fide* Tribal request providing it involves no monetary gain whatsoever, does not interfere with previously scheduled activities and does not conflict with the City Charter and ordinances.
 - (d) The City agrees to provide reasonable fire protection services for any authorized Tribal cultural use on Open Space and Mountain Parks land.

- (e) Such fire protection may include fire extinguishers, wildfire suppression apparatus or other preventative measures.
- (f) No permanent structures will be permitted. Temporary structures must be removed within seven days after the ceremony is concluded. Tribal members using the site will be responsible for leaving the area in the same condition as they found it.
- (g) There will be no cutting of trees or any other destruction of vegetation allowed. Individuals must provide their own wood.
- (h) The lodge area must be kept clean.
- (i) The sweat lodge at Valmont Butte may remain up due to the difficulty in obtaining willows. Frequent users are requested to take down and rebuild the lodge with fresh willows periodically.
 - 1. The area must be fully restored after the activity. The requesting Tribe is responsible for any restoration.
 - 2. There will be no use of the area for any individual monetary gain or profit. Reasonable traditional gift giving is acceptable.
 - 3. The following persons may use the area for traditional use ceremonies requiring structures and/or a fire:
 - i. Enrolled members of federally recognized tribes.
 - ii. Sponsored individuals of federally recognized tribes who show an enrollment card.
 - iii. Individuals or groups sponsored by the tribal branch of the Native American Church as long as a letter of sponsorship is provided on appropriate tribal or church letterhead.
 - iv. And anyone else who meets one of these standards.
 - 4. The request for use must be made in writing, 15 days in advance. This request must include:
 - i. Identification of group leader including a tribal enrollment card or appropriate sponsorship.
 - ii. A short narrative about the type of activity planned and the number of people involved.
 - 5. Use of the various areas including Valmont Butte will be reviewed by the Tribes periodically.

6. Only ceremonies or traditional practices that require the building of a structure and/or a fire require permission from the City.

AGREED, as of the ____ day of _____, 2004.


Signature

The Northern Cheyenne Tribe

1-3-04
DATE

CITY OF BOULDER

By: _____
Frank Bruno
City Manager

ATTEST:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney's Office



COVER SHEET

MEETING DATE

February 22, 2022

STUDY SESSION ITEM

Financial and Revenue Strategies for Climate Work

PRIMARY STAFF CONTACT

Jonathan Koehn, Interim Director of Climate Initiatives

ITEM UPDATES

This item is being moved from the February 8th Study Session to the February 22 Study Session.

ATTACHMENTS:

Description

- ▣ **Financial and Revenue Strategies for Climate Work**



STUDY SESSION MEMORANDUM

TO: Mayor and Members of City Council

FROM: Nuria Rivera-Vandermyde, City Manager
Chris Meschuk, Deputy City Manager
Jonathan Koehn, Interim Director of Climate Initiatives
Yael Gichon, Principal Project Manager
Carolyn Elam, Sustainability Senior Manager
Brett KenCairn, Senior Policy Advisor
Jamie Harkins, Policy Advisor Coordinator
Matt Lehrman, Policy Advisor
Emily Sandoval, Communications Senior Program Manager
Heather Sandine, Executive Assistant

DATE: Feb. 22, 2022

SUBJECT: Study Session for February 2, 2022
Financial and Revenue Strategies for Climate Work

EXECUTIVE SUMMARY

The climate emergency requires an acceleration of the city organization's efforts, particularly efforts to rapidly reduce emissions and strengthen the community's resilience to climate-driven shocks and chronic stresses. While the city organization cannot be responsible for all the actions and investments needed to achieve the community's climate and resilience goals, it does play a critical role in supporting the community through robust programs and services, capital investments, regulation and oversight, planning, education, and advocacy.

At the time the city needs to redouble its commitment to climate action, funding for climate work is set to step down. The voter-approved Climate Action Plan tax (CAP Tax) expires in March 2023. The CAP Tax provides critical funding for climate-specific programs, services, policy action and partnership efforts. When created in 2006, the CAP Tax was envisioned as an initial revenue mechanism to reduce greenhouse gas (GHG) emissions, in line with the Kyoto Protocol

targets¹. While the tax has provided critical funding for climate strategies, climate science evolved, and it became apparent that much larger emissions reductions are required.

The science is clear—accelerated climate action is needed, and local governments must prepare for climate disruption. At its [June 8 Study Session](#), council reviewed a series of updated climate goals and targets and directed staff to bring those updates to council for official action. The resolution on Oct. 26, 2021, adopted these goals:

- Reduce emissions 70% by 2030 from a 2018 baseline
- Become a net-zero positive city by 2035
- Become a carbon positive city by 2040

These goals reflect the maturing of climate science and global recognition that much more significant GHG emissions reductions are necessary, and the fact that cities must set much more aggressive targets. In addition to the mitigation of GHG emissions, there is an increasingly urgent need to prepare for significant climate change disruptions and to address the inequities that climate change perpetuates.

CAP Tax rates have not been increased since 2010, and since then, revenues have gradually declined as city-sponsored climate programs have matured and per capita energy use (and total residential electricity use) has declined. To maintain the progress toward Boulder's current climate targets, staff has evaluated the long-term solvency of program funding and explored potential funding alternatives for future consideration. Supporting the next generation of climate action will require stable and sustained investment over the next two decades. While the CAP Tax alone is insufficient to fund all city organization and community-wide efforts to address climate mitigation and resilience, it represents an important source of dedicated funding that, in the absence of council and community action, will expire. With council approval, voters must consider extending or revising funding in the November 2022 general election to maintain existing programs and services and/or to accelerate the community's actions to address the climate crisis.

Based on the evaluation of a variety of options, staff recommends the following:

1. **Pursue a ballot measure to create a new Climate Tax to replace the existing CAP Tax and Utility Occupation Tax (UOT):** Staff is recommending that council consider an approach to help continue and stabilize the city's dedicated climate funding. Staff recommends a 2022 ballot initiative for a new Climate Tax that would replace both the existing CAP Tax and the Utility Occupation Tax (UOT), which is currently used to fund projects, pilots, initiatives, and research that supports the city's clean energy goals,

¹ A 7 percent emissions reduction compared to 1990 levels

including efforts conducted in partnership with Xcel Energy, and will expire in 2025. Staff's recommendation includes strategies to address inequities in current funding mechanisms and avoid undue financial burden to the community moving forward.

2. **Expand the revenues collected by the new Climate Tax:** The new tax would expand the revenues collected from today's level of \$3.9 million (current level of CAP tax² and UOT combined) to achieve a minimum of \$5 million in annual revenues. The tax would be collected as a tax on electric and gas utility revenues, like the current UOT. This minimum represents a roughly \$1 million increase in revenue compared to today's CAP and UOT collections. As described in greater detail later in this memo, the incremental increase in funding is intended to:
 - Prioritize investments in our community's climate resilience efforts
 - Leverage other funding sources such as federal infrastructure, climate, and resilience funds to meet local needs
 - Create cost-sharing opportunities (e.g., potential revolving loan fund) and expand emerging strategies such as natural climate solutions, building weatherization and electrification, and circular economy.
3. **Stabilize Boulder's Climate funding and create leveraging opportunities by extending the tax to 2040:** Stabilizing funding to 2040 and adding the ability to issue debt against the funds, in combination with the proposed incremental addition of revenues, would enable the department to raise funds now against future years' taxes. This strategy would allow for potential capital investments and create leverage for outside capital.

As envisioned, the new Climate Tax would continue to support work led by the Climate Initiatives department, including the partnership work with Xcel, with investments prioritized around the strategies outlined in this memo and further informed by the community. As council considers the long-term funding needs of our community's climate efforts, it is important to note that both emissions mitigation and climate resilience are a priority across the city organization, not just a single department. The city will continue to work on advancing the coordination of emissions reductions and resilience work across all departments. Through ongoing budgeting, master planning efforts and community engagement, we expect to further refine the scale of investment and revenue needs across the organization.

² Excludes the approximately ~\$400,000 in annual Energy Impact Offset fees that are incorporated into the CAP budget.

KEY ISSUES IDENTIFIED

1. The current CAP tax has several constraints and, alone, is insufficient to support future climate action work. Current revenues are insufficient to fulfill the city's role in achieving the new climate targets. The original purpose of the CAP Tax was to fund implementation of city programs to reduce local GHG emissions to meet the Kyoto Protocol target (only 7% emissions reduction for the U.S. from 1990 levels). This tax was never intended to fully fund the achievement of the city's climate and energy goals. The structure of the tax has not changed since its original implementation, despite increasingly more aggressive goals. In terms of specific strategies funded by the revenues, the low-cost, low-lift actions have been employed, and the remaining work will be increasingly difficult, more complex, and expensive, and will require the commitment of multi-year, sustained investment to be successful. Further, when the tax was originally created, mitigation (reducing emissions that cause climate change) was the primary focus. Considering the realities of our changing climate, the emphasis must be expanded to include community resilience and adaptation.
2. The existence of both the CAP Tax and UOT may appear duplicative to customers. In 2020, when voters elected to pause the municipalization effort and pursue a new energy partnership with Xcel, they also extended the UOT to support the partnership, continue the broader clean electricity efforts, and provide additional funding for community-focused programs. Both the CAP Tax and the UOT currently fund work core to advancing the city's climate goals. Whether supporting exploration of a municipal utility or partnership with Xcel, the UOT has been central to achieving goals specific to clean electricity and to fund city staff to lead these efforts. The UOT is currently scheduled to sunset in 2025. Rather than presenting council and the community with yet another tax extension in two years, there is opportunity to consider this tax more holistically in the context of the overall climate funding needs.
3. Climate work and climate resilience is happening across the city organization, not just a single department. As mentioned above, emissions reductions and climate resilience cannot be addressed through siloed efforts, such as one team designing disaster recovery plans, another team exploring sustainability issues, another focused on livelihoods and well-being, and yet another on land-use planning and infrastructure. Cities are systems, not silos. Like equity, resilience must be centered in all our work, not as something standing alone. Similarly, climate efforts span all aspects of our economy, from our use of energy to our food systems, to our use of material goods, to the way we interact with our natural systems. For this reason, addressing the revenue needs of the city organization to advance the community's climate goals cannot be addressed through a single revenue source, nor single council decision. It will be built through refinement and prioritization within existing budgets and through additional revenues as opportunities and needs are

identified. Unifying climate and resilience strategies across the organization will support an integrated approach to address the greatest needs.

QUESTIONS FOR COUNCIL

1. Does Council support the staff recommendation for a new Climate Tax that replaces the combination of the current UOT and CAP tax?
2. Does Council support and/or have questions about staff's proposal to increase overall revenues and collect a new Climate Tax through 2040?
3. What would be helpful for council to know to determine whether to support advancing a Climate Tax as a 2022 ballot item?
4. Does Council have any guidance for staff related to scoping the broader city role and associated revenue needs?

BACKGROUND

Before diving into specific staff recommendations, it is important to revisit the scope and scale of the climate crisis and role of local jurisdictions. It will be no surprise to council that 2021, like the years before it, represented one of the hottest years on earth ever recorded, unleashing countless extreme weather events. Unprecedented heat waves struck traditionally temperate regions of North America; three months' worth of rain fell on Dakar, Senegal, flooding the capital and exposing residents to toxic algae; Afghanistan endured a severe drought, just as its government collapsed, putting 22 million people at risk of starvation. Calamities associated with a warmer climate reached nearly every corner of the globe.³

Tragically, climate change came home, too. Smoke from California fires harmed local air quality; the region went nearly 200 days without significant snowfall. And, at the end of the year, the Marshall Fire burned through swaths of grassland and suburban neighborhoods, displacing thousands of Boulder County residents.

Unfortunately, one need not look far to understand viscerally that time to adequately address the causes of climate change is running short. Scientists tell us that we have until 2030 to make the massive, societal, systems-scale changes required to stave off the worst effects of climate change.

Since the release of the [2018 Intergovernmental Panel on Climate Change \(IPCC\) Special Report](#), the Climate Initiatives department has been taking steps to align city climate work with

³ <https://www.nytimes.com/interactive/2021/12/13/opinion/climate-change-effects-countries.html?action=click&module=RelatedLinks&pgtype=Article>

the scale of change required. In 2019, City Council declared a climate emergency and initiated a new phase of climate action planning.

Vision for the Future of the City of Boulder's Climate Efforts

In June 2021, the city outlined its new approach to climate action that aligns with the urgency of the crisis and the scale of change required. This section summarizes the key characteristics of this evolution. For more detailed information, see the [June 8, 2021, council memo](#).

Aligned with the city's new approach on climate action, in October 2021 council adopted a [new set of aggressive, science-based climate targets](#):

- Reduce emissions 70% by 2030 from a 2018 baseline
- Become a net-zero positive city by 2035
- Become a carbon positive city by 2040

To align with these new targets, the city's climate work aims to:

1. **Address systems-scale change.** Climate action requires much larger society-scale/systems-scale changes involving all aspects of the public and private sectors.
2. **Act beyond its boundaries.** Collaborating with partners, other cities, and government agencies to achieve impact at a larger scale, on topics within the city's sphere of influence. Swift, sweeping climate action must take place at **all levels of society**, including local, regional, national, and international in support of achieving larger climate targets.
3. **Focus resources on actions within the city's sphere of influence and control.** While the resolution sets goals and targets as a community, the city organization must focus its resources on actions within the city's sphere of influence and control—increasingly those actions which increase community resilience to the escalating impacts of climate change.
4. Allocate necessary time and resources to address the impacts of climate change in an **equitable manner**.
5. **Build resilience** and strengthen community capacity to adapt and thrive
6. Focus attention on **natural climate solutions**, both as a strategy to recapture atmospheric carbon and as critical green infrastructure to enhance community resilience to climate change.
7. Account for the **full scope of emissions** in our community, including emissions associated with the creation of the goods and food purchased.
8. Address **five focus areas** for climate action:
 1. Energy Systems
 2. Circular Materials
 3. Natural Climate Solutions (formerly Ecosystems)
 4. Land Use
 5. Financial Systems
9. **Bring the community together** with renewed urgency and hope to address the climate emergency and achieve clarity on the required next steps.
10. Ground all efforts in approaches that **address the historic inequities** of benefits and costs of climate action and climate change, respectively.

As events like the floods, fires, and extreme weather we have experienced now illustrate, climate change is a reality that is happening and will likely intensify. It is now clear that both the original climate action measures and the original funding strategies that the city put in place to work on climate change—including the CAP Tax—are also now insufficient to address the scale and accelerating intensity of climate change that we now face.

The following section explores the existing revenue sources and the challenges presented with the existing CAP Tax and identifies opportunities to align future revenue mechanisms with the scale of funding necessary for high-impact climate actions.

ANALYSIS: FUNDING STRATEGY

Current Funding Framework & Limitations

Climate funding in Boulder is integrated into many aspects of the city’s work and generated through multiple taxes, fees and funds. While progress on climate-related work is ever-present through all departments in the city organization, there are three distinct taxes currently collected that provide funding dedicated to the city’s climate efforts:

1. **Climate Action Plan (CAP) Tax:** A 2006 voter-approved tax on electricity consumption. This generates approximately \$1.8 million per year and funds the city’s climate and energy efforts. It was last approved by voters in 2015.
2. **Trash Tax:** A 1994 voter-approved tax on residential and commercial waste. This generates approximately \$1.8 million per year, which funds the city’s Zero Waste efforts.
3. **Utility Occupation Tax (UOT)⁴:** A 2010 voter-approved tax on the utility (Xcel Energy), which, after a voter-approved increase in 2011, provided an average of \$2 million in annual funding to support the community’s clean electricity efforts, primarily through the municipalization project⁵. In 2020, voters approved an extension of the tax through 2025 at a level of just over \$2 million per year to fund the city’s partnership with Xcel Energy.

Table 1 below shows a snapshot of the funding that supports the city’s climate-centric programs, services, and staff. While not detailed here, climate-related investments are also embedded throughout the city’s budget and planning efforts, including how we approach flood management, steward open space lands and parks, maintain and operate city-owned facilities and

⁴ In 2010, The UOT funding mechanism was also approved by the voters to replace the franchise fee revenue from Xcel Energy while the city was out of franchise agreement. When the city re-entered into a franchise agreement in 2020, this portion of the UOT lapsed and was replaced by the franchise fee.

⁵ In 2017, voters approved an extension of the tax through 2022. The 2017 vote also approved a two-year increase in the funding, with \$6 million collected in 2018 and \$5 million collected in 2019.

how we tackle transportation, for example. **Attachment A, Current Funding**, expands on Table 1 with greater detail. With the expiration of the CAP Tax there are opportunities to create efficiencies and address some of the limitations of our climate-dedicated initiatives; these are described [further below in this section](#).

Table 1. Summary of Climate Initiatives Current Annual Funding

Funding Category	Funding Source	Annual Average Revenue	Expiration Date
Voter-Approved Tax	CAP Tax	~\$1.8 Million	March 2023
	Utility Occupation Tax – Climate Initiatives Portion	~\$2.1 Million	December 2025
General Fund Transfers via Taxes	Trash Tax	~\$1.8 Million	No Expiration
	Solar Grants	~ \$50,000	No Expiration
Fees	Environmental Impact Offset Fund	~\$400,000	No Expiration
	Disposable Bag Fee	~ \$180,000	No Expiration

CAP Tax: In Focus

The history of the CAP Tax dates to 2002, when council passed a resolution to reduce greenhouse gas emissions to 7% below 1990 levels by 2012, in line with the United States’ targets under the Kyoto Protocol. Then in 2006, Boulder established the Climate Action Plan to provide a longer-term framework of strategies and policies to reduce the city’s overall greenhouse gas emissions 80% below 2005 levels by 2050.

To help meet these goals, council recommended a carbon emissions-based charge to generate a consistent revenue stream for emission reduction programs, with an estimated need of \$1 to \$3 million annually. On Nov. 7, 2006, 60% of Boulder voters approved Initiative 202, The CAP Tax, marking the first time in the nation that a municipal government imposed an energy tax on its residents to directly combat climate change. The tax levels were set at their maximum amount allowable under the associated ordinance in 2010, and the most recent renewal of the CAP Tax in 2015 was passed by over 77% of voters, which extended the tax to March 2023.

The CAP Tax is levied on city residents and businesses and is based on the amount of electricity they consume in kilowatt hours (kWh). During the creation of the tax, there was considerable discussion by council and the community that the intended purpose of the tax was to generate

revenue sufficient to meet the 2012 Kyoto target. The levied amounts were not intended to be set high enough to serve as a direct disincentive to consumption.

Electricity use in the residential and commercial building sectors has historically been the largest contributor to Boulder’s local emissions. Since it was first passed, the tax was structured to have a tiered rate, based on customer type as shown in Table 2 below. The tiered structure and specific tax rates were developed not based on relative contribution to emissions, but rather as a compromise to address concerns from commercial and industrial business that were expressed at the time the tax was being developed. The tax rates were revised in 2009, and in both 2011 and 2015, voters elected to extend the tax without a change in rates.

Table 2. The Tax Rate and Average Annual Electricity Tax per Sector

SECTOR	Tax Rate In 2007 (Per KWH)	Tax Rate (2009 - Present) (Per KWH)	Average Annual Tax ⁶
Residential	\$0.0022	\$0.0049	\$27 (per household)
Commercial	\$0.0004	\$0.0009	\$86 (per customer)
Industrial	\$0.0002	\$0.0003	\$128 (per customer)

Although CAP Tax was never intended to fully fund the achievement of the city’s current climate goals, it has been a successful initiative. The CAP Tax has generated approximately \$22 million in revenue since its inception in 2006, which has funded a variety of programs and policies aimed at reducing GHG emissions – rebates and incentives to help residents and businesses reduce their energy use and adopt solar, piloting innovative technologies, implementing local policy and regulation, advocacy, and support for legislative and regulatory changes at the state and federal level, and more.

While other factors have contributed to the community’s climate successes, CAP Tax-funded programs can be credited for helping the community reduce emissions and avoid load growth. **Attachment B, Snapshot of CAP Tax Investments**, highlights specific accomplishments that have been achieved through CAP Tax investments.

Challenges with the Existing CAP Tax Structure

While the CAP Tax has supported a variety of city climate efforts since its inception in 2006, the city’s ability to effectively achieve its climate goals is limited by the following:

- **Expires at the end of March 2023:** To, at a minimum, maintain current levels of climate funding, council and voters must approve an extension of the CAP Tax.
- **Current CAP Tax structure does not address long-term funding needs:** Historically, the city has experienced emission reduction rates of ~1.3% annually even with constant

⁶ The average annual CAP Tax paid by each customer varies based on the customer’s annual consumption.

growth in Boulder's population, jobs, and building square footage over the years. To achieve the city's new climate goals, we need to reduce emissions at a rate of ~5.8% annually. This signifies a dire need for greater near-term investment to keep on track with our science-based targets.

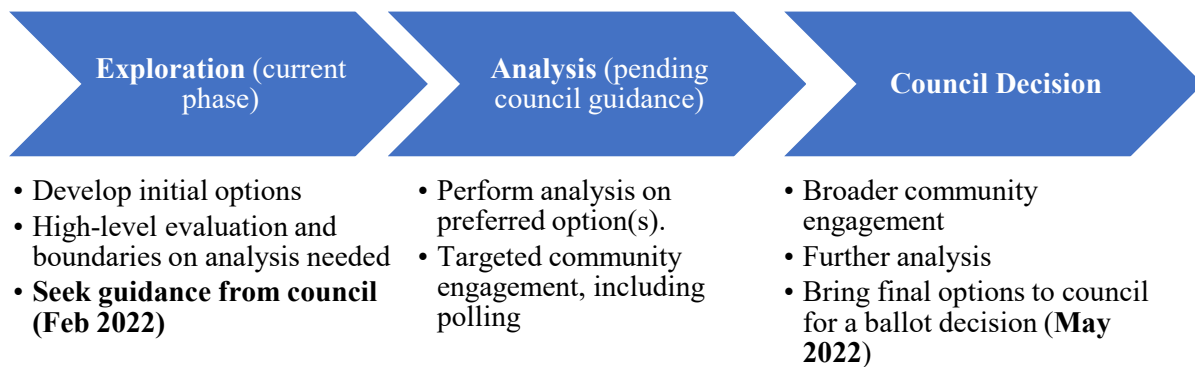
- **Collection mechanism may not fully align with strategic objectives:** While electricity currently remains the largest source of emissions, the electricity grid is rapidly becoming cleaner. Within the next three-to-five years, both natural gas- and transportation fuel-derived emissions will exceed those from electricity. While investment in clean and resilient electricity must remain a priority, continuing to tax electricity, the resource we are trying to move people towards, or at least solely taxing electricity, creates inconsistencies with our strategic objectives.
- **Potential for confusion or declining support due to multiple Boulder utility bill taxes and fees:** In 2020, the voters chose to pause municipalization and extend the current UOT to fund multiple energy-related actions, including support for the city-Xcel Energy partnership. Also, because of the 2020 vote, a franchise fee was reintroduced to the community's utility bills. With the CAP Tax, there are now three separate fees/taxes being collected. While the net amount being collected has not changed, there is a risk that voters might be confused about what each fee/tax funds and might resist renewing a tax that they might perceive as being duplicative of the other fees/taxes being collected. This issue will be further exacerbated given the fact that the continuation of the UOT will need to be addressed before it expires at the end of 2025.
- **As currently structured, the tax is regressive:** Because the CAP Tax is a fixed rate per kWh used, regardless of income level, it is considered a regressive tax. By extending this tax without revising its structure, this system would continue to take a larger percentage of income from low-income earner than from high-income earners.
- **Is not a true carbon tax:** Boulder's commercial and industrial sector is responsible for nearly 75% of the community's energy-related emissions, yet less than 37% of the CAP Tax revenues are collected from them due to the current tiered rates.
- **Does not align well with emergent focus areas such as Natural Climate Solutions and Circular Economy.** While the CAP Tax was intended and has been used to address climate issues beyond just energy, a revenue strategy that relies solely on a tax on energy may not be adequate or appropriate for achieving the scale of investment that are needed to advance other focus areas.
- **Climate science has evolved, and the city's targets have gotten more aggressive since the Boulder Climate Action Plan was first developed.** The city adopted new targets in its 2016 Climate Commitment; formally declared a Climate Emergency in 2019; and set out to achieve carbon neutrality goals in fall 2021. The world is faced with an even more urgent climate crisis and need to accelerate action – both to mitigate further emissions as well adapt our community to be resilient in the face of its effects. For this reason, staff is considering whether revising the existing CAP Tax or pursuing other funding options is advisable, as compared to a simple extension of the existing tax.
- **More innovative revenue models have been developed since the CAP tax's inception.** While the CAP tax was the first of its kind and a model for funding climate action at the local level, since its inception, other revenue models have been developed. This includes

Denver’s Climate Protection Fund and Boulder County’s sustainability tax outlined in **Attachment C, Scale of Funding Necessary to Support High Impact Climate Action**. There are also several lessons learned around how a tax’s structure and duration can be leveraged to accelerate program investment without creating an undue burden on the community.

Funding Options and Staff Recommendation

Staff analysis has identified a range of potential revenue and tax options to expand the city’s climate work beyond what is already funded. Strategic choices must be made about timing and prioritizing what to bring to the community, particularly when considering existing and potential tax and fee increases imposed on the community (e.g., Library District). Staff is seeking council feedback on this analysis, along with staff specific recommendations, as well as any guidance on the proposed timeframe for the analysis and implementation phases shown below.

Revenue Analysis Process



To inform its recommendation, staff identified four areas of consideration in developing the city’s next stage climate action funding strategy:

- **Duration:** All options described proposed that the funding mechanism be authorized for at least the duration of the city’s adopted climate goals and targets—through 2040.
- **Scale of Funding:** The two options presented represent two different scales of funding—one options maintains existing funding, the other expands funding by approximately 25% in ways that could enable leveraging significant increases in short-term funding availability through bonding.
- **Financial mechanisms:** The two options represent two different approaches to funding mechanisms—existing/status quo, and a new approach unifying the existing CAP and UOT taxes.
- **Equitable allocation:** Staff propose that any funding strategy, at a minimum, address identified equity considerations in the following ways:
 - Exempt current recipients of energy assistance (LEAP) funding from paying the tax

- Develop a rebate mechanism for qualifying low-income residents and possibly certain types of businesses who cannot be directly excluded from paying the tax
- Adjust the tax structure such that commercial and industrial businesses contribute a more equitable share based on their emissions

In addition to the four areas highlighted above, staff analyzed several potential funding options for viability and evaluated these against the following criteria:

- Legal feasibility⁷: *Is this allowed under current laws and regulation?*
- Technical feasibility: *How difficult is this to implement?*
- Social equity: *How aligned is the approach with the city's Racial Equity Plan and how easy is it to structure the revenues to reduce the burden to residents with lower incomes?*
- Administrative time/ease: *What are the one time and recurring costs and staff time required for staff?*
- Impact on local business⁸: *What is the impact to local economic vitality? Does this option ensure that businesses do not bear an inequitable burden? Can rate stability and predictability be provided?*
- Alignment with strategic objectives: *Will this encourage efficient and sustainable behavior and purchasing choices and discourage use of natural gas and petroleum?*
- Revenue stability: *Will this provide revenue diversity and longevity?*
- Political/Public Support: *What will the voter/community support likely be?*

After evaluating against these criteria and to further understand potential cost impact, two options were selected to analyze revenue potential and household/business impact.

Option 1: Simple CAP Tax extension

When considering its recommendation, staff considered the possibility of simply extending the current CAP Tax to provide the same level of funding that exists today. While this option would present the lowest risk politically based on historical voter support, it also holds numerous fundamental flaws that we aim to address with the opportunity to bring a new proposal to the ballot. Some of the anticipated pros and cons of this status quo option include:

Pros:

High likelihood of earning voter approval: Historically, the CAP tax has garnered widespread political support, passing with [60% of the vote in 2006](#), [82% in 2012](#) and [77% in 2015](#). Given this history, we anticipate an extension of the current tax to be popular with voters.

⁷ If an option was not legally feasible for the city of Boulder to implement it was automatically excluded from further analysis.

⁸ Boulder houses industrial facilities with very high energy use that are very important to the local economy, and these businesses do not get to vote for these taxes.

Cons:

Does not address challenges of the existing CAP Tax structure [listed above](#).

Option 2: Modify the existing CAP Tax

Central to the challenges with the existing CAP Tax structure is its relationship to the UOT. Both the CAP Tax and the UOT currently fund work core to advancing the city's climate goals.

Whether supporting exploration of a municipal utility or partnership with Xcel, the UOT has been central to achieving goals specific to clean electricity and to fund city staff leading these efforts. The UOT is currently scheduled to sunset in 2025. Rather than presenting council and the community with yet another tax extension in two years, there is opportunity to consider this tax more holistically in the context of the overall climate funding needs.

The current CAP Tax and UOT differ in how they are applied. The CAP Tax is a tiered tax rate based on customer type and applied only to electricity use. The UOT is a tax on the total utility bill, so it applies to both natural gas and electricity usage. While not a complete proxy for carbon emissions, a tax on the total gas and electricity bill would help address some of the existing concerns with the CAP Tax, in particular the fact that households and businesses who have electrified and transitioned off natural gas are currently paying more climate tax than those that continue to use gas. There is also opportunity to extend the tax to transport gas providers serving customers in the city. Thus, as an alternative to a simple extension of the CAP Tax, staff considered the creation of a new Climate Tax to replace the existing CAP Tax and UOT. Some of the pros and cons include:

Pros:

- **Pushes the proportional impact onto commercial and industrial users:** Given that the UOT is based on utility revenues rather than electricity usage, it will require that each entity pay the equivalency of their proportional impact of energy consumption. This framing aligns more strategically with a carbon tax.
- **Stabilization of revenue streams:** This option allows the city to determine the funds needed annually levied on the utility, Xcel Energy, who then passes the costs on to customers at the applicable rate, thereby creating a more stable revenue stream. This option would also alleviate the need to renew the UOT in 2025. With a more stable source of funding, there would be an opportunity to add bonding authority, a necessary element to accelerate infrastructure investments.
- **Helps address equity concerns:** Both the CAP Tax and the UOT, as currently structured, are regressive taxes, they have no variation for income level. In bringing a new measure to the ballot, there is the opportunity to structure the tax to address these equity concerns through potential options such as exempting customers participating in energy assistance programs, setting a minimum consumption level for electricity or natural gas before the tax is triggered, or by allowing residents with lower incomes to receive an energy tax rebate, like the food tax rebate currently offered by the city.

- **Ability to raise more funds:** With a new tax measure, there is an opportunity to increase the amount of funds being raised without necessarily increasing the overall financial burden on Boulder residents.

Cons:

- **Carries greater risk:** Because this option of combining the CAP Tax and the UOT into one revenue stream would be a new tax on the ballot that voters would be unfamiliar with and potentially confused by, there is a risk that the tax may not pass.

Other Options Considered

As previously presented to council in 2019, a tax based specifically on natural gas use remains an option that could be considered. A property-based tax is also an option that could be considered as a proxy for carbon impact and mechanism by which revenue could be generated either to replace what is collected through utility taxes or in addition to a utility tax. Because of the issues and limitations noted in the [May 2019 study session](#), a vehicle fee was not considered a viable mechanism for this analysis.

Tax Implications

Based on the recommendation that the Climate Tax be structured as a tax on the total utility bill, consistent with the current UOT, staff conducted a preliminary analysis of the potential bill impacts to the community based on different utility customer type – residential, commercial, and industrial. The analysis is currently only based on applying the tax to Xcel utility bills, since the Xcel information is publicly available. There are also up to 14 independent natural gas providers that also serve customers in the community. Staff will need to conduct additional research to incorporate the revenues from these service providers into the analysis.

Table 3 shows the preliminary results based on different revenue collection targets, assuming the same tax rate for a new Climate Tax is applied to all customers.

Table 3. Annual Average Cost to Residents and Businesses

Per Customer	Current (CAP + UOT)	Proposed Climate Tax @ \$3.9 million (current \$ levels)	Proposed Climate Tax @ \$5 million (25% increase)	Proposed Climate Tax @ \$8 million (~double)
Residential	\$42.95	\$29.80	\$38.20	\$61.12
Commercial	\$241.29	\$292.42	\$374.90	\$599.84
Industrial	\$704.83	\$1,084.11	\$1,389.89	\$2,223.82

The Climate Tax would effectively act as a local sales tax on energy, where the \$3.9 million target would equate to a 3% tax rate, \$5 million a 3.8% tax rate and \$8 million a 6% tax rate.

The Need for Accelerated Action: Funding the Next Phase of Climate-Focused Programs

As mentioned, current revenues are insufficient to fully meet the city’s climate commitment and resilience goals. While staff is proposing an increase to the existing revenues collected through a new Climate Tax, staff is not recommending a ballot item that addresses the full scope of revenue needs to mitigate and adapt to the climate crisis; however, the climate crisis will likely require additional funding in future years. This section summarizes both a snapshot of how the incremental additional revenues would be allocated, and the potential scope of future climate action and associated funding needs. This analysis is preliminary and will be vetted with the community and further refined for future council discussion.

Based on the vision for the future of the city’s climate work, learnings from the last two decades, ongoing input from council and the community, and best practices elsewhere, staff have identified strategies that prioritize systems change, recognize the important role of local government, leverage regional actions to reach the goals, and prepare our community for inevitable stressors. **Attachment D, Achieving Systems-scale impact for Climate Actions—Potential “Big Moves”**, details the types of programs that the Climate Initiatives department would prioritize going forward.

To provide some context, the following graphics are a few selected highlights from **Attachment D**:

1. Energy Systems: Examples of Big Moves

Just Energy Transition	Enhanced weatherization and electrification; Low-to-no-cost solar; Workforce Development
High-Performing, Healthy Buildings	Building codes and voluntary programs to ensure every new building is built to have the lowest possible carbon footprint and all buildings are improved over time
Clean Electricity Supply	New and innovative program models to close the community's emissions gap; Increased local generation and storage
Clean Mobility Solutions	Programs and services to support transportation electrification and infrastructure development, with an emphasis on those that enable solutions for currently underserved segments of the community

2. Circular Materials: Examples of Big Moves

Consumer Goods	Minimize use of single-use plastics; Maximize local reuse and repair; Support market development for recyclable materials
Built Environment	Support market development for construction waste; Require low-carbon construction materials
Organic Materials (Biomass/ Trees/ Foodwaste)	Minimize foodwaste communitywide; Maximize high-quality compost/biochar production; Maximize local use of compost/biochar

3. Natural Climate Solutions: Examples of Big Moves

Cool Boulder	Major urban forestry climate action campaign to fill available tree-planting areas with appropriate species
Cool and Absorbent Landscapes	Land management strategies and actions designed to increase both carbon and water capture; Enhance ecosystem services critical to buffering climate extremes
Natural Climate Solutions Initiatives (NCI)	Support systems change in local government climate action through building a knowledge and best-practices entity that accelerates the development of natural climate solutions

4. Economic/Financial Systems and Land Use: Examples of Big Moves

Economic Systems	Cost-of-carbon budgeting; Other mechanisms to internalize the costs of climate impacts into city and community economic transactions
Land Use	Building and land use codes that are informed by and advance climate justice, resilience and mitigation goals

Beyond these “big moves” is the broader work of the city organization, to include mitigation efforts focused on our buildings and operations, preservation of our parks and open space, enhancing the resilience of our infrastructure, disaster management, and climate justice programs.

Investment Approach

Attachment C, Table C1, summarizes staff’s estimate of the level of annual investment needed between 2023 and 2035 to advance the “big moves” identified, where Status Quo represents how funds are invested today, Transitional represents what might be necessary to make meaningful progress towards the “big moves” and Transformational represents the bottom-up budget estimate for what it would take to fully implement the “big moves”. Recognizing this is an estimate, that other funding sources beyond taxes must be considered and that the “big moves” will ultimately be refined through further community engagement, staff focused on addressing the immediate need of preserving investment, and on exploring the opportunity of a modest increase in funding within the construct of what might be considered reasonable as a tax on energy use.

As noted, this is a provisional estimate that will continue to be refined as some of these new initiatives are further developed. Staff does not recommend trying to collect the full amount through an energy utility bill tax. Instead, staff is recommending a modest increase. The additional revenues would provide flexibility and serve as a source of funding for securing private capital. The ability to issue debt against future year’s taxes would allow for accelerated investments in community resilience efforts, to include natural climate solutions and expanded building weatherization and electrification.

Given potential federal and private capital that could be leveraged, staff envision that a leverage ratio of 1:5 could be feasible. So, for example, if the city reserved \$20 million, this could potentially secure another \$100 million.

Environmental Advisory Board Feedback

On Feb. 2, 2022, staff presented information about the CAP Tax to the Environmental Advisory Board (EAB). The EAB members shared the following thoughts and recommendations to council:

The CAP Tax has been an important source of funding for the city's climate efforts since its passing in 2006 and its renewal in 2015. The bulk of the work funded by this tax has been towards mitigation efforts. Although mitigation work is necessary and commendable, we cannot mitigate ourselves out of the current climate emergency. In the past, climate change has been addressed through efforts to lower emissions. We now know that reducing emissions alone is inadequate to address climate change and ensure our citizens can lead happy, healthy, and safe lives. Even if emissions are reduced locally, Boulder will face more severe weather and climate-related events. Resilience and adaptation must be our focus, in conjunction with mitigation, as we move forward. The floods in 2013 and Marshall Fire in 2021 are examples of the types of disasters our community will face due to climate change. We must act to ensure our community is prepared for these types of events and other types of extreme weather events.

The approaching expiration of the CAP Tax in 2023 is an opportune time for us to align our funding source with climate goals adopted by council on October 26, 2021, and with the city's Sustainability and Resilience Framework. Although the option of playing it safe by extending the existing CAP Tax poses fewer risks, business as usual does not make sense during the current climate crisis. Therefore, the members of the EAB, support the following actions:

- Modifying the CAP Tax in a way that is more equitable and aligned with the city's Sustainability and Resilience Framework
- Considering staff recommendations to affect systems change and implement the "big moves" that will help us meet our climate goals while improving the lives of our citizens
- Increasing funding to match the scale of the climate crisis we now face

While we recognize that there is risk in creating a new tax, we believe that, by prioritizing engagement and communications, these risks can be reduced. Engagement and communication should recognize both the successes of our climate action and the threats we will face. We must build up recognition of the resilience efforts within our climate work to parallel and expand on how our funds are going to be used to support our resilience objectives. Finally, our community is accustomed to a focus on mitigation when discussing the CAP Tax. We must shift discussions to focus on resilience and adaptation through communicating the local, practical and tangible benefits of helping our community become more resilient.

This proposed ballot measure is about institutionalizing our environment as a priority. Many individuals, families and businesses have moved to the City of Boulder because of our collective environmental consciousness. We have the opportunity and the responsibility to show our voter base that environmental concerns remain a priority within the City of Boulder.

NEXT STEPS

Based on council's feedback, staff will conduct additional analysis and community engagement and present these results to council for their consideration for placement of an item on the ballot. At a minimum, staff would present council and the community with the estimated financial impacts to the community of the recommended strategy, and with recommended ballot language as informed by community engagement and polling. Staff will also prepare for the close-out or transition of CAP Tax-funded efforts and present this as part of the 2023 budget proposal to council. Details on planned communication and engagement activities are provided below.

If council does not feel that this is the right time to pursue any of the proposed options, staff will evaluate the impact to staff and an approach to discontinue CAP Tax funded programs. Staff will also develop a Budget Policy Issue for the 2023 Budget highlighting that if the 2022 vote does not pass, there will be a funding gap that will make it extremely challenging for the city to stay on track with the climate goals.

Community Consultation and Engagement

The Climate Initiatives department is planning several communication and engagement projects in 2022. This section describes the planned efforts to support the funding strategy decision outlined in this memo and is not inclusive of all communication and engagement activities planned for this year.

Tactical Calendar

The Boulder community is an essential partner in determining the future of climate funding in Boulder. If approved by council, any changes to funding will require voter approval, and it will be important that any ballot item reflect community input and is broadly understood by voters. In addition, changes to the UOT or CAP Tax may fall unevenly across customer classes, based on usage and type of service.

Phase 1: Targeted Outreach to Specific Customer Classes

- **Timeline:** February through May 2022
- **Communication Goal:** Support shared community understanding of climate funding situation, funding options and decision timeline.
- **Engagement Goal:** Ensure that any proposed funding mechanism reflects feedback from specific customer types
- **Key question:** Collection of a new Climate Tax will be tiered, depending on the type of energy customer (residential, small commercial, large commercial and industrial). What is a fair proportion of tax collection by sector?

Communication and Engagement Tactics

Inform	Consult
<ul style="list-style-type: none"> • City of Boulder web page • Community-wide webinars and presentations • City updates via Climate Newsletter, press releases, blog posts and social media 	<ul style="list-style-type: none"> • Targeted Community Meetings <ul style="list-style-type: none"> ○ Climate and environmental activist organizations ○ Business Leaders (i.e., Boulder Chamber) ○ Industrial users ○ Commercial energy users ○ Residents (Neighborhood meetings, HOAs, manufactured housing) ○ Energy-burdened community members <ul style="list-style-type: none"> ▪ Information via trusted community partners • Statistically valid poll to likely voters

Phase 2: Voter Education (if applicable)

- **Timeline:** May through August 2022
- **Communication Goal:** Ensure that voters understand their choice on the 2022 ballot
- **Communication Tactics**
 - City of Boulder web page
 - Community-wide webinars and presentations
 - City updates via Climate Newsletter, press releases, blog posts and social media
 - Targeted mail piece

Based on council’s feedback, staff will conduct additional analysis and community engagement and present these results to council for their consideration for placement of an item on the ballot. At a minimum, staff would present council and the community with the estimated financial impacts to the community of the recommended strategy, and with recommended ballot language as informed by community engagement and polling. Staff will also prepare for the close-out or transition of CAP Tax-funded efforts and present this as part of the 2023 budget proposal to council.

BEYOND 2022: NEXT STAGE OF CLIMATE ACTION AND INVESTMENT

It must be underscored that as events like the floods, fires, and extreme weather we have experienced now illustrate, climate change is a reality that is happening and will likely intensify. It is now clear that both the original climate action measures and the original funding strategies that the city put in place to work on climate change—including the CAP Tax are also now

insufficient to address the scale and accelerating intensity of climate change that we now face. Staff is not recommending a 2022 ballot item that addresses the full scope of revenue needs to mitigate and adapt to the climate crisis; however, the climate crisis will likely require additional funding in future years. This section summarizes the potential scope of future climate action and associated funding needs. This analysis is preliminary and will be vetted with the community and further refined for future council discussion.

Advancing Climate Action and Resilience and Associated Funding Strategy Development

To stabilize and ultimately reverse the rapidly intensifying impacts of climate change—and to anticipate, absorb and adapt to the impacts this will have—human societies at all levels and in all sectors will have to expand and accelerate both mitigation and adaptation/resilience actions.

Attachment C, Scale of Funding Necessary to Support High-Impact Climate Action, presents analysis intended to provide a sense of the scale of action and investment commensurate to Boulder’s size and climate impacts. Staff recognizes that expanding the city’s climate action and funding to be commensurate to this scale will require extensive consultation with the community, other key stakeholder groups, and other governmental entities who are critical partners in these efforts.

Staff proposes advancing a new climate action and funding engagement process. This will include both collaborative refinement of the big moves (**Attachment D, Achieving Systems-Scale Impact for Climate Actions—Potential “Big Moves”**) and identification of new funding mechanisms aligned with the type of expanded action that will be necessary such as expanded natural climate solutions, enhanced efforts to address consumption-based emissions, and new frontiers of energy system change. This approach to developing an expanded funding strategy is aligned with the city organization’s continued work on addressing climate action and resilience through budgeting, master plans, and community engagement.





To support council’s consideration of the city’s next stage of climate action and investment, staff prepared three areas of analysis:

1. **Roles for local governments**—Explains the evolving role of local jurisdictions in impacting systems change in climate action.
2. **Scale of Action**—Preliminary overview of the scale of action necessary to implement high-impact climate action strategy across the three current climate action focus areas—energy, natural climate solutions and circular material economies.
3. **Scale of Funding**—Three methods to assess the funding necessary to develop and implement climate action at sufficient scale to have significant impacts on emissions, climate change resilience and equity.

1. Roles for Local Jurisdictions to Create Systems Change

Shifting from a strategy focusing primarily on mitigating local emissions and changing behaviors to one designed to drive larger systems-level change requires reconsidering the roles that each of the major sectors need to play - local government, private businesses, civic and non-governmental organizations, academic and research institutions, and community residents. Table 4 provides a working draft of an emerging understanding of what these new roles can and need to be across each of these sectors.

Table 4. Roles to Create Systems Change

	 Culture Social Norms	 Knowledge & Technology	 Economic Systems/Markets	 Public Policy
PUBLIC SECTOR	<ul style="list-style-type: none"> Public education Facilitation of dialogue 	<ul style="list-style-type: none"> Pilots Ongoing programs 	<ul style="list-style-type: none"> Investments (municipal, employee pension) Procurement Financial services (who we do business with) Funding innovation 	<ul style="list-style-type: none"> Local codes-ordinances & policies State policy advocacy Federal policy advocacy
PRIVATE SECTOR	<ul style="list-style-type: none"> Communicate values Support education Advocate industry sector standards/practices 	<ul style="list-style-type: none"> Implement climate “smart” internal policies <u>e.g.</u> efficiency, energy sources <u>etc.</u> Pilot innovation 	<ul style="list-style-type: none"> Investments (municipal, employee pension) Procurement Financial services (who we do business with) 	<ul style="list-style-type: none"> Collaborative policy Development Advocacy for even playing field policy change <u>e.g.</u> carbon tax
NON-GOVERNMENT ORGANIZATIONS	<ul style="list-style-type: none"> Investments (municipal, employee pension) Procurement Financial services (who we do business with) Funding innovation 	<ul style="list-style-type: none"> Program Implementation Design Management Evaluation 	<ul style="list-style-type: none"> Investments (municipal, employee pension) Procurement Financial services (who we do business with) 	<ul style="list-style-type: none"> Policy Engagement Analysis and education Policy Development Monitoring and reporting
ACADEMIC/ EDUCATIONAL	<ul style="list-style-type: none"> Create educational programing Research social values & narratives 	<ul style="list-style-type: none"> R&D around technology or services Pilot project development 	<ul style="list-style-type: none"> Investments (municipal, employee pension) Procurement Financial services (who we do business with) 	<ul style="list-style-type: none"> Policy Analysis Data gathering/analysis
PUBLIC/PERSONAL	<ul style="list-style-type: none"> Communicate values through public media Support initiatives aligned with cultural change 	<ul style="list-style-type: none"> Communicate with fellow residents and stakeholders Participate in pilots/actions 	<ul style="list-style-type: none"> Investments (municipal, employee pension) Values-based purchasing Financial services (who we do business with) 	<ul style="list-style-type: none"> Participate in policy development Communicate with other residents and stakeholders Vote

The Climate Initiatives department has begun to assess both the larger systems-change actions that are needed, and what the specific roles of the city organization can play. While this table does not provide an exhaustive list of actions, it is helpful to break down larger systems into four broad categories: Culture, Knowledge, Economy and Policy. The city, other institutions, non-governmental organizations, academic institutions, the private sector, and individuals all have unique levers to drive systems change within these categories Row one of Table 4 summarizes major roles the city can play in this systems-change focused approach.

2. Scale of Action: Achieving systems-scale impact for climate actions, potential “big moves”

While recognizing that the need to shift towards equitable, systems-oriented strategies requires action by all sectors in the community, the emerging strategies described in **Attachment D, Achieving Systems-Scale Impact for Climate Actions—Potential “Big Moves”**, specifically

leverage the city's strengths and represent major actions proposed for the city organization to undertake.

The big moves in **Attachment D** are examples meant to serve as a starting point for a community-wide conversation on the steps the city, broader community and region must take to enable systems-level changes now required. While these actions reflect the initial thinking of the Climate Initiatives department, specific actions will evolve and be adjusted through community engagement and the changing context of climate action.

3. Scale of Funding: Funding Scale Necessary to Support High-Impact Climate Action

In considering the level of revenues that might be needed to scale up actions, including those identified as “big moves”, staff considered lessons learned from two decades of climate action, including an assessment of past and existing programs; community engagement and feedback; a landscape review to learn from the programs, services and initiatives of other cities throughout the state, nationally and even globally; ongoing local climate risks and impacts studies and analysis of the political landscape to identify opportunities and likely gaps.

To arrive at a recommendation, staff identified various qualities that were important to consider when evaluating options, they include:

- The scale of funding matches the scale of action needed
- Funding sources align with the needed climate actions so that the community can intuitively understand the connection between revenue sources and services provided
- The process of scoping and securing funding is adaptive and emergent
- Sources are sufficiently stable to support sustained, multi-year actions
- Sources limit regressive effects on vulnerable populations

Three analyses were used to help frame the revenue discussion relative to the scale of funding, while outlined below, detailed content on these three analyses can be found in **Attachment C**,

Scale of Funding: Funding Scale Necessary to Support High Impact Climate Action:

1. Social Cost of Carbon – Represents the global cost of the community's continued role in causing climate change. This would represent a true carbon tax on the community's emissions and is likely representative of the total investments that will be needed.
2. Comparison to other Communities – The level of revenues being collected by other communities to invest in their climate programs. This would represent keeping pace with other leading communities.
3. Big moves Financial Analysis – Based on the “big moves” outlined in **Attachment D**, **Achieving Systems-scale impact for Climate Actions—Potential “Big Moves”**, staff created an estimate of what it would cost to implement the priorities using a bottom-up approach, building a budget based on estimated costs of these big moves.

- To summarize, Table 5 represents the results of the analysis outlined above and detailed in **Attachment C, Scale of Funding Necessary to Support High-Impact Climate Action**, to help define the scale of funding in each of the three analyses.

Table 5. Scale of Climate Action Funding Revenue Analysis Summary

	Low-End Estimate (Annual)	High-End Estimate (Annual)
Social Cost of Carbon	\$54.9 Million ⁹	68.7 Million ¹⁰
Comparison to other Communities	\$12 Million	\$33 Million
Big Moves Cost Estimate	\$10.5 Million	\$15.1 Million

The above represents the likely range of investment that would be needed to fulfill the city organization's role in advancing the community's climate goals. It is important to note that saying \$69 million might need to be invested is not the same as saying that \$69 million in new revenues are need. Beyond the climate-centric programs discussed, climate mitigation and resilience is embedded in efforts throughout the city organization already. It is being further elevated through ongoing master and comprehensive planning efforts across the city organization and through city infrastructure investments. As the city continues to build and refine its understanding of the localized impacts of climate change, additional investment needs will be identified and will be brought forward to council.

Core Characteristics of Climate Work: Iterative, Nimble and Scalable

Planning for climate action efforts will be iterative and dynamic and staff's approach to developing work plans will be in response to this quickly changing world in which we find ourselves. Because of the rapid change in both climate and the many factors affecting our ability to respond to climate change—environmental, social, and political—staff has been and will continue to develop a much more iterative and adaptive approach to climate action planning and implementation. Some examples include – shifting our incentive investments to provide greater benefit to those who are most energy burdened, rather than those who emit the most emissions; entering a franchise with Xcel given their emissions reduction trajectory; increasing funding for natural climate solutions recognizing that our ecosystems are critical to both mitigation and adaptation; focusing on the entire life cycle of materials, instead of just focusing on managing waste diversion.

⁹ Based on \$42.23 per metric ton of carbon. In 2020, Boulder emitted 1.3 million metric tons of carbon dioxide.

¹⁰ Based on \$52.85 per metric ton of carbon emitted. In 2020, Boulder emitted 1.3 million metric tons of carbon dioxide.

ATTACHMENTS

Attachment A: Current Funding

Attachment B: Snapshot of CAP Tax Investments

Attachment C: Scale of Funding Necessary to Support High-Impact Climate Action

Attachment D: Achieving Systems-Scale Impact for Climate Actions—Potential “Big Moves”

Attachment A: Current Funding

Current Sources of Funding for Climate Initiative Department

Funding is generated through a combination of taxes and fees, summarized in Table A1.

Table A1: Current Sources of City of Boulder Climate Funding

Funding Category	Funding Source	Annual Average Revenue	Expiration Date
Voter-Approved Tax	CAP Tax	~\$1.8 Million	March 2023
	Utility Occupation Tax – Climate Initiatives Portion	~\$2.1 Million	December 2025
General Fund Transfers via Taxes	Trash Tax	~\$1.8 Million	No Expiration
	Solar Grants	~ \$50,000	No Expiration
Fees	Environmental Impact Offset Fund	~\$400,000	No Expiration
	Disposable Bag Fee	~ \$180,000	No Expiration

Dedicated Funds (voter approved)

- Climate Action Plan (CAP) Tax: Initiated in 2007, this voter-approved tax on electricity consumption generates approximately \$1.7-\$1.8 million per year. The CAP Tax was modified in 2009 and extended in 2011 and 2015. It is set to expire in March 2023.
- Utility Occupation Tax (UOT): A voter-approved tax on the utility (Xcel Energy), which gets passed on to ratepayers. The UOT originally included an allocation to fund the city's efforts to develop a local electric utility (i.e., municipalization). When renewed in 2017, the tax was approved by voters to collect ~\$6 million in 2018, ~\$5 million in 2019, and ~\$2 million 2020-2022. In 2020, this tax was revised and repurposed to fund the city's partnership with Xcel Energy, as well as extended through 2025.

Taxes under General Fund

- Trash Tax: Initiated by council in 1989, and re-authorized with bonding authority by voters in 1994, this tax is levied on the quantity of residential and commercial waste collected in Boulder. The Trash Tax generates approximately \$1.8 million per year, \$400,000 of which is annually dedicated to debt service for a nonprofit general obligation bond that was used to purchase the city's recycling center property at 6400 Arapahoe (leased to Resource Central and Eco-Cycle). The remaining approximately \$1.4 million funds the city's operational costs of its Zero Waste efforts.

- Solar Grants and Rebates: A portion of the sales tax on solar installations is used to provide rebates for solar installations and a grant fund for solar for lower-income households and nonprofits.

Fees

- Environmental Impact Offset
- Disposable Bag Fee
- Marijuana Licensing and Deconstruction Refundable Deposit

General Fund

- The department also receives a small amount of general funds for department administration.

Other

- The department also fund raises through external grant opportunities.

Attachment B: Snapshot of Climate Action Plan (CAP) Tax Investments

CAP Tax dollars fund both programs that deliver dollars to the community and city staff who manage programs, implement regulation and lead policy, regulatory and partnership efforts. The following provides a sampling of achievements realized through CAP Tax investments since 2005.

Program	Achievements
Commercial Rebates and Advising: Partners for a Clean Environment (PACE)	<ul style="list-style-type: none"> • 16,000 metric tons of CO₂ avoided • 24 million kWh/year saved • 2.5 megawatts of new local solar generation • \$4.7 million in rebates, leveraging \$23 million in private investment • More than 1200 businesses upgraded
Building Performance	<ul style="list-style-type: none"> • Visibility into energy use and savings opportunities for more than 420 commercial buildings • 100% compliance rate • 3% reduction in energy use in the first three years, with substantially more expected through ongoing efficiency upgrades • 152 buildings currently undergoing lighting upgrades
Residential Rebates and Advising: EnergySmart and Comfort365	<ul style="list-style-type: none"> • 10,000 metric tons of CO₂ avoided 6 million kWh/year and 950,000 therms saved • \$2 million in rebates, leveraging \$23 million in private investment • Nearly 5000 homes upgraded • Leveraged \$300,000 in grant funding to acceleration heat pump adoptions; achieved 200%+ adoption rate
SmartRegs	<ul style="list-style-type: none"> • 96% compliance by 2018 deadline • More than 7000 residential units upgraded • More than 4000 metric tons of CO₂ avoided
Solar Initiatives	<ul style="list-style-type: none"> • Ponderosa Solar Garden: First municipally owned solar garden in the country, dedicated to low-income customers • Low-Income Solar Programs: Low-to-no cost solar garden subscriptions saving Boulder residents as much as \$400 a year • 2.1 megawatts of solar added to city facilities, including two downtown garages • More than \$1 million in solar grants
Transportation	<ul style="list-style-type: none"> • 48 Public EV Charging Stations • Downtown access to EV Car Sharing • First vehicle-to-grid pilot project in the state, saving the city thousands of dollars a year in utility costs • Strategic planning to support transit electrification

Program	Achievements
Innovation: Boulder Energy Challenge	<ul style="list-style-type: none"> • \$550,000 in grants awarded, leveraging millions in private investments • 10 projects advanced innovations in energy storage, clean mobility, energy efficiency and renewable energy
Energy Codes	<ul style="list-style-type: none"> • One of the most aggressive codes in the country; 25-30% better than national code • Roadmap to net zero construction by 2031 • More than half of residential homes built since 2018 have been net zero • Solar installed on all new buildings
Community Resilience	<ul style="list-style-type: none"> • Leveraged ~\$400,000 in federal funding to enhance resilience at critical facilities • Implemented battery backup system for Boulder Housing Partners • Developed nanogrid infrastructure at Via Mobility
Policy Reform	<ul style="list-style-type: none"> • Co-founded CC4CA, which has grown to a coalition of 40 counties and municipalities • Through CC4CA, successfully influenced outcomes in numerous bills, including 42 in the 2021 legislative session • Substantial contribution to multiple climate bills, including 2010 Colorado Communities Solar Garden Act (the first-in-nation statewide shared renewables legislation) and 2019 Climate Action Plan • Climate Change Lawsuit against ExxonMobil and Suncor
Regulatory Reform	<ul style="list-style-type: none"> • Active intervention in Public Utilities Commission (PUC) proceedings, including more than 25 cases since 2016 • Annual publication of community energy reports
Partnership	<ul style="list-style-type: none"> • Founding Community, Building Electrification Institute • Core City, Urban Sustainability Directors Network and Carbon Neutral City's Alliance • Support for Climate Justice Collaborative

Attachment C: Scale of Funding Necessary to Support High Impact Climate Action

Three analyses were used help frame the revenue discussion relative to the scale of funding for climate action.

1. Social Cost of Carbon – Represents the global cost of the community’s continued role in causing climate change. This would represent a true carbon tax on the community’s emissions and is likely representative of the total investment that are needed.
2. Comparison to other Communities – The level of revenues being collected by other communities to invest in their climate programs. This would represent keeping pace with other leading communities.
3. Big Moves Financial Analysis – Based on the “Big Moves” outlined in **Attachment D: Achieving Systems-scale impact for Climate Actions—Potential “Big Moves”**, staff created an estimate of what it would cost to implement the priorities using a bottom-up approach.

Social Cost of Carbon/Social Cost of Greenhouse Gases

An important reference point is the social cost of carbon, an estimate of the economic costs, or damages, of emitting one additional ton of carbon dioxide into the atmosphere, and thus the benefits of reducing emissions. [House Bill 21-1238](#) directed the Public Service Commission to apply a social cost of carbon of \$68 per short ton (\$2020) to the evaluation of demand-side management programs and electric resource plans. [Senate Bill 21-246](#) directed the Public Service Commission to apply a social cost of methane of \$1,756 per short ton. Since 2019, all Canadian provinces have applied a price on carbon dioxide emissions. The Report of the [High-Level Commission on Carbon Prices](#) (2017) estimated that the appropriate carbon price across the world will need to be \$40 to 80/MT CO₂e by 2020, and \$50 to \$100/MT CO₂e by 2030, to be consistent with meeting the goals of the Paris Agreement. A 2018 study published in Nature Climate Change, “[Country-level social cost of carbon](#)”, estimates the social cost of carbon (SCC) in the US to be \$180 to \$800 per ton (median \$417/MT CO₂e).

Forty-five countries and 34 sub-national regions (states, provinces, etc.) have a national or regional price on carbon, and many more are actively considering this. Together, these carbon pricing initiatives cover about 11.65 gigatons of carbon dioxide equivalent (GtCO₂e), or about 21.5 percent of annual global GHG emissions.¹

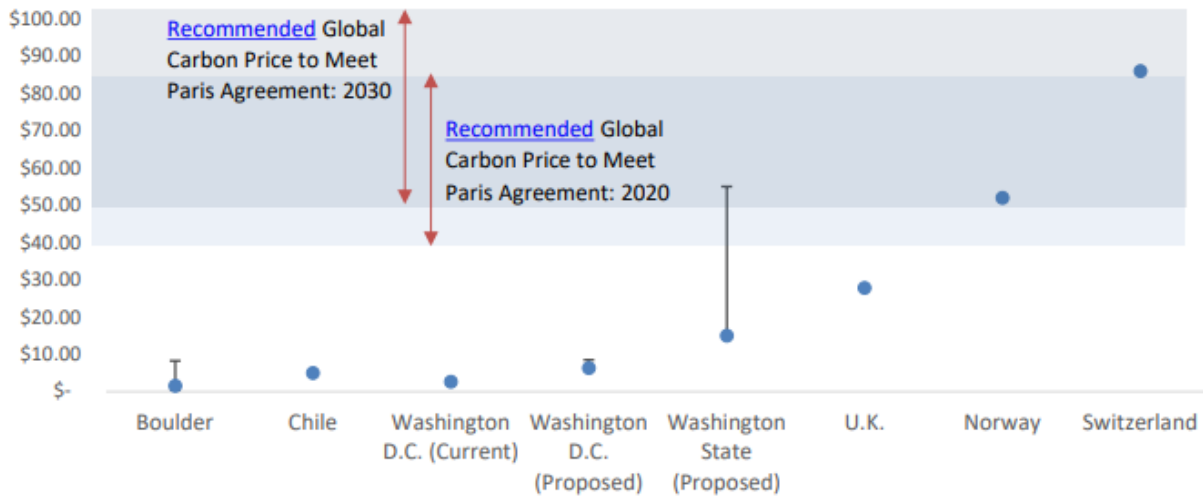
¹ <https://carbonpricingdashboard.worldbank.org/>

Examples of Recent and Proposed Carbon Taxes around the World

Carbon Tax (Date Enacted)	Sectors Covered	Rates	Estimated Annual Revenues (\$/year)
U.K. Carbon Price Floor (2013)	Tax on fossil fuels used to generate electricity	\$27.79/MT CO ₂ e	\$1.3 billion
Washington State Ballot Initiative 1631 (on 2018 ballot)	Fee that charges large polluters for the carbon content of fossil fuels used or sold and electricity generated or consumed within the state	\$15/ MT CO ₂ e (w/ \$2 inflation up to \$55/ton in 2035)	\$459 million (average for first 5 years)
Washington D.C. Sustainable Energy Trust Fund (2008)	Electricity and gas surcharge; exempts low-income residents and electricity from renewable sources covered by RECs under the Renewable Portfolio Standard	\$0.0015/kWh \$0.014/therm Electricity: \$3.28/MT CO ₂ e Natural Gas: \$2.63/ MT CO ₂ e	\$20 million
Washington D.C. Clean Energy DC Act 2018 (Proposed Oct 2018)	Would double current electricity surcharge and triple current natural gas surcharge; maintains exemptions for low income and renewables	Electricity: \$6.35/MT CO ₂ e Natural Gas: \$8.49/ MT CO ₂ e 24 *natural gas rate reduced each year until it plateaus at \$2.63/ton in 2032	\$26 million

While Boulder was the first city to pass a voter-approved climate mitigation tax, since 2007, many other cities, states and provinces have passed some version of a carbon tax or fee to generate necessary revenue to fund climate efforts and to create a pricing mechanism that accelerates the market shift to clean, renewable energy systems. Figure 1 below shows that most carbon taxes (current or proposed) are significantly higher than Boulder's CAP Tax, especially when considering that many of these apply to all fossil fuel sources, not just electricity.

Figure C1: Comparison of Carbon Prices (\$/MT CO2e)



Comparison to Other Communities

Denver

In 2020, Denver’s city-appointed Climate Action Task Force released [a report](#) detailing a set of recommendations urging action to reduce Denver’s impact and prepare for climate change. The focus of the priorities outlined in the report included:

- A retrofit of existing homes and buildings to support energy efficiency, and stricter requirements for new buildings
- An expanded bus system that is more affordable and fully electric
- A reconfiguration of city streets to give more space to buses, cyclists, and in commercial areas, food vendors
- An investment in electric vehicle infrastructure
- An end to the use of natural gas for heating and cooking as much as possible

All in all, the report estimated a cost of \$3.4 billion over the next decade at an average of \$345 million per year that would be required to implement the recommendations and build the necessary infrastructure.

While the task force acknowledged their recommendations amounted to a “significant investment,” their report suggests the plan could save Denver citizens billions in the long run. The policies could blunt the most expensive impacts of climate change. The recommendations could also move the city to technologies like electric buses, which have higher upfront costs than standard fossil-fuel buses, but that will save money in the long run through lower maintenance and fueling costs. This is just one example of how Denver’s plan frames the importance of investing now to avoid future costs, noting that, “every dollar we spend in prevention and preparedness now will save many dollars in the future.” Within the report, the Task Force conducted an analysis to determine the cost of climate impacts to Denver as well as the potential savings that could result from enacting climate action initiatives. The result was a staggering

combined total of \$20.2 billion at a minimum, or nearly seven times the \$3 billion investment needed.

To fund this unmet need, the task force recommended a quarter-cent sales tax hike and a slate of new fees on parking and personal vehicles as a first step towards covering the cost. On Nov. 3, Denver voters approved a measure to increase the city's sales tax rate by \$0.0025 and generate between \$20 and \$40 million a year to combat climate change and economic disparity.

Denver's Climate Action Report recognized that while their findings show the city needs ~\$345 million annually, that this is more than can currently be raised and invested. Therefore, they note alternative options for funding infrastructure investments, such as public-private partnerships, bond measures, green or public banking, or stimulus funds. It is for these same reasons that Boulder seeks a funding mechanism with bonding capacity, so that the city may accelerate invests in necessary infrastructure at the required time and scale. Without the infrastructure costs included, Denver estimates \$76 million annually will be needed to engage in advocacy, policy, behavior change, and incentive provisions.

Given that Denver's total GHG emissions (excluding consumption-based) are approximately 6x the City of Boulder's emissions, we could use a proxy estimate of Denver's findings to determine what comparable levels of funding would look like for Boulder. Rather than the \$345 million that Denver noted as a requirement for meeting their climate investment needs, that would equate to approximately \$33 million annually needed for Boulder. The equivalent amount of funds needed without infrastructure costs included for Boulder would be approximately \$12 million annually, with the ability to bond for larger capital projects.

Boulder County Sustainability Tax

In 2016, Boulder County voters approved a Boulder County Sustainability Tax (BCST), a sales tax to allocate a portion of sales and use tax revenue to fund sustainability infrastructure and programs. The tax passed with 70% support and went into effect in 2020. This tax is intended to reduce greenhouse gas emissions, conserve natural resources, support the local economy, protect the health of residents and ecosystems, and encourage citizens to be environmental stewardship leaders.

Minneapolis

In 2018, Minneapolis approved an additional 0.5% added to the electric and natural gas franchise fees to fund climate mitigation efforts. At the time of passage franchise fees varied by customer sector: residential customers paid 4.5%, commercial customers paid 5% and industrial customers paid 3%. The 0.5% increase added \$0.57 per month to the average residential customer bill, \$7.16 per month for commercial and \$195 for industrial. The 0.5% increase was expected to raise approximately \$2.9 million per year to fund climate and energy programs.

Ithaca, NY – Building Electrification

In November 2021, the City of Ithaca, NY approved a council resolution authorizing an energy efficiency retrofitting and thermal load electrification program. The city solicited proposals to improve the overall energy performance of the city's building stock with a focus on energy

conservation and efficiency and the transition of natural gas consumption and air conditioning to air- and ground-sourced heat pumps, LED lighting, on-site solar and energy storage and other distributed energy technology.

The 10-to-15-year program will leverage public and private funds (sourced from the community) and will include 4,500 residential and 1,500 non-residential buildings with an emphasis on low- and moderate-income communities.

Phase 1 of the project will focus on 1,000 residential and 600 non-residential projects. The city organization will provide investment to secure an estimated \$100 million in private capital to provide the financing for the effort. Ithaca estimates a 40% reduction in greenhouse gas emission from existing buildings and the creation of 400 jobs to implement the initiative.

Big Moves Financial Analysis

Over the past two years, city staff have worked both internally and with a wide range of leaders in the field of climate action to assess what the city's greatest impacts could be in supporting the systems-scale changes that must be made within the next decade to give humanity a chance of avoiding pervasive catastrophic impacts globally and locally.

Attachment D: Achieving Systems-scale impact for Climate Actions—Potential “Big Moves”, represents this proposed body of work. To achieve this scale of action and impact will require a significant increase in investment. Projections on the scale of these investments is included in Table 1 below.

Current Climate Initiatives Department funding levels are approximately \$5.4M annually, which includes \$1.8M from the expiring CAP Tax, \$2M from the soon to expire Utility Occupation Tax, and \$1.6M from the Trash Tax, which is an ongoing tax without expiration. More detail on current funding sources for the Climate Initiatives Department driven work is in **Attachment A: Current Funding**.

The Big Moves identified, and associated budgets, are focused on scaling and accelerating the types of community-facing programs, services and initiatives that have historically been funded through the three climate-specific funding sources – CAP Tax, UOT and Trash Tax. The analysis does not yet reflect the current investments or revenue needs of work housed within other city organizations and budgets. Accelerated investment will be needed in these areas, as well, particularly as it relates to climate resilience. Recent events spotlight the severity of the hazards climate change brings. Continued rising temperatures and extremes will add further stresses to our population and our infrastructure. Ongoing efforts are underway to refine our models and forecasts for what the localized impacts of climate change will mean in terms of the city's infrastructure and our services. Master Plan and Comprehensive Plan updates will also inform where priority needs to be placed and where additional revenue will be needed.

In Table C1 below, the Transitional funding levels would be \$10.5M annually and transformational levels would be \$15.1M annually. Staff does not currently support raising this level of funding through a tax on energy utility bills.

Table C1: Bottom-up Analysis Based on Big Moves

CAP Focus Area	Climate Action Objectives	Estimated Annual Funding Levels--Climate Initiatives 2023-2035								
		Current/Status Quo			Transitional			Transformational		
		Capital	Other	Leveraged	Capital	Other	Leveraged	Capital	Other	Leveraged
Energy Systems	Ensure equitable and affordable access to energy.	\$0	\$3,800,000	\$20,000,000	\$1,000,000	\$7,000,000	\$40,000,000	\$4,000,000	\$8,700,000	\$80,000,000
	Establish a safe, healthy, and resilient fossil-fuel-free energy system.									
	Transform existing building stock to mitigate their environmental impacts and ensure they provide affordable, healthy, and resilient spaces for their occupants.									
	Ensure all newly-constructed buildings have the lowest possible carbon footprint and provide affordable, healthy and resilient spaces for their occupants.									
	Provide clean mobility solutions that are accessible and affordable to all.									
Circular Materials	Minimize waste production per capita and maximize diversion from landfills.	\$400,000 (bond service)	\$1,200,000	\$3,100,000	\$500,000	\$2,000,000	State funding through EPR legislation, FRWD grants, and bag ban fees	\$1,538,462	\$4,000,000	\$10,000,000 + state, county
	Enable repair, reuse, and remanufacturing of components and materials									
	Employ circular principals in building construction and demolition									
	Employ circular principals in building construction and demolition.									
	Reduce the carbon footprint of production cycles we have the greatest ability to affect									
Natural Climate Solutions	Create a closed loop system that reduces fire risk in our community, converts biomass to biochar, and generates clean energy to fuel buildings by 2030									
	Foster community resilience through carbon enhanced ecosystems.	\$0	\$0	\$400,000	\$1,000,000	\$1,500,000	\$2,700,000	\$3,000,000	\$2,400,000	\$3,200,000
	Increase natural carbon sequestration within and beyond our boundaries.									
	Support the growth of economic sectors that sustain critical ecosystem services.									
	Design actions to maximize equitable ecosystem benefits.									
	Advance the field of natural climate solutions beyond Boulder.									

Attachment D: Achieving Systems-scale impact for Climate Actions—Potential “Big Moves”

Energy

Addressing the emissions associated with our energy systems has been the dominant focus of the city’s climate work and investments for the last two decades. Reducing emissions associated with electricity has been central to this, both because electricity use is the largest single source of the community’s emissions and because the strategies to address the next two largest sources – transportation fuel and natural gas – rely on the ability to transition those systems to clean electricity.

Energy is fundamental to the health and well-being of mankind. Whether it is heating and cooling for our buildings, transporting people and goods, or manufacturing the things we rely on in our daily lives, energy is core to life as we know it. In the face of climate change, energy is even more critical. With rising temperatures, extreme weather events and declining air quality, livable buildings powered by reliable sources of clean energy are essential.

The city will continue to advance its energy-related goals through partnership with Xcel Energy; local, regional and state coalitions; regulatory and legislative advocacy; and implementation of local programs and services.

Just Energy Transition

Communities of color and low-income households often lack adequate sheltering to protect against the effects of climate change, to include the rising energy burden that comes with extreme temperatures. Today, 30% of Colorado households are considered energy burdened, with more than 10% classified as energy impoverished (meaning that more than 10% of their household income goes to cover energy costs). The energy transition must equitably address the energy burden and the climate inequities if we are to ensure the continued health and well-being of our community and our economy in the face of our changing environment.

Investments must provide bill stabilization and long-term relief for low-income households. Housing stock must be improved to ensure it is resilient and provides for healthy and safe space. Safe sheltering must be available for those who are most at risk during extreme temperature and air pollution events.

Priorities:

- Low-to-no-cost solar and solar garden subscriptions for energy-burdened residents and businesses
- Weatherization and electrification programs targeted towards the most vulnerable housing stock, such as the city’s 1300 manufactured homes
- Workforce development efforts to enable clean energy job opportunities and ensure that adequate workforce is in place to deliver against goals

High Performing, Healthy Buildings

On average, people spend 90% of their time indoors. This percentage will likely increase as climate impacts continue to grow in severity. Today, energy use – electricity and natural gas – in residential and commercial buildings represent more than two-thirds of our local GHG emissions. Buildings represent other risks, as well. The use of natural gas appliances in buildings contribute as much to our front range air pollution as do our fossil power plants. A recent study by Rocky Mountain Institute showed that, in 2017 alone, pollution from Colorado’s buildings contributed to 181 early deaths and more than \$2 billion in health impact costs.¹ If our buildings are to provide healthy and resilient spaces for our community and we are to mitigate their role in driving climate change, our buildings must be high performing and they can no longer rely on gas combustion appliances.

Priorities:

- Building codes that ensure every new building is built to have the lowest carbon footprint possible and that all existing buildings are improved over time
- A combination of voluntary and regulatory programs to drive and support the community in electrifying our buildings
- New technology solutions and innovative strategies to make clean solutions accessible and affordable
- A combination of voluntary and regulatory programs that ensure our buildings remain resilient and can adapt to the changing needs of our community as climate extremes worsen

Clean Electricity Supply

Zero-emissions electricity supply is core to addressing electricity’s contribution to climate change and for providing the clean electrification solution for transportation and buildings. Our electricity system must be reliable and resilient, and fully serve the demands of the community. Since the community first adopted its 100% renewable electricity goal, significant progress has been made, not just locally for Boulder, but statewide. Utilities, including Xcel Energy, are on trajectories to exceed state-mandated emissions reduction targets. Storage technologies have continued to advance, and the cost of renewables continues to drop, making zero-emission firm-dispatchable electricity truly viable as cost-effective replacement for fossil systems. While a gap remains to be closed, the strategies must adapt to reflect the significant progress that has been made. Recent climate-driven events – floods, fires, winter storms –spotlight the vulnerabilities of our energy systems. Mitigating these vulnerabilities must be centered in the city’s electricity supply strategies.

Priorities:

- New and innovative program models to close the community’s emissions gap

¹ <https://rmi.org/health-air-quality-impacts-of-buildings-emissions/#CO>

- Programs and investments to accelerate development of local renewable generation and storage
- Investment in tools, such as undergrounding, advanced grid technologies, and micro-grids and district systems that lead to increased system reliability and resilience
- Demand management programs to reduce the community's electricity needs and better align those needs to be served by zero-emission electricity sources

Accessible Solutions for All

Significant changes to our built environment are going to be necessary to achieve our community's climate goals. While the city can assist with incentive and grant programs, what can reasonably be provided is only a fraction of what is going to be needed in terms of investment. This means the costs of the transition will largely fall on residents and businesses. New tools and service models will be needed to deliver the speed and scale of the changes necessary to address climate change.

Priorities:

- Financing tools to alleviate the financial burden of implementing efficiency improvements; electrifying heating, cooling and cooking; and adopting on-site solar and storage
- Loan and service products that simplify the customer experience and accelerate action

Clean Mobility Solutions

Within the next few years, transportation will overtake electricity as the largest source of energy-related emissions. Transportation is also a significant contributor to our community's declining air quality. The city's Transportation Master Plan (TMP) represents the breadth of the community's transportation needs including core strategies to mitigate impacts through reduced vehicle miles traveled and for providing clean mobility solutions that advance those goals. Recognizing that those strategies will not fully mitigate the need for personal vehicle travel and that transit and fleet (e.g. government, corporate, rideshare, delivery, transit) electrification is essential to achieving climate and resilience goals, advancing electric vehicle adoption remains critical.

Priorities:

- Programs and services to support transportation electrification and infrastructure development, with emphasis on those that enable solutions for currently underserved segments of the community
- Building codes that ensure residents, businesses and workers have access to charging
- Programs and services that accelerate strategies as outlined in the TMP

Circular Materials

Over the course of the past several decades, the City of Boulder has focused much of its 'zero waste' work on mitigating the effects of waste production, aiming to minimize waste, while

maximizing recycling and composting. However, as the scope of the climate crisis becomes clear, it is imperative that the city consider the full impacts of our consumer-driven society; address the significant potential for climate improvements through organic-based living systems (trees, lumber, grass and food) management; and ensure every member of our community has equal access to durable goods and convenient waste management programs.

A study conducted in 2019² looked at all the materials that come into Boulder and what happens to them while inside our city boundaries – as a way to identify opportunities to create a more ‘circular’ economy locally. The city looked to identify ways to support everything being used in Boulder to be efficiently re-manufactured, thus ending the “take-make-dispose” path currently characterizing local materials flow. Among its findings, this study concluded that when looked at globally, the emissions associated with the ‘stuff’ that is consumed and used in Boulder is greater than all of the other local emissions combined; and, furthermore, a 5% reduction in the amount consumed in Boulder would be equivalent to cutting electricity emissions by 10% or transportation emissions by 20%.

While this is interesting, staff also recognizes that the city organization has very limited control over supply chains and the emissions ‘embodied’ in the materials that show up at our borders. For example, *electronics, appliances and equipment* were found to make up 34% of the embodied emissions in Boulder’s inventory, and while we cannot affect those emissions that originate primarily overseas, the city *can* potentially affect the repairability of those electronics and appliances. In contrast, when looking at the life cycle of organic materials that comprise 18% of our community’s embodied emissions, the city *could* have a direct impact by influencing how trees, grass and food are grown and managed, as well as whether these organic systems actively capture carbon to sequester it.

The resulting high-impact programs identified in the circular materials work area include:

Consumer Goods

- Minimize single-use plastics
- Support market development for recyclables, including Boulder Innovation Garage
- Maximize local reuse and repair
 - Promote sharing platforms over individual ownership
 - Repair clinics, thrift stores

Built Environment

- Maximize reuse and recycling
- Support market development for construction waste
- Require low-carbon construction materials

² Kennedy, Erin & Andrew McCue Metabolic Consulting, [*Circular Boulder, Pioneering Steps Towards a Zero-Waste and Climate Neutral City*](#)

- Ensure buildings are designed for deconstruction

Organics materials - Biomass/trees/food waste

- Minimize food waste community-wide
- Maximize high quality compost/biochar production
- Maximize local application/utilization of compost/biochar

Natural Climate Solutions

The city has a long history of efforts to conserve, protect, and restore environmental health--both in the Open Space and Mountain Parks lands that so define the Boulder Valley landscape, and in the urban landscapes managed by the Parks Department, utilities, and other public and private entities. In recent years, climate science has come to recognize the critical role that land and aquatic systems management also play in either contributing to climate change or supporting its stabilization. The growing focus on ecosystems-based climate stabilization are increasingly referred to as “Natural Climate Solutions”. Over the past two years, the city has worked with departments across the city, as well as a wide range of researchers and leaders in the field of nature-based/natural climate solutions to identify and develop systems-change oriented action opportunities.

This process has also resulted in the establishment of a new workgroup within the city’s Climate Initiatives Department called “Natural Climate Solutions”. Through these collaborative efforts, new objectives, targets, and progress indicators have been developed that represent our best current assessment of the outcomes we need to rapidly work towards to achieve our three broader climate action goals—climate stabilization, climate change resilience, and expanded community equity.

The following “Big Moves” have been developed in collaboration with multiple city departments and a broad cross-section of other organizations and stakeholders as the next steps in the city’s legacy of environmental leadership. Two of these action areas— “Cool Boulder” and “Cool and Absorbent Landscapes” are led primarily within the Natural Climate Solutions team and its partners in other departments. Four other action areas—Community Climate Change Projections, Climate/Green Jobs, Regeneration Resources, Urban Drawdown Initiatives—are being co-developed and enacted with other divisions within Climate Initiatives or other partners.

The resulting high-impact programs identified in the Natural Climate Solutions work area include:

Cool Boulder

- Urban Forest: In 2022, the Climate Initiatives and Parks and Recreation departments will launch a major urban forestry-as climate action campaign with a significant focus on supporting private landowners—both residential and commercial/institutional—to fill available tree planting areas with appropriate species.
- Cool Corridors: As part of the “Cool Boulder” campaign, Climate Initiatives will work with the Planning Department to expand efforts to develop a network of vegetative

(“pollinator”) corridors designed to create habitat connectivity and natural vegetative cooling systems across the city.

Cool and Absorbent Landscapes

Climate Initiatives is working with the city’s Open Space and Mountain Parks Department to develop land management strategies and actions designed to increase both carbon and water capture and enhance the associated ecosystem-based services (cooling, storm water infiltration, biodiversity protection, drought durability) that will be critical to buffer increasing climate extremes.

Additional Initiatives

In collaboration with other city departments and external partners:

- **Community Climate Change Projections:** Climate Initiatives is leading efforts to coordinate the development of locally scaled climate change projections and processes that aid both city departments and potentially other sectors of the community in planning for climate change.
- **Climate/Green Jobs:** CI is working with a number of other public sector partners to explore opportunities to integrate natural climate solutions and other climate action priorities with an emerging federal priority to invest in Civilian Climate Corps programs.
- **Regeneration Resources Production Center:** CI is working with the County and external organizations to scope the infrastructure development costs for creating a “Regeneration Resources” production center capable of producing biochar, compost and other soil amendments.
- **Urban Drawdown Initiative/Natural Climate Solutions Initiatives (UDI):** The city initially co-sponsored the establishment of [Urban Drawdown Initiatives](#) in collaboration with the the Urban Sustainability Director’s Network (USDN) in 2019 to support systems change in local government climate action through building a knowledge and best practices dissemination entity that accelerates the development of natural climate solutions. In early 2022 UDI will be renamed the Natural Climate Solutions Initiative (NCSI) and will continue to expand its current network of over 50 cities and counties actively collaborating on this initiative.

Economic and Financial Systems

Following the community’s call for economic and financial systems to be included as a core area of the city’s climate action strategy, staff began working with community partners to scope where the city could have the greatest impact in this area. While there have been a variety of tactical actions focusing on the economy and climate that some cities have been engaged in—most notably divestment from fossil fuel companies—there is currently no consistent framework for city-based, economy/financial systems-oriented climate action currently established.

Recognizing this need for a broader shared understanding of this action area and the options within it, the city initiated a unique six-month speakers forum that it developed and coordinated in collaboration with four other co-sponsors: the Urban Sustainability Directors Network, The Carbon Neutral Cities Alliance, the Council on World Affairs, and Boulder County. Starting in May 2021, the city coordinated internationally recognized leaders on topics ranging from global

sustainable development (Jeff Sachs) to redistributive economies (Kate Raworth), landscape scale regeneration (John Liu), and federal financial policy (Congressman Joe Neguse, Professor Robert Hockett). Through these sessions, the city elicited ideas, suggestions and possible directions for strategies designed to redirect the economy in service of climate stabilization.

This action area is still in its formative stages. We expect development of strategies and “Big Moves” in this area will emerge over the next six-to-nine months as the city continues to convene discussions with other jurisdictions and partner organizations to identify the roles where the city’s actions could have the greatest impact. The strategy in this area will also be shaped in part by the outcome of the current negotiations in Congress around the size and content of the President’s infrastructure and “Build Back Better” agenda. We expect greater clarity about both what will be passed into law and how those new authorities will translate into local action opportunities by sometime in the first quarter of 2022.

Action opportunities we are already exploring based on the Forum and other efforts already underway include:

- Development of Civilian Climate Corps (CCC) deployments in Boulder/Boulder County to address critical climate action priorities
- Engagement with state lawmakers to assess options for achieving greater alignment with the PERA investment portfolio and the community’s climate priorities
- Exploration of opportunities to create more direct engagement between the city and the Federal Reserve in accessing both funding and technical assistance around climate action and economic transition investments
- Analysis of cost-of-carbon budgeting and other mechanisms to internalize the costs of climate impacts into both city and community economic transactions.

A more detailed strategy around economy-focused climate actions will be developed and integrated into the adaptively updated climate action plan.

Land Use

Land-use strategies, to include decisions around building density, acquisition and preservation of open space and parks, development and redevelopment, utility infrastructure, and hazard mitigation, all influence the degree to which the community can meet climate mitigation, resilience, and equity goals. These efforts are centered throughout the city organization and continue to evolve as our understanding of climate mitigation and resilience strategies continue to mature.

Priorities:

- Updates to Master Plans and Comprehensive Plans based on climate risk and opportunity analysis
- Building and land use codes that are informed by and that advance climate justice, mitigation, and resilience goals