

Election — November 3, 2015

**City of Boulder
Ballot Issues**



**League of Women Voters®
of Boulder County**

The League of Women Voters is not responsible for the accuracy or fairness of the arguments of either side.

**BOULDER ISSUE NO. 2N
SHORT-TERM RENTAL TAX**

SHALL CITY OF BOULDER TAXES BE INCREASED BY UP TO \$400,000.00 ANNUALLY (IN THE FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION OF A SHORT-TERM RENTAL TAX ON EACH LEASE OR RENTAL OF ANY DWELLING UNIT, NOT ALREADY TAXED AS A HOTEL, MOTEL OR OTHER PUBLIC ACCOMMODATION IN THE AMOUNT OF SEVEN AND ONE-HALF PERCENT, TO FUND ADMINISTRATION, ENFORCEMENT AND ALL OTHER REASONABLE EXPENSES ASSOCIATED WITH ADMINISTERING THE SHORT-TERM RENTAL PROGRAM WITH ANY ADDITIONAL FUNDS GOING TO CREATE AFFORDABLE HOUSING FROM JANUARY 1, 2016;

AND IN CONNECTION THEREWITH,

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT, AS A VOTER-APPROVED REVENUE

CHANGE WITHOUT LIMITATION OR CONDITION, AND WITHOUT LIMITING THE COLLECTION, RETENTION, OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER UNDER ARTICLE X SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Major provisions

Passage of Ballot Question 2N would allow the City to impose a 7.5% tax on any short-term rental of any dwelling unit not already taxed as a motel, hotel or other public accommodation. The money raised will pay for administration and enforcement of a short-term rental program. Any extra funds will go to the affordable housing fund.

Background

As short-term rentals (less than 30 days) in private residences have increased, council felt pressure to “level the playing field” with hotels and motels that are subject to the 7.5% Public Accommodations Tax. Regulations governing the administration of the tax are still being developed, but it is Council’s intent to allow people to rent rooms in homes they live in. It is expected that they would need to get a rental license and certify to a safety check. People who want to rent units that they don’t live in, such as converted garages or in-law apartments, probably will need to have an inspection, and be limited to 120 days a year. If the tax issue is voted down, any proposed regulations will fail also.

Those IN FAVOR say

1. The short-term rental tax will allow regulation of presently illegal rentals of private dwellings.
2. It will impose the same tax presently levied on motels and hotels.
3. Any funds not used in administration of the program will be used for affordable housing.

Those OPPOSED say

At this writing, there is no organized opposition.

**BOULDER ISSUE NO. 2O
UTILITY OCCUPATION
TAX EXTENSION**

Without raising additional taxes, shall that portion of the city’s utility occupation tax on public utility companies that deliver electricity and natural gas to customers in the city that replaced the franchise fee paid by Public Service Company and supports general revenue needs of the city be extended from its current expiration date of December 31, 2017 and expire on December 31, 2022 with the revenues of the existing tax as extended being used to continue to support local government services, and shall the revenue from such tax extension and all earnings thereon (regardless of amount) constitute a voter approved revenue change, and an exception to the revenue and spending limits of Article X, Section 20 of the Colorado Constitution?

Major Provisions

Passage of Ballot Question 2O would extend the annual tax charged to public utility companies for five years, to the end of 2022. Revenues would continue to go into the General Fund for services such as fire, police, and libraries.

Background

In November 2010, when Boulder voters decided to explore municipalization of electrical services, the franchise between the City and Xcel Energy’s Public Service Company was allowed to expire. To replace the franchise fee formerly charged to Public Service, voters approved a five-year utility occupation tax on public utility companies that deliver electricity and natural gas to its Boulder customers, with revenues of \$4.1 million the first year. In 2011, voters extended the tax through December 31, 2017. The tax now raises \$4.3 million annually.

Those IN FAVOR say

No new taxes are proposed by this extension. The \$4.3 million raised annually is important to the City’s ability to fund police, fire and other general services.

Those OPPOSED say

Because the tax compensates for revenue lost during the municipalization effort, a vote against the tax is a vote against municipalization.

**BOULDER QUESTION 2P
CLIMATE ACTION PLAN
TAX EXTENSION**

Without raising additional taxes, shall the existing climate action plan excise tax be extended for five years for the purpose of continuing to provide incentives, services, and other assistance to Boulder residents and businesses to improve energy efficiency, expand the use of renewable energy, and take other necessary steps to reduce greenhouse gas emissions, at the current rate of \$0.0049 per kilowatt hour (kwh) for residential customers, \$0.0009 per kwh for commercial customers, and \$0.0003 per kwh for industrial customers on electricity consumed, from its current expiration of March 31, 2018, through March 31, 2023 as a voter-approved revenue change?

Major Provisions

Ballot Issue 2P would extend the existing Climate Action Plan (CAP) excise tax for five years from its current expiration of March 31, 2018 through March 31, 2023.

The tax charges \$0.0049 per kilowatt hour (kwh) on electricity consumed for residential customers, \$0.0009 per kwh for commercial

customers, and \$0.0003 per kwh for industrial customers.

The money raised (currently \$1.8 million annually) funds programs that promote energy efficiency and renewable energy.

Background

Passed first in 2006, and extended in 2013 for five years, the CAP tax has paid for the Boulder Energy Challenge, which funds projects in renewable energy efficiency such as home energy audits and appliance rebates. Proponents claim to have reduced 50,000 tons of carbon between 2007 and 2015 through these programs.

Those IN FAVOR say

- 1. A tax extension would continue present programs and fund new ones, especially in solar energy.
- 2. The 50,000 tons of carbon reduced between 2007 and 2015, is a powerful example of the results produced by programs funded by the tax.

Those OPPOSED say

At this writing there is no organized opposition.

BOULDER QUESTION 2Q
AMENDING CHARTER
PROVISIONS REGARDING
LIBRARY COMMISSION

Shall the Charter be amended to make changes so that the powers and governance of the Library Commission and the uses of the Library Fund are updated to be consistent with other advisory commissions as specified in Ordinance No. 8055?

Major Provisions

Current city charter language gives the library commission powers over library administration, including the power to purchase books, establish branches, issue payments, and "prescribe the duties of all the officers and employees." This ballot issue eliminates that obsolete language, officially creates the Department of Library and Arts, acknowledges the commission's role as a liaison between the library and the community, and enumerates the commission's powers of review and recommendation over the library's master plan, budget, service plans, facilities, and annual report.

While the majority of the library's funding comes from an annual city council appropriation from the city's general fund, this proposal places revenues from the library mill levy, library property sales and donations to the library in a Library Fund and protects the Library Fund from appropriation for general city purposes. In addition, expenditures from the latter two sources require a favorable recommendation from the library commission.

Background

In the city charter's Article IX: Advisory Commissions, only the library commission has specific sections spelling out its powers. In August of 2012, the library commission prioritized proposing charter changes to more clearly reflect the commission's current role, powers, and duties as an advisory body. The library commission considered the language in other cities' charters and worked with city council, including its Boards and Commissions Committee, and city staff to craft new charter language. All changes to city charter language must be approved by the electorate.

Those IN FAVOR say

- 1. The powers listed in the current city charter are not powers that the Library Commission has

exercised in recent times, they are out of step with the Library Commission's established role as an advisory commission, and they have created considerable confusion in recent years.

- 2. Many of the commission's powers currently named in the city charter are more properly in the domain of the library's professional staff and the City Manager's Office to whom the Library and Arts Director reports.

Those OPPOSED say

There is no known opposition to this ballot measure.

BOULDER QUESTION 2R
AMENDING CHARTER
PROVISIONS REGARDING
COMPENSATION FOR
COUNCIL MEMBERS

Shall Section 7 of the Charter be amended pursuant to Ordinance No. 8052 to add an annual salary for council members in the amount of \$10,000, with an annual increase equal to the percentage increase in the consumer price index and to add health benefits equivalent to those received by city employees?

Major provisions

Ballot Question No. 2R would add an annual salary of \$10,000 to council members' present compensation. Also, it would allow council members to receive benefits available to full-time city employees, such as health insurance at rates available to full-time city employees. At present, council members receive \$206.97 per meeting for up to 52 meetings per year. Question 2R would set a base of \$210 per

meeting. An annual adjustment each January 1, based on the Consumer Price Index, also is allowed.

Background

Service on Council can be a nearly full-time job. The proposed \$10,000 base salary for council members is designed to allow a wider range of candidates to run for council. It will also help compensate members for the hours spent outside of council meetings. Several members have attended 52 meetings as early as September of this calendar year. Meetings are defined as a gathering that requires a quorum of the council, and can be a regular or special meeting, such as study sessions.

Those IN FAVOR say

- 1. Passage of 2R should enable a wider range of candidates to run for City Council.
- 2. Council service regularly calls for attendance at more than the 52 meetings per year presently allowed. The annual salary would compensate members for the additional meetings / time commitment.
- 3. Eligibility for city employee benefits, especially for health insurance, would be important to some council candidates.

Those OPPOSED say

- 1. Ballot Issue 2R would raise the average council person's pay to just over \$20,000. It's unclear what new demographic would be attracted to the job because of this additional pay.
- 2. Another option would be to reduce the time commitment. If the city council focused on strategic issues and left policy details and implementation to the city manager, more people might be willing to volunteer for a term or two.
- 3. In a perfect world, pay for council members would be based on merit and performance leading to significant policies for Boulder.

BOULDER QUESTION 300
NEIGHBORHOOD RIGHT TO
VOTE ON LAND USE
REGULATION CHANGES

Shall the Boulder Home Rule Charter be amended to give residents of neighborhoods the right to vote on certain changes to land use regulations for residential developments that may have an impact on

their quality of life, neighborhood character or property values, including without limitation those that increase the maximum allowable building height, size, density, floor areas, or occupancy limits, changes to allowable uses, or reductions in on-site parking requirements, required setbacks, or solar access protection, or change zoning district designations or regulations within residential neighborhoods; and shall such neighborhoods be contiguous areas reasonably demarcated by the city that contain at least a portion of the MH, RE, RL-1&2, RM-1,2&3, RMX-1&2, RH-1-7 or RR-1&2 zoning districts, including without limitation at least 65 separate neighborhoods listed in the petition; and such other neighborhoods as the city may reasonably identify; and shall any changes to these land use regulations or combinations of neighborhoods adopted by city council not be effective for 60 days, and if within such 60 days, one or more residential neighborhood submits a petition signed by 10 percent of the registered electors of the neighborhood meeting the referendum requirements of the charter, such changes shall not be effective for that neighborhood unless approved by the voters of such neighborhood; and shall there be a separate election for each residential neighborhood that has submitted a

proper petition; and shall the city pay the costs of such elections; and related details as set forth in the initiative petition for this measure?

Major Provisions

This citizen-initiated proposal would add a new section to the City Charter to require voter approval by affected residential neighborhoods for certain proposed changes to land use regulation, if 10% of registered electors in the affected neighborhood(s) petitioned for such an election. It would create at least 65 separate neighborhoods that could comment and potentially vote on any proposed land use changes. It would require the City of Boulder to pay for the costs of such elections.

Background

With the growth occurring within the City of Boulder, residents are concerned that land use and zoning issues have not been adequately addressed, particularly as to how a development proposal might affect one or more neighborhoods.

Those IN FAVOR say

1. Written by citizens, including former city council members and city attorneys, and reviewed by the Boulder city attorney's office, this initiative allows all registered voters in a neighborhood, both renters and owners, to have an equal voice in land use regulation changes that could have impacts like increased traffic, parking, noise, trash and view obstructions that will substantially change the neighborhood character and livability.
2. The initiative allows an appeal process to changes for current land use regulations only, but not for projects done within these regulations.
3. A primary initiative goal is to have council and the new city neighborhood liaison staff

member begin community plans in cooperation with residential voters; if this occurs, such petitions for a full neighborhood vote should be rare and relatively inexpensive.

4. Any cost to other taxpayers will be minimal compared to the economic and peace-of-mind security acquired by residents.
5. Moreover, under the initiative, Council retains its ability to combine contiguous neighborhoods into a sub-community area (as recently proposed by some council members). Therefore we can still achieve Boulder's traditionally liberal and socially desirable goals of economic, cultural and ethnic diversity.
6. The fact is: Not everyone can live in Boulder. There simply isn't sufficient physical space for that to occur. But by allowing residents a voice for their individuality in our various neighborhoods, we can keep what is special, charming, culturally diverse, and iconic to residents, businesses and visitors alike.

Those OPPOSED say

1. Six Boulder mayors agree Ballot Issue 300 takes us backwards and creates more problems than it solves. The city attorney's analysis describes multiple costly processes including the hiring of consultants to run elections and/or to reasonably demarcate neighborhood boundaries.
2. Permanent changes to the City Charter are the wrong way to address issues of growth and development. This is a costly and divisive amendment that pits neighbors against neighbors and neighborhoods against neighborhoods. Allows only 10% of the voters in a neighborhood to call an election paid for by all taxpayers.
3. The proposal requires City Council to divide Boulder into an unknown number of voting districts, including 66 specified neighborhoods. Increases bureaucracy.

4. It undermines strong community planning processes already in place. It prevents us from achieving our long-standing community goals addressing the environment, climate change, jobs, affordable housing and diversity.
5. It will have a chilling effect on land-use changes of community-wide interest.
6. An inflexible provision such as this, embedded in our City Charter, would have the same paralyzing effects in Boulder as TABOR has had in Colorado. Elected officials and community leaders with decades of experience in Boulder call this the most damaging, ill-conceived local policy decision ever brought to voters.

BOULDER QUESTION 301
NEW DEVELOPMENT SHALL
PAY ITS OWN WAY

Shall the Boulder Home Rule Charter be amended to prevent the city, to the extent allowed by state and federal law, from approving new development that does not fully pay for or otherwise provide additional facilities and services to fully offset the additional burdens imposed by the new development; such facilities and services to include without limitation police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, transportation, and open space and mountain parks, but exempting utilities that have set services standards including water, wastewater, flood control, and electric; and to require the city council to apply standards and practices reasonably designed to achieve the requirements of this section, that are consistent with generally accepted professional standards

and practices where they exist, and that consider indirect revenues and contributions from new development, such as sales and use tax paid by occupants; and to require the standards for transportation facilities and services to include without limitation emergency response times, daily vehicle miles traveled within the city, and travel times on designated streets during morning and evening peak and near-peak hours; and shall the city council by a vote of six members be able to exempt permanently affordable housing or publicly-owned new developments from this section; and shall new development with a complete and proper application for a building permit, or a change of use permit as of the date of passage of this section, be exempt from the requirements of this section, but only for the construction or change of use covered by the permit or change of use application as submitted; and shall the city manager be required to report annually all standards used and a summary of the measurements and actions taken and analyses performed to satisfy this section; and setting forth related details set forth in the initiated petition for this measure?

Major Provisions

This citizen-initiated proposal would amend the City Charter to require City Council to apply standards of measurement of impact when deciding whether to accept proposals for new development. City Council could approve only proposals in which developers pay for or offset impacts that would occur with their development. Six council members could exempt permanently affordable housing or publicly owned new developments. It would also ask the city manager to conduct and report analyses on construction or change-of-use permits that are submitted to the city.

Background

Growth within the City of Boulder has added to the costs of services including roads, libraries, human services and police, which are paid for with impact fees paid by developers, and taxes paid by residents. Some believe there should be an increase in the impact fees levied on developers.

Those IN FAVOR say

1. It has long been a well-known, accepted fact that new development never completely pays for itself; but someone pays the extra costs, and if not the developers, who?
2. Written by citizens, including former city council members and city attorneys, and reviewed by the Boulder city attorney's office, this initiative finally closes this gap. Its terms are clearly defined, so readers can understand and agree on the meaning of the initiative language. The only job to be completed is the full implementation by our next council when they discuss and adopt a complete set of professional standards and practices, which the staff can then apply to achieve the initiative's goal.
3. This initiative will also provide more certainty to developers as to what is expected of them, while taking away the vagaries of negotiating with staff on the current "let's make a deal" planning process. So it should shorten the timeframe for processing development proposals, thereby decreasing everyone's headaches—including our involved citizens.
4. Although development pays some fees and taxes, they are insufficient to pay back the citizens for the use of already paid for city investments plus the additional facilities and service demands resulting from this added development.
5. Purposely excluded from this initiative are home improvement projects that have minimal effect on services and facilities. Adding

additional dwelling units, however, counts as new development; but affordable housing can be exempted.

6. While the original Boulder Valley Comprehensive Plan and its periodic five-year updates all have mandated that development should cover its costs, Boulder officials have never put the necessary regulations in place to make this happen. Thus the BVCP, though a useful general planning guide, has no legal teeth to enforce this mandate. But this citizens' initiative will finally ensure that growth does pay its own way.

Those OPPOSED say

1. Six Boulder mayors agree that Ballot Question 301 takes us backwards and creates more problems that it solves. The Boulder city attorney analysis states that the city should "consider suspending the acceptance of building permit and other development applications until all legislation necessary to implement the petition is completed."
2. Permanent changes to the City Charter are the wrong way to address issues of growth and development.
3. The proposal exposes the City to perpetual and expensive lawsuits over the determination of development "impacts" and "costs."
4. It pits residents against businesses and the talented workforce that enrich our community.
5. It will have a chilling effect on business development and innovation; increases bureaucracy; and increases fees on small businesses.
6. Tax revenue generated by new development, typically 15% or more of project costs, currently pays fees which benefit public services, including open space, parks and recreation centers, bikeways, social services and local transit. Ballot Question 301 endangers this revenue and threatens achievement of affordable housing and

environmental sustainability goals. It gridlocks our economy and limits the range of jobs and opportunities for advancement.

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