



## Information on the 2021 Ballot Measures in Boulder, Colorado

Compiled by the League of Women Voters of Boulder County

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

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### **City of Boulder Ballot Issue 2I**

#### **[EXTENSION OF COMMUNITY, CULTURE, RESILIENCE AND SAFETY SALES AND USE TAX]**

WITHOUT RAISING THE CURRENT TAX RATE, SHALL THE EXISTING COMMUNITY, CULTURE AND SAFETY SALES AND USE TAX OF 0.3%, SCHEDULED TO EXPIRE DEC. 31, 2021, BE EXTENDED TO DEC. 31, 2036, AND BE KNOWN AS THE COMMUNITY, CULTURE, RESILIENCE AND SAFETY TAX, WITH THE REVENUE FROM SUCH TAX EXTENSION AND ALL EARNINGS THEREON BE USED TO FUND CITY CAPITAL IMPROVEMENT PROJECTS SUCH AS:

MAINTAIN AND IMPROVE ROADS AND MULTI-MODAL PATHS; REPLACE CRITICALLY DETERIORATED SIGNAL POLES; REPLACE CENTRAL AVENUE BRIDGE; IMPROVE THE BOULDER CREEK PATH CORRIDOR; IMPLEMENT THE BOULDER CIVIC AREA PHASE 2/CENTRAL PARK IMPROVEMENTS; COMPLETE FIRE STATION 3 CONSTRUCTION; RELOCATE OR RECONSTRUCT FIRE STATION 2 OR FIRE STATION 4; PURCHASE EMERGENCY VEHICLES FOR BOULDER FIRE-RESCUE TO PROVIDE ADVANCED LIFE SUPPORT; RENOVATE EAST BOULDER RECREATION CENTER; ACQUIRE STREETLIGHT SYSTEM AND CONVERT TO LED LIGHTS; REFRESH PEARL STREET MALL;

AND FUTURE CITY CAPITAL IMPROVEMENT PROJECTS SUCH AS THOSE IN THE FOLLOWING CATEGORIES: TRANSPORTATION SYSTEM RESILIENCE – MAINTAIN AND MODERNIZE BOULDER'S TRANSPORTATION SYSTEM TO ALLOW FOR SAFER AND MORE EFFICIENT FLOW FOR ALL MODES OF TRANSPORTATION INCLUDING PEDESTRIAN, BIKE, AND VEHICLES; PROGRESS TOWARD CLIMATE GOALS – RENOVATE AND RETROFIT THE CITY'S AGED FACILITIES TO INCREASE RESILIENCE AND REDUCE CARBON EMISSIONS; SAFE AND PREPARED BOULDER – MAINTAIN AND REPLACE CAPITAL INFRASTRUCTURE THAT SUPPORTS

FIRST RESPONDERS; ACTIVE AND HEALTHY BOULDER— MAINTAIN AND MODERNIZE FACILITIES NEEDED TO PROVIDE RESIDENTS THE AMENITIES AND OPPORTUNITIES TO RECREATE AND MAINTAIN HEALTHY AND ACTIVE LIFESTYLE; COMMUNITY FOCUSED TECHNOLOGY IMPROVEMENTS – MODERNIZE AND CONSOLIDATE THE CITY'S DATA INFRASTRUCTURE AND OUTREACH TOOLS FOR MORE TRANSPARENT, FASTER, ACCESSIBLE, AND USER-FRIENDLY RESIDENT AND VISITOR SERVICE;

AND USE UP TO 10% OF TAX REVENUE TO FUND A GRANT POOL FOR NON-PROFIT ORGANIZATION PROJECTS THAT SERVE THE PEOPLE OF BOULDER AND RELATED COSTS INCLUDING GRANT PROGRAM ADMINISTRATION COSTS IN COMPLIANCE WITH TERMS, CONDITIONS, AND TIMING ADOPTED BY THE CITY COUNCIL;

AND IN CONNECTION THEREWITH, SHALL THE TAX REVENUES AND ANY EARNINGS FROM THE REVENUES 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**

Referred to voters by City Council, both 2I and 2J concern the Community, Culture, Resilience and Safety (formerly Community, Culture and Safety) sales and use tax. Issue 2I would extend the existing 0.3 percent tax (three cents on a \$10 purchase) for 15 years, through 2036. Issue 2J would allow issuing bonds to be repaid from the revenue from that tax.

The ballot language for issue 2I lists examples of capital improvements that the tax would fund (paragraph 2) and categories of future capital improvement projects (paragraph 3). Up to 10 percent of the tax revenue would be used for a grant pool for non-profit organization projects (paragraph 4).

### **Background**

In 2014, voters first approved the 0.3 percent tax to be in effect for three years, 2015–2017. The ballot language included funding amounts for capital improvements in five areas of the city and for public art, and allocated matching funds for the Museum of Boulder.

In 2017, voters approved extending the tax for four years, 2018–2021. Funding amounts were specified for several City capital improvement projects and for matching funds for non-profit organizations. The tax generated \$43 million in 2018–2020; another \$9.7 million is expected in 2021. If the tax is extended, revenue is variously estimated at \$11.5 million a year and as much as \$200 million over 15 years.

The projects listed in 2I were recommended by City staff and City Council's financial strategy subcommittee. They are based on about 2,000 responses collected in a community survey and in focus groups for representatives of arts organizations and other non-profits.

### **Those IN FAVOR say**

- Issue 2I does not increase taxes but extends an existing tax.
- Extending the tax will potentially generate \$200 million that will help address some of the City's \$300 million in unfunded capital infrastructure needs, including streets, fire stations, and Boulder's world-famous downtown district assets.

### **Those OPPOSED say**

- Fifteen years is a long time for a voter-approved sales tax. A shorter time would allow for readjustment of priorities when Council is requesting an extension.
  - If the projects are priorities they should be funded from the general fund, not sales tax.
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### **City of Boulder Ballot Issue 2J**

#### **[APPROVAL OF ISSUANCE OF BONDS TO BE PAID FROM EXTENDED COMMUNITY, CULTURE, RESILIENCE AND SAFETY SALES AND USE TAX]**

SHALL CITY OF BOULDER DEBT BE INCREASED UP TO \$110,000,000 (PRINCIPAL AMOUNT) WITH A MAXIMUM REPAYMENT COST OF UP TO \$158,000,000 (SUCH AMOUNT BEING THE TOTAL PRINCIPAL AND INTEREST THAT COULD BE PAYABLE OVER THE MAXIMUM LIFE OF THE DEBT) TO BE PAYABLE SOLELY FROM THE EXTENSION OF THE COMMUNITY, CULTURE, RESILIENCE AND SAFETY SALES AND USE TAX OF 0.3% (PREVIOUSLY KNOWN AS THE COMMUNITY, CULTURE AND SAFETY TAX), IF SEPARATELY APPROVED;

SUCH DEBT TO BE SOLD AT SUCH TIME AND IN SUCH MANNER AND TO CONTAIN SUCH TERMS, NOT INCONSISTENT HERewith, AS THE CITY COUNCIL MAY DETERMINE, WITH THE PROCEEDS OF SUCH DEBT AND EARNINGS THEREON BEING USED TO FUND CITY CAPITAL IMPROVEMENT PROJECTS AND NON-PROFIT PROJECTS THAT SERVE THE PEOPLE OF BOULDER PAYABLE FROM SUCH SALES AND USE TAX EXTENSION INCLUDING, AMONG OTHER THINGS:

MAINTAIN AND IMPROVE ROADS AND MULTI-MODAL PATHS; REPLACE CRITICALLY DETERIORATED SIGNAL POLES; REPLACE CENTRAL AVENUE BRIDGE; IMPROVE THE BOULDER CREEK PATH CORRIDOR; IMPLEMENT THE BOULDER CIVIC AREA PHASE 2/CENTRAL PARK IMPROVEMENTS; COMPLETE FIRE STATION 3 CONSTRUCTION; RELOCATE OR RECONSTRUCT FIRE STATION 2 OR FIRE STATION 4; PURCHASE EMERGENCY VEHICLES FOR BOULDER FIRE-RESCUE TO PROVIDE ADVANCED LIFE SUPPORT ; RENOVATE EAST BOULDER RECREATION CENTER; ACQUIRE STREETLIGHT SYSTEM AND CONVERT TO LED LIGHTS; REFRESH PEARL STREET MALL; OR USED TO FUND OTHER CITY CAPITAL IMPROVEMENT PROJECTS AND PROJECTS OF NON-PROFIT ORGANIZATIONS OTHERWISE PAYABLE FROM SAID SALES AND USE TAX;

AND IN CONNECTION THEREWITH, SHALL ANY EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBTS 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**

Referred to voters by City Council, issue 2J, like issue 2I, concerns the Community, Culture, Resilience and Safety (formerly Community, Culture and Safety) sales and use tax. Assuming that 2I passes, proposal 2J would allow the city to issue bonds of up to \$110 million, with a maximum repayment cost of up to \$158 million to come from the tax proceeds. Interest over 15 years is figured at 5.5 percent for taxable bonds, 5 percent for non-taxable. The ballot language lists (in paragraph 3) the types of projects that the proceeds would fund. (Compare it with issue 2I, paragraphs 2–3.)

- If issue 2I passes and 2J passes, bond sales will provide funds to contract for capital improvements in anticipation of tax revenue.
- If issue 2I passes and 2J fails, capital improvements will be on a pay-as-you-go basis, authorized as tax revenue becomes available.
- Issue 2J can only take effect if 2I also passes.

### **Background**

In 2017, when voters approved extending the Community, Culture and Safety sales tax for three years, 2018–2021, they also approved a new proposal to issue bonds repayable from the tax revenue. Issue 2J proposes continuing the practice.

### **Those IN FAVOR say**

The 2J bonding authority helps provide flexibility to achieve cost savings. New projects can be planned and contracted for, before inflation increases costs.

### **Those OPPOSED say**

Borrowing against future income may leave the city with inadequate future revenue for projects that arise.

## **City of Boulder Ballot Question 2K**

### **[Council Committees]**

Shall Section 9, “Meetings of Council,” of the Boulder City Charter be amended pursuant to Ordinance No.8478 to (a) remove provisions that expired in December 2017, (b) explicitly allow council to appoint council committees that generally contain no more than two councilmembers and in no event equal or exceed a quorum of council and allow councilmembers not appointed to the committee to attend, but not participate in council committee meeting, and (c) require council to appoint a recruitment committee of no more than two members for each of the three council appointments?

### **Major Provisions**

- Remove provisions that expired in 2017 concerning electric power municipalization.
- Outline provisions to allow Council to appoint committees that usually contain no more than 2 Council members and never equal or exceed a quorum (currently 5) of Council members.
- Allow Council members not appointed to the committee to attend meetings, but not participate.
- Require appointment of a recruitment committee of 1 or 2 Council members for each of the appointments that are the Council’s responsibility—City Manager, City Attorney and Municipal Judge.

### **Background**

Small committees have been used for years to do the groundwork and bring recommendations to the full Council for decisions. Two examples are the development of department master plans

and the hiring of the City Manager. The ballot issue would formalize the current practices as advised by the City's lawyers.

**Those IN FAVOR say**

Adding current practices to the Charter clarifies operational proceedings.

**Those OPPOSED say**

No opposition has been identified.

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**City of Boulder Ballot Question 2L**

**[Clarification of Signatures for Petitions]**

Shall Sections 38A, "Signatures required for initiative, referenda and recall petitions," 44, "Referendum petition," and 46, "Certificate of petition," of the Boulder City Charter be amended to clarify that the number of signatures for initiative, referenda and recall petitions are required to be registered electors of the city and that the number of signatures of registered electors on a referendum petition must be at least ten percent of the average number of voters in the previous two municipal candidate elections consistent with other changes approved by the voters in 2018?

**Background**

In 2018, voters approved ballot question 2E which amended the City Charter concerning the initiative, referendum and recall processes. Those amendments resulted in inconsistencies between three Charter sections which a citizen brought to the City Council's attention. Council is now asking voters to approve new, consistent wording.

**Major Provisions**

Currently, section 44 does not specify that petition signatures must be from voters registered within the city. Approval of this ballot question would correct that.

Section 46 was overlooked when ballot question 2E was proposed in 2018 so it needs to be amended to bring it into compliance.

Sections 38A, 44 and 46 would be simplified by replacing "registered electors of the city who voted" with "voters". The existing phrase is redundant since only registered electors are permitted to vote. For example, section 38A would be amended to read "A petition signed by registered electors of the city of at least ten percent of the average number of ~~registered electors of the city who voted~~ voters in the previous two municipal candidate elections shall be required... ."

**Those IN FAVOR say**

This is a necessary clean-up of the City Charter to correct inconsistencies and to reflect accurately the approved 2018 amendments.

**Those OPPOSED say**

No opposition has been identified.

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## **City of Boulder Ballot Question 2M**

### **[Council Payment Schedule]**

Shall Section 7, "Compensation," of the Boulder City Charter be amended pursuant to Ordinance No. 8477 to allow council members serving on January 1, 2022 and thereafter, and the mayor elected in November 2023 and thereafter, to receive compensation for fifty-two meetings each year on the same schedule as other city employees or on a schedule prepared by the city manager?

### **Major Provisions**

This measure allows Council members, including the Mayor, to be paid for attending 52 meetings a year on the same schedule as other city employees or on a schedule prepared by the City Manager.

### **Background**

Currently, other city employees receive their annual compensation spread evenly over 26 biweekly pay periods, while Council members are paid each month according to how many qualifying meetings the member attended. Qualifying meetings are those at which a quorum (5 Council members) is present. Currently, a Council member's payments can vary each month. Council members may be paid for attendance at up to a maximum of 52 meetings per year, regardless of whether more meetings are held and attended. In recent years, Council has met at least 52 times per year.

### **Those IN FAVOR say**

- The measure provides consistent biweekly payments for Council members for the entire year, just like other city employees.
- The measure simplifies management of the payroll and budget.
- This is not a pay increase for Council members.

### **Those OPPOSED say**

- No opposition has been identified.

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## **City of Boulder Ballot Question 300**

### **[Bedrooms are for People]**

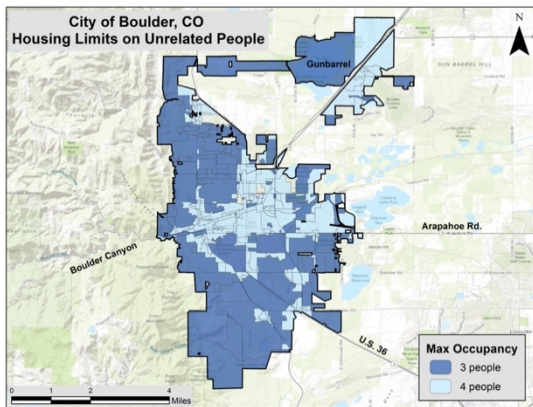
Shall the City of Boulder expand access to housing by allowing all housing units to be occupied by a number of people equal to the number of legal bedrooms, plus one additional person per home, provided that relevant health and safety codes are met?

### **Background**

Boulder currently limits the number of unrelated household members living in a dwelling. The current limits are:

- Family members plus up to 2 additional people
- Three unrelated people in low-density neighborhoods *(cont'd)*

- Four unrelated people in medium- to high-density neighborhoods
- Two people and any number of their children



Most of the city is zoned as low-density neighborhoods, shown in dark blue on the map.

The light blue areas are medium- and high-density zones.

There are exceptions to these occupancy limits for grandfathered properties & cooperative housing.

In recent years, a group of citizens has advocated for expanding the occupancy limit law since the current restrictions do not consider the size of the dwelling. Their proposal adds an option to set the limit based upon the number of legal bedrooms in the dwelling. The group organized and successfully petitioned to get this question on the ballot.

### Major Provisions

The proposal is contained in Ordinance 8475. If the ballot question is approved, the occupancy law would be expanded to allow a maximum number of people equal to the number of legal bedrooms in the dwelling plus one additional person. For example, a 3-bedroom home could have up to 4 unrelated people living there, a 5-bedroom home could have a maximum of 6.

Additionally, the ballot question adds “or” at the end of each of the existing occupancy limits listed above. So for example, a 1-bedroom condo in Table Mesa could be occupied by 3 unrelated people as is currently permitted using the 2nd limit criterion “three unrelated people in low-density neighborhoods.”

The ballot question also includes criteria for legal bedrooms. “Bedroom” must meet all requirements defined in Title 10, Chapter 5.5, of the Residential Building Code, including but not limited to: minimum area of 70 sq. ft., access to a hallway or communal space, a source of heat, a minimum of 1 window, and 2 points of egress. Garages, kitchens, bathrooms and one living room per dwelling are not legal bedrooms.

Under Section 54 of the City Charter, City Council has the authority to amend issues related to this measure as long as the original intent is preserved and 2/3 of City Council members approve the amendments. Whether or not amendments could be made without violating the original intent is up for debate.

### Those IN FAVOR say

- This is one way to help increase the supply of affordable housing.
- Some homeowners want to have additional housemates for social, financial or other reasons but are limited by the current occupancy limits.
- Parking, trash & noise issues should be addressed separately and are concerns regardless of whether unrelated occupants or a family resides in the dwelling.



- Increasing occupancy of existing homes makes better use of the current infrastructure and reduces carbon emissions associated with commuting.

### **Those OPPOSED say**

- To actually address affordable housing, any increase in occupancy should have a requirement to rent the dwelling at below-market rental rates.
  - The City has not tracked the number of bedrooms in a dwelling. If this measure passes, the City will have to spend resources to collect data on the number of bedrooms to establish the new occupancy limits per rental license.
  - The current occupancy limits are necessary to curb the negative impacts of student rentals.
  - Investors will purchase single-family homes and add bedrooms to increase their rental income which will further drive up the cost of housing and change the character of the neighborhoods.
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## **City of Boulder Ballot Question 301**

### **[Humane Clothing Act]**

Shall the City of Boulder prohibit the sale and manufacture for sale of certain fur products?

### **Major Provisions**

The proposal, stated in Ordinance 8480, would add to the Boulder Revised Code a new article 5-6-17, effective January 1, 2022, that makes it “unlawful to manufacture, sell, display for sale, distribute, or trade for monetary or nonmonetary consideration” any fur (animal skin) or fur product (article of clothing or accessory).

Excluded from the prohibition are (1) an item produced where the activity is expressly authorized by federal or state law; (2) a fur product used by or traded with an American Indian or other indigenous person; (3) a used fur product, meaning "worn or used by an ultimate consumer," like items in non-profit thrift outlets; and (4) a fur product created from a used fur product.

Also excluded are (1) dog or cat fur products (which are already illegal by federal law); (2) smooth leather; (3) cowhide with hair; (4) lambskin or sheepskin with fleece; and (5) animal skin preserved through taxidermy.

### **Background**

This proposal was initiated by Fur Free Boulder ([furfreeboulder.com](http://furfreeboulder.com)), a group focused on raising awareness of the exploitation of animals in the fur industry by banning the sale of new fur products in Boulder.

### **Those IN FAVOR say**

- Over 95 percent of animals used for fur are raised on farms where they suffer in small cages and are subjected to a painful and prolonged death.
- Trapping causes animals pain and suffering, and can leave young animals orphaned and exposed to other predators.



- Using fur for human clothing is completely unnecessary and outdated. We can wear plant-based alternative fabrics and products made from recycled synthetics. It's time we move away from cruel practices that are purely based on aesthetics.
- Many places around the world are banning fur. Why can't Boulder be next?

#### **Those OPPOSED say**

- The language in this proposal is inconsistent, arbitrary, and ambiguous. For example, fleece would be banned but shearling with fleece would not.
- Banning products made with fur/fleece, such as felt hats and fur-lined gloves, is broad and arbitrary overreach by special interest groups.
- The ban, on top of other current challenges, could put our brick-and-mortar independent Boulder retailers out of business.
- The proposed implementation date imposes an unrealistic and undue burden on Boulder retailers who have already purchased winter inventory.

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### **City of Boulder Ballot Question 302**

#### **[Let The People Decide On Annexation Of CU South]**

Shall the voters of the City of Boulder adopt changes to the City of Boulder, Colorado, Revised Code to require that any agreement with the University of Colorado regarding terms of annexation for the land known as CU South include certain specific details, and that the annexation agreement gain voter approval in an election prior to provision of city utilities and services other than flood control facilities to or on any portion of CU South?

#### **Background**

The University of Colorado's approximately 308-acre property located south of the intersection of Table Mesa Drive and US Highway 36 and known as CU South has a long history. Timelines of the property's uses, purchases, designations, floods, proposals & negotiations are available online from various sources. In 2019 CU filed an annexation application with the City of Boulder.

Some citizens and neighborhood associations have been dissatisfied with the city's negotiations and the proposed annexation agreement. They believe that the citizens' questions and feedback are being ignored. A coalition of citizens formed and successfully petitioned to get Ballot Question #302 on this year's ballot.

The annexation agreement has benefits for both parties, including access to utilities for CU in exchange for a specified number of acres for open space and flood mitigation for the city. The future of CU South is complex given the size of the property and other concerns such as future campus development, environmental impacts, traffic issues, and permits from multiple agencies.

City Council approved the annexation agreement September 21<sup>st</sup>. A group of citizens is pursuing a referendum petition to repeal the agreement. A referendum is allowable even though the agreement was approved as an Emergency Measure (Section 50 of the City Charter).

The ballot question does not prevent the city from attempting to move forward with flood mitigation on the property via an agreement other than annexation, e.g., an easement or land swap. The likelihood of an alternative agreement has been the subject of recent opinion pieces and editorials.

## **Major Provisions**

The proposal, contained in Ordinance 8474, would amend the Boulder Revised Code with a new section 9-2-17.5 which says that an annexation agreement of CU South will require voter approval and must include the following items:

- a) A site plan that specifies zoning, allowed uses, and the location, height and square footage for all development.
- b) A transportation plan that includes street, bike, and pedestrian facilities, access points, projected travel levels and mitigation options.
- c) A financial projection of all publicly paid costs associated with the development and use of this property.
- d) A financing and payment plan specifying who will pay for all the projected costs for development and use of the property including how and when such payments will be made.
- e) Agreements and permits from all necessary city, county, state and federal agencies.
- f) An environmental impact plan for preservation and restoration of environmental assets on the property & adjacent open space.
- g) Pollution controls to minimize air, water, light, and noise pollution.
- h) Terms that will bind future owners to the annexation agreement should CU sell the property.

## **Those IN FAVOR say**

- CU South is a large property and annexation would have a huge impact on the South Boulder neighborhoods, traffic levels, noise pollution and open space. Therefore, any annexation agreement must provide a detailed development plan and require approval from the voters.
- The 100-year flood mitigation plan in the annexation agreement is not good enough. We should implement a 500-year flood plan on the property.
- City Council has done a poor job of neighborhood outreach and been dismissive of citizens' questions & suggestions; therefore it's necessary that voters approve the annexation agreement.

## **Those OPPOSED say**

- The City has been negotiating with CU for years, evaluating input from engineers and conferring with the other agencies involved. Annexation is the City's best opportunity for a flood mitigation plan for South Boulder and we shouldn't delay the agreement by seeking voter approval.
- A referendum petition to repeal the agreement is the better way for the voters to weigh in.
- If the ballot measure passes and a referendum succeeds in repealing the agreement, the requirements listed in items a–h above will make it very difficult to restart negotiations with the university.

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and to build your personal Voters' Guide

