



Board of County Commissioners

MEMORANDUM

To: Board of County Commissioners
From: Commissioners' Office Policy Team
Subject: Recommendations for Boulder County positions on state, county, and municipal ballot measures
Date: October 5, 2022

The Policy Team is proposing that the Board of County Commissioners consider taking positions on seven statewide and eight local ballot measures that county voters will be considering during the 2022 election cycle. The ballot measures listed below speak to public policy goals and priorities identified as important to the residents of Boulder County by the Board of County Commissioners.

<i>State Measures</i>	<i>Proposed Position</i>
Proposition FF – Healthy School Meals for All	Support
Proposition GG – Add Tax Information to Petitions and Ballots	Support
Proposition 121 – State Income Tax Rate Reduction	Oppose
Proposition 122 – Access to Natural Psychedelic Substances	Oppose
Proposition 124 – Increase Allowable Liquor Store Locations	Oppose
Proposition 125 – Allow Grocery and Convenience Stores to Sell Wine	Oppose
Proposition 126 – Third-Party Delivery of Alcohol Beverages	Oppose
<i>County Measures</i>	<i>Proposed Position</i>
1A – Countywide Wildfire Mitigation Sales and Use Tax and Revenue Change	Support
1B – Emergency Services Sales and Use Tax and Revenue Change	Support
1C – Transportation Sales and Use Tax Extension and Revenue Change	Support
<i>Municipal Measures</i>	<i>Proposed Position</i>
City of Boulder Issue 2A – Climate Tax Creation and Repeal	Support
City of Boulder Issue 2B – Climate Tax Debt Increase	Support
Town of Erie Issue 3D – Open Space Question	Support
City of Longmont Issue 3C – Revenue Bonds to Fund Resilient St. Vrain Project Improvements	Support
Town of Superior Issue 2M - Marshall Fire Recovery	Support

Detailed analysis follows.

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STATE MEASURES

Proposition FF – Healthy School Meals for All

Proposition FF proposes to create a program to provide access to free meals to all public school students. Proposition FF removes stigma for children receiving free and reduced lunch in schools as it makes these meals free for all children, provides funding for school lunch staff, provides funding for schools to purchase local foods, and is funded by limiting state income tax deductions for people who make more than \$300,000 per year.

Boulder County's *2022 State Legislative Agenda* provides the rationale for a position to **SUPPORT** Proposition FF:

*2022 State Legislative Agenda, Human Services and Early Childhood, Food Security
Support utilization and improved access to the Supplemental Nutrition Assistance Program and funding for the expansion of programs that increase access to healthy, locally grown foods.*

Proposition GG – Add Tax Information to Petitions and Ballots

Proposition GG proposes to require a tax information table be included on petitions and ballots for any state citizen-initiated measure that proposes to change Colorado's individual income tax rate. Proposition GG will increase voter awareness of the impact an income tax rate change will have on individuals and the state, and as such, is a positive step towards advancing county policy goals.

Boulder County's *2022 State Legislative Agenda* provides the rationale for a position to **SUPPORT** Proposition GG:

*2022 State Legislative Agenda, State Fiscal and Governance
Support efforts to bring fiscal stability to the State of Colorado.*

Proposition 121 – State Income Tax Rate Reduction

Proposition 121 proposes to reduce the state income tax rate from 4.55 percent to 4.40 percent beginning with tax year 2023. Should voters approve Proposition 121, Colorado General Assembly Legislative Council analysis shows that 83% of Colorado taxpayers will see their 2023 income taxes reduced by \$89.00 or less; 80% of the tax reduction benefit will be received by just 17% of Colorado taxpayers; and state General Fund revenue will be reduced by an estimated \$413 million, or 2.4%, for state fiscal year 2023-24.

The state and its counties are intertwined in many significant ways when it comes to the delivery of services to Colorado residents. Boulder County has long opposed efforts that work counter to the adopted policy goal of reforming the constitutional and statutory dynamic that negatively impacts the fiscal stability and sustainability of the State of Colorado, and by extension, its local government partners.

Boulder County's *2022 State Legislative Agenda* provides the rationale for a position to **OPPOSE** Proposition 121:

*2022 State Legislative Agenda, State Fiscal and Governance
Support efforts to bring fiscal stability to the State of Colorado.*

Proposition 122 – Access to Natural Psychedelic Substances

Proposition 122 proposes to establish a regulated system for accessing psychedelic mushrooms and other plant-based psychedelic substances and to decriminalize the possession and use of psychedelic mushrooms and certain plant-based psychedelic substances in Colorado law for individuals aged 21 and over.

Psychedelic mushrooms are illegal at the federal level and have not been fully approved by the U.S. Food and Drug Administration for clinical use. While studies are underway, gaps remain in the research to discern whether treatment is effective, at what dose, and what protocol. And importantly, questions abound in respect to Proposition 122's regulatory framework: Creating a regulatory framework for the use of psychedelic substances suggests that they offer legitimate treatment before they have received federal approval, potentially putting people's health and public safety at risk, and there is not enough data or information available to determine if the regulatory structure created by Proposition 122 will prevent youth use of psychedelic substances.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **OPPOSE** Proposition 122:

2022 State Legislative Agenda, Community Health

Support continued efforts to prevent and reduce youth use of marijuana, alcohol and other drugs.

Proposition 124 – Increase Allowable Liquor Store Locations

Proposition 125 – Allow Grocery and Convenience Stores to Sell Wine

Proposition 126 – Third-Party Delivery of Alcohol Beverages

Colorado voters will face a trio of citizen-initiated measures to loosen current restrictions on the sale and delivery of alcohol:

- Proposition 124 proposes to allow retail liquor stores to increase their number of locations over time, with no limit on the number of locations after 2037.
- Proposition 125 proposes to allow licensed grocery and convenience stores that currently sell beer to also sell wine.
- Proposition 126 proposes to allow third-party companies to deliver alcohol from grocery stores, convenience stores, liquor stores, bars, restaurants, and other liquor-licensed businesses, and to make takeout and delivery of alcohol from bars and restaurants permanently available.

Through these three measures Colorado could see a broad expansion of opportunities to access alcoholic beverages. Together, Propositions 124 and 125 could undermine current state law, which is designed to ensure that neighborhood liquor stores, many owned by minorities and women, are able to compete with other retail liquor stores: These small businesses could face the prospect of losing customers because of increased competition from large retail liquor store chains or grocery stores. Proposition 126 will expand alcohol delivery options without the safeguards available in a physical store or restaurant that ensure alcohol is not sold to minors. Currently, retail liquor licensees provide delivery services through their own trained employees and are liable for any violation. Under Proposition 126, retailers are not liable once alcohol leaves their premises, and enforcement of third-party alcohol delivery laws is expected to be more difficult as a result.

Perhaps most importantly, public health research has demonstrated that increases in available liquor stores, through increases in liquor store density, does increase youth access to and use of alcohol.¹

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2810108/> Community Alcohol Outlet Density and Underage Drinking

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **OPPOSE** Propositions 124, 125, and 126:

2022 State Legislative Agenda, Community Health

Support continued efforts to prevent and reduce youth use of marijuana, alcohol and other drugs.

COUNTY MEASURES

1A – Countywide Wildfire Mitigation Sales and Use Tax and Revenue Change

Measure 1A proposes to establish a 0.1% countywide sales and use tax for the purpose of funding countywide wildfire mitigation efforts to proactively address the increasing risk of climate-driven wildfires. The return on investment for wildfire mitigation efforts has been proven through fires as recent as the 2020 Cal-Wood Fire, where extensive mitigation work by Boulder County significantly reduced the destructive impact of the fire on Heil Valley Ranch open space.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **SUPPORT** Measure 1A:

2022 State Legislative Agenda, Natural Disaster and Resiliency

Support legislation and funding that assists counties in reducing wildfire risk through mitigation and prevention efforts and reimbursement of local suppression costs.

Support legislation and funding that promotes forest restoration, including the use of prescribed fire, in the wildland urban interface.

1B – Emergency Services Sales and Use Tax and Revenue Change

Measure 1B proposes to establish a countywide sales and use tax for the purpose of funding emergency response, including facility, equipment, capital, and operational costs of search and rescue organizations; funding for the capital needs of fire departments in mountainous and rural areas; ambulance services in areas not covered by municipal ambulance services; wildland firefighting staffing; and other projects and services to address the need for emergency services and public safety in unincorporated Boulder County.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **SUPPORT** Measure 1B:

2022 State Legislative Agenda, Public Service Integration and Collaboration Legislative Principle
Boulder County strives to ensure effective use of taxpayer funds and successful outcomes through efficient service delivery and integration of public programs and services. To increase efficiency and effectiveness, Boulder County engages in and strongly supports collaborative efforts within county departments and with partner agencies and organizations in the local community, regionally, and statewide.

1C – Transportation Sales and Use Tax Extension and Revenue Change

Measure 1C proposes to extend the existing 0.1% countywide transportation sales and use tax for the purpose of continuing to fund multimodal transportation needs, including safety improvements to roads, regional trails and commuter bikeways, transit, regional transportation corridors, and community mobility programs.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **SUPPORT** Measure 1C:

2022 State Legislative Agenda, Land Use and Transportation
Support the development of sustainable, multi-modal transportation systems and nonsingle occupant vehicle transportation strategies.
Support local government efforts to improve safety on roadways.

MUNICIPAL MEASURES

City of Boulder Issue 2A – Climate Tax Creation and Repeal

City of Boulder Issue 2B – Climate Tax Debt Increase

Issues 2A and 2B propose to repeal the existing Climate Action Plan Excise Tax and the Utility Occupation Tax, create a new Climate Tax, and increase city debt, all to support the city's extensive climate action program.

Boulder County's State Legislative Agenda includes several policies that speak to the climate measures included in this ballot measure. Regarding equity, this ordinance would include equitable investments in high-performing, healthy buildings; mobility options with an emphasis on solutions for underserved segments of the community; and financial assistance for low-income utility customers.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **SUPPORT** City of Boulder Issue 2A and 2B:

2022 State Legislative Agenda, Energy, Environment, and Sustainability
Support policies that accelerate the removal of greenhouse gases from the atmosphere and which incorporate equity, accessibility, and just transition considerations into climate policies and actions.

Town of Erie Issue 3D – Open Space Question

Issue 3D proposes to extend through 2034 an existing four mill property tax for the purposes of protecting natural areas along Coal Creek and Boulder Creek; conserving scenic landscapes and views; creating and enhancing hiking, biking, and walking trails; protecting wildlife habitat; acquiring natural areas to separate Erie from other communities; and constructing, improving and maintaining trails, parks, parkland infrastructure and open space.

Boulder County and Boulder County voters have a long history of supporting tax measures to protect open space, as is proposed by Question 3D.

Boulder County's 2022 State Legislative Agenda provides the rationale for a position to **SUPPORT** Town of Erie Issue 3D:

2022 State Legislative Agenda, Lands and Natural Resources Legislative Principle
Boulder County manages public lands and natural resources through initiatives that improve the quality of life of our residents while balancing the multi-faceted needs and rights of community stakeholders. To that end, Boulder County works to preserve open spaces for recreation use, wildlife habitat, and sustainment of our agricultural heritage; manage our wildland urban interface area for disaster preparedness, forest health, and resilience; protect water sources and ensure a sustainable water supply; and efficiently regulate extractive industries, including mining and oil and gas development, to protect air and water quality and reduce impacts to residents.

City of Longmont Issue 3C – Revenue Bonds to Fund Resilient St. Vrain Project Improvements

Issue 3C proposes to provide authorization to borrow up to \$20,000,000 for the purpose of financing storm drainage system improvements, including improvements to the St. Vrain Creek drainageway. If passed, 3C will provide funding for the Resilient St. Vrain Project, which came about as a result of the 2013 flood. The funding will, amongst other things, construct infrastructure to help protect areas of Longmont from future flooding.

Boulder County’s *2022 State Legislative Agenda* provides the rationale for a position to **SUPPORT** City of Longmont Issue 3C:

2022 State Legislative Agenda, Energy, Environment, and Sustainability
Promote proactive programs and efforts that improve the resilience and adaptability of Colorado communities in the face of natural disasters and other major challenges associated with climate change.

Town of Superior Issue 2M - Marshall Fire Recovery

Issue 2M proposes to extend the Town of Superior’s sales and use tax from 2023-2032 to fund recovery efforts related to the 2021 Marshall Fire and other related expenses. Over \$12 million in expenses have been identified for coverage under this ballot item.

Boulder County’s *2022 State Legislative Agenda* provides the rationale for a position to **SUPPORT** Town of Superior Issue 2M:

2022 State Legislative Agenda, Natural Disaster and Resiliency
Enhance collaboration between state and local governments and provide sufficient funding to ensure effective natural disaster response and recovery.