



Board of County Commissioners

MEMORANDUM

To: Board of County Commissioners
From: Commissioners' Office Policy Team
Subject: Recommendations for Boulder County positions on local and state ballot measures
Date: September 29, 2020

The Policy Team is proposing that the Board of County Commissioners consider taking positions on two local and nine statewide ballot measures that county voters will be considering during the 2020 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>Local Measures</i>	<i>Proposed position</i>
City of Louisville Issue 2A – Disposable Bag Tax	SUPPORT
City of Boulder Issue 2B – No Eviction Without Representation	SUPPORT
<i>State Measures</i>	<i>Proposed position</i>
Amendment B – Gallagher Amendment Repeal	SUPPORT
Amendment 76 – Citizen Qualification of Voters	OPPOSE
Proposition EE – Taxes on Nicotine Products	SUPPORT
Proposition 113 – National Popular Vote Compact	SUPPORT
Proposition 114 – Reintroduction of Gray Wolves	SUPPORT
Proposition 115 – Prohibit Abortions After 22 Weeks	OPPOSE
Proposition 116 – State Income Tax Rate Reduction	OPPOSE
Proposition 117 – Voter Approval for Certain New State Enterprises	OPPOSE
Proposition 118 – Paid Family Medical Leave and Insurance Program	SUPPORT

LOCAL MEASURES

CITY OF LOUISVILLE ISSUE 2A – DISPOSABLE BAG TAX

This measure would impose a \$0.25 tax on disposable bags provided by retailers to customers, such as at grocery stores. The revenues would be used to help support the city's sustainability initiatives. The measure is projected to raise \$2,000,000 in its first year.

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

Boulder County's 2020 State Legislative Agenda provides the rationale for a position to **SUPPORT** City of Louisville Issue 2A:

2020 State Legislative Agenda, Energy, Environment & Sustainability Policy 16
REDUCE THE USE OF DISPOSABLE AND SINGLE-USE PRODUCTS AND PROMOTE THE REUSE OF MATERIALS.

CITY OF BOULDER ISSUE 2B – NO EVICTION WITHOUT REPRESENTATION

Measure 2B would ensure free legal counsel and rental assistance to tenants facing eviction in the city of Boulder. An annual excise tax to be paid by landlords would fund the program.

Evictions and the accompanying instability have negative impacts on adults and children alike, including mental health, physical health, academic studies, and child development. Evictions also cause people to become homeless or to live in substandard housing. Many studies have found that legal representation helps tenants facing eviction to stay housed, yet very few renters can afford such representation. A New York City Office of Civil Justice study found that a similar program there increased legal representation for tenants from one percent to 42 percent, compared to landlords typically being legally represented in about 90 percent of cases.

Boulder County's 2020 State Legislative Agenda provides the rationale for a position to **SUPPORT** City of Boulder Issue 2B:

2020 State Legislative Agenda, Housing Policy 4
SUPPORT STATE EFFORTS TO END INDIVIDUAL AND FAMILY HOMELESSNESS THROUGH COMMUNITY-BASED, COMPREHENSIVE PROGRAMS

STATE MEASURES

AMENDMENT B – GALLAGHER AMENDMENT REPEAL

Amendment B proposes to remove provisions related to the residential and nonresidential property assessment rates from the state constitution, including the provisions commonly known as the Gallagher Amendment that set a fixed statewide ratio for residential and nonresidential property tax revenue. If Amendment B is adopted, assessment rates for all property types will remain the same as they are now; projected future decreases in the residential assessment rate will not be required; and any future increases in assessment rates would require a vote of the people.

Boulder County's 2020 State Legislative Agenda provides the rationale for a position to **SUPPORT** Amendment B:

2020 State Legislative Agenda, State Fiscal & Governance Policy 1
SUPPORT EFFORTS TO BRING FISCAL STABILITY TO THE STATE OF COLORADO

AMENDMENT 76 – CITIZEN QUALIFICATION OF VOTERS

This measure would limit voting in Colorado elections to United States citizens 18 years or older. It would thus exclude 17-year-old individuals who currently are allowed to vote in primary elections. It would have no other immediate impact on voting eligibility, as current law already excludes noncitizens from voting.

Boulder County's 2020 State Legislative Agenda provides the rationale for a position to **OPPOSE** Amendment 76:

2020 State Legislative Agenda, Equity & Human Rights Policy 7
OPPOSE EFFORTS TO IMPEDE VOTING RIGHTS OF UNITED STATES CITIZENS IN COLORADO,
INCLUDING REQUIREMENT OF IDENTIFICATION AT POLLING PLACES AND LIMITATION OF ABILITY
TO MAIL BALLOTS TO VOTERS

PROPOSITION EE – TAXES ON NICOTINE PRODUCTS

In the 2020 legislative session, the Colorado General Assembly passed HB 20-1427, Cigarette Tobacco and Nicotine Products Tax, which refers to the voters tax changes that would increase the statutory tax on tobacco products; add a tax to nicotine products such as those used in vaping and electronic smoking devices; expand the tax on products distributed via a delivery service; and create a minimum price for tobacco products. Revenue generated from the tax would first be used to support education in Colorado specifically to address the detrimental impacts of COVID-19 on school funding in the state. Any additional and future funding would support the Colorado Preschool Program and tobacco prevention education.

Boulder County supports proven interventions that reduce youth access to and use of tobacco and electronic smoking devices; encourage tobacco use cessation; reduce tobacco-related disparities; and protect individuals from the health hazards of secondhand tobacco smoke. Increasing the price of tobacco products is a proven intervention for reducing youth access. Based on a comprehensive review of evidence, the Surgeon General has called raising prices on cigarettes “one of the most effective tobacco control interventions” because increasing price is proven to reduce smoking, especially among youth.¹

Boulder County’s *2020 State Legislative Agenda* provides the rationale for a position to **SUPPORT** Proposition EE:

2020 State Legislative Agenda, Community and Environmental Health, Policy 3
SUPPORT EFFORTS TO PREVENT AND REDUCE THE USE OF TOBACCO AND ELECTRONIC
SMOKING DEVICES AND REDUCE EXPOSURE TO SECONDHAND SMOKE

PROPOSITION 113 – NATIONAL POPULAR VOTE COMPACT

In the 2019 legislative session, the General Assembly enacted SB 19-042, National Popular Vote. This legislation pledges that Colorado presidential electors will support the winner of the national popular vote for President. If states representing a majority of the Electoral College followed suit, this would have the effect of nullifying the Electoral College, ensuring more equitable access to political power by giving each individual’s vote equal weight regardless of their state of residence. After its adoption, a citizen initiative successfully petitioned for this law to be affirmed by a vote of the people on the 2020 ballot.

Boulder County’s *2019-2023 Strategic Priorities* provides the rationale for a position to **SUPPORT** Proposition 113:

2019-2023 Strategic Priorities, Equity & Justice
“Equity can be defined as all people having full and equal access to opportunities they need to survive or succeed.”

¹ U.S. Department of Health and Human Services (HHS), *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*, Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014, <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>.

PROPOSITION 114 – REINTRODUCTION OF GRAY WOLVES

Proposition 114 would require the Colorado Parks and Wildlife Commission to develop a plan to reintroduce and manage gray wolves in the state west of the Continental Divide, engage the public and key stakeholder communities to develop the plan, take necessary steps to begin reintroduction by 2024, and use state funds to help livestock owners prevent conflicts with gray wolves and pay fair compensation for livestock losses.

Boulder County works diligently to conserve, preserve, and enhance diverse and representative habitats and landscape connectivity to ensure biological diversity and ecological health at a regional scale. County biologists work to conserve wildlife resources on open space; manage public lands in response to the effects of urbanization, fragmentation, and increased recreation; and address wildlife conflicts in response to agriculture needs and those of neighboring property owners.

The policy guidance found in the various county open space plans, the Environmental Resources and Open Space elements of the Boulder County Comprehensive Plan, and the County Commissioners’ Land and Water Stewardship Strategic Priority all provide rationale for a position to **SUPPORT** Proposition 114.

PROPOSITION 115 – PROHIBIT ABORTIONS AFTER 22 WEEKS

Proposition 115 would prohibit an abortion at twenty-two weeks; make it a misdemeanor punishable by a fine to perform or attempt to perform a prohibited abortion, except when immediately required to save the life of the pregnant woman when her life is physically threatened; and require the Colorado medical board to suspend for at least three years the license of a licensee whom the board finds performed or attempted to perform a prohibited abortion.

Family planning is an integral component of health, and women and their doctors must be the ones to make decisions for the safest and best decision in each family’s circumstance. Unplanned pregnancies, health risks in pregnancy, and lack of access to abortion can result in poor and even tragic outcomes. Proposition 115 does not include exceptions for rape, incest, or when the fetus will die in the womb or shortly after birth because of severe defect, genetic abnormality, or other issues. Stillbirths occur after 20 weeks of pregnancy, and serious malformations and abnormalities often are not diagnosed until late in pregnancy. Boulder County supports the rights of women to make decisions for their health care, including safe abortions.

Boulder County’s *2020 State Legislative Agenda* provides the rationale for a position to **OPPOSE** Proposition 115:

2020 State Legislative Agenda, Community and Environmental Health Policy 2
SUPPORT ACCESS TO AND INCREASE FUNDING FOR COMPREHENSIVE FAMILY PLANNING
SERVICES AND EVIDENCE-BASED SEXUAL HEALTH INFORMATION

PROPOSITION 116 – STATE INCOME TAX RATE REDUCTION

Proposition 116 proposes to reduce the state income tax rate from 4.63 percent to 4.55 percent beginning with tax year 2020. Should voters approve Proposition 116, Colorado General Assembly Legislative Council analysis shows that the average Colorado taxpayer will pay \$37.00 less in individual income taxes for 2020; meanwhile, state General Fund revenue will be reduced by an estimated \$203 million for state fiscal year 2020-21.

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 *2020 State Legislative Agenda* provides the rationale for a position to **OPPOSE** Proposition 116:

2020 State Legislative Agenda, State Fiscal & Governance Policy 1
SUPPORT EFFORTS TO BRING FISCAL STABILITY TO THE STATE OF COLORADO

PROPOSITION 117 – VOTER APPROVAL FOR CERTAIN NEW STATE ENTERPRISES

Proposition 117 proposes that voter approval be required for the creation of any new fee-based enterprise that is expected to generate \$100 million or more in revenue during its first five years of operation. It would in effect extend already-strict TABOR voter approval requirements to large new enterprise funds. This would further limit the ability of the General Assembly to responsibly manage state fiscal policy and provide necessary services to residents of Boulder County and the state as a whole.

Boulder County's *2020 State Legislative Agenda* provides the rationale for a position to **OPPOSE** Proposition 117:

2020 State Legislative Agenda, State Fiscal & Governance Policy 1
SUPPORT EFFORTS TO BRING FISCAL STABILITY TO THE STATE OF COLORADO

PROPOSITION 118 – PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

Proposition 118 would create a state-run paid leave insurance benefit program for Colorado. The program benefit includes a wage replacement up to 90 percent for 12 weeks of leave in most cases and up to 16 weeks of leave in others, covering approximately 85 percent of all jobs in Colorado. The cost of the program would be funded by a payroll premium of up to 1.2 percent of wages. The types of qualifying leave range from bonding with a newborn to personal injury, combining benefits often offered through separate paid family leave and short-term disability plans.

Paid family and medical leave has been demonstrated to have a myriad of positive health, well-being, and prevention effects. Some of the social and economic benefits of paid leave include increasing labor force participation, employee retention, lifetime earnings, breastfeeding and vaccination rates, and improvements in maternal mental health. As an employer, Boulder County began offering paid family and caregiver leave in 2016 in addition to its existing paid medical leave benefits. The program has supported employee retention and satisfaction and is aligned with the county's goals of improving equity, financial security, public health, positive early childhood outcomes, and support for people as they are aging.

Boulder County's *2020 State Legislative Agenda* provides the rationale for a position to **SUPPORT** Proposition 118:

2020 State Legislative Agenda, Employment and Income Stability Policy 2
SUPPORT LEGISLATION TO ENACT A PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM IN COLORADO