

Nederland EcoPass Public Improvement District Advisory Committee (NEPPIDAC) Meeting

Oct 5, 2023

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Agenda:

1. Introductions
2. Public Comment
3. June 26, 2023 Meeting Notes
4. EcoPass Transition to Account Based System
5. 2023 Ballot Measure & Fair Campaign Practices Act
6. RTD Fare Study
7. 2024 Recommended Budget
8. NEPPIDAC Meeting Schedule

Nederland EcoPass Public Improvement District Advisory Committee (NEPPIDAC) Meeting

Jun 29, 2023

Microsoft Teams meeting

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Attendees:

NEPPIDAC members:

- Tom Mahowald
- Andrew Bliss
- Vera Schulte-Pelkum

Others Present:

- Alex Hyde-Wright, Boulder County
- Miranda Fisher, Town of Nederland

Agenda:

1. Public Comment
2. April 26, 2023 Meeting Notes
3. Recruitment Update
4. Projected Costs of Nederland EcoPass Program
5. June 2023 EcoPass Survey Results
6. Schedule for Potential 2023 Ballot Measure
7. 2023 Ballot Measure Recommendation

Agenda Item 1: Public Comment

No public comment provided.

Agenda Item 2: April 26, 2023 Meeting Notes

No quorum of NEPPIDAC members who were present at 4-26-23 meeting, so meeting notes will stand unadopted.

Agenda Item 3: Recruitment Update

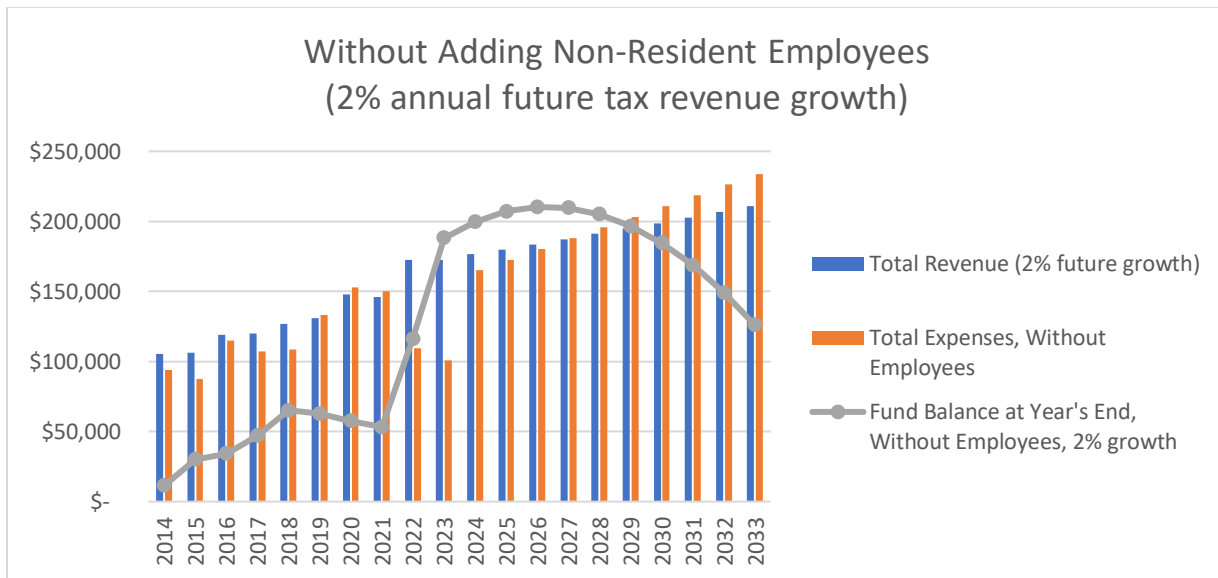
- Summer 2023 recruitment for County Boards & Commissions closes Aug 11 (for NEPPIDAC, recruitment has been open since December 2022).
- In last two weeks, have received two applicants.

Hyde-Wright has interviewed both applicants, will recommend appointment. Official summer 2023 recruitment ends in August.

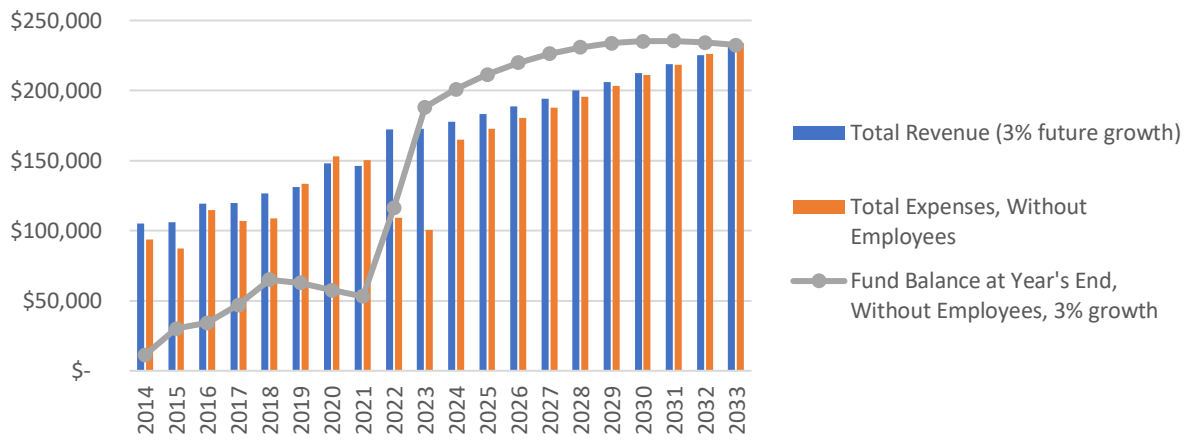
Agenda Item 4: Projected Costs of Nederland EcoPass Program

Questions from NEPPIDAC, answers from Boulder County staff:

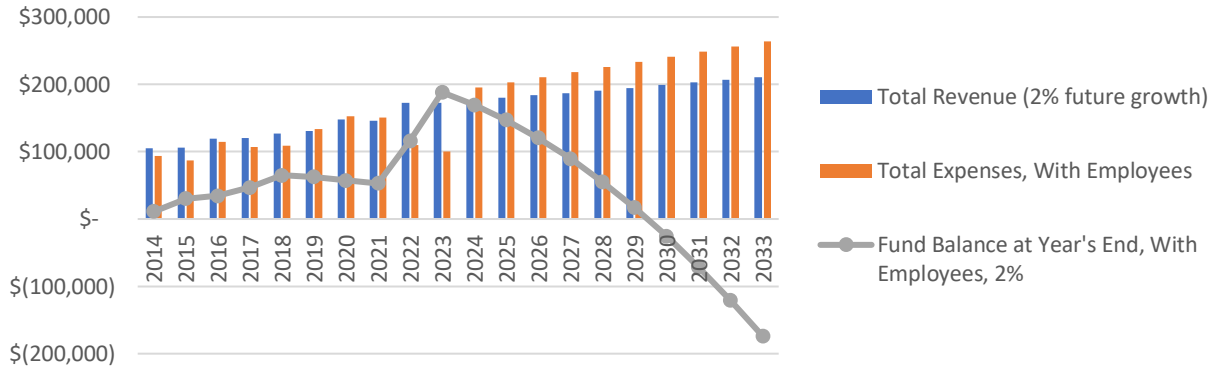
- How were future costs estimated?
 - 2018 (high) and 2020 (low) utilization were used as bookends, also factored in where ridership on NB is in 2023 compared to 2019. Assumed ridership returns to 2019 levels by 2033
- Are the 2% and 3% annual future growth projections conservative?
 - 2% is what Boulder County is officially using, but over last 10 years averaged 7%. 3% scenarios were created to show District's sensitivity to different property tax growth rates.
- Were the new lower RTD fares factored into future costs?
 - Yes, lower local fare and elimination of regional fare level were factored into costs beginning 2024.
- Do we need to decide on employee program now, or before ballot measure?
 - No, staff proposing that District be given option of implementing an employee program, which could be done at any time.
- What will impact of state action on property tax be?
 - Unclear.
- How much will ecopass cost in future? (in 2033)
 - Future costs are still based on utilization, so impossible to predict. EcoPass contract pricing done on an annual basis.



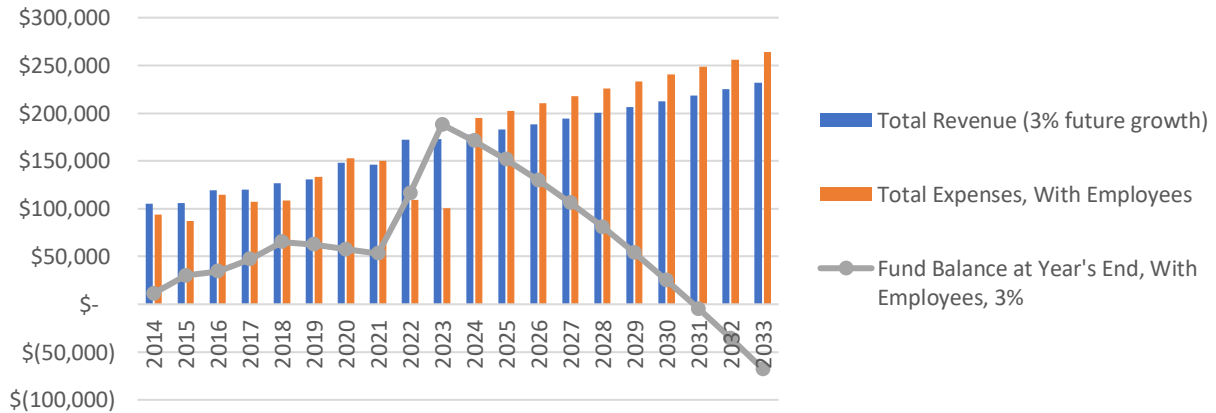
Without Adding Non-Resident Employees (3% annual future tax revenue growth)



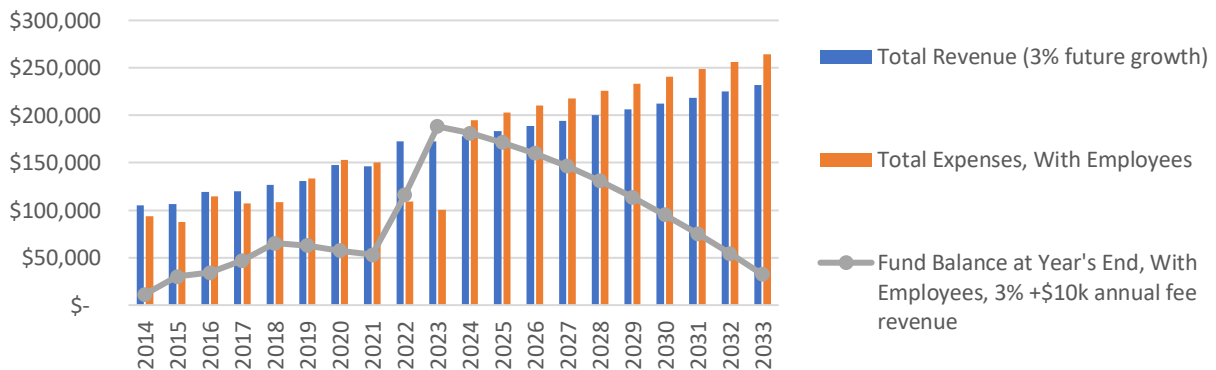
With Adding Non-Resident Employees (2% annual future tax revenue growth)



With Adding Non-Resident Employees (3% annual future tax revenue growth)



With Adding Non-Resident Employees (3% annual future tax revenue growth + \$10k annual employee fee revenue)





Agenda Item 5: June 2023 EcoPass Survey Results

Resident/Community Survey:

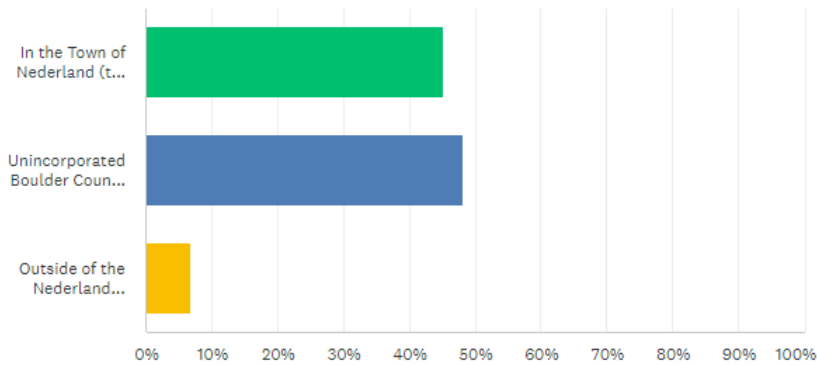
	NICKNAME	STATUS	RESPONSES	DATE MODIFIED ▲	
Use this for postcard mailing	https://www.surveymonkey.com/r/NedEc... QR Code Copy URL Created 5/31/2023	CLOSED	218	6/27/2023	...
Use this for facebook groups	https://www.surveymonkey.com/r/Nederl... QR Code Copy URL Created 6/1/2023	CLOSED	157	6/27/2023	...
use this for NEPPIDAC and town website	https://www.surveymonkey.com/r/Nederl... QR Code Copy URL Created 6/7/2023	CLOSED	15	6/27/2023	...
use for comm center library poster	https://www.surveymonkey.com/r/EcoPas... QR Code Copy URL Created 6/7/2023	CLOSED	1	6/27/2023	...
actually use this one to link from employee survey	https://www.surveymonkey.com/r/Nederl... QR Code Copy URL Created 6/7/2023	CLOSED	10	6/27/2023	...

Q1

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Where do you currently live? To look up if you live in the Nederland EcoPass District via an interactive map, click [here](#).

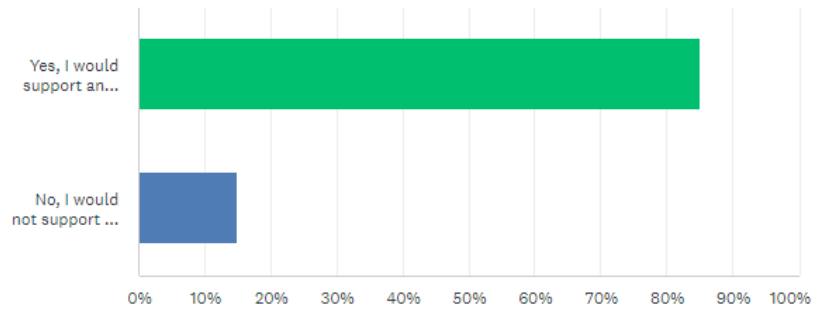
Answered: 401 Skipped: 0



Q4

Without increasing taxes, would you support an extension of the existing property tax (1.85 mills) to continue funding the Nederland EcoPass Program?

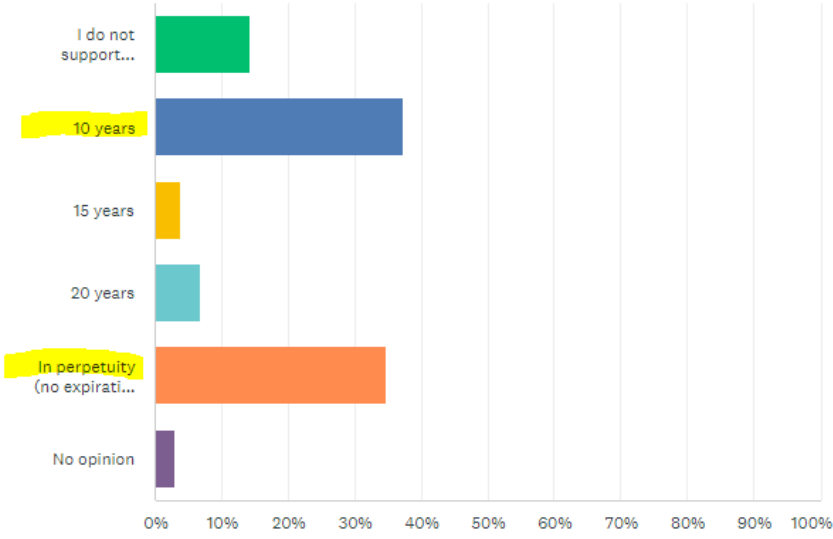
Answered: 337 Skipped: 64



ANSWER CHOICES	RESPONSES	
Yes, I would support an extension of the existing property tax.	85.16%	287
No, I would not support an extension of the existing property tax.	14.84%	50
TOTAL		337

In 2013, the voters authorized the current property tax for 10 years (2014-2023). For an extension of the current 1.85 mills property tax, what term length would you support?

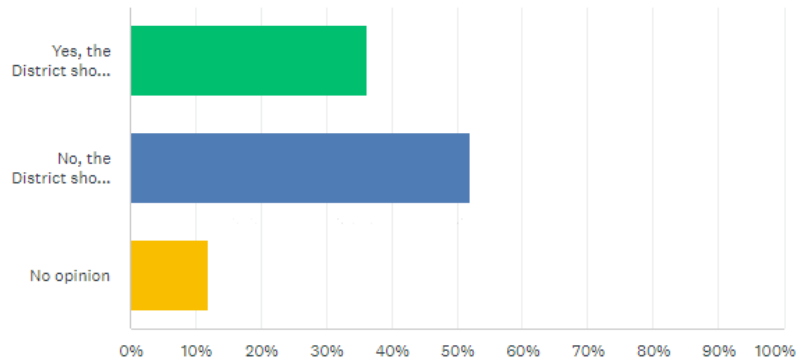
Answered: 337 Skipped: 64



ANSWER CHOICES	RESPONSES
I do not support extending the existing tax	14.24% 48
10 years	37.39% 126
15 years	3.86% 13
20 years	6.82% 23
In perpetuity (no expiration date)	34.72% 117
No opinion	2.97% 10
TOTAL	337

Currently, the District does not charge residents an annual fee for an EcoPass. The intent of the property tax is to cover the full cost of the EcoPass program and over the past 10 years that has been the case. While initial projections show that extending the property tax would continue to cover the full cost of the EcoPass program, if at some point in the future property tax revenues were not sufficient to cover the full cost of the program, should the District be permitted to charge an annual fee (up to ~\$50) for resident EcoPasses?

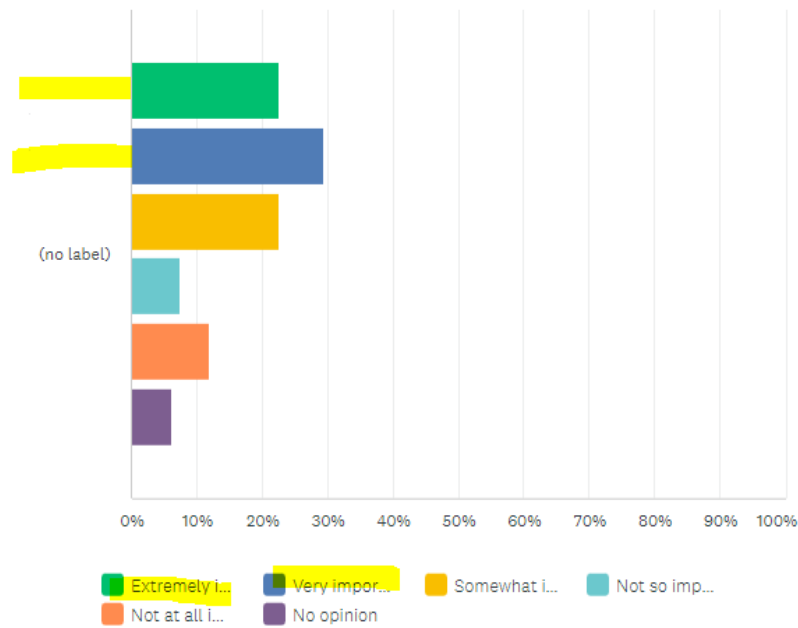
Answered: 337 Skipped: 64



ANSWER CHOICES	RESPONSES
Yes, the District should be permitted to charge an annual fee (up to ~\$50) for resident EcoPasses	36.20% 122
No, the District should not be permitted to charge an annual fee for resident EcoPasses	51.93% 175
No opinion	11.87% 40
TOTAL	337

Currently, people who work in the EcoPass District but live elsewhere do not receive EcoPasses. Providing workers with EcoPasses could help Nederland businesses attract and retain staff, reduce traffic in Boulder Canyon, and reduce parking demand in town. How important would it be for the District to provide EcoPasses to non-resident employees?

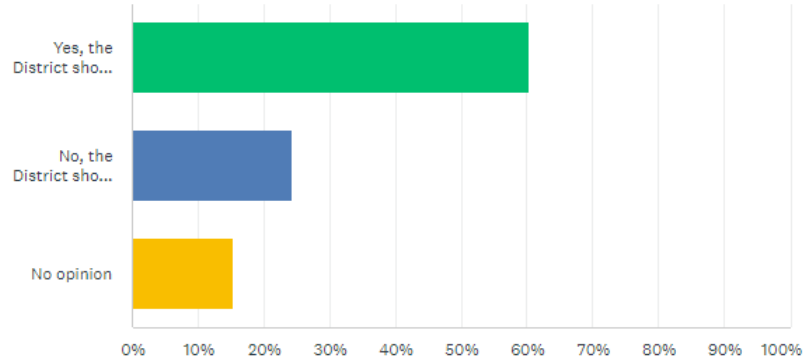
Answered: 337 Skipped: 64



	EXTREMELY IMPORTANT	VERY IMPORTANT	SOMEWHAT IMPORTANT	NOT SO IMPORTANT	NOT AT ALL IMPORTANT	NO OPINION	TOTAL	WEIGHTED AVERAGE
(no label)	22.55% 76	29.38% 99	22.55% 76	7.42% 25	11.87% 40	6.23% 21	337	2.54

If the District were to offer EcoPasses to non-resident employees, and if necessary to cover future annual EcoPass costs, should the District be permitted to charge an annual fee (up to ~\$200) for non-resident employee EcoPasses?

Answered: 337 Skipped: 64



ANSWER CHOICES	RESPONSES
Yes, the District should be permitted to charge an annual fee (up to ~\$200) for non-resident employee EcoPasses	60.24% 203
No, the District should not be permitted to charge an annual fee for non-resident employee EcoPasses	24.33% 82
No opinion	15.43% 52
TOTAL	337

Is there anything else related to the Nederland EcoPass program you'd like to share with us?

Answered: 144 Skipped: 257

~70% positive sentiments



“The Ecopass is a wonderful benefit in Nederland, and we use it as often as we can. I love taking the bus to Boulder and the airport. Please keep this available to residents! Thank you for all you do.”



“The Nederland EcoPass was one of the reasons we selected Nederland as a home base. We want to be part of a community that reduces barrier to using public transportation. Thank you for your work to help maintain Nederland's access to the EcoPass program.”

“There is needs [sic] to be more buses per day then would use more.”

“My property taxes were recently greatly increased. I'm sick of paying for other people.”

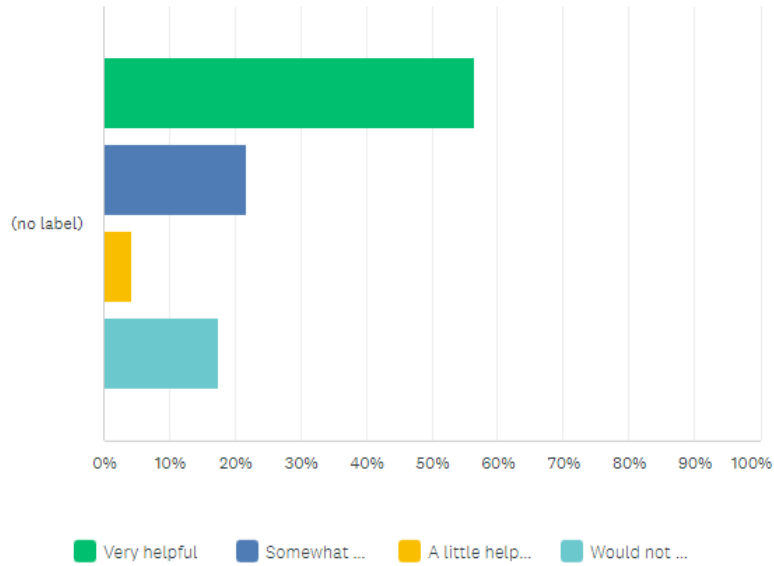
Business Owner/Employer Survey:

Q3

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How helpful would having an employee EcoPass program be in recruiting and retaining employees for your business?

Answered: 23 Skipped: 0





	VERY HELPFUL	SOMEWHAT HELPFUL	A LITTLE HELPFUL	WOULD NOT BE HELPFUL	TOTAL	WEIGHTED AVERAGE
(no label)	56.52% 13	21.74% 5	4.35% 1	17.39% 4	23	2.17

Employee Survey:

Which Nederland area business(es) do you work for?

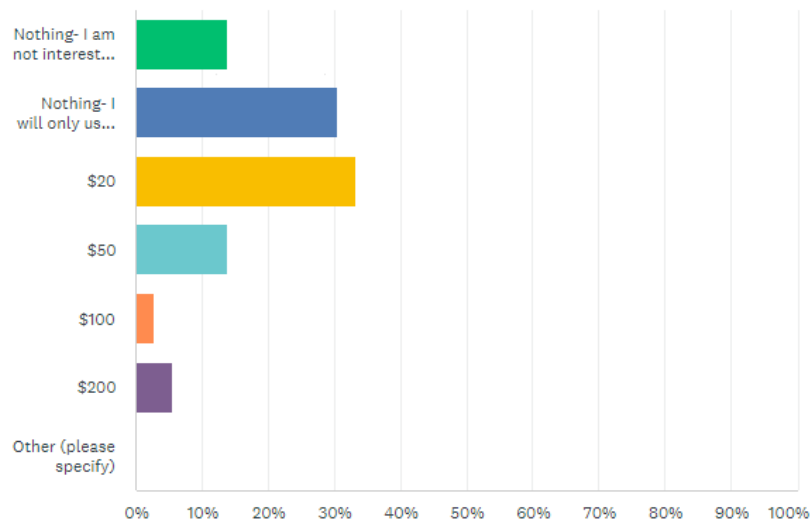
- Ace Hardware
- Ace Hardware
- BDAAPC
- Bowyer D'Alessandro
- Bowyer D'Alessandro
- Busey Brews
- Busey Brews
- BVSD Transportation
- Clinica Family Health
- Eldora
- Eldora
- Eldora
- Eldora
- Eldora
- Eldora
- Indian Peaks Ace Hardware
- Knotted Root
- KNOTTED ROOT BREWING COMPANY
- Nature's Own
- Nature's Own
- Nederland Area Seniors
- Nederland Area Seniors, Peak Eco, and at the Nederland Farmers Market
- Nedernet
- Overseas Connection
- Overseas Connection/African Market Baskets
- Silverstem Fine Cannabis
- Silverstem Fine Cannabis
- TEENS, Inc.
- The Overseas Connection/African Market Baskets
- The Shop Tebo Properties
- Town Hall
- Town of Nederland
- Town of Nederland
- Town of Nederland
- Tres Gringos

Q7

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To provide EcoPasses to employees who work in the Nederland EcoPass District, the District may need to charge a fee. What is the maximum annual amount you would be willing to pay for an EcoPass?

Answered: 36 Skipped: 44



“I would use the bus every day if an eco pass were available. Two members of my household live in Boulder but work in Nederland and we have to take separate cars but would take the bus if it were available. Currently \$10 for a day regional pass is much too expensive.”

“We get off work at 7 it would be nice to have a bus that leaves at 7:20-7:40ish.”

Comments from NEPPIDAC:

- Seems we need to do better job of educating people about the program, about how we verify residency.
- More support for employee fees, but maybe don't take one size fits all. Possible to have different fees by employer size? Employers >100 employees have to pay (more), small employers don't?
- Not insignificant number of people opposed to continuing the program.

Agenda Item 6: Schedule for Potential 2023 Ballot Measure

- July 11
 - Presentation to Town of Nederland Board of Trustees, asking for recommendation to the Board of County Commissioners/ Board of Directors of the Nederland Public Improvement District
- Late July
 - Last day for Designated Election Official to notify County Clerk of intent to participate in 2023 coordinated election
- Late July/ early August
 - Finalize ballot title and referral resolution; outreach by staff and BOCC to EO/DH, municipalities, business community, media, etc.
- August 17
 - Tentative date for public hearing for the ballot measure
- Mid August
 - Last day to hold BOCC public hearing to adopt resolution referring ballot measure to voters and set ballot title language (20 days before ballot certification deadline).
 - Fair Campaign Practices Act quiet period starts when ballot title is adopted. County staff can no longer spend any time or money on advocacy. No restrictions on Commissioner and EO advocacy, except \$50 limit.
 - 5-day period to protest ballot title commences when ballot title is adopted. If a challenge is filed within 5-day window, statute provides for 20 day expedited adjudication. If not filed in 5-day window, a challenge to form and content of ballot title is barred.
- Early September
 - Last day for BOCC to adopt ballot certification resolution so that DEO can send final ballot content to County Clerk.
- Late September
 - Last day for voters to file pro/con statements with DEO to be included in TABOR election notice.
 - Last day for DEO to submit TABOR notice to County Clerk. TABOR notice is mailed to all county voters 30 days before election.
- Early October
 - Last day for the BOCC to withdraw a ballot issue from the election.
- Mid October
 - Ballots mailed to voters
- Tuesday, November 7
 - 2023 Election Day

Agenda Item 7: 2023 Ballot Measure Recommendation

Proposed Motion:

Move to recommend that the Boulder County Board of Commissioners, sitting as the Board of Directors for the Nederland EcoPass Public Improvement District, refer a ballot measure to the voters of the District, as part of the November 2023 General Election, that asks the voters to extend the existing 1.85 mills property tax for a term of 10 years from 2024-2033, permits the District to offer an EcoPass program to non-resident employees who work in the District, and permits the District to charge fees to support funding of both the resident and non-resident employee EcoPass programs.

Staff explanation of motion:

- This is not the language that would appear on ballot; this provides direction to county as to what the ballot language would accomplish. 10 year term was selected based on that being the original term length, most popular option from survey, and being "safest bet" to continue program.
- Addition of employee program would give District option to add this program at any point in the future.
- From the surveys, there is some comfort in charging fees for employees if that makes employee program financially viable. Staff have no desire to charge fees to resident, but given how District finances were looking in 2019, having this option if that was the only way to continue the resident program (due to large unforeseen increase in resident program cost), would be helpful.
- Have asked County Attorney's office if fee language needs to be on ballot, or just in authorizing resolution from County Commissioners.

NEPPIDAC discussion on motion:

- Agree resident fees should be a last resort, but having as an option would be good.
- Comfort with including fees, support for not including this in ballot language if possible to not scare people away.
- Support for potential fees for employee program, especially if can look at a tiered approach based on employer size.

Motion: Mahowald moved (as written), Schulte-Pelkum seconded. Motion passed 3-0.



Office of the County Attorney

Ben Pearlman, County Attorney • Tel: 303.441.3190 • Fax: 303.441.4794 • ca@bouldercounty.org
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306-0471 • www.bouldercounty.org

TO: Boulder County Employees

DATE: August 21, 2023

SUBJECT: Election 2023: Fair Campaign Practices Act Restrictions on County Employees

As employees of Boulder County, you are subject to the Colorado Fair Campaign Practices Act (“FCPA”), and there are restrictions on your activities relating to the November 7, 2023 Coordinated Election. As explained below, these restrictions apply to county employee activities related to ballot measures and candidate races at the local, state, and federal levels.

There are several candidate races and state and municipal ballot measures that will be on 2023 ballots. The FCPA’s restrictions on the activities of county employees applies to all ballot measures and candidate races that will be on all ballots in 2023. Understanding how to comply with the FCPA can be complicated, and if you have any questions at all, please contact Carrie Doyle (cdoyle@bouldercounty.org; 303-441-4558).

The policy behind the FCPA is to prevent the use of government resources to urge members of the public to vote for or against a particular ballot issue or to influence the outcome of elections for political office. In addition to public monies, government resources include your work time and in-kind contributions. “Contribution” means anything of value given, directly or indirectly, to a ballot measure campaign or a candidate for the purpose of promoting the measure or candidate in the election.

FCPA restrictions cover county-paid activities (basically, activities while an employee is “on the clock”). The law expressly preserves the right of government employees to spend time and money on election issues and campaign activities so long as it is the employee’s own personal time or money. The law applies only to employees and does not restrict elected officials from expressing an opinion for or against any election issue.

Below are some Q&A’s to help you understand your responsibilities from now through Election Day on November 7, 2023. As the FCPA rules apply to activities of county employees in connection with not only Boulder County election items, but all election items, these guidelines apply in the same manner to ballot measures and candidate races for federal, state, and local jurisdictions.

1. As a County employee, can I promote a ballot measure or elected official candidate?
 - No. County employees may not spend county funds or work time to promote or defeat any measure or candidate on a November election ballot. This includes the use of county facilities, equipment, and supplies. County employees may not use public resources or their work time to speak about, write, publish, print, mail, or otherwise create or distribute advocacy materials pertaining to a ballot measure or candidate.

2. What should I do if I am asked a question about a County ballot measure or the election?
 - You can refer questioners to the following Boulder County webpages that provide information about the election and County ballot measures:
<https://www.bouldercounty.org/elections/information/>
<https://www.bouldercounty.org/government/county-ballot-issues/>
3. What if I am asked for more information about other jurisdictions' ballot measures and candidate races?
 - You may refer the member of the public to that jurisdiction.
4. Isn't it true that employees can answer unsolicited questions from the public?
 - The FCPA allows employees to respond to unsolicited questions, but only to the extent the information provided is factual and does not express an opinion of the employee or his or her department. Because there is potential for unintended violations, do not hesitate to forward questioners to your supervisor who can consult with this office about a response.
 - If you receive an unsolicited question from the public, please let your supervisor know, who will determine the appropriate handling of inquiries in consultation with the County Attorney's Office to ensure that the FCPA is followed.
5. What if I am in a meeting and asked my opinion about another jurisdiction's ballot measure or candidate race?
 - You should respond that, because you are a County employee, you cannot express an opinion for or against a ballot measure or candidate while on work time and you need to refrain from discussing election issues while at work.
6. Are there any times when I can speak or write in support of or in opposition to an election issue?
 - Yes, if it is TRULY your personal time (off work hours) and others present could not construe your actions as related to your work as a county employee (for example, because you are wearing Boulder County attire or speaking in your role as an employee).
7. Can county employees donate personal money to support or oppose a ballot measure?
 - Yes, you may always spend your own personal funds in connection with campaigns or activities that urge electors to vote one way or another.
8. What are the penalties for violation of the FCPA?
 - You may be liable for fines.
 - You may be subject to disciplinary action.
 - You may create negative publicity for the County.
9. Who should I contact if have questions?
 - Contact your supervisor or manager who can forward the question to Carrie Doyle cdoyle@bouldercounty.org, 303-441-4558, in the County Attorney's Office.

2023 Budget Presentation: Oct 10, 2023

Nederland EcoPass Public Improvement District

Alex Hyde-Wright

Regional Multimodal Planning Division Manager

Community Planning & Permitting Dept.



Nederland EcoPass Public Improvement District

- Approved by the voters in November 2013
- Similar boundary as Nederland Library District (greater Nederland)
- 1.85 mill property tax approved for 2014-2023
- All permanent residents of the District eligible to receive an EcoPass
- Boulder County Commissioners serve as decision making body, advised by five member advisory committee
- Day-to-day operations administered by Town of Nederland staff

EcoPass Pricing

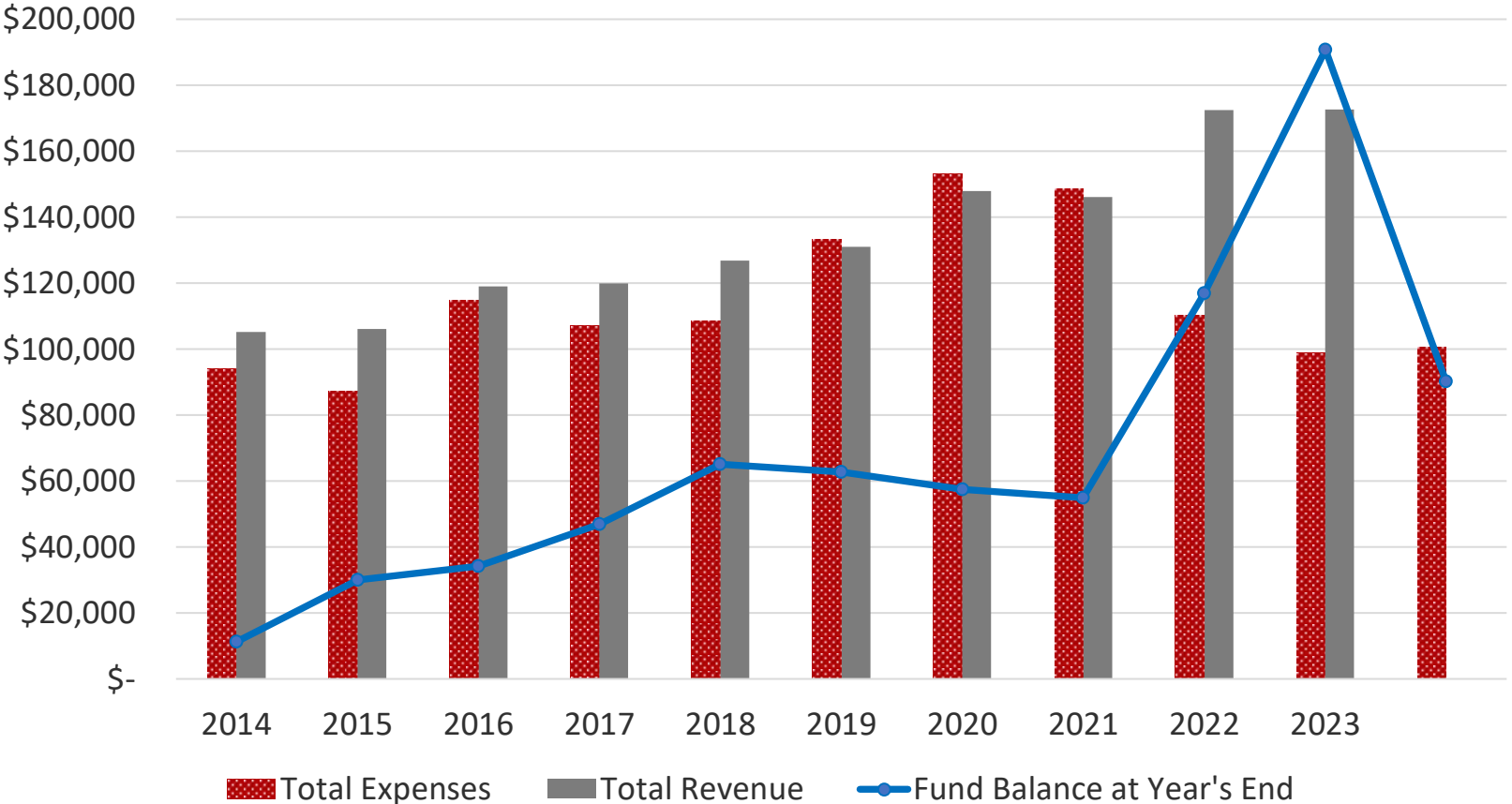
- In 2019, RTD implemented “utilization-based” pricing, which would have led to large annual increases in our EcoPass contract price
- In 2020, COVID-19 led to large reductions in EcoPass usage, which decreased our EcoPass contract price for 2021-2023
- In summer 2023, RTD Board adopted a new (cheaper) fare structure which will lead to a reduction in the cost of pass programs, including EcoPass
- New fare structure takes effect Jan 2024



2023 Ballot Measure

- Asks the voters to extend the existing 1.85 mills property tax for another 10 years, from 2024-2033
- Asks the voters to give the District permission to offer an employee EcoPass program for workers employed in the District and to collect user fees from employers and/or employees if needed
- If approved by the voters, 2024 revenue will be added to the budget

Nederland EcoPass District Fund



Recommended 2024 Budget

- Revenue:
 - \$0
- 2023 EOY Fund Balance: \$193,615
- 2024 Expenses:
 - \$88,638 EcoPass Contract
 - \$10,000 Town of Nederland Admin & EcoPass Portal Audit
 - \$2,000 EcoPass Printing Supplies
- Total Expenses: \$100,638
- Contribution to Fund Balance:
\$101,638
- 2024 EOY Fund Balance: \$92,977