

ORDINANCE 2025-XX

AN ORDINANCE AMENDING LOCAL MINIMUM WAGE REQUIREMENTS AND RELATED PENALTIES, REMEDIES AND ENFORCEMENT

RECITALS:

- A. In 2023, the Board of County Commissioners of Boulder County (“the Board”) adopted Ordinance 2023-004, An Ordinance Establishing Local Minimum Wage Requirements and Related Penalties, Remedies and Enforcement;
- B. The Board adopted Ordinance 2023-004 under Colorado Revised Statute §29-1-1401, which allows local governments to enact a law establishing a minimum wage for individuals performing work while physically within the local government’s jurisdiction;
- C. Boulder County has consulted with surrounding local governments and engaged with community stakeholders, including chambers of commerce, small and large businesses, businesses that employ tipped workers, workers, labor unions, and numerous community groups;
- D. After the adoption of Ordinance 2023-004, the Board of County Commissioners has continued to receive community feedback on the county Local Minimum Wage in a variety of forums, including via email, meetings with key community partners and stakeholder groups, and testimony during the board’s monthly Public Comment period. As an outcome of this community input, it was announced at the August 20, 2025 meeting of the Boulder County Consortium of Cities that the commissioners would be holding an administrative meeting on September 9 to discuss the county’s Local Minimum Wage. A number of community members attended the September 9 meeting. On October 2, the commissioners issued a press release announcing an October 14 public hearing to consider the future of the county’s Local Minimum Wage and inviting written comments in advance; over 1,200 online form responses and emails were received between September 9 and the October 14 public hearing. At the October 14 hearing, 29 individuals signed up to speak, with public testimony lasting over 100 minutes.
- E. After these consultations and engagements, the Board has concluded that a local minimum wage remains necessary because it will help working Boulder County residents struggling to afford the basic necessities of life and because ensuring that workers in Boulder County can support themselves benefits the Boulder County economy and the well-being of the county;
- F. Although a local minimum wage remains necessary, the wage established by Ordinance 2023-4 should be updated to better reflect the needs of the community and current economic conditions; and BE IT ORDAINED, by the Board of County Commissioners of the County of Boulder:

SECTION I: Purpose and Scope

- 1. The purpose of this ordinance is to address cost of living affordability in Boulder County

by ensuring that all workers within Boulder County are paid a sufficient wage relative to the cost of living; to do so in a manner that is mindful of the larger market in which Boulder County is situated; and to establish a local minimum wage requirement in a manner that respects, serves, and protects the interests of employees and employers in the county.

2. Employers must pay, at a minimum, the wage rates established by this ordinance to individuals performing, or expected to perform, four or more hours of work for an employer in any given week within the geographic boundaries of Boulder County's jurisdiction, excluding incorporated cities or towns. This minimum wage requirement does not apply to time spent in Boulder County solely for the purpose of traveling through Boulder County's boundaries to a destination outside of Boulder County's boundaries, with no employment-related or commercial stops in Boulder County's jurisdiction except for refueling or the employee's personal meals or errands.

SECTION II: Definitions

"County" means Boulder County, Colorado. When the term is used geographically, it excludes incorporated portions of the county except as provided for in Section V.

"Employee" means an adult or minor performing, or expected to perform, four or more hours of work for an employer in any given week within the county.

"Employer" means an individual, partnership, firm, corporation, or any other person, group, collective or entity that employs one or more employees.

"Food and beverage worker" means a worker for any business or enterprise that prepares and offers for sale food or beverages for consumption either on or off an employer's physical premises.

"Tips" means a verifiable sum presented directly and customarily by customers as a gift or gratuity in recognition of some service performed for customers by the person receiving the tip.

"Work" means any services performed on behalf of or for the benefit of an employer whether on an hourly, piecework, commission, time, task, or other basis but shall not include services performed by an independent contractor.

SECTION III: Minimum wage required

1. Every employer must ensure its employees are paid not less than the Boulder County Minimum Wage. An increase in the Boulder County Minimum Wage takes effect on the same date as a secured increase to the statewide minimum wage required under section 15 of article XVII of the state constitution.
2. The Boulder County Minimum Wage is as follows, exclusive of fringe benefits and any other deductions or credits, except as otherwise described in this ordinance:
 - a. Beginning January 1, 2026: \$16.82 per hour;
 - b. Beginning January 1, 2027 and on January 1 of each subsequent calendar year, such amended wage rate necessary to keep pace with the year-over-year increase in the

Consumer Price Index, for all items, published annually each August for the Denver-Aurora-Lakewood Area.

3. Tips regularly and actually received by a food and beverage worker may be applied to an employer's obligation to pay the food and beverage worker the Boulder County Minimum Wage (i.e. tip offset). However, no more than \$3.02 per hour in tip income, or tip credit, may be used to partially offset payment of this wage.
4. Nothing in this Ordinance shall lessen any other obligation applicable to an employer to pay a minimum wage under any other law, rule, or regulation, including but not limited to federal and state minimum wage laws. In the event of a conflict with any other applicable wage requirement, the greater wage rate must be paid.

SECTION IV: Employer responsibilities

1. Employers must post notice of the currently effective Boulder County Minimum Wage in a prominent place that is easily accessible to all employees. Employers must display the posting in English and Spanish. If display of a physical notice is not feasible, including the situation when an employee does not have a regular workplace or job site, employers must provide the required information on an individual basis, in an employee's primary language, in paper or electronic form that is reasonably conspicuous and accessible.
2. Employers must make, retain, and make available to the county or its designee, upon request, payroll records adequate to determine compliance with this ordinance for a minimum of three years for each record.

SECTION V: Violations, enforcement, and penalties

1. It is unlawful and a violation of this ordinance to commit, allow, cause, authorize, aid, abet or conceal a violation of this ordinance.
2. The Colorado Department of Labor and Employment ("CDLE") is fully authorized to investigate and issue orders to remedy violations as provided by Colorado law. Nothing in this ordinance shall be construed to limit actions or remedies available under Colorado law.

SECTION VI: Intergovernmental Agreement

If Boulder County enters into intergovernmental agreements with one or more contiguous counties or any municipality within the geographic boundaries of Boulder County, the intergovernmental agreement will establish the manner in which the Boulder County minimum wage law will be enforced and administered without the necessity of revising or reenacting this ordinance, and the intergovernmental agreement will supersede any conflicting provision of this ordinance.

SECTION VII: Severability

If any section, paragraph, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining

portions of this ordinance.

ADOPTED ON SECOND AND FINAL READING on x 2025.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Marta Loachamin, Chair

ATTEST:

Clerk to the Board

CERTIFICATION AND ATTESTATION

I, Molly Fitzpatrick, Boulder County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2025-xx, entitled **AN ORDINANCE ESTABLISHING LOCAL MINIMUM WAGE REQUIREMENTS AND RELATED PENALTIES, REMEDIES AND ENFORCEMENT** is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of the County of Boulder. The first reading of Ordinance 2025-X took place on ____, 2025, at a regular Board of County Commissioners Meeting. It was published in full in the _____ on ____, 2025. The Ordinance was adopted on second reading at a public hearing held before the Board of County Commissioners on _____, 2025. Further, one (1) copy of the Ordinance is now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours.

Clerk and Recorder