**Opinion: Steve Pomerance: A flawed CU South process**

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A few weeks ago I made a request under the Colorado Open Records Act for all records of non-public closed door meetings on CU South that were attended by councilmembers Sam Weaver and Rachel Friend and city and/or University of Colorado Boulder staff. These meetings resulted from the Feb. 16, 2021, council discussion at which the council anointed Weaver and Friend to take on the role of advising the city manager and staff during the CU South negotiation process. I got the results back about a week later. I was astonished to discover that these two councilmembers had 19 closed door meetings, about one per week from March through July, with, variously, five city staff members, six CU staff members, and (bizarrely) a couple of CU’s PR consultants from the Trestle Strategy Group, and even some facilitators.

Boulder Charter Section 9 states, “All meetings of the council or committees thereof shall be public.” Section 13 states, “Except for purposes of inquiry, the council shall deal with the administrative service solely and directly through the city manager, and neither council, its members, nor committees shall either dictate the appointment, retention or removal or direct or interfere with the work of any officer or employee under the city manager.” The story that has been pitched to excuse these closed-door events (by none other than our former city attorney) is that these two did not constitute a committee and that their involvement did not constitute direction to staff. Huh? Clearly this deserves an independent investigation.

And what do they have to show for all this hanky-panky? A very poorly written now-revised draft annexation agreement, still full of problems and contradictions. It is beyond me why anyone would even consider holding a vote on an annexation ordinance tied to such an annexation agreement that only exists in draft and has many, many flaws. But that was the plan for last week’s council meeting. Then, in a fit of rational behavior, the council delayed consideration of this ordinance, I presume, because they realized that voting on something that doesn’t yet exist didn’t make sense. I expect a frantic attempt to finalize it before the special council meeting scheduled for tonight.

Apparently this hurry-up is all about the council passing the annexation ordinance prior to the November election to try to preemptively invalidate the citizens passing the initiative that would require a citizen vote on the annexation agreement. Given that this highly controversial annexation would result in excessive development and traffic, inadequate flood protection, and destruction of habitat, it certainly deserves a public vote. Why is the majority of the council so afraid of giving Boulder’s citizens their say?

And where are the CU regents on all this? They’ve been totally silent. But they will bear significant responsibility if the inadequately sized detention pond overflows in a climate change-induced flood and someone drowns, all because they wanted to increase their development potential, and possibly their profit from a third party sale. They should instead be figuring out an appropriate cap for student growth in Boulder, and bending over backwards to give the city all the land necessary to provide the maximum possible flood protection for South Boulder residents.

Having council members participate in legally questionable closed-door meetings to negotiate big land deals is neither necessary nor desirable. Previous councils have done some large and contentious deals without resorting to violating the Charter’s open meeting rules. Examples include: negotiating limits on development locations and access points on CU’s 197-acre East Campus land; the location and height of the new NOAA building constructed on the 206 acres of federal land along South Broadway; the annexation of many hundreds of acres of land in North Boulder that extended the city limits north from the hill on Broadway and involved a large number of property owners; and the purchase from Public Service Company of Colorado of 11,500 acre-foot Barker Reservoir near Nederland and associated thousands of acre-feet of water rights. Also, all these had some public involvement, and IMO the more they had, the better they worked.

So, what to do now? I think we need a day-long public seminar with all sides exchanging information and analyses, and with all issues on the table. Presenters should include city and CU elected officials and staff, and an equal number of citizen experts. It should cover both context and content issues. And the council should put their (hopefully revised) plan on the ballot for the then fully informed citizens to make the final decision.

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