

City of Boulder, Colorado's, Flexible Rebate Incentive Program

By Liz Hanson

ECONOMIC DEVELOPMENT THROUGH SUSTAINABILITY

This article describes the origin, economic impact, and effectiveness of the city of Boulder, Colorado's, flexible rebate incentive program, first adopted in October 2006. In order to qualify, companies verify compliance with community and environmental sustainability guidelines. Including these guidelines was key to City Council support and adoption of Boulder's first business incentive program. For 2008 and 2009, the guidelines were revised and expanded. **This is the only business incentive plan in the country** that is specifically tied to compliance with community sustainability guidelines and policies.

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city of boulder, colorado's,

FLEXIBLE REBATE INCENTIVE PROGRAM

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Tokyo. San Francisco. Chicago. Berkeley. Boulder. Boulder is one of those cities that now goes by one name. Boulder has come to be known for certain things. The distinctive “flatirons” mountain backdrop. The outdoor pedestrian Pearl Street Mall. The University of Colorado. High tech and natural foods companies. Progressive planning and open space policies. And being a bit, well, different. One thing Boulder hasn’t been known for is its economic development. Boulder doesn’t call it economic development – instead: “economic vitality.” So when the city of Boulder won a 2008 IEDC Award for Excellence (in the category of “Sustainable and Green Development”), even Harvard called, inviting an application for its Innovations in American Government Award. What is Boulder doing that is so different again?

BOULDER AND ECONOMIC VITALITY

boulder’s Economic Vitality Program is a relatively new part of city government. Economic development was not an identified function of the city until 2003, when \$2.9 million in urban renewal bond reserve funds were set aside for a five-year “Economic Vitality” program. The program was continued through 2009 and funding is now being planned for 2010 and ongoing years.

For many years, there was a local and regional perception that Boulder had an attitude toward business that was either “ambivalent” or “anti-business.” The city’s efforts of the past six years, including the funding of a proactive and growing Economic Vitality Program, show that Boulder actively supports the retention and expansion of



Mountain views from the conference room of the award-winning OZ Architecture’s new offices at Boulder’s Twenty Ninth Street retail district.

existing local businesses and maintains a positive business climate.

Primary employers such as manufacturing and research/development companies, as well as the University of Colorado, federal laboratories, retail businesses, arts and culture, and tourism all play strong roles in the Boulder economy. A goal of Boulder’s Economic Vitality Program is to leverage all of these components of our community to build a sustainable economic base to support the quality of life the Boulder community desires. To learn more about Boulder’s Economic Vitality program,

Liz Hanson is economic vitality coordinator for the city of Boulder, Colorado. (HansonL@boulderco-orado.gov)

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please visit our web site at www.bouldercolorado.gov and click "Business" at the top of the city's home page.

In 2006, Boulder was the only municipality in the region that did not offer some sort of business incentive program. The Boulder City Council discussed how over the last five years Boulder had experienced a decline in overall economic activity and an increased outflow of local businesses moving to other cities. This trend contributed to the loss in city revenues from sales and use taxes as well as construction fees and taxes. In this context, Economic Vitality staff recommended the adoption of four business incentives: 1) a flexible tax and fee rebate program, 2) employee training assistance, 3) a loan pool, and 4) a Boulder employee discount to city parks and recreation facilities. These incentives were funded by the Economic Vitality budget and implemented as a pilot program in 2007 to evaluate their impacts and measure community acceptance.

Also in 2006, Boulder created a new business liaison position. This full-time staff member oversees the Economic Vitality work program and provides general assistance to existing and prospective Boulder businesses, administers business outreach and incentive programs, oversees sponsorships, and assists businesses with planning and development issues.

SUSTAINABILITY-BASED BUSINESS INCENTIVES

Boulder's 2007 Pilot Business Incentive Program, later refined for 2008 and 2009, was adopted to provide business incentives to help primary employers invest in Boulder by upgrading their facilities and equipment. Aimed primarily at encouraging the growth and retention of homegrown companies in Boulder, it is flexible enough to allow for recruitment of businesses deemed a "perfect fit" for the community.

The largest part of the incentive program, the flexible rebate program, is designed to not only keep businesses in Boulder, but to focus on retaining and attracting businesses with sustainable practices. In order to qualify for

consideration under the flexible rebate program, companies must verify compliance with Boulder's community and environmental sustainability guidelines. The inclusion of these guidelines was key to City Council support and adoption of the incentive program. Development of community and environmental guidelines was done in the context of the city of Boulder's current community sustainability policy and extensive green development programs. (See sidebars.)

OVERVIEW OF CITY OF BOULDER, COLORADO'S, COMMUNITY SUSTAINABILITY POLICY

From the Boulder Valley Comprehensive Plan and the Social Sustainability Strategic Plan: The adopted Community Sustainability Policy for Boulder, Colorado, is that the city and county recognize:

- The critical interrelationships among economic, social and environmental health;
- The way we produce, trade and consume impacts our ability to sustain natural resources;
- Social and cultural equity and diversity creates valuable human capital that contributes to the economy and environmental sustainability;
- Planned physical development has an impact on social conditions and should be considered in community planning; and
- The quality of environmental, economic and social health is built upon the full engagement and involvement of the community.

The city and county seek to maintain and enhance the livability, health and vitality of the Boulder Valley and the natural systems of which it is a part, now and in the long-term future.

The city and county seek to preserve choices for future generations and to anticipate and adapt to changing community needs and external influences.

OVERVIEW OF CITY OF BOULDER OFFICE OF ENVIRONMENTAL AFFAIRS GREEN DEVELOPMENT PROGRAMS

The city of Boulder's Office of Environmental Affairs (OEA) provides leadership to achieve Boulder's goals of environmental sustainability and quality. Its mission is to prevent pollution, reduce resource consumption and promote environmentally sustainable practices. OEA develops city policy, offers educational programs and partners with citizens, businesses, and other organizations to protect Boulder's environment.

Programs coordinated by OEA include efforts to increase recycling, promote energy efficiency and renewable energy, and green building. These programs are designed to not only promote environmental sustainability, but also work to create an economically vital and progressive working environment by educating Boulder businesses and residents about both the environmental and economic benefits of sustainability. Boulder's programs include:

- Single Stream Recycling
- Curbside Composting
- Partners for a Clean Environment
- Residential Energy Action Program
- ClimateSmart at Work
- 10 for Change Challenge
- Solar Grant Fund
- Solar Sales and Use Tax Rebate
- Income Qualified Weatherization
- Green Points (building permit program)



In 2006, one of the world's hottest ad agencies, Crispin Porter + Bogusky, opened a new office in Boulder. The office has grown to 525 employees in three years. CP+B's client list includes Burger King, American Express OPEN, Domino's, Microsoft, Old Navy, and Volkswagen.

For Boulder, community sustainability is a philosophy and framework to help the city make decisions by looking at the long-term implications for the community. The sustainability process integrates economic vitality, social equity and responsibility, and environmental quality goals, and prioritizes work and resources based on these goals and the values of the community. Known locally as Boulder's "three-legged stool," community sustainability is a practical and actively used policy framework, rather than a theoretical concept.

BOULDER'S FLEXIBLE REBATE PROGRAM

Under Boulder's flexible rebate program, the city manager along with Economic Vitality staff has the authority to negotiate an incentive package to meet a company's specific needs. In 2007, \$500,000 was invested in tax/fee rebates to seven primary employers ranging from \$24,807 to \$100,000. In a constrained budget environment in 2008, a total of \$322,135 in tax/fee rebates was approved for eight primary employers. The 2009 program is underway with a \$350,000 budget.

This program is reserved for primary employers (defined as a business or organization which generates at least 50 percent of its revenues from outside of Boulder County). The focus on primary employers is based on the fact that these companies sell their products and services on a regional, national, and international basis and bring new money into the local economy. Also, they typically pay higher average salaries, enabling their employees to support the local retail and service economy.

To ensure that rebate recipients are contributing to a sustainable community, City Council adopted sustainability guidelines for the 2007 pilot program. For 2008, the Boulder City Council expanded the guidelines to include *community and environmental sustainability* guidelines, in addition to the existing *social sustainability* guide-

lines. The guideline options were further expanded for the 2009 program.

Sustainability incentive guidelines were developed that can provide significant social, environmental, and economic benefits to Boulder businesses. City staff focused on areas that were considered to have potential for *additional encouragement or incentives* to the business community. Because each company is different and has differing abilities to meet certain guidelines, the expanded 2009 program provides more flexibility to allow companies to choose the guidelines that fit best.

Applicants for the Flexible Rebate Program complete an online application to verify compliance with social, environmental, and community sustainability guidelines by choosing a minimum number of "points" and documenting compliance in the areas listed below. To review the application, including eligibility requirements and sustainability guidelines, please visit the city of Boulder web site at www.bouldercolorado.gov, click "Business" at the top of the home page, and then "Business Incentive Programs" on the left.

Social Sustainability:

- Average wage requirement
- Health insurance
- Diversity support
- Non-profit support
- Dependent care
- Housing assistance

Environmental Sustainability:

- Energy: Energy assessment, "10 for Change Challenge" (a local program to support energy use reduction by 10 percent over a year), energy savings training, and renewable energy (credits or installation)
- Waste Reduction: Recycling program, zero waste program, and environmental purchasing policy

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- **Energy Certifications:** Local certification program or LEED (Leadership in Energy and Environmental Design) ratings
- **Transportation:** Employee commute trip reduction program, bus pass / transit program, and financial incentives for transit costs or subsidies

Community Sustainability:

- **Business practices** that further the city's policies related to sustainability
- **Buying in Boulder:** Purchasing a minimum of 25 percent of its total goods and services (based on value) from businesses located in the city of Boulder.

Under this program, employers are not eligible for a rebate until they have made their investment and paid the applicable taxes or fees to the city. To maximize flexibility and impact, the program covers a wide range of fees and taxes charged by the city including:

- permit and development review fees
- construction use taxes
- use taxes paid on durable goods such as equipment, furnishings, and computers.

If awarded, companies must sign a rebate agreement with the city agreeing to maintain a business presence in Boulder for a minimum of three years from receipt of the incentive as well as agreeing to comply with the community sustainability guidelines identified in the company's

If awarded, companies must sign a rebate agreement with the city agreeing to maintain a business presence in Boulder for a minimum of three years from receipt of the incentive as well as agreeing to comply with the community sustainability guidelines identified in the company's application for a period of three years.

application for a period of three years. Companies may request that the city manager approve rebates of taxes and fees paid in the current year and estimated taxes and fees for the following two years. However, rebate funds are paid to a company only at the time that receipts are submitted. Receipts may be submitted in "batches," e.g. on a quarterly basis.

THE COMPANIES

In 2007, seven Boulder primary employers were awarded rebates totaling \$500,000. All seven companies signed rebate agreements and six of the seven have completed submittal of receipts for the total amount of their rebate approval. In 2008, the second year of Boulder's flexible rebate program, \$322,135 in tax/fee rebates were awarded. It is interesting to note that the 2008 recipi-

ents are generally smaller companies than the 2007 applicants (in terms of number of employees and overall revenues). Ten applications were received and two were withdrawn. The 2009 program is in process with six applications and three approvals. The 2008 and 2009 recipients are in the process of signing rebate agreements and submitting receipts for issuance of rebate funds.

The list of rebate recipients has reflected the variety of Boulder's primary employers in size and industry, with clusters in high technology, natural and organic foods, "active living," and clean technology / renewal energy companies. Many are "homegrown" companies that had their start in Boulder and are now thriving and growing, expanding in new Boulder locations. In the first three years of the flexible rebate program, companies approved for rebates include:



A new \$1.15 million clean room at Advanced Thin Films, a precision optics company that moved to Boulder in 2008. The company offsets all of its electricity consumption with purchased wind energy credits.



Eco-Products, a distributor of compostable products, expanded and relocated to Boulder facility which features one of the largest solar power installations in Boulder County.

- **Larger employers:** IBM, Ball Aerospace, advertising agency Crispin Porter + Bogusky, financial software company Wall Street on Demand
- **Energy companies:** Namasté Solar and Siemens (opened the first U.S. wind power research facility in Boulder in 2008)
- **Technology and software companies:** Rally Software, Solekai Systems, HP LeftHand Networks, VisionLink, Advanced Thin Films (optics)
- **Natural food companies:** Chocolive and Seth Ellis Chocolatier
- **Compostable distribution company:** Eco-Products
- **Publishing company:** Mountain Sports Media

- **Architectural firm:** Oz Architecture
- **Active living gear company:** Sea to Summit
- **Nonprofit organization (national radio broadcasts):** eTown

See Table 1 for a list of all flexible rebate companies and the rebates approved.

A report by the Boulder Economic Council on the 2007 pilot flexible rebate program concluded that while the incentives may not have been the sole factor in the companies' decisions to remain in Boulder or to expand/renovate their facilities, the incentives were a significant part of those decisions. In several cases, it could be considered as the "tipping point." This program helped these companies determine that Boulder wanted them as community members, valued their contributions in sustainability, and made it worthwhile to invest here. Following are some quotes from these companies.

- "We're thrilled to be approved for participation in this program and pleased to be staying in Boulder as it is the 'Silicon Valley' of storage, which aligns nicely with our business." – John Hillyard, chief financial officer, LeftHand Networks (now HP LeftHand)
- "Boulder has widespread name recognition among 'foodies,' and it was our desire from the start to have a Boulder address. Having the city's support and interest as we've created a world-class chocolate production facility has helped us work smarter and faster, with fewer false starts. This is a wonderfully supportive community for our business, and we're pleased to call Boulder our home." – Rick Levine, manager and a founder, Seth Ellis Chocolatier
- "We're a Boulder company at heart and we're grateful that the city of Boulder was able to offer these incentives to keep our headquarters here. Community involvement and sustainability are both incredibly important aspects of our culture. Our employees have led us to divert about 800 gallons of composting and contributed 800 volunteer hours in the first half of 2008. We're proud that the city's incentives rewarded us for being a good corporate citizen." – Tim Miller, CEO, Rally Software
- "It was very important to us to keep our main office in Boulder. If it weren't for the city's flexible rebate program, it would have been difficult for us to accomplish this. We plan to utilize the rebate funds to pursue LEED Gold certification for our building and set a positive example for the Boulder community. We're so happy to be staying in Boulder – there's no place we'd rather be!" – Blake Jones, CEO and president, Namasté Solar
- "Since Eco-Products grew up in Boulder, it is important for us to remain here. The Economic Vitality Plan allows us to remain a part of this vibrant community." – Steve Savage, CEO, Eco-Products.
- "The 2008 business incentive program rebate is allowing us to make our office a better place for our employees to work, and our employees are the reason

TABLE 1
CITY OF BOULDER'S FLEXIBLE REBATE PROGRAM
LIST OF COMPANIES AND REBATES APPROVED
2007 – 2009

2007

LeftHand Networks	Software/Tech	\$80,698
Crispin Porter + Bogusky	Advertising	\$100,000
Mountain Sports Media	Publishing	\$44,917
IBM	Computer Services	\$100,000
Ball Aerospace	Aerospace Tech	\$100,000
Solekai Systems	Digital Engineering	\$24,807.06
OZ Architecture	Architecture	\$49,577.94
TOTAL APPROVED		\$500,000

2008

Advanced Thin Films	Optics	\$50,000
Siemens Power Generation	Wind Energy Research	\$50,000
Seth Ellis Chocolatier	Food Manufacturer	\$39,514
Wall Street On Demand	Software	\$50,000
Rally Software	Software	\$50,000
Namasté Solar	Solar Energy	\$29,086
Eco-Products	Compostable Distribution	\$29,000
Chocolove	Food Manufacturer	\$24,535
TOTAL APPROVED		\$322,135

2009

Sea to Summit	Wholesale Distribution	\$10,820
VisionLink	Software	\$10,230
eTown	Nonprofit Radio Broadcast	\$50,000
IBM	Computer Services	Pending
Boulder Beer	Manufacturer	Pending
ProStor Systems	Data Storage	Pending
TOTAL APPROVED AS OF 8/1/09		\$71,050



Namasté Solar's staff at the company's newly remodeled building in North Boulder (LEED Gold certification pending).



A worker prepares raspberry chocolate ganache at Seth Ellis Chocolatier of Boulder, a small organic chocolate manufacturer.

we are in Boulder in the first place.” – Jessica Pappas, director of administration, Wall Street On Demand

- “This is a great example of the city’s effort to help attract and retain businesses within the city limits. With this rebate, the city of Boulder clearly acknowledges that the nonprofit and arts community play a significant role in the economic health and vibrancy of the city. For a small nonprofit like eTown, this is a big and expensive undertaking, and this rebate is especially appreciated.” – Nick Forster, president and CEO, eTown

RETURN ON INVESTMENT: CONTRIBUTION TO ECONOMIC DEVELOPMENT

2007 Program

The city of Boulder contracted with the Boulder Economic Council (an arm of the Boulder Chamber) to calculate the return on investment for the \$500,000 in city tax and fee rebates awarded to seven primary employers in 2007 and the \$322,135 invested in eight companies in 2008. The report, presented to the Boulder City Council on April 22, 2008, found that the city will recoup a net \$6.1 million over a three-year period. In other words, for every one dollar invested in rebate incentives, the city will recoup an aggregate \$14.41 on a current-cash-flow basis.

The sustainability benefits were also assessed:

- All of the recipients have some level of philanthropic involvement with the community. These efforts range from fund-raising drives and direct help to non-prof-

its in getting the work done to significant donations. An overview of the specific philanthropic involvement was documented in the Boulder Economic Council report.

- All of the companies had a directive toward lessening their impact on the environment. Several rebate awards went directly towards “green” construction projects, including IBM’s \$89 million “green” data center and a LEED silver certified tenant finish for OZ Architecture.

2008 Program

The Boulder Economic Council’s analysis of the return on investment for the 2008 program finds a \$6.31 return for every one dollar invested in rebate incentives. There are several reasons why this rate of return is lower than the 2007 program:

- On average, the companies are smaller (in number of employees and total revenue) than the 2007 rebate recipients. The largest company, Wall Street on Demand, has the highest total return of \$23.10.
- A company like Siemens Wind Power has a lower total return (\$0.70) due to its small size and low capital investment. However, attracting Siemens’ first U.S. wind power research facility to Boulder will likely result in a spin-off effect of drawing additional companies with “green” jobs and research.
- The 2008 rebate program invested directly in several companies whose main mission focuses on sustainability efforts. Siemens, Namasté Solar, and Eco-Products fall in this category.

LESSONS LEARNED

Evolving Program

Since the 2007 pilot, the Flexible Rebate Program has been modified and refined each year based on city staff experience administering the program and on feedback from companies that have used it. Company comments and input have been critical to the development of each year’s eligibility requirements and sustainability guidelines. Past and current rebate applicants have been a yardstick as to whether compliance with draft guidelines was achievable or too onerous.

Since the 2007 pilot, the Flexible Rebate Program has been modified and refined each year based on city staff experience administering the program and on feedback from companies that have used it. Company comments and input have been critical to the development of each year’s eligibility requirements and sustainability guidelines. Past and current rebate applicants have been a yardstick as to whether compliance with draft guidelines was achievable or too onerous.

During development of the 2009 guidelines, smaller companies said that the proposed expanded list of guidelines would have given them more flexibility and options. Also, the city modified the definition of “primary employer” in 2008 – threshold changed from 75 percent to 50 percent of revenues from outside Boulder County – after working with two small businesses that were just below the 75 percent threshold but were growing primary employers making significant investment in their facilities. Staff research showed that if communities used any revenue threshold in their primary employer definitions, it was usually 50 percent.

What Works

In a community that can be wary of economic development efforts, there are several factors that help make this program successful:

- **It is a rebate program.** No funds are distributed to businesses unless taxes and/or fees are paid and receipts submitted.
- **It is a broad business retention tool.** Sometimes, the existence of the program brings businesses to the attention of Economic Vitality staff. The program may learn of a company considering consolidation, expansion, or relocation that would not have otherwise contacted the city.
- **It is a tipping point.** The dollar amount of a rebate approval may not be the deciding factor. To a business deciding whether to leave or stay or expand in Boulder, a financial incentive can be an important consideration and an indication that the city values its presence and investment. City rebates have also helped leverage state of Colorado incentives.

The Flexible Rebate Program helps the city’s businesses meet community goals and be more sustainable in their business practices. As businesses throughout the community get more information about the rebate program, it increases the awareness of the city’s programs to help both businesses and residents develop sustainable practices. Even if businesses review the rebate program and do not apply, they learn about these city services.

- **Businesses demonstrate sustainability.** Discussed further below, the sustainability guidelines ensure that the city is investing in businesses that share the sustainability goals of the city. In fact, in many applications, Boulder businesses “brag” about the extent of their sustainability efforts and programs.
- **It is a reasonable city investment.** With annual budgets ranging from \$350,000 to \$500,000, Boulder may budget less for incentives than other communities. However, this budget is a “comfort level” in the context of the overall city budget and priorities.

Economic Development Through Sustainability

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Having criteria based on the community’s sustainability values demonstrates to the residents and employees in the community that the value of sustainable practices



Two Ball Aerospace workers in the newly constructed 50-foot-tall high bay clean room, used to assemble taller satellites and aerospace equipment.

and products is recognized and the city is working to incorporate these elements in programs, policies, and decision-making. Inclusion of these sustainability guidelines is critical to City Council and public acceptance of the incentive program, particularly in a community where many residents have concerns that city funds could be better spent than providing rebates to companies.

This program can be used as an example for and is easily transferable to other communities looking to create or develop incentive programs tied to social and

environmental sustainability goals. Sustainability guidelines can be customized according to each community's priorities and local programs. Boulder Economic Vitality

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staff regularly receives inquiries from other communities that want to learn more about the program, as they develop or revise their own incentive options. 🌐



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