AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, FEBRUARY 7, 2011

I. **Executive Session**
At 5:30 p.m. in the City Council Conference Room, City Council will discuss a real estate matter (McLellan property) pursuant to C.R.S. 24-6-402-4-(a).

II. **Legislators**
At 6:00 p.m. in the Community Room, Colorado Representative Kathleen Conti, Staff Member Scott from U.S. Senator Udall's Office, State Director Rosemary Rodriquez from Senator Michael Bennet's Office, Arapahoe County Commissioner Susan Beckman, Arapahoe County Commissioner Nancy Jackson, RTD Board Member Barbara Brohl and RTD Board Member Kent Bagley will be present to discuss current and upcoming legislation relating to the City of Englewood.

III. **Mile High Community Loan Fund**
Community Development Director Alan White will discuss the Mile High Community Loan Fund.

IV. **Broken Tee Grill**
Parks and Recreation Director Jerrell Black and Golf Operations Manager Bob Spada will discuss the Broken Tee Grill.

V. **City Manager's Choice**

VI. **City Attorney's Choice**

Please Note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood, 303-762-2407, at least 48 hours in advance of when services are needed. Thank you.

Memorandum

City Manager's Office

To: Mayor Woodward and Members of City Council

Through: Gary Sears, City Manager

From: Michael Flaherty, Deputy City Manager

Date: February 3, 2011

Subject: State and Federal Legislative Issues – Legislative Study Session

City Council will meet with our representatives from the Arapahoe County Board of Commissioners, RTD Board, Colorado General Assembly and the United States Senate during the February 7 Study Session. This year there are numerous legislative bill pending that may potentially impact municipalities.

Colorado General Assembly

The Colorado Municipal League (CML) is our primary source for analyzing and advocating for or against legislative issues that impact Colorado's cities and towns and their residents. CML has already identified a number of bills that have been introduced in current session of the Colorado General Assembly that they will be monitoring over the course of this session. I have attached a copy of the January 24 CML *Statehouse Report* that outlines several key legislative issues for this session.

CML is currently working with Colorado legislators to better understand the impact of these proposals and lobbying in support or opposition to bills that have been introduced. As of today, CML is monitoring 91having taken positions on 22 bills, supporting six and opposing 16. (See CML *Legislative Box Score*, dated January 28, and *CML Update* attached.) CML will continue to monitor all bills of interest to municipalities and may establish positions in support or opposition to particular bills as they are introduced.

Not all of the bills that CML is monitoring have direct impact on Englewood – some relate to regional issues (eastern Colorado or the western slope) that do not impact cities on the Front Range or in the Denver metro area. The role of our staff to keep City Council informed of those issues that may impact us and to cooperate with CML and other cities in protecting our interests.

CML regularly posts updates on bills of interest to cities and counties on their website: www.cml.org. In addition, CML will conduct their annual Legislative Workshop on Wednesday, February 23rd at the Scottish Rite Masonic Temple, 1370 Grant Street, Denver. A registration form is attached, or you may register on-line through the CML website.

Staff will continue to provide periodic updates on General Assembly bills and may from time to time request formal Council position statements on particular bills of significant interest to Englewood. Staff will generally take no position on bills without Council concurrence.

U. S. Congress

The City is a member of the National League of Cities (NLC), which advocates on behalf of its member cities. The emphasis of the NLC is again on economic recovery and jobs – see the attached fact sheet on *Local Jobs for America Act* (HB4812.)

In addition to HB4812, there are three other federal issues that the National League of Cities is monitoring, including stabilization of the housing market, investment in transportation infrastructure and opposition to mandatory collective bargaining. Copies of NLC position statements related to each of these topics are attached. For additional information, see the NCL website: www.nlc.org. As with state legislative issues, staff will monitor and report on any federal legislation that may impact the City. Those members of Council attending the NLC Conference in March will also have an opportunity to discuss these and other issues with our federal representatives and their staffs.

Attachments:
CML *Statehouse Report*, January 24
CML *Legislative Box Score*, January 28
CML Update
CML Legislative Workshop Registration Form
NLC *Local Jobs for America* fact sheet
NLC Position statements (3)
RTD *FasTracks* Staff Recommendation

CML
COLORADO MUNICIPAL LEAGUE
The Voice of Colorado's Cities and Towns

STATEHOUSE report
JANUARY 24, 2011
BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS

2011 ACTION BEGINS UNDER THE DOME

By Kevin Bommer, Mark Radtke, and Geoff Wilson

THE FIRST DAYS OF THE FIRST REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY HAVE ALREADY PASSED, AND it is clear that things are going to be different in your statehouse than they have been for the past few years.

With the Republicans in control of the House of Representatives and the Democrats in control of the Senate, divided government means that compromise will have to be reached in order for legislation to make it to the desk of Gov. John Hickenlooper. Already, several partisan bills have been introduced that will not likely survive past the committee stage in one house or the other. For Gov. Hickenlooper, this presents a unique opportunity to help forge compromises on issues that meet the goals he has outlined for his administration. CML is optimistic that this includes communicating any support or concern for legislation in which the executive order prohibiting unfunded mandates can be applied.

While jockeying for position continues on finding common ground, Gov. Hickenlooper continues to round out his cabinet and appoint directors of various offices. It is clear to CML that his goal was to hit the ground running and start the process of streamlining government, being more efficient, and implementing bottom-up strategies for turning around the economy. It is also clear that this cannot be done in a day, and CML has pledged its assistance to help bolster the state–local partnership that Gov. Hickenlooper has vowed to protect and improve.

Across the street from the capitol, the Joint Budget Committee (JBC) continues its deliberations on how to shore up the current fiscal year budget and tackle the daunting task of finding $1 billion in budget cuts in FY 2011-12. CML is in the unique position of opposing proposed cash fund transfers of $120 million of local governments' share of severance tax and federal mineral lease revenues to backfill the state budget, as well as a proposal to renege on the cigarette sales tax agreement established four decades ago so that the state can withhold the shareback of $11.5 million of local governments' cigarette money. Without these transfers, the JBC will have to look elsewhere for cuts or cash funds — an unenviable position, but one that municipalities around the state have been facing for a while.

More than 200 bills and resolutions were introduced by Friday, Jan. 21. CML is monitoring 81 of those bills, and has support or oppose positions on 16 of them. A box score of legislation CML supports and opposes is attached to this publication. Lists of bills followed and the box score are always available under the "Advocacy" section of *cml.org*.

Budget: Prohibition of severance-related cash fund transfers

In the past two years, the state has backfilled its budget with nearly $106 million that would have otherwise gone to energy-impacted local governments to deal with vital infrastructure and service demands created by the extraction industries. The proposals for FY 2011-12 would transfer another $128 million. The combined loss of over $233 million translates to a $750 million economic hit around Colorado, since energy impact dollars are matched at a 2-to-1 ratio.

The loss of home-grown stimulus and job-creating dollars intended for rural Colorado is not sustainable, and CML made the difficult decision to oppose the proposed transfers and support this legislation that would prohibit future cash fund transfers. The League also supports language that will be added to the bill that would prohibit transfers of state severance tax dollars that would impact water projects. CML and its member municipalities are committed to a state and local partnership, but the loss of these dollars to plug the state budget cannot continue on an annual basis without acknowledgement of the severe impact it creates on local governments and their residents.

An identical bill has also been introduced in the House, and CML supports this bill, as well.

Bill: SB 11-035, Prohibit transfers of severance-related revenue to the general fund
Sponsors: Sen. Ellen Roberts, R-Durango; Rep. Don Coram, R-Montrose
Status: S State Veterans & Military Affairs
Position: Support
Lobbyist: Kevin Bommer

Bill: HB 11-1123, Prohibit transfers of severance-related revenue to the general fund
Sponsors: Rep. Don Coram, R-Montrose; Sen. Ellen Roberts, R-Durango
Status: H Agriculture Livestock & Natural Resources
Position: Support
Lobbyist: Kevin Bommer

Immigration: Authority to arrest unlawful aliens

This legislation is similar to parts of the controversial legislation passed in Arizona in 2010. The bill, while permissive, has raised concerns in the law enforcement community due to sensitivities to accusations of racial profiling. The bill allows for a warrantless arrest by an officer if he or she has probable cause to believe that the person is an alien who is subject to a deportation order, has been indicted or convicted of certain aggravated felonies, or has failed to properly register with the federal government. CML is

INSIDE *STATEHOUSE REPORT*

Page 1: Budget, Immigration; **Page 2:** Labor, Liquor, Medical marijuana, Public safety; **Page 3:** Taxes, Transportation, Your CML advocacy team; **Page 4:** Unfunded mandates, Utilities, Waste management; **Page 5:** CML Annual Legislative Workshop registration form
Attachments: Box score, General Assembly by municipalities, Senate and House committees

withholding positions on immigration legislation pending further collaboration with the law enforcement community, among others.

Bill: SB 11-054, Authority to arrest unlawfully present aliens
Sponsors: Sen. Kent Lambert, R-Colorado Springs; Rep. David Balmer, R-Centennial
Status: S. State Veterans & Military Affairs
Position: No position
Lobbyist: Kevin Bommer

Immigration: Bond circumstances for unlawful aliens

This bill reduces the standard a law enforcement officer needs before reporting to a bail agent suspected illegal status. It also provides for the bond to be forfeited if an alien is deported. In addition, law enforcement must notify the district attorney and any pretrial services agency of the defendant's presumed immigration status. The court considering the amount of a bond to be set will be required to consider whether there are reasonable grounds to believe the defendant is present in the country illegally.

Bill: HB 11-1088, Bond for persons illegally present
Sponsors: Rep. Mark Barker, R-Colorado Springs; Sen. Kent Lambert, R-Colorado Springs
Status: H Judiciary
Position: No position
Lobbyist: Kevin Bommer

Labor: Prevailing wage

CML has a long-standing policy in the CML Policy Statement opposing expansion of Davis-Bacon prevailing wage requirements. CML opposes unfunded state and federal mandates that impose financial burdens on municipalities and their residents, and state-mandated Davis-Bacon wages could severely impair many municipalities that are already dealing with severe impact of the recession. Local governments should determine the manner in which they contract for public works projects, regardless of the source of funding for the project. Federal prevailing wages in many parts of Colorado would make providing services to citizens more expensive, and run counter to the various efforts to create jobs and stimulate the economy. CML opposes statewide imposition of Davis-Bacon's wasteful red tape that would prevent local governments from stretching taxpayers' dollars for public works projects

Bill: HB 11-1070, Prevailing wage for public works projects
Sponsors: Rep. John Soper, D-Thornton; Sen. Lois Tochtrop, D-Thornton
Status: H State Veterans & Military Affairs
Position: Oppose
Lobbyist: Kevin Bommer

Liquor: Special event permits

Acting on request from the Colorado Municipal Clerks Association, with cooperation of the Division of Liquor Enforcement, CML was able to secure a sponsor of legislation that will help make the process of applying for and receiving a special event permit more efficient. The bill will allow a local licensing authority to elect sole authority to approve or deny applications for special event permits and remove the state licensing authority from its current obligation of reviewing and promptly acting on the issuance of state permits for those local jurisdictions that elect to act as sole reviewer. The bill allows the Liquor Enforcement Division to investigate any permit holder's violation of Articles 46, 47, or 48 of Title 12, regardless of the licensing authority. The sole-reviewing local authorities will report annually the number of special event permits they issue to the state licensing authority, and the maximum number of event dates per calendar year can increase from 10 days to 15 days.

Bill: SB 11-066, Special event permits
Sponsors: Sen. Cheri Jahn, D-Wheat Ridge
Status: S Local Government
Position: Support
Lobbyist: Kevin Bommer

Medical marijuana

Throughout the summer and fall, several meetings were held to help the Department of Revenue write rules subsequent to the passage of HB 10-1284, which established the licensing and regulation of medical marijuana centers, grow operations, and infused-products manufacturing. During the process, items were identified for potential cleanup in the 2011 session; Rep. Tom Massey again agreed to be the House sponsor of legislation, and Sen. Pat Steadman, who also has an interest in cleanup legislation, will be the Senate sponsor rather than introducing a separate bill.

As introduced, HB 11-1043 went well beyond a clean-up bill. At this point, the bill is likely to be completely rewritten, and CML will withhold a formal position until new language is adopted. Rep. Massey has gone out of his way to ensure the resources of local and state government are not compromised, and the League is grateful for his cooperation.

Bill: HB 11-1043, Medical marijuana cleanup bill
Sponsors: Rep. Tom Massey, R-Poncha Springs; Sen. Pat Steadman, D-Denver
Status: H Judiciary
Position: No position (staff discretion to support)
Lobbyist: Kevin Bommer

Public safety: Animal welfare and control

Last year, CML opposed legislation (HB 10-1124) introduced by Rep. Wes McKinley, D-Walsh, that would have forced animal shelters and local governments that contract with animal shelters to absorb the cost of care in many cases in which animals are impounded due to suspected abuse or neglect. Rep. McKinley's main concerns are with agents of the state that work for nonprofit organizations such as The Humane Society, and his legislation last year would have placed significant restrictions on the powers designated to agents and given owners greater ability to avoid financial responsibility for injured or sick animals.

This bill has been reintroduced, for the most part, as HB 11-1063. While CML's main concern is still with the provisions of the bill that will have an adverse fiscal impact on municipalities, we are still confident that the bill does not apply to animal control officers employed by municipalities who are enforcing municipal ordinances. Staff will ask the CML Policy Committee to consider opposition to the bill when the committee meets in February.

Bill: HB 11-1063, Animal welfare and control
Sponsors: Rep. Wes McKinley, D-Walsh
Status: H Agriculture Livestock & Natural Resources
Position: No position
Lobbyist: Kevin Bommer

Public safety: Animal impoundment costs

This bill is related to HB 10-1124 and HB 11-1063 discussed above, but instead presents a rational solution to issues raised about the bonding requirements in existing statute for owners of animals suspected of neglect or abuse. Instead of a complicated bonding requirement, the owner is required to cover the actual cost of care of the animal while impounded — a cost that would be equivalent to what the owner would expend for proper care anyway. This bill avoids the thorny issues of bonding and cost recovery when an animal is returned in fewer days that that for which the bond is posted.

Bill: SB 11-009, Costs of animal impoundment
Sponsors: Sen. Pat Steadman, D-Denver; Rep. Randy Fischer, D-Fort Collins
Status: S Judiciary
Position: Support
Lobbyist: Kevin Bommer

Public safety: "Blue Alert" for injured peace officers

This bill creates the "blue alert" program within the Colorado Bureau of Investigation (CBI) to facilitate the immediate apprehension of persons who kill or seriously injure peace officers by issuance of a "blue alert" in the same manner in which an "amber alert" is issued for missing or apprehended children.

The League and its members strongly support local public safety employees and support this program that would help bring to justice anyone who attempts to get away with harming a peace officer.

Bill: HB 11-1036, "Blue Alert" for injured peace officers
Sponsors: Rep. Deb Gardner, D-Boulder; Sen. Steve King, R-Grand Junction
Status: H Judiciary
Position: Support
Lobbyist: Kevin Bommer

Public Safety: Local government accident fees

The bill prohibits local governments from imposing a fee or seeking reimbursement for costs incurred by police officers, firefighters, and other first responders in connection with responding to a motor vehicle accident. CML's initial research on this legislation yielded no examples of municipalities imposing such a charge; however, it is an option that likely may need to remain open as pressure on operational budgets increase if and when failure for timely and complete reimbursement for expenses does not occur by drivers or their insurance companies. More investigation into the use of the fees and existing restrictions will be done before CML ultimately takes a position.

Bill: HB 11-1059, Prohibit local government accident fees
Sponsors: Rep. Spencer Swalm, R-Centennial
Status: H Local Government
Position: No position
Lobbyist: Kevin Bommer

Taxes: Business personal property tax

This bill eliminates business personal property tax (BPPT), starting with a 25 percent exemption for newly purchased business personal property in 2013. The exemption on new equipment is increased by 25 percent every two years thereafter. The tax applied to existing equipment continues to depreciate at the current schedule. Figures developed last year by the Department of Local Affairs show that elimination of BPPT would result in a loss of more than $1 billion in revenue to local governments.

Bill: SB 11-026, Elimintation of business personal property tax
Sponsors: Sen. Mark Scheffel, R-Parker; Rep. Chris Holbert, R- Parker
Status: S Finance
Position: Oppose
Lobbyist: Mark Radtke

Transportation: Bicycle traffic

This bill prohibits local governments from banning bicycle traffic on streets unless a separate, parallel bicycle path is provided. CML opposes this presumption of local control.

Bill: HB 11-1092, Bicycle traffic
Sponsors: Rep. Andy Kerr, D-Lakewood; Sen. Greg Brophy, R-Wray
Status: H Transportation
Position: Oppose
Lobbyist: Mark Radtke

Transportation: FASTER transit funds

CML was a partner in the coalition that, in 2009, succeeded in passing SB 09-108 (FASTER), the first increase in vehicle registration fees in 20 years. Municipalities gain an 18 percent share of FASTER road safety surcharge dollars that are deposited into the Highway Users Tax Fund (HUTF). Part of the package that was approved in 2009 took $5 million from the municipal and county shares of FASTER and dedicated those dollars to local transit grants.

HB 11-1075 would eliminate the use of this money for transit and deposit them in the HUTF. The result would be an increase of less than 2 percent in HUTF disbursements to municipalities. It is important both to include transit in the future transportation picture and to honor our agreement that resulted in passage of FASTER.

Bill: HB 11-1075, FASTER transit funds
Sponsor: Rep. Jon Becker, R-Fort Morgan
Status: H Transportation
Position: Oppose
Lobbyist: Mark Radtke

Transportation: FASTER late fee

The $25 per month late fee for vehicle registration (maximum $100) would be repealed with passage of HB 11-1084. The late fee increase was part of the 2009 FASTER bill that provides revenue for the Highway Users Tax Fund. Late fees would be returned to a flat $10 charge that can be waived at the discretion of county clerks.

Bill: HB 11-1084, FASTER late fee
Sponsors: Rep. Randy Baumgardner, R-Hot Sulphur Springs; Sen. Kevin Grantham, R-Canon City
Status: H Transportation
Position: Oppose
Lobbyist: Mark Radtke

Your CML advocacy team:

Kevin Bommer advocates municipal interests on beer and liquor, severance tax and federal mineral lease, pensions, water and wastewater, workers compensation, health care, public safety communications, homeland security and more.
kbommer@cml.org

Mark Radtke advocates municipal interests on transportation, energy, sustainability, tax and fiscal policy, and other issues of municipal interest concerning state legislation and regulations.
mradtke@cml.org

Geoff Wilson advocates municipal interests on sales and use taxation, telecommunications, elections and environmental matters.
gwilson@cml.org

Important phone numbers

General bill information
303-866-3055

House
303-866-2904 or
800-811-7647 (Jan.-May)

Senate
303-866-2316 or
888-473-8136 (Jan.-May)

Legislative Council
303-866-3521

Department of Local Affairs
303-866-2771

Governor's Office
303-866-2471

General Assembly Web site
www.leg.state.co.us

Statehouse Report

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www.cml.org

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Transportation: Planning areas

Areas outside of metropolitan planning organization (MPO) boundaries would no longer have a seat at the table for Colorado Department of Transportation (CDOT) regional planning if HB 11-1046 is passed. The role of local governments in regional transportation planning, the statewide transportation advisory committee, and the CDOT Transit and Rail Advisory Committee would all be eliminated. All are mechanisms that give local governments a direct advisory role in formulating long range state transportation plans. In the future, rural local governments could submit their comments to the appropriate transportation commissioner. MPOs are established by federal law and would continue long-range planning for their territory.

Bill: HB 11-1046, Planning areas
Sponsor: Rep. Glenn Vaad, R-Mead
Status: H Transportation
Position: Oppose
Lobbyist: Mark Radtke

Unfunded mandates

On the heels of the executive order Gov. John Hickenlooper signed on his first day in office prohibiting state agencies from imposing unfunded mandates on local governments, Sen. Ellen Roberts introduced a resolution that would shore up that commitment, calling for the federal government to refrain from creating any new unfunded mandates on state or local governments, and for the General Assembly to not create new mandates on local governments without providing adequate funding.

The League is disappointed that the resolution was assigned to committee — an unusual occurrence for a resolution — but pleased that it will give CML and other local government representatives the opportunity to provide testimony. It is difficult to fathom that any legislators would oppose unfunded mandates by the federal or state governments to local governments, but the fact the resolution was assigned to the particular committee that it is was gives us pause for concern.

Bill: SJR 11-005, No unfunded mandates
Sponsors: Sen. Ellen Roberts, R-Durango; Rep. Cheri Gerou, R-Evergreen
Status: S State Veterans & Military Affairs
Position: Support
Lobbyist: Kevin Bommer

Utilities: Transmission line siting

The siting of major electric transmission lines is a complex multijurisdictional undertaking and one that has been the subject of legislation by the General Assembly and Public Utilities Commission (PUC) inquiries over the years. All prior legislation on this subject has followed close consultation with local governments, including CML and Colorado Counties Inc. (CCI). CML and CCI are jointly participating in a present PUC proceeding on this challenging issue.

Green energy advocates lately have been frustrated at what they perceive as a lack of transmission capacity for renewable energy and the failure of transmission utilities such as Xcel and Tri State Generation & Transmission to build transmission infrastructure as quickly as they would like. Often, local governments share the desire for additional transmission capacity to serve local wind farm projects.

Local land use approval along the route of a transmission line has been and continues to be something that the utilities think can be more efficient. Colorado already has a statute that allows utilities to appeal to the PUC if they believe a local land use action interferes with their ability to provide "safe, reliable, and economical service to the public" (C.R.S. 29-20-108). Although the two occasions on which this process has been used have resulted in a victory for the transmission companies, the companies consider the process cumbersome and would like to discuss alternatives.

CML is agreeable to a serious discussion of this issue. The decision to build additional transmission is a multimillion dollar undertaking that has a whole lot more to do with capital and market considerations than it does with local land use approval. States that have severely limited local land use powers continue to have the same transmission shortfalls that are complained of here in Colorado. Nonetheless, even if it is not the determining factor for more transmission line construction in Colorado, CML is willing to see what can be done to expedite the local piece of the process.

CML opposes SB11-045, a recently introduced bill that would create a state siting commission process and extinguish the remaining authority of local governments in this area by providing that a facility considered by the commission "is not subject to review or approval pursuant to any other provision of law." Unlike prior efforts, no serious discussion prior to the bill's introduction of the scope or nature of the "problem" — nor of suggested solutions — has taken place involving CML or CCI, the transmission utilities, the municipal utilities, or the rural electric associations.

CML believes that a stakeholder process is where the serious discussion that must precede an undertaking of this importance will take place. In a stakeholder process, we can focus on precisely defining the nature of the problem (Is it undergrounding requirements? Processing delays on paperwork? What?), and then recommending an appropriate solution (which might be a state siting commission). Such a stakeholder process would permit an in-depth discussion among our membership, and the membershop of other groups, about what our role realistically can and should be in these matters.

Regrettably, none of this is possible with SB 11-045. Complex negotiations take more time then the demands of the session will allow. Anything short of that fails to allow time for the serious discussion that we believe this important issue deserves.

Passage of a bill on this subject won't get any additional transmission capacity built in Colorado. Consequently, this is something that is more important to do right than do fast. This is an issue that should follow a serious stakeholder discussion. That is the message that we will be sharing with the bill sponsors and members of the Senate committee to which SB 11-045 has been assigned.

Bill: SB 11-045, State Siting Commission
Sponsors: Sen. Mike Johnston, D-Denver; Rep. Claire Levy, D-Boulder
Status: S Agriculture & Natural Resources
Position: Oppose
Lobbyist: Geoff Wilson

Waste management: Mandatory garbage sorting

HB 11-1094 would mandate that municipalities (but not counties) with a population of more than 25,000 residents determine the "quantities" and "categories" of solid waste "and other materials" that originates in the municipality over each 12 month period and annually report this information to the state health department. Details of what exactly will be reported, and how, are not spelled out; these and most of the other details are left to the state solid and hazardous waste commission. The data collected will be used by the staff at the health department to identify "opportunities to increase the amount of solid waste and other materials" that are recycled. The legislation proposes no funds to finance local government efforts to gather this information.

CML opposes this legislation because it proposes an unfunded mandate. If the state wants this information, the state should fund the mandate. By the same token, if any of the municipalities to which HB 11-1094 would apply want to do this sort of waste stream analysis on their own, they could certainly do so. This bill requires municipalities to fund state research ahead of locally determined budget priorities.

Bill: HB 11-1094, Mandatory garbage sorting
Sponsors: Rep. Hullinghorst, D-Boulder; Sen. Aguilar, D-Denver
Status: H Local Government
Position: Oppose
Lobbyist: Geoff Wilson

CML LEGISLATIVE BOX SCORE

2011 Regular Session

Updated January 28, 2011

Check for the latest box score at www.cml.org

Subject		* means with amendments
	SUPPORT	
SB 9	*Animal Control – Costs of animal impoundment.* Changes complicated bonding provisions for care of animals impounded in cases of alleged abuse or neglect, and requires payment by owner for actual costs of care. (Kevin Bommer)	S. 2nd Reading
SB 35	*State Budget – Prohibition on transfers of severance tax, federal mineral lease cash funds.* Establishes a prohibition on the transfer of local government severance tax and FML money to backfill the state general fund and against the governor freezing the use of such funds from use for their intended purposes. (Kevin Bommer)	S. State, Veterans, & Military Affairs
SB 66	*Liquor – Special events permits.* Allows a local licensing authority to elect sole authority to approve or deny applications for special event permits and remove the state licensing authority from its current obligation of reviewing and promptly acting on the issuance of state permits for those jurisdictions. Total events may increase from 10 days to 15 days. (Kevin Bommer)	S. Local Government & Energy
HB 1036	*Public Safety – "Blue Alert" for injured peace officers.* Creates the blue alert program within CBI to facilitate the immediate apprehension of persons who kill or seriously injure peace officers by issuance of a "blue alert" in the sam manner in which an "amber alert" is issued for missing or apprehended children. (Kevin Bommer)	H. Judiciary
HB 1123	*State Budget – Prohibition on transfers of severance tax, federal mineral lease cash funds.* Establishes a prohibition on the transfer of local government severance tax, FML, and state severance tax for water projects to backfill the state general fund and against the governor freezing the use of such funds from use for their intended purposes. (Kevin Bommer)	H. Agriculture, Livestock & Natural Resources
SJR 005	*Unfunded Mandates – No unfunded mandates resolution.* Calls for the federal government to refrain from creating any new unfunded mandates to be passed down to state or local governments; and for the General Assembly to not create new mandates on local governments without providing adequate funding (Kevin Bommer)	S. State, Veterans, & Military Affairs
	OPPOSE	
SB 26	*Taxes – Business personal property tax exemption.* Eliminates business personal property tax (BPPT), starting with 25% exemption for newly purchased business personal property in 2013. Exemption on new equipment is increased by 25% every 2 years thereafter. Tax applied to existing equipment continues to depreciate at current schedule. (Mark Radtke)	S. Finance
SB 45	*Utilities – Transmission line siting.* Creates a state siting commission process and eliminates any limited existing authority of local governments in siting and land use considerations. (Geoff Wilson)	S. Agriculture & Natural Resources
SB 54	*Immigration – Authority to arrest unlawful aliens.* Permits warrantless arrests of suspected aliens in the country illegally, convicted of a crime, or subject to deportation. (Kevin Bommer)	S. State, Veterans, & Military Affairs
HB 1046	*Transportation – Planning areas.* Eliminates areas outside of metropolitan planning organization (MPO) boundaries from participation in Colorado Department of Transportation (CDOT) regional planning. Local governments' roles in regional transportation planning would be eliminated, and the statewide transportation advisory committee would be eliminated. (Mark Radtke)	H. Transportation
HB 1059	*Public Safety – Prohibit on local government accident fees.* Prohibits local governments from imposing a fee or seeking reimbursement for costs incurred by first responders in connection with a motor vehicle accident. (Kevin Bommer)	H. Local Government

HB 1063	*Public safety – Animal control/welfare.* Places significant restrictions on the powers designated to animal control agents and gives owners greater ability to avoid financial responsibility for injured or sick animals. Creates an adverse fiscal impact on municipalities but does not apply to animal control officers employed by municipalities and enforcing municipal ordinances. (Kevin Bommer)	H. Agriculture, Livestock, & Natural Resources
HB 1070	*Labor – Prevailing wage.* Requires payment of federal prevailing wage (Davis-Bacon) for public works, which are defined as any public construction project financed in whole or in part with state money. (Kevin Bommer)	Postponed indefinitely
HB 1075	*Transportation – FASTER transit funds.* Redirects the money from FASTER transit grants into the HUTF. While it would increase the monthly HUTF disbursements flowing to cities and towns by less than two percent, the change would damage the coalition working to improve transportation funding for both state and local needs. (Mark Radtke)	H. Transportation
HB 1084	*Transportation – FASTER late registration fee.* Repeals $25 per month late fee for vehicle registration. Returns late fees to a flat $10 charge that can be waived at the discretion of county clerks. (Mark Radtke)	H. Transportation
HB 1092	*Transportation – Closure of local streets to bicycles.* This bill prohibits local governments from banning bicycle traffic on streets unless a separate, parallel bicycle path is provided. (Mark Radtke)	H. Transportation
HB 1094	*Waste Management – Mandatory waste sorting.* Mandates that municipalities with a population greater than 25,000 residents determine the "quantities" and "categories" of solid waste "and other materials" that originate in the municipality over each 12-month period and annually report information to the state health department. (Geoff Wilson)	H. Local Government
HB 1107	*Immigration – Enforcement of illegal immigration violations.* Mandates several enforcement responsibilities on local law enforcement that are federal responsibilities. (Kevin Bommer)	H. Agriculture, Livestock, & Natural Resources
HB 1115	*Contracts – Reduce Construction Contract Retainage.* Reduces by half the amount of retainage that municipalities would be able to include in construction contracts. (Mark Radtke)	H. Economic & Business Development
HB 1116	*Waste Management – Local government waste services.* Mandates that local governments receive voter approval before providing, contracting to provide, or requiring residents of a local government to pay fees for waste services. Ballot is required to contain a description of the service to be provided and the cost of the service and must be submitted at an election upon which other matters are being voted. (Geoff Wilson)	H. Local Government
HB 1140	*Immigration - Illegal alien laws & withholding of local government funds.* This bill would withhold local government grants, direct distributions, and state-collected, locally-shared severance tax, federal mineral lease, or cigarette sales tax revenue, respectively, if a local government does not participate in the "Secure Communities" program. (Kevin Bommer)	H. Local Government
HB 1141	*Taxes – Business personal property tax exemption.* This bill exempts business personal property purchased during the calendar years 2012 and 2013 from business personal property tax. The property purchased during those two years would continue to be exempt from tax during the period it is owned by the original purchaser. This would result in a significant reduction in property tax revenue for local governments. (Mark Radtke)	H. Finance

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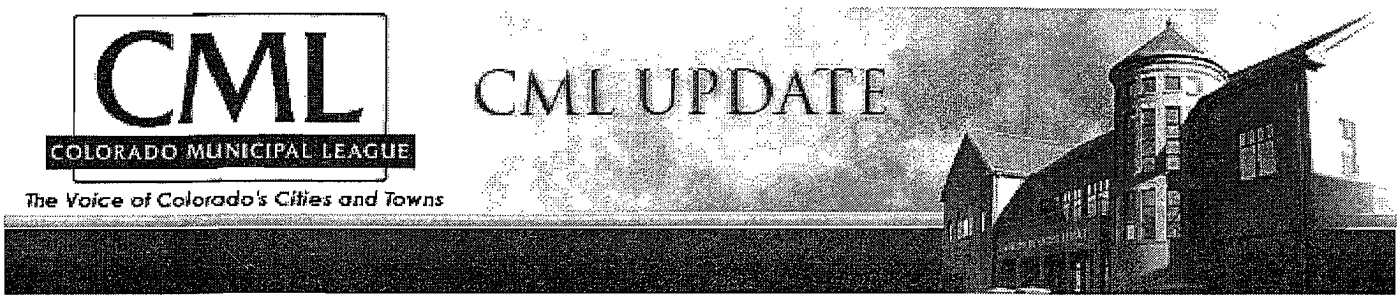

This week at the Capitol ...

- Construction
- Finance
- Immigration
- Labor
- Liquor
- Medical marijuana
- Public safety
- Taxes
- Transportation
- Waste management
- National news: Public safety communications interoperability
- This week at the Capitol
- Budget

Grant writing

Learn where to find grant opportunities, training and technical assistance, and more on **Feb. 18, 9-10 a.m.,** from your own computer. Click here to register.

This week at the Capitol

The legislative session is in full swing, and your CML advocacy team is working hard on your behalf. As of Friday, Jan. 28, 259 bills and resolutions had been introduced, and CML is tracking 91 bills of municipal interest, having taken support or oppose positions on 22 bills – 6 support bills and 16 oppose bills.

You can keep up to date with the bills CML is working on by going to the "Advocacy" page on the CML website. There you will find links to the House and Senate bills CML is following, and the "Box Score" of support and oppose bills. Information on legislators and legislative committees also is available.

If you have any questions or comments on any bills, please do not hesitate to contact the member of the advocacy team responsible for a particular bill or subject matter.

Budget: Prohibition of severance-related cash fund transfers

HB 11-1123, SB 11-035. CML position: Support.

HB 11-1123 is nearly identical to SB 11-035, which is currently in Senate State, Veterans & Military Affairs and not expected to survive the committee. HB 11-1123, on the other hand, will likely move through the House.

In the past two years, the state has backfilled its budget with nearly $106 million that would have otherwise gone to energy-impacted local governments to deal with vital infrastructure and service demands created by the extraction industries. The proposals for FY 2011-12 would transfer another $128 million. The combined loss of more than $233 million translates to a $700 million economic impact around Colorado, since energy impact dollars are matched 2-to-1. The loss of home-grown stimulus and job-creating dollars intended for rural Colorado is not sustainable, and CML made the difficult decision to oppose the proposed transfers and support this legislation that would prohibit future cash fund transfers. The bill also prohibits transfers of state severance tax dollars that would impact water projects.

CML and its member municipalities are committed to a state and local partnership, but the loss of these dollars to plug the state budget cannot continue on an annual basis without acknowledgement of the severe impact it creates on local governments in certain parts of the state and their respective citizens. Both of these bills will be heard in committee next week. Lobbyist: Kevin Bommer.

Construction: Contract retainage

HB 11-1115. CML position: Oppose.

This bill reduces the maximum amount of retainage that can be held back from the current initial 10 percent to 5 percent of the contract amount. Retainage is the portion of a construction contract amount that is withheld from

payment to a contractor until a project manager signs off when work has been completed properly. State and local governments are the target of the measure. The bill also requires a release of retainage within 45 days of the end of a project or of any section of the project certified for occupancy. We oppose the current bill language. Lobbyist: Mark Radtke.

Finance: Impact fee information posting

HB 11-1113. CML position: Monitor.

HB 11-1113 amends a long standing statute (C.R.S. 29-1-803) intended to provide transparency and certain accounting requirements as to "land development charges." CML was approached by the Colorado Association of Homebuilders (CAHB) about its plan to run "transparency legislation" amending this law. Colorado Counties, Inc. and CML worked with CAHB to fashion a bill that requires publication on the public entity's website (if any) once a year of information that is already readily available to us in our budget documents. The bill does not change our accounting practices - this is a once a year notice bill only. Accounts into which impact fees are deposited would have to be given "plain English" names for purposes of this notice. Our goal has been to get this bill to where we will not have to fight a transparency bill amending a longstanding transparency statute; nonetheless, especially those who work with budgets and accounting, please let us know if something in this bill appears unworkable. Lobbyist: Geoff Wilson.

Immigration: Authority to arrest unlawful aliens

SB 11-054. CML position: Oppose.

This legislation is similar to parts of the controversial legislation passed in Arizona in 2010. The bill, while permissive, has raised concerns in the law enforcement community due to sensitivities to accusations of racial profiling. The bill allows for a warrantless arrest by an officer if he or she has probable cause to believe that the person is an alien who is subject to a deportation order, has been indicted or convicted of certain aggravated felonies, or has failed to properly register with the federal government. The League supports the Colorado Association of Chiefs of Polices and the County Sheriffs of Colorado, both of which oppose the bill. CML agrees with *The Denver Post* that both Colorado's strong immigration laws passed in 2006 and the recent authority to sign on to the federal "Secure Communities" program give local enforcement the proper tools they need. This bill is not currently scheduled for a hearing. Lobbyist: Kevin Bommer.

Immigration: Enforcement of illegal immigration violations

HB 11-1107. CML position: Oppose.

This is a comprehensive piece of immigration legislation that goes beyond even SB 11-054 (discussed above) and mandates several enforcement responsibilities on local law enforcement that are federal responsibilities. Similar to Arizona legislation, the bill requires local law enforcement to determine immigration status during any "legitimate contact" if a reasonable suspicion of illegal status exists. Again, the "Secure Communities" program will establish legal status subsequent to a lawful arrest and removes the danger of allegations of racially profiling individuals. Lobbyist: Kevin Bommer.

Immigration: Illegal alien laws, withholding of local government funds

HB 11-1140. CML Position: Oppose.

This bill would withhold local government grants, direct distributions, and state-collected, locally shared severance tax, federal mineral lease, or cigarette sales tax revenue, respectively, if a local government does not participate in the "Secure Communities" program. While staff believes that local governments will choose to participate in the program, the state should not withhold funding for participation in any optional federal or state program. This bill will be heard in committee on Feb. 14. Lobbyist: Kevin Bommer.

Labor: Prevailing wage

HB 11-1070. CML position: Opposed.

This legislation, which was postponed indefinitely by the House State, Veterans & Military Affairs Committee, would have applied Davis-Bacon wages to all public sector projects that had any state funding. CML opposes unfunded state and federal mandates that impose financial burdens on municipalities and their citizens, and state-mandated Davis-Bacon wages could severely impair many municipalities that are already dealing with severe impact of the recession. CML opposes statewide imposition of Davis-Bacon's wasteful red tape that would prevent local governments from stretching taxpayers' dollars for public works projects. You can get more information from *The Denver Business Journal* article on the committee hearing and CML's position paper. Lobbyist: Kevin Bommer.

Liquor: Special event permits

SB 11-066. CML position: Support.

This bill will create efficiency by allowing a local licensing authority to elect sole authority to approve or deny applications for special event permits and remove the state licensing authority from its current obligation of reviewing and promptly acting on the issuance of state permits for those local jurisdictions that elect to act as sole reviewer. The bill allows the Liquor Enforcement Division to investigate any permit holder's violation of Articles 46, 47, or 48 of Title 12 regardless of the licensing authority. The sole-reviewing local authorities annually will report the number of special event permits they issue to the state licensing authority, and the maximum number of event dates per calendar year can increase from 10 days to 15 days. This bill will be heard in committee on Feb. 3. Lobbyist: Kevin Bommer.

Medical marijuana

HB 11-1043. CML position: Monitor (staff discretion to support).

The intent of this bill is to clarify several issues in the medical marijuana statutes passed in the 2010 session; however, the bill includes several new elements that had not been discussed with stakeholders prior to its introduction. The sponsor, Rep. Tom Massey, recently met with representatives of stakeholder groups and an amendment replacing the entire text of the bill is in the works. CML communicated several comments on behalf of members who both plan to license and those who have or are contemplating opting out of the commercial growth and sale of medical marijuana. Rep. Massey has gone out of his way to ensure the resources of local and state government are not compromised or stretched thin, and the League is grateful for his cooperation. Staff is withholding a CML position until the language of the amendment has been reviewed and deemed acceptable. The bill is scheduled for a hearing on Feb. 10. Lobbyist: Kevin Bommer.

Public safety: Animal impoundment costs

SB 11-009. CML position: Support.

This bill is related to HB 10-1124 and HB 11-1063 (discussed below) but instead presents a rational solution to issues raised about the bonding requirements in existing statute for owners of animals suspected of neglect or abuse. Instead of a complicated bonding requirement, the owner is responsible for the actual cost of care of the animal while impounded – a cost that would be equivalent to what the owner would expend for proper care anyway. This bill avoids the thorny issues of bonding and cost recovery when an animal is returned in fewer days than for which the bond is posted. There may still be some amendments to determine whether the provisions remain in the civil code or are moved to the criminal code, as the bill currently would do. This bill passed its committee and awaits debate by the full Senate. Lobbyist: Kevin Bommer.

Public safety: Animal welfare and control

HB 11-1063. CML position: Oppose.

CML opposed HB 10-1124, introduced last year by Rep. Wes McKinley, D-Walsh, that would have forced animal shelters and local governments that contract with animal shelters to absorb the cost of care in many cases in which

animals are impounded due to suspected abuse or neglect. The bill was ultimately defeated. Rep. McKinley's main concerns are with agents of the state that work for nonprofit organizations (such as The Humane Society) and his legislation last year would have placed significant restrictions on the powers designated to agents and given owners greater ability to avoid financial responsibility for injured or sick animals. HB 11-1063 is nearly identical to that legislation. While CML's main concern is still with the provisions of the bill that will have an adverse fiscal impact on municipalities, we are still confident that the bill does not apply to animal control officers employed by municipalities and enforcing municipal ordinances. This bill will be heard in committee on Feb. 7. Lobbyist: Kevin Bommer.

Public safety: "Blue Alert" for injured police officers

HB 11-1036. CML position: Support.

This bill creates the "blue alert" program within the Colorado Bureau of Investigation to facilitate the immediate apprehension of persons who kill or seriously injure peace officers by issuance of a "blue alert" in the same manner in which an "amber alert" is issued for missing or apprehended children. The League strongly supports its public safety employees and supports this program that would help bring to justice anyone who attempts to get away with harming a peace officer. This bill will be heard in committee on Feb. 3. Lobbyist: Kevin Bommer.

Public safety: Prohibition of local government accident fees

HB 11-1059. CML Position: Oppose.

This bill prohibits local governments from imposing a fee or seeking reimbursement for costs incurred by police officers, firefighters, and other first responders in connection with responding to a motor vehicle accident. CML's initial research on this legislation yielded no examples of municipalities imposing such a charge. It is not clear if the legislation would override previous bills that allow fire districts to recoup their expenses for extrication and rescue services related to motor vehicle accidents. The option should remain open as pressure increases on operational budgets if and when failure for timely and complete reimbursement for expenses does not occur by drivers or their insurance companies. The bill is scheduled for a hearing on Feb. 9. Lobbyist: Kevin Bommer.

Taxes: Business personal property tax

HB 11-1141. CML position: Oppose.

This is the second of several bills we expect this session designed to diminish business personal property tax revenue. HB 1141 exempts business personal property purchased during the calendar years 2012 and 2013 from ever being assessed for business personal property tax. It creates a significant reduction of property tax revenue for all levels of local government. Lobbyist: Mark Radtke.

Transportation: Bicycle traffic

HB 11-1092. CML position: Oppose.

This bill prohibits local governments from banning bicycle traffic on streets unless a separate parallel bicycle path is provided ... a clear preemption of local control over municipal streets. HB 1092 will be heard in House Transportation on Wednesday, Feb. 2. Lobbyist: Mark Radtke.

Transportation: CDOT highway access control

SB 11-064. CML position: Monitor.

The Colorado Department of Transportation (CDOT) would be required to gain the concurrence of the appropriate local government before requiring state highway improvements from an applicant for highway access. For example, before CDOT could require a property owner applying for highway access to pay for the construction of a turn-lane, the municipality would have to agree to the necessity of the turn lane. Lobbyist: Mark Radtke.

Transportation: FASTER transit funds

HB 11-1075. CML position: Oppose.

$5 million of municipal/county FASTER dollars are dedicated to a transit grant program. HB 1075 would redirect those funds into the Highway Users Tax Fund (HUTF) to be dispersed under current formulas. The result would be an increase of less than 2 percent in HUTF disbursements to municipalities and elimination of one of the few funding sources for transit in the state. HB 1075 will be heard in House Transportation on Wednesday, Feb. 2. Lobbyist: Mark Radtke.

Transportation: FASTER lage registration penalty

HB 11-1084. CML position: Oppose.

The $25 per month late fee for vehicle registration (maximum $100) would be repealed with passage of HB 11-1084. The late fee increase was part of the 2009 FASTER bill that provides revenue for the Highway Users Tax Fund. Late fees would be returned to a flat $10 charge that can be waived at the discretion of county clerks. HB 1084 is scheduled to be heard by the House Transportation Committee on Thursday, Feb. 23. Lobbyist: Mark Radtke.

Transportation: Planning areas

HB 11-1046. CML position: Oppose.

Municipalities outside of metropolitan planning organization (MPO) boundaries would no longer have a seat at the table for regional Colorado Department of Transportation (CDOT) planning if HB 1046 is passed. The role of local governments in regional transportation planning would be eliminated, the statewide transportation advisory committee would be eliminated, as well as the CDOT Transit and Rail Advisory Committee. HB 1046 will be heard in House Transportation on Wednesday, Feb. 2. Lobbyist: Mark Radtke.

Waste management: Mandatory garbage sorting

HB 11-1094. CML position: Oppose.

HB 11-1094, which would mandate waste stream categorization (garbage sorting) on municipalties with a population of more than 25,000 residents, may be rewritten. CML staff recently met with proponents about possible conversion of the bill from a mandate to a grant and incentive program; read our position paper online. The bill is calendared for a hearing in House Local Government on Feb. 7. Lobbyist: Geoff Wilson.

Waste management: Mandatory trash elections

HB 11-1116. CML position: Oppose.

HB11-1116 would require an election before municipal elected officials can utilize their long-standing authority relating to trash service in municipalities. Under these statutes(C.R.S. 30-15-401(4)-(7.7)) municipalities may bill residents (except in larger apartment houses with more than eight units) for trash service and arrange with a contract trash hauler to pick up the trash (this authority does not extend to businesses).

CML has fought to preserve this authority because it gives municipalities a means to limit the number of trucks in residential areas, as well as noise and wear and tear on residential streets, all popular reasons with our municipal residents. Furthermore, by aggregating residential customers, the municipality is able to bargain for trash pick-up and other benefits for residents, such as curbside recycling or yard waste pick up, at very favorable rates. Should residents not like a municipality's proposed trash billing arrangement, the ordinance can be suspended from taking effect pending an election, right now, under powers already reserved to municipal voters in the Colorado Constitution (Article V, Section1(9)). Residents need only submit a referendum petition within 30 days of an

ordinance's final publication, containing a mere 5 percent of the municipality's registered electors as signers, to suspend the ordinance.

CML opposes this bill as unnecessary; a voter remedy is already available. That remedy is preferable to creating new, expensive, and time-consuming election mandates every time somebody is unhappy with the outcome of a decision made in a local political dispute. HB 11-1116 is calendared to be heard in the House Local Government committee on Feb. 21. Lobbyist: Geoff Wilson.

National news: Public safety communications interoperability

A resolution supporting reallocation of a portion of the 700 MHz spectrum for public safety communications was supported in December by the National League of Cities and its Information and Technology Steering Committee and Public Safety Steering Committee, respectively. The resolution asks the federal government to reallocate the 700 MHz D Block of spectrum to public safety for the purpose of building a Nationwide Public Safety Broadband communications network. It also calls upon the federal government to work with state and local governments to ensure the D Block is appropriately governed.

The "D Block" segment of 700MHz spectrum is uniquely positioned to provide a one-time opportunity to improve first responder communications and emergency response capabilities by providing sufficient broadband spectrum dedicated to first responders. Public safety has been granted only small sections of spectrum over time, but never enough to consolidate communications into a single frequency band. Without action from the federal government to reserve this chunk of the spectrum for public safety data communications, it will likely be chopped up and sold off to private interests with which the public sector cannot compete.

The CML Policy Committee supported the resolution at its December meeting and encourages all member municipalities to adopt the resolution before the NLC Congress of Cities conference in March so that Colorado delegates can take copies with them. Please submit any adopted resolutions to Barb Major at CML. Staff: Kevin Bommer.

Colorado Municipal League
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WEDNESDAY, FEBRUARY 23, 2011
AT THE SCOTTISH RITE MASONIC TEMPLE, 1370 GRANT STREET, DENVER

CML ANNUAL LEGISLATIVE WORKSHOP

ABOUT

Plan to attend the *CML Annual Legislative Workshop* on Wednesday, **Feb. 23**, at the Scottish Rite Masonic Temple, 1370 Grant Street, Denver. Municipal officials from across the state will gather at this daylong workshop to discuss key municipal issues before the 2011 General Assembly, the CML legislative program, and what municipal officials can do to influence the legislative process. It is an excellent opportunity to learn about the legislative process and its importance to cities and towns.

An open house reception for state legislators and municipal officials will follow the workshop at the CML office building, 1144 Sherman St., Denver, 4:30–6:30 p.m.

CML LEADERSHIP CREDITS

Five Elected Officials' Leadership Training Program credits are available for this training.

PARKING

There is limited complimentary parking at the League building (0.3 miles from the site of the workshop). There are a number of parking lots located near the event for $7–$12 for the full day.

LODGING

CML has a discounted room rate at the Burnsley Hotel, 1000 Grant St. (one block from the League building), for $131. Call 303-830-1000 or visit *www.Burnsley.com* for reservations and use the promotion code "CML03" for the discounted rate. Make reservations as soon as possible to secure a room. The Burnsley Hotel offers complimentary guest parking and a shuttle to/from the Masonic Temple and downtown on a first-come, first-served basis.

AGENDA

7:30	Registration and breakfast
8:30	*The State of Colorado Cities & Towns* A report on CML's recent survey of pressing issues affecting our member municipalities
9:00	2011 General Assembly — What municipal officials can expect *CML legislative & policy advocates*
10:30	Morning break
10:45	Moving Forward: Initiative Reform in 2011? *Speakers TBD*
Noon	Lunch: Legislative leaders and municipalities *Members of the Legislature's leadership have been invited to review 2011 Statehouse activity of municipal concern*
1:45	Federal issues affecting municipalities *Presented by National League of Cities Center Director of Federal Relations Carolyn Coleman*
3:00	The state of state-municipal relations
4:00	Adjourn to CML for open house
4:30	League Open House A reception for municipal officials and legislators will be held at the CML office, 1144 Sherman St.

REGISTRATION OR QUESTIONS

For more information or special needs, call 303-831-6411 / 866-578-0936. Return the registration form to CML by Friday, **Feb. 11**, or visit *www.cml.org* to register online.

REGISTRATION — CML ANNUAL LEGISLATIVE WORKSHOP — WEDNESDAY, FEBRUARY 23

*Please submit a separate form for each participant. This form may be copied. Return by Friday. **Feb. 11** — add a $10 late fee if received after that date.*

Name _____

Title _____ Representing _____

Phone _____ Fax _____

E-mail _____

Address _____

City, State, ZIP _____

☐ Check here for a vegetarian meal ☐ Check here if you plan to attend the League Open House

Payment:
☐ Check enclosed ☐ Visa ☐ MasterCard

Visa/MC # _____ Exp. date _____

Name on card _____ Signature _____

Registration fees:*
☐ $95 (CML member/associate members if received by Feb. 11) ☐ $190 (all nonmembers if received by Feb. 11)
☐ $105 (CML member/associate members if received after Feb. 11) ☐ $200 (all nonmembers if received after Feb. 11)

Mail or fax this form and send payment to CML, 1144 Sherman St., Denver, CO 80203-2207; fax 303-860-8175.
Make checks payable to Colorado Municipal League. **Registration is also available online at *www.cml.org*.**

** Registrations may be cancelled up to seven days prior to the scheduled event. Cancelled registrations received prior to this time will be refunded, less a $25 processing fee. Cancellations less than seven days prior to the event cannot be accepted; however, substitutions can be made at any time. If you fail to attend the event, you are still responsible for payment. Your registration will not be final until payment is received.*

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Revised: 1/11/11

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TRANSPORTATION
13 members: Representatives Glenn Vaad, Chair; Marsha Looper, Vice-chair; Mark Barker, J. Paul Brown, Randy Fischer, Deb Gardner, Millie Hamner, Matt Jones, Kevin Priola, Robert Ramirez, Ray Scott, Max Tyler, Angela Williams

Updated: December 14, 2010

LOCAL JOBS FOR AMERICA ACT H.R. 4812

Our nation is going through one of the most difficult economic times in its history. We must do everything to help create jobs for those who are struggling to support their families. At the same time, the recession is forcing states and municipalities to cut jobs that are critically important – teachers, police, firefighters, childcare workers, and others. The Local Jobs for America Act will provide our economy a shot in the arm by putting a million people to work by restoring these services in local communities.

The Local Jobs for America Act will create a million public and private jobs in local communities this year.

Support will be targeted directly to states and municipalities with the greatest number of people out of work to restore important local services.

The Local Jobs for America Act will help ensure that local communities can still operate essential services.

Because of the recession, many local communities have cut back on education, public safety, childcare, health care, education and transportation. As a result, families who rely on these services are suffering the cost of these cutbacks.

This bill will help prevent state and local tax increases.

By supporting the services local communities deem most necessary, the bill will help local governments avoid having to choose between eliminating services and raising taxes.

Creating local jobs will stimulate local businesses and create more jobs in the local economy.

By increasing employment in local communities, families will be able to start spending again at their neighborhood businesses and favorite restaurants. This will help spur additional jobs for local small businesses.

The Local Jobs for America Act will fund salaries for private sector on-the-job training to help local businesses put people back to work.

Specifically, the Local Jobs for America Act invests:

- $75 billion over two years to local communities to hire vital staff
- Funding for 50,000 on-the-job private-sector training positions

The bill also includes provisions already approved by the House:

- $23 billion this year to help states support 250,000 education jobs
- $1.18 billion to put 5,500 law enforcement officers on the beat
- $500 million to retain, rehire, and hire firefighters

Summary provided by the House Committee on Education and Labor

FACT SHEET

Key details of the bill are as follows:

- The bill would provide **$75 billion over two years** ($37.5 billion in year one, and $37.5 billion in year two) to local governments, community based organizations, and states to save and create local jobs.
- The U.S. Department of Labor would administer the program.
- The **funding distribution mechanism** is based on the Community Development Block Grant program (CDBG) – every city with a population of 50,000 or more would be eligible to receive DIRECT FUNDING. Cities with a population below 50,000 would also be eligible to receive funding, only passed through the states.
- As with CDBG, 70 percent of the funding would be for direct entitlement cities, and 30 percent would be for state pass-through.
- Though the distribution mechanism is based on CDBG, the formula is **not** the same. This formula is based on unemployment numbers (50 percent), poverty level (25 percent), and population (25 percent).
- Each city could use up to 50 percent of the funding to retain employees that might otherwise lose their jobs because of budget shortfalls.
- Up to 25 percent can be given by a city to local community based organizations to hire employees to provide services or functions not customarily provided by local government employees.
- If a city desires, the remaining funding can be used to hire new city employees or rehire those recently let go. However, there is **no** requirement that a city use this part of the program.
- A city can use up to 5 percent of the funding for administration of the program.
- This program has **NO LOCAL MATCH** requirement.
- There is no requirement to retain employees once the funding runs out. There would be two years of funding, and then it would be up to a city to either retain or not retain employees funded by the program based on need and local budgets.
- Employees would have to be hired full-time with benefits, under existing contracts or agreements. The federal funding can be used to cover all costs, including salaries and benefits.
- There is no cap on per-employee costs, however no more than 20 percent of the funds can be used for management employees.
- The bill also provides $23 billion to help states support an estimated 250,000 education jobs, provides $1.18 billion to put 5,500 law enforcement officers on the beat, and allocates $500 million to hire and retain fire fighters.
- Finally, the bill provides $500 million for approximately 50,000 additional on-the-job training positions slots to help private business expand employment.

Strengthen and Stabilize the Housing Market

To help cities build and rebuild quality neighborhoods for families, NLC urges Congress and the Administration to continue efforts to strengthen and stabilize the country's housing market.

The way Americans think about housing has changed. As both a root cause and ongoing effect of the current economic downturn, mortgage delinquencies and home foreclosures are driving policy makers at every level of government to revisit their roles in promoting homeownership and affordable housing.

Decent, affordable housing remains an essential component of the American dream for all families. The challenge for the federal government, in partnership with state and local governments, is to resolve the crucial questions raised by the collapse of the housing market. To the extent we can limit the damage to our neighborhoods posed by rising foreclosures, reform the housing finance system, and once again ensure that citizens can find decent affordable homes, we will strengthen not only our communities, but also our local, regional, and national economies.

Message to Congress

- *Despite laudable efforts, foreclosures continue to rise and remain an obstacle to economic recovery.* In 2009, the federal government helped 110,000 families save their homes from foreclosure through the Home Affordable Modification Program. Unfortunately, a record 2.8 million homes were lost to foreclosure during the same period, and another 3 million homes will likely be foreclosed on in 2010.

- *Cities need federal support to help stabilize the local housing market.* The trends and changes that have battered the housing and housing finance markets have stifled local efforts to build and rebuild sustainable and vital neighborhoods. At the same time, cities and towns are struggling to protect increasing amounts of vacant and abandoned housing from vandalism and deterioration.

- *Federal community and economic development programs are essential to efforts to stabilize the housing market.* The success of neighborhood stabilization and community revitalization efforts depends on federal, state, and local partnerships committed to improving living conditions for families. Along with local resources, the Community Development Block Grant, the HOME Investment Partnership, the Sustainable Communities Initiative, and the Neighborhood Stabilization Program will help create jobs and leverage private sector resources to help cities build and rebuild neighborhoods of choice where families want to live.

Request to Congress

- **Take steps to ensure the availability of capital** for mortgage financing and refinancing and continue to encourage lenders and loan servicers to work out unsound loans as an alternative to foreclosure.

- **Fully fund programs that stabilize and enhance neighborhoods**, such as the Community Development Block Grant program.

- **Expand on successful federal foreclosure prevention efforts** such as the federal Home Affordable Modification Program that could help up to 4 million homeowners avoid foreclosure by 2012.

Invest in Transportation Infrastructure

NLC urges Congress and the Administration to recognize the central role of transportation to local economies and to provide full federal funding for infrastructure initiatives that promote long-term outcomes, protect the environment, create jobs, and help the economy recover.

The condition of our nation's infrastructure is vital to our economic recovery and growth. As local governments continue to struggle under mounting budget shortfalls, federal support for infrastructure is even more critical, not only to fund overdue repairs but also to put individuals and communities back to work quickly. Federal infrastructure funding made available via the American Recovery and Reinvestment Act was an important first step, providing cities and towns with the resources to make short-term upgrades and to explore innovative, sustainable long-term solutions.

Moving forward, a strong intergovernmental partnership is key to advancing national transportation goals and priorities. If we continue to allow our infrastructure to deteriorate through lack of investment and proper maintenance, we put America's economic success — and the success of our hometowns — at risk.

Message to Congress

- *Transportation drives local economies, which drive the nation.* Targeting infrastructure spending directly to local governments will not only create jobs but also lay the foundation for long-term benefits in communities.
- *The Highway Trust Fund is not keeping up with demand.* Financed by federal gasoline taxes and redistributed through the states to cities and towns, estimates indicate that it will fall several billion dollars short by the end of the 2010 fiscal year.
- *Without action, the nation's aging transportation systems will further deteriorate.* Our current system is aging and requires increasing investment just to maintain its current condition, much less improve it.
- *Federal transportation policy must be coordinated with our country's energy and environmental policies* to decrease reliance on foreign oil, reduce greenhouse gas emissions, and prevent other adverse public health impacts.

Request to Congress

- Partner with local governments to meet America's pressing roads, highways, bridges, and transit needs by **authorizing a new federal surface transportation program** that recognizes the central role of transportation to metropolitan and regional economies, includes the local voice in planning and project selection, and chooses the best mix of transportation options to fit the needs of the region.
- **Provide full funding for federal transportation programs and initiatives** that support bridges, roads, highways, transit, Amtrak, and high-speed rail, and give priority to projects that promote long-term outcomes, protect the environment, create jobs, and help the economy recover.

Reject Mandatory Collective Bargaining

Congress is considering legislation that would force municipalities to enter into collective bargaining arrangements with their public safety employees, regardless of state and local laws. This legislation would place the federal government in charge of establishing the rules and procedures governing the terms and conditions of public safety employment at the municipal level. The National League of Cities and other state and public sector employer organizations oppose this legislation because it would place the federal government in charge of collective bargaining – an issue that historically has been reserved for state and local governments.

Message to Congress

- *The Public Safety Employer-Employee Cooperation Act of 2009 (H.R. 413) would federalize what has historically been a state and local responsibility.* With so many other pressing issues, there is no compelling reason for the federal government to intrude in this arena.

- *States and localities are in the best position to make decisions about whether the collective bargaining process will benefit their constituents.* Currently, 35 states and the District of Columbia allow some form of collective bargaining, and fifteen states have chosen not to mandate it. Clearly, these differences reflect the will of the citizens of those states and deserve the federal government's respect.

- *Federally mandated collective bargaining laws for public safety employees would interfere with existing state civil service laws.* Most states, cities, and towns already operate within a civil service system designed to provide individuals with competitive salaries and benefits tailored to their respective labor markets.

- *Federal public safety officers do not have the right to negotiate wages and conditions of employment.* Cities and towns should enjoy the same privilege as the federal government.

Request to Congress

- **Reject** any federal legislation that interferes with a local government's right to determine for itself whether the terms and conditions of employment for any of its employees shall be subject to collective bargaining.

- **Reject** any federal legislation that would provide a single class of employees – in this case public safety workers – with special rights and privileges.

Completing the Vision - 2011 Annual Program Evaluation

Printable Version

RTD has completed the 2011 FasTracks Annual Program Evaluation (APE) - an annual update of program capital costs, operations and maintenance (O&M) costs, sales and use tax forecasts, construction inflation assumptions and program schedule. The APE is an opportunity to take into account current market conditions and changes in the economy.

The capital cost to implement the FasTracks program by 2019 is estimated at $6.7 billion - consistent with the 2010 Program Evaluation.

Sales and use tax forecasts were updated using current data and the same methodology as last year. The forecast increased slightly from 2010 and is now projected to bring in $8 billion through 2035.

Analysis on Short-term and Long-term Options
As part of the 2011 APE process, staff considered the best way to spend the $305 million remaining in the short-term, and various taxing scenarios for the long-term that would allow the program to be completed sooner rather than later. Staff evaluated the feedback from regional stakeholders and conducted detailed staff analysis on the best technically feasible ways to move forward.
Staff has determined that allocating most of the $305 million among the I-225 Corridor, North Metro Corridor and U.S. 36 Corridor is the best option. More modest allocations are identified for Northwest Rail, and the Southeast, Southwest and Central Corridor extensions.

As for the long-term, staff developed three implementation packages that collectively have the broadest cross-regional support and provide alternative approaches for completing FasTracks. These packages assume pursuing a .1% and .2% tax increase in 2011 and one package assuming a .4% increase in either 2011 or 2012, which is consistent with the current financial plan.

RTD Staff Recommendation

- RTD staff recommends adopting a financial plan that assumes the passage a .2% sales tax increase in 2011. This would complete 85-90% of the program by 2022 and complete the whole program by 2027.

- Staff recommends that the short-term funds be committed as follows:
  - U.S. 36 BRT - Complete managed lanes to Interlocken ($90 million)
  - North Metro - Complete from DUS to Stock Show Complex ($90 million)
  - I-225 - Complete from Nine-Mile to Iliff ($90 million)
  - Northwest Rail - Complete Longmont Station ($17 million)
  - Central Corridor - Additional technical analysis ($0.5 million)
  - Southeast Corridor - Final design & federal environmental process ($9 million)
  - Southwest Corridor - Relocate Union Pacific Railroad track ($8.5 million)

- The new 0.2% sales and use tax will be allocated to the partially funded corridors and is assumed to sunset in approximately 2041 - 2043.
- The staff recommendation assumes pursuit of New Starts federal funding for the North Metro Corridor as well as Small Starts funding for the Southeast Corridor extension based on recent discussions with Federal Transit Administration (FTA) staff.
- Extending the schedule for completion of the whole program in 2027 increases the overall cost due to additional cost escalation. As a result, the capital cost for the program under the staff recommendation would increase from $6.7 billion to $7.2 billion.

Please review the 2011 Annual Program Evaluation presentation and provide your feedback through February 3. Also, here are some Frequently Asked Questions.

There will be an opportunity for public comment at the RTD Board Meeting on Tuesday, February 22, 2011.

OR

Submit a comment here.

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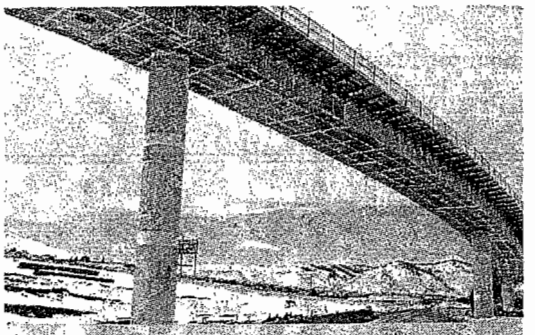

West Corridor light-rail bridge. *YourHub.com*

58% Voters in a poll who supported a 0.4 percentage-point tax increase — if it means that FasTracks would be completed by 2018.

Mayors go full throttle on tax hike

Caucus hears poll results in favor of doubling the FasTracks 0.4% levy to wrap up the transit project this decade.

By Jeffrey Leib *The Denver Post*

The Metro Mayors Caucus is pushing for an election this year to double the current 0.4 percent FasTracks sales tax so the financially troubled transit project can be completed by the end of this decade.

The caucus, which represents about 40 mayors in metro Denver, coalesced around the 0.4 percentage-point increase after hearing poll results Wednesday that suggest area voters would pay a higher tax if they are convinced it will deliver FasTracks as promised by the Regional Transportation District seven years ago.

Pollster David Kenney said his firm's survey showed 58 percent of voters polled supported the 0.4 percentage-point tax hike if it would lead to a completion of FasTracks by 2018. Forty-one percent opposed such an increase.

The Kenney Group surveyed 500 area voters in December on their perception of RTD's plan.

FasTracks includes new light-rail or commuter-

FASTRACKS » 4B

FASTRACKS: Only Littleton's mayor resists doubling

« FROM 1B

rail lines from downtown Denver to Lakewood/Golden, Arvada/Wheat Ridge, Boulder/Longmont, Thornton/Northglenn and Denver International Airport, as well as a new light-rail line in the Interstate 225 corridor and light-rail extensions to Lone Tree and Highlands Ranch.

Kenney said he was surprised by poll results showing that support for a tax increase declined as the possible size of the request was lowered.

When asked about a possible 0.3 percentage-point tax increase, the number of backers dropped to 45 percent, while 53 percent opposed such a tax level.

Asked about a possible tax increase of 0.2 percentage points, support fell even more, to 30 percent, with 68 percent against such a levy — which was the tax increase recently promoted by RTD's staff.

RTD planners said such an increase would allow RTD to build up to 90 percent of the project by 2022 and the rest by 2027.

But Kenney said the overwhelming message from those polled, as they favored the higher tax, was, "Tell us what it costs to get it done while I'm alive."

Some mayors — notably Michael Wozniak of Cherry Hills Village and Cathy Noon of Centennial — said they were concerned with the mixed message voters would get if local leaders endorsed a tax hike of 0.4 percentage points while RTD's staff recommended half that.

Other mayors, however, attributed the staff advice to "timidity" and suggested the caucus should go for an increase of sufficient size to deliver FasTracks sooner rather than later.

Only Littleton Mayor Doug Clark pushed back at going for a doubling of the original 0.4 percent FasTracks tax that voters approved in 2004.

"I can't recommend a tax increase that I can't understand and I don't believe," Clark said.

The recommendation of an election this year for a FasTracks tax increase of 0.4 percentage points will be forwarded to all members of the mayors' caucus to win final support.

On Feb. 22, the RTD board will make a decision on how large a tax it will ask voters to approve.

M E M O R A N D U M

To: Englewood City Council

Thru: Gary Sears, City Manager
Alan White, Community Development Director

From: Harold J. Stitt, Senior Planner

Date: February 7, 2011

Subject: Mile High Community Loan Fund - Request for Loan Renewal

Mile High Community Loan Fund formed in 1999 as a community-based, nonprofit organization to administer a loan fund and provide difficult to secure, early-stage capital for developers of affordable housing. Initially called the Denver Neighborhood Housing Fund the fund was an outgrowth of a joint initiative of the City and County of Denver, Fannie Mae Foundation, Enterprise Foundation, and U.S. Bank. These four founders provided the initial capital including $3 million in grant funds from the City of Denver.

The organization grew significantly within the first 18 months of operation by expanding into other counties. The City of Denver supported this regional approach to affordable housing with a matching grant of $275,000. The cities of Arvada, Lakewood, Boulder, Glendale, and Englewood also invested. After changing its name in 2002 to the Mile High Housing Fund and expanding its board of directors, MHHF broadened its geographic reach to include the seven-county metro area.

In 2005, the Board and staff recognized there were unmet real estate project financing needs in the Denver metro area nonprofit community. MHHF began making its existing loan products available to nonprofit organizations pursuing community facility development projects that serve low-income individuals and communities. In 2007, nonprofit facilities loans made up more than 30% of MHHF's loan volume.

In 2007, in keeping with the mission of the organization and in seeking ways to expand the impact of the Fund in the community, the Board decided to expand loan services further into the state by including eight additional counties in Colorado – El Paso, Pueblo, Larimer, Weld, Clear Creek, Gilpin, Summit, and Eagle. This expansion increased the target market area by approximately 1.3 million people. The 2008 name change from Mile High Housing Fund to Mile High Community Loan Fund (MHCLF) reflects this broadened strategy for investing in community assets.

Englewood's contribution to the Fund came from the $1.2 million of Baseball Stadium District (Coors Field) financing refunds. In 2001, Englewood loaned the Fund $50,000 with a five-year term at zero interest. In 2005, City Council authorized the extension of the loan for an additional five years and this extension expired in early January 2011.

MHCLF Executive Director Jeff Seifried has requested a reauthorization of the $50,000 loan for another five years (see attached letter.) In addition to reauthorizing the loan for another five years, there are other options Council may want to consider.

These options are:

1. Reauthorize the loan but modify the terms by extending the term to 10+ years.
2. Convert the $50,000 loan to a permanent grant.
3. Recall the loan

Staff will be available to address each of these options in more detail at the Study Session.

MILE HIGH COMMUNITY
LOAN FUND

December 13, 2010

Mr. Harold Stitt, Senior Planner
City of Englewood
Community Development
1000 Englewood Parkway
Englewood, CO 80110

Dear Mr. Stitt;

The City of Englewood has been one of the five metro-area municipalities that have maintained a long-term investment in Mile High Community Loan Fund (MHCLF). Together with investments from Colorado Housing and Finance Authority, banks, foundations, and the U.S. Department of Treasury's CDFI Fund, MHCLF has grown to be an $11.4 million loan fund that invests in affordable housing and nonprofit community facilities development projects throughout the Denver metro area and along the Front Range.

MHCLF remains committed to its mission of investing in affordable housing and other community assets to create economic opportunity for low-income individuals, families, and communities. We have just completed our CARS (CDFI Assessment Rating System) rating analysis and are proud to be one of just 60 CDFIs (community development financial institutions) across the county to volunteer for this rigorous assessment of our financial management practices and social impact track record. We remain committed to being prudent managers of our investors' funds.

We appreciate the support the City has provided over the last nine years and request your consideration to extend the current loan of $50,000 for an additional five-year term at the same zero percent interest rate.

Over the last 10 years more than $32 million in predevelopment, acquisition, construction, bridge, and mini-perm loans have been made to 92 borrowers and nearly $500 million has been leveraged by MHCLF. Of the 3,900 affordable housing units developed, 94% have been affordable to households at or below 60% AMI.

Two loans for a total of $650,000 have been approved over the years for requests/projects in the City of Englewood. One of these loans, to the Western Arapahoe County Homeless Alliance, closed and allowed the Alliance to acquire the House of Hope property.

1905 Sherman Street, Suite 325 ■ Denver, CO 80203 ■ **303.860.1888** ■ fax: 303.860.1848 ■ www.mhclf.org

While there has been limited demand for MHCLF's loan products in Englewood that may well change in the next several years with changes in development trends and MHCLF products including:

- Increased number of foreclosed properties may generate opportunities for the City and exceed resources available though NSP.
- As multi-family rental vacancy rates decline and the economy improves additional affordable TOD project opportunities may arise around the Sheridan station.
- MHCLF is increasing the allowable term on predevelopment loans to 24 months and on mini-perms to 84 months.
- Conventional lending sources are likely to remain constrained and available to only the strongest borrowers for the foreseeable future.

MHCLF has expanded its involvement in financing nonprofit facilities projects that can include nonprofit office space, daycare facilities, educational program space, and recreation facilities. Over the last five years nearly 25% of our lending has been on community facilities projects. Examples include:

- Capital Hill Action & Recreation Group (CHARG) – A $75,000 loan to a nonprofit organization that provides health and recreation services to low-income mentally ill individuals for a portion of the costs of a major renovation of systems in their 100+ year old, 3,200 square foot building purchased in 1994. The loan supplemented CDBG grant from the City of Denver and is to be repaid from proceeds of capital campaign.

- A $360,000 mini-perm loan to help refinance a bank construction loan and line of credit that were the result of renovation and expansion of a nonprofit daycare facility that had unanticipated shortfall in their capital campaign proceeds.

MHCLF can also be a resource to private developers seeking to add energy conservation/efficiency enhancements to affordable housing projects. In 2007 a $500,000 loan was made to the developer of a 60-unit townhome project for a portion of the cost of upgrading its project's electrical and hot water to photovoltaic and solar generated systems. The $11.3 million dollar project in Lafayette became a nationally recognized model of quality affordable housing.

MHCLF has also been a resource for senior housing development projects (Lakewood, Denver, Commerce City), urban renewal projects (Longmont), and Habitat for Humanity of Colorado development.

MHCLF recognizes the need to promote its products more aggressively in the communities that have not taken full advantage of this resource. Upon renewal of the City's investment I would develop an outreach and marketing plan to include contacts with Englewood planning, economic development and urban renewal staff/boards to identify developers and nonprofit organizations the City would like to attract investment

from and reach out personally to these parties. Through our network of development contacts we could promote opportunities for the development of needed projects including daycare facilities, senior and special needs housing, and other identified needs.

In addition to the resources available in our Fund, we have a network of other community development loan funds that we can participate with in funding projects. This practice allows us to finance projects beyond our $1 million loan limit.

I look forward to discussing the extension of Englewood's investment with you in more detail. I am confident MHCLF can prove to be a productive investment for the City of Englewood as it moves forward with various community development strategies and initiatives.

Sincerely,

Jeff Seifried
Executive Director

MEMORANDUM

TO: Gary Sears, City Manager

THROUGH: Jerrell Black, Parks & Recreation Director

FROM: Bob Spada, Manager of Golf Operations

DATE: January 28, 2011

RE: Restaurant Contract Adjustment – Broken Tee Grill

Jim Dadiotis, of Dadiotis Golf and operator of the Broken Tee Grill has requested a payment delay for rent due in 2010. The remaining balance is $9,000. He also has requested that contract be adjusted to eliminate the maintenance/repair financial commitment for restaurant equipment repairs of $3,500 through 2011. These requests are due to the current economic conditions which have impacted his business with less clientele and increased costs.

Dadiotis Golf has been the concessionaire at the golf course since October 2004. They remained committed to serving our guests during the 22 months of renovation which saw a significant reduction in golf play from September 2006 through June of 2008. The restaurant revenue produced during this time period was reduced by 57%.

Dadiotis Golf has always been committed to providing good service and has taken care of issues when approached by city staff.

It is staff's recommendation to allow these adjustments in the contract for 2011. The financial impact could be $3,500 (the maximum amount owed for kitchen repairs if needed) plus the interest lost on $9,000. Attached is the proposed deferment schedule by Dadiotis Golf LLC.

Jerrell Black, Parks and Recreation Director, and I will be at study session on Monday, February 7, 2011 to discuss this issue with City Council.

Please let me know if you have any questions.

RS

Attachment (1) Rent Payment Schedule

cc Michael Flaherty, Deputy City Manager
Dan Brotzman, City Attorney

January 6, 2011

Broken Tee Golf Course
C/o Mr. Bob Spada
2101 W. Oxford Ave.
Englewood, Colo. 80110

Dear Mr. Spada:

We are proposing the following payment plan to fulfill the remaining rent balance for 2010. Please review the payment plan and let us know if you are in agreement with the terms.

March	2011	$ 650.00
April	2011	$ 1,100.00
May	2011	$ 1,250.00
Jun	2011	$ 1,500.00
Jul	2011	$ 1,500.00
Aug	2011	$ 1,500.00
Sep	2011	$ 1,500.00
TOTAL		$ 9,000.00

Sincerely,
Jim Dadiotis
Managing Member