

**AGENDA FOR THE  
ENGLEWOOD CITY COUNCIL  
STUDY SESSION  
MONDAY, FEBRUARY 3, 2014  
COMMUNITY ROOM  
6:00 P.M.**

- I. Federal, State, County and RTD Representatives**  
Mr. Brandon Rattiner from Senator Udall's Office, Ms. Rosemary Rodriguez from Senator Bennet's Office, RTD Board Member Jeff Walker and Arapahoe County Commissioner Nancy Doty will be present to discuss upcoming legislation and issues of concern.
- II. Kent Place Right-of-way and Easement Dedications - 7:00 p.m.**  
Public Works Director Rick Kahm and Deputy Director Dave Henderson will discuss the Kent Place Right-of-way and Easement Dedications.
- III. ServiCenter Oil Room and Equipment Wash Bay - 7:10 p.m.**  
Public Works Director Rick Kahm, Deputy Director Dave Henderson, Facilities & Operations Manager Mike Hogan and Fleet Manager Pat White will discuss the ServiCenter Oil Room and Equipment Wash Bay.
- IV. City Manager's Choice.**
- V. City Attorney's Choice**



# Memorandum

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City Manager's Office

**To:** Mayor Penn and Members of City Council  
**Through:** Gary Sears, City Manager  
**From:** Michael Flaherty, Deputy City Manager  
**Date:** January 29, 2013  
**Subject:** State and Federal Legislative Issues – Legislative Study Session

The City Council Study Session on February 3 will open with Council meeting with national, state and local officials. Those currently scheduled to attend include Nancy Doty, Arapahoe County Commissioner, Jeff Walker, RTD District D Director, Brandon Rattiner, U.S. Senator Udall's Regional Director, Rosemary Director Rosemary, and U.S. Senator Bennett's Regional Director. State Senator Linda Newell and State Representative Daniel Kagan have been invited, however, their attendance may be dependent upon their respective schedules since the Legislature is currently in session.

## **Arapahoe County**

City Council recently heard the initial briefing on the "South Platte River Corridor Vision." Arapahoe County will play a key role in this plan as it progresses.

City may request assistance with data collection for "Boomer Bond Assessment."

## **RTD**

Following initial meetings with RTD staff and presentation of information to City Council, City staff met with RTD staff to discuss potential alternatives to FasTracks plans for additional parking and the future Bates Light Rail Station. A formal response from RTD is expected prior to Monday, February 3, but was not received prior to Council packets being forwarded.

Englewood has a continuing interest in the extension of the Southwest Light Rail corridor to the future Lucent Station that is adjacent to Englewood McLellan Reservoir Foundation property. The current schedule for extension is near or at the end of the FasTracks build-out, opportunities for a timelier build-out could occur through a public/private partnership. (see attachment)

## **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 24th 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. 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 would have direct impact on Englewood. The role of our staff is to keep City Council informed of those issues that may impact us and, at the direction of City Council, to cooperate with CML and other cities in protecting our interests. Of interest to Englewood are the following bills, which are described in more detail in the *Statehouse Report*:

- House Bill 14-1132: Beer & Liquor - Local option on hours of operation
- Senate Bill 14-081: Local government inspection of school buildings
- Senate Bill 14-073: Brownfields tax credits
- Senate Bill 14-065: Business personal property tax for bond service
- House Bill 14-1061: Elimination of jail time for failure to pay fines

In addition to bills currently introduced, CML anticipates bills in several other areas that, if passed, would impact municipalities. Pending bills include urban renewal/TIF revenue sharing that would negatively impact cities and Tabor reform, primarily related to flood relief but with limited potential long term impact, uniform definitions of sales and use tax, and reform of construction defects laws. Additional information will be provided as bills related to these or topics or other topics of interest to Englewood are introduced.

CML regularly posts updates on bills of interest to cities and counties on their website: [www.cml.org](http://www.cml.org). In addition, CML will conduct their annual Legislative Workshop on Wednesday, February 13 at History Colorado Center at 1200 Broadway in Denver. If you have interest you may register on-line through at [www.cml.org](http://www.cml.org).

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 for 2014 is in three areas:

- Protect Municipal Bonds
- Fix the County's Broken Immigration System
- End the Online Sales Tax Break

Copies of NLC articles related to each of these topics are attached, along with an article on environmental regulations related to municipal stormwater and wastewater. For additional information, see the NCL website: [www.nlc.org](http://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:

RTD FasTrack Southwest Rail Extension "What's New"

CML *Statehouse Report*, January 24, 2014

NCL Articles (3)



FasTracks Home Search

Latest Quality of Life Report is here from mobility study



FasTracks System Map  
Contact Southwest  
Southwest Calendar

Printable Version

### What's New?

**RTD staff meets with Southwest Rail Extension stakeholders**  
Partnerships focused on ways to make progress on FasTracks projects that still need to be completed will continue to be a priority for RTD in the year ahead. RTD is working with stakeholders of the Southwest Rail Extension on how to move forward with those projects in the best ways possible. Recently, RTD General Manager and CEO Phil Washington, RTD board members and staff met with community representatives along the Southwest light rail corridor to collaborate on ways to identify funding to complete the extension project.

**Hundreds participate in telephone town hall**  
RTD Director Kent Bagley hosted a live, interactive telephone town hall meeting on Thursday, November 7. Participants were able to find out the latest information about RTD, the Southwest Rail Extension and the FasTracks project in general. [Listen to the meeting or read a transcript of it.](#)

**Take a tour of the Southwest Rail Extension**  
[Tour](#) the alignment of the future Southwest Rail Extension without leaving your desk! RTD staff walked the route of the future extension and took pictures of where the new stop will eventually go.

**Southwest Rail Extension Update Given at RTD Public Meeting**  
The project managers for the Southwest Rail Extension gave an update on the project at the FasTracks Citizens Advisory Committee (CAC) mobile quarterly meeting on March 20, 2013. [Get details.](#)

**RTD Gives Update to Southwest Rail Extension Stakeholders**  
RTD General Manager Phil Washington, RTD District H Director Kent Bagley and SW Rail Extension project managers Andy Mutz and Susan Wood gave a presentation to the staff and elected officials in the Southwest corridor.

**Check Out the Video Flyover for Southwest Rail Extension**  
RTD FasTracks prepared a video flyover of the Southwest Rail Extension. [View the video.](#)

Southwest Rail Extension
<b>What's New?</b>
Take A Virtual Tour
Rail Line Video Flyover
About the Project
Resources
Events Calendar
Media
Related Links
Contact Us

Central Rail Extension
Denver Union Station
Eagle P3 Project
East Rail Line
Free MetroRide
Gold Line
I-225 Rail Line
Maintenance Facilities
North Metro Rail Line
Northwest Area Mobility Study
Northwest Rail Line
Southeast Rail Extension
Southwest Rail Extension
West Rail Line
U.S. 36 Bus Rapid Transit



## Statehouse Report



# STATEHOUSE *report*

**BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS**

### Share with social networks

#### Affordable Housing: Measures to expand affordable housing in the state

From lower vacancy rates to catastrophic losses due to flooding, a strong need for affordable housing in Colorado has become increasingly apparent. Recognizing this, the Department of Local Affairs initiated a bill to provide the state more opportunities to fund affordable housing. HB 14-1017 renames the current Home Investment Trust Fund to the "Housing Investment Trust Fund," and expands its funding sources. It also increases the amount the General Assembly can allocate to the fund from "not more than \$250,000" to "not more than 20 percent of the balance of moneys in the fund calculated as of July 1 of any fiscal year." Additionally, the bill brings back the state lower income task credit program through the [Colorado Housing and Finance Authority \(CHFA\)](#). CML has long supported efforts to create an adequately financed statewide housing trust fund. This bill is a step in the right direction. On January 24th, the CML Board voted to support HB 14-1017. The bill recently passed the House Local Government Committee and is now headed to House Finance.

**Bill:** HB 14-1017, Measures to expand affordable housing in the state  
**Sponsors:** Rep. Crisanta Duran, D-Denver; Sen. Jessie Ullbarr, D-Commerce City  
**Status:** H. Finance  
**Position:** Support  
**Lobbyist:** [Megan Storme](#)

#### Beer & Liquor: Fine-in-lieu of suspension

SB 14-054, proposed by the Tavern League, would remove the two-year waiting period between the times in which a licensee can request to pay a fine in lieu of serving a license suspension. The legislation also would allow the licensee to request to pay a fine for suspensions over the current 14-day limit in legislation. All decisions on whether or not to accept payment of fines will remain within the sole discretion of the licensing authority.

**Bill:** SB 14-054, Fine-in-lieu of suspension  
**Sponsors:** Sen. David Balmer, R-Centennial; Rep. Dan Pabon, D-Denver  
**Status:** S. Business, Labor & Technology  
**Position:** Support  
**Lobbyist:** [Kevin Rommer](#)

#### Beer & Liquor: Local option on hours of operation

CML has long argued that municipalities should have the maximum amount of discretion when it comes to liquor-licensed establishments and their operations within municipal boundaries. Because the state beer and liquor code is a matter of statewide concern, any expansion of the authority granted to municipalities and counties must be done through statutory change. HB 14-1132 would allow a municipality (or a county for unincorporated areas) to establish hours of operation for liquor establishments licensed for on-premise consumption that are different than the currently allowable 7 a.m. to 2 a.m. The change could only be made by adoption of an ordinance or resolution of the local governing body and could either expand or reduce the hours of operation to something that is locally appropriate. Interestingly, this would conform the liquor code to the retail marijuana code, in which local control over hours of operation is already established.

As predicted, the Colorado Restaurant Association [quickly came out in opposition](#) to the legislation, and the *Denver Post* wasn't too far behind with an [editorial against the bill](#). However, the *Post* was not nearly as concerned with expansive local control over hours of operation of retail marijuana stores when legislation passed last year confirming the discretion allowed by the state constitution. When it comes to matters of public safety, the League believes local officials have a better sense than the state about what is appropriate.

CML anticipates support from many municipalities, and staff will present the bill to the CML Executive Board at its Jan. 24 meeting to confirm the League's support for the bill. Amendments may be proposed to place some restrictions on how much a local government could reduce operating hours, and it is possible the bill may be amended to only allow the expansion of hours. In any case, the League would likely still support the bill - since it would still grant additional local control - but believes the legislation is better with increased local discretion.

The bill is scheduled for action in House Local Government Committee on Wednesday, January 29.

**Bill:** HB 14-1132, Local option on hours of operation  
**Sponsors:** Rep. Crisanta Duran, D-Denver; Sen. Pat Steadman, D-Denver  
**Status:** H. Local Government  
**Position:** Support  
**Lobbyist:** [Kevin Bommer](#)

## Beer & Liquor: Manufacturer tastings

Currently, manufacturers of spirituous liquors (distilleries) are allowed to conduct tastings and sell only its product on its licensed premises. This bill would expand the statute to allow tastings and sales of other Colorado distilleries, as well as tastings of raw ingredients used in manufacturing. While not commonly known, beer and wine are often "raw ingredients" in some distilling processes, so HB 14-1038 actually would allow these to be served as tasting samples, as well. The League believes that the line between dual-licensed, traditional "on premise licenses" and state-only licensed manufacturers is blurry enough as it is - and becoming increasingly more so - without further expanding manufacturers' licenses absent any local control.

This legislation was killed in committee on January 21 at the request of the sponsor.

**Bill:** HB 14-1038, Manufacturer tastings  
**Sponsors:** Rep. James Wilson, R-Salida  
**Status:** Postponed indefinitely  
**Position:** Oppose  
**Lobbyist:** [Kevin Bommer](#)

## Building Regulations: Allow local governments to inspect school buildings

Currently, school plumbing and electrical inspections are conducted by the state. Many local entities would like the opportunity to allow local building departments the authority to inspect schools. SB 14-081 allows a school to determine if they want to be inspected by the local entity. CML has supported this type of bill in the past, and currently is working on clarification amendments with the sponsor. The intent is to get clarification in the bill so it helps school districts with multiple building authorities and not just regional inspection authorities.

**Bill:** SB 14-081, Allow local governments to inspect school buildings  
**Sponsors:** Sen. Bernie Herpin, R-Colorado Springs; Rep. Bob Gardner, R-Colorado Springs  
**Status:** S. Business, Labor & Technology  
**Position:** Monitor  
**Lobbyist:** [Meghan Storie](#)

## Elections: Special district election code

CML staff has been working with the [Special District Association](#) (SDA) on a bill concerning nonpartisan elections, which was introduced this week as HB 14-1164. The three elements of the bill are:

1. Create a new special district election code modeled after the municipal election code
2. Add a simplified mail ballot election process to the municipal election code
3. Correct various durational residency provisions, following a bill last session that failed to make conforming amendments.

The plan is to have the bill move very quickly through the process. The regular elections in more than 160 statutory towns occur in April of this year. While many of these jurisdictions have chosen to avoid potential headaches associated with mail ballot elections under more complicated procedures adopted last year by the General Assembly, some are nonetheless moving forward with plans for a mail ballot election. For these jurisdictions, an important date in the election calendar (involving submission of their mail ballot election plans to the Secretary of State) occurs in early February. Our goal is to have the bill through the process by that time. Among its other provisions, the bill will eliminate the need for approval by the Secretary of State for mail ballot plans.

The bill will be heard on Monday, Jan. 27, in committee

**Bill:** HB 14-1164, Special district election code  
**Sponsors:** Rep. Dickie Lee Hullinghorst, D-Boulder; Rep. Carole Murray, R-Castle Rock; Sen. Jesse Ulibarri, D-Denver; Sen. Ellen Roberts, R-Durango  
**Status:** H. State, Veterans & Military Affairs  
**Position:** Support  
**Lobbyist:** [Geoff Wilson](#)

## Emergency Management: Wildfire Information and Resource Center

One of the recommendations coming out of the Governor's Task Force on Wildfire Insurance and Forest Health was the development of a wildfire resource center at the state level. SB 14-008 creates the Wildfire Information and Resource Center in the Division of Fire Prevention and Control in the Department of Public Safety. The intent is to provide information to homeowners, wildland fire professions, the media, and other educators to better prepare communities and enhance public safety in wildfire situations.

**Bill:** SB 14-008, Wildfire Information and Resource Center

**Sponsors:** Sen. Ellen Roberts, R-Durango

**Status:** S. Appropriations

**Position:** Monitor

**Lobbyist:** [Meghan Storie](#)

## Finance: Brownfields tax credit

A state income tax credit to encourage the clean-up of contaminated property would be created with SB 14-073. To qualify, a project must go through the Colorado Department of Public Health and Environment Voluntary Cleanup Program. The bill creates a tax credit of 40 percent for the first \$750,000 of expenditures and a 30 percent credit for expenditures between \$750,000 and \$1.5 million. There would be no additional credit for expenditures above \$1.5 million. There would be a five-year carry-forward option for taxpayers. Colorado's previous brownfields cleanup tax credit expired in 2010.

**Bill:** SB 14-073, Brownfields tax credit

**Sponsors:** Sen. Cheri Jahn, D-Wheat Ridge; Rep. Cheri Gerou, R-Evergreen

**Status:** S. Business, Labor & Technology

**Position:** Support

**Lobbyist:** [Mark Radtke](#)

## Finance: Prohibit BPPT revenue for bond service

Municipalities and other local governments would be prohibited from pledging business personal property tax (BPPT) revenue for repayment of bonds with the passage of SB 14-065. The goal appears to be that by not committing BPPT revenue to future financial obligations it would be easier for the legislature to eliminate BPPT.

**Bill:** SB 14-065, Prohibit BPPT revenue for bond service

**Sponsors:** Sen. Ted Harvey, R-Highlands Ranch; Rep. Chris Holbert, R-Parker

**Status:** S. State, Veterans & Military Affairs

**Position:** Oppose

**Lobbyist:** [Mark Radtke](#)

## Finance: Public fund investments in Community Development Financial Institutions

Community Development Financial Institutions (CDFI) would become a legal investment opportunity for local government funds with the passage of SB 14-022. CDFIs are certified by the U.S. Treasury and are private sector financing entities (usually banks) with a primary mission of supporting community development projects. Activity is aimed at low-income housing loans and loans to emerging entrepreneurs and small business. Investment of municipal funds in a CDFI would be completely voluntary.

**Bill:** SB 14-022, Investment in Community Development Financial Institutions

**Sponsors:** Sen. John Kefalas, D-Fort Collins; Rep. Rhonda Fields, D-Aurora

**Status:** S. Finance

**Position:** Support

**Lobbyist:** [Mark Radtke](#)

## Fire & Police Pensions: Old Hire plan modifications

During the interim, the Police Officers' and Firefighters' Pension Reform Commission held its annual meeting and considered legislation recommended by the [Fire and Police Pension Association](#) (FPPA). One bill approved by the interim committee seeks to amend the Old Hire pension statutes, primarily as a result of the State of Colorado paying off its obligation to Old Hire unfunded liability several years early. Consequently, municipalities and fire districts with remaining unfunded liability would see their previous payment obligations change and, in the case of one municipality, the amount could increase by more than \$1 million per year. While CML does not dispute that all obligations need to be paid, the League opposes SB 14-031 unless it is amended to allow affected local governments to best determine for themselves how to navigate their remaining liabilities in the short timeframe they have to do it. FPPA has previously indicated a willingness to find agreement on acceptable language, and that process is underway at this time. The bill is scheduled for action in committee on Jan. 27, but it is likely to be delayed to a later date.

**Bill:** SB 14-031, Old Hire plan modifications

**Sponsors:** Sen. Lois Tachrop, D-Thornton; Rep. Paul Rosenthal, D-Denver

**Status:** S. Business, Labor & Technology

**Position:** Oppose unless amended

**Lobbyist:** [Kevin Bommer](#)

## Labor: Prohibition on public sector collective bargaining

HB 14-1087 would prohibit public employers from collectively bargaining with their employees and is nearly identical to last year's HB 13-1107. CML concurrently opposed that bill and SB 13-025 because they both inappropriately inserted the state into the personnel matters of local government employees. SB 25 ignored home rule and local control by inappropriately granting political and collective bargaining rights to firefighters, and HB 1107 ignored home rule and local control by seeking to strip all rights granted by local governments. The legislature killed HB 1107, yet passed SB 25, which went on to be signed by Gov. John Hickenlooper over strong opposition from CML and its 267 member cities and towns. While it is too late to unring the bell on the unconstitutional infringement on home rule personnel issues via SB 13-025, the General Assembly will be asked to stay out of the personnel matters of municipalities where voters or their elected representatives

have affirmatively chosen collective bargaining. We trust that the proponents of SB 13-025 will conveniently agree with CML on opposing HB 14-1087.

**Bill:** HB 14-1087, Prohibition on public sector collective bargaining

**Sponsors:** Rep. Justin Everett, R-Littleton

**Status:** H. State, Veterans & Military Affairs

**Position:** Oppose

**Lobbyist:** Kevin Bommer

## Municipal Courts: Eliminating jail for failure to pay fines

The American Civil Liberties Union (ACLU) recently conducted research on jailing of people who cannot pay fines. This included cases in both county and municipal courts. As a result, a bill was drafted to create a due process to prevent the jailing of those who cannot pay court fines. CML and our municipal court judges agree with this premise. Additionally, many municipal courts use jail as a last resort as it is also costly for the municipality. However, there are parts of the bill CML is concerned with, and the League hopes to find solutions with the proponents. These include the mandate of personal service to defendants, which could increase administration costs for small municipalities. This will burden court staff and judges with hearings not now required in order to maintain "personal or direct" contact with defendants. CML also is opposed to a requirement for the court to show a defendant has financial hardship. We believe there is a balance, as judges are not always suited to determine manifest hardship from the bench. Another issue that has come up is that it goes much further than just pay or serve warrants. The bill includes situations where a defendant has in fact been given a jail sentence for violating a city ordinance, but the sentence is suspended as a condition of probation. Current laws already provide procedures for revoking probation if the defendant fails to keep their promise to pay fines and restitution. HB 14-1061 would add a whole new layer of procedures, making it much harder to impose a suspended sentence. CML is currently working with the ACLU to see if we can find balanced solutions. On Jan. 24, the CML Board voted to take the position of oppose unless amended.

**Bill:** HB 14-1061, Eliminating jail for failure to pay fines

**Sponsors:** Rep. Joa Salazar, D-Thornton; Sen. Lucia Guzman, O-Denver

**Status:** H. Judiciary

**Position:** Oppose unless amended

**Lobbyist:** Meghan Storie

## Open Records: Private Associations

SB 14-070 would make private associations of certain state officials and of "elected officials of one or more political subdivisions" that receive 10 percent or more of their revenues in "public moneys" subject to the Colorado Open Records Act. The bill is calendared for its first hearing in committee on Jan. 27.

**Bill:** SB 14-070, Private Associations

**Sponsors:** Sen. Kevin Lundberg, R-Berthoud

**Status:** S. Judiciary

**Position:** Oppose

**Lobbyist:** Geoff Wilson

## Open Records: Research and retrieval fees

Following a recent favorable ruling from the Court of Appeals regarding research and retrieval fees, CML staff anticipates a bill during the 2014 session proposing to put a limit on the aggregate amount of fees that may be charged, as well as the per-hour charges that may be levied.

**Bill:** Research and retrieval fees

**Position:** Monitor

**Lobbyist:** Geoff Wilson

## Planning: Planning & Zoning Commissioner compensation

Currently, state statute prohibits statutory cities and town from compensating their planning and zoning commissioners; however, this practice already is utilized widely by home rule cities and towns. At the request of the Town of Eagle, CML is sponsoring legislation to allow statutory cities and towns to compensate their planning and zoning commissioners via ordinance. The legislation is intended to give an additional option for smaller municipalities to garner more interest to serve on their planning and zoning commissions.

**Bill:** HB 14-1060, Planning & Zoning Commissioner compensation

**Sponsors:** Rep. Diane Mitsch-Bush, D-Steamboat Springs; Sen. Gail Schwartz, D-Snowmass Village

**Status:** H. Local Government

**Position:** Support

**Lobbyist:** Meghan Storie

## Public Safety: Firefighter safety training and equipment grants

At the encouragement of the Colorado Municipal League, the Wildfire Matters Review Committee (an interim committee of the General Assembly) passed proposed legislation that was introduced last week as SB 14-046. When passed, the bill will establish a \$3.25 million per year need-based grant program that will provide safety training and equipment for firefighters for a period of five years. The funding stream is federal mineral lease money (FML) that is set to cease going to a different wildfire program that has a new source of funding.

The League generally frowns on off-the-top diversions of FML dollars, but the CML Policy Committee concurred that this worthwhile program will benefit from the existing transfer. As introduced, there will be no negative impact to the state or local government recipients of FML dollars, but CML secured an amendment supported by the sponsor to modify the original statute so that the \$3.25 million is directed to the fund out of the FML corpus prior to distribution. This will result in an increase to the FML money designated for local governments by about \$2 million, as compared to previous years. In the future, CML would like to see this program funded from the state's general fund, especially since firefighter safety was declared a matter of statewide concern in legislation that passed in 2013.

As a result of this legislation, critical safety gear and training opportunities will become available to volunteers and paid firefighters, largely in disadvantaged areas of the state. The bill is scheduled for its first committee hearing on Tuesday, Jan. 28.

**Bill:** SB 14-046, Firefighter safety training and equipment grants  
**Sponsors:** Sen. Jaanne Nicholson, D-Black Hawk; Rep. Tony Exum, D-Colorado Springs  
**Status:** S. Local Government  
**Position:** Support  
**Lobbyist:** [Kevin Bommer](#)

## Public Safety: Passive surveillance records of governmental entities

HB 14-1152 requires that video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within six months after the recording of the images. Currently, the bill sponsor is offering an amendment to allow entities to keep the video if it is part of an investigation. Law enforcement believes this is still an overreach. On Jan. 24, the CML Executive Board voted unanimously to oppose HB 14-1152.

**Bill:** HB 14-1152, Passive surveillance records of governmental entities  
**Sponsors:** Rep. Potty Lawrence, R-Roxborough; Sen. Mark Scheffel, R-Parker  
**Status:** H. Judiciary  
**Position:** Oppose  
**Lobbyist:** [Meghan Storte](#)

## Severance Tax: Limitations on local distribution

HB 14-1064 was intended to create punitive effect on a municipality or county with any type of moratorium or a permanent prohibition on the extraction of oil and gas. The bill sought to establish the amount of direct distribution and energy impact assistance grants received by a local government prior to any moratorium or prohibition as a baseline and prohibit any higher amount of direct distributions or grants and loans subsequent to a moratorium or prohibition. The intent of energy impact assistance is to help with the mitigation of any impacts created by existing mineral extraction activities. Regardless of any decision of a local government on future activities, existing activities still create an impact. The State of Colorado should not be in the business of arbitrarily inserting itself into the decisions of local governments and their citizens, nor should the state punish local governments for exercising those rights. The legislation was also completely unnecessary. Should a local government actually have the ability to eliminate activity in its jurisdiction, which is not particularly feasible in the first place, the reduction in eligibility for severance tax revenue would be self-executing. The bill was killed by the House Local Government Committee on January 22 on a party line vote. [Read CML's position paper on the topic.](#)

**Bill:** HB 14-1064, Limitations on local distribution  
**Sponsors:** Rep. Jerry Sonnenberg, R-Starling; Sen. Greg Brophy, R-Wray  
**Status:** Postponed indefinitely  
**Position:** Oppose  
**Lobbyist:** [Kevin Bommer](#)

## Transportation: Construction flagger certification

Currently, construction zone traffic flaggers may be certified by the Colorado Department of Transportation (CDOT) or a local jurisdiction. Existing statute dictates that the training and certification is valid only for work within that jurisdiction or, in the case of CDOT, for CDOT projects. The common practice of honoring a certification issued by one jurisdiction for projects in another jurisdiction is technically illegal. SB 14-060 would require CDOT to provide a uniform system for both the state and local jurisdictions to train and certify flaggers and award certificates that are valid throughout the state.

**Bill:** SB 14-060, Construction flagger certification  
**Sponsors:** Sen. Nancy Todd, D-Aurora; Sen. Steve King, R-Grand Junction; Rep. Don Corem, R-Montrose; Rep. Angela Williams, D-Denver  
**Status:** S. 2nd Reading  
**Position:** Support  
**Lobbyist:** [Mark Redtke](#)

## Transportation: County road and bridge transfers

Current statute states that county road and bridge work must be funded solely through revenue from the county road and bridge mill levy (with the exception of the Highway Users Tax Fund (HUTF) and federal funds), and counties are prohibited from transferring county general fund dollars to this fund. That prohibition helps to protect municipal interests, as one-half of the revenue raised by the county road and bridge mill levy within municipal limits is shared with that municipality. In the wake of the flood disaster, Colorado Counties Inc. is proposing that during the four years following a governor's disaster declaration, counties would be allowed to transfer general fund dollars to the county road and bridge fund for county use. The bill contains protections to maintain the mill levy and holds harmless the municipal share of the mill levy during this period.

**Bill:** SB 14-007, County road and bridge transfers  
**Sponsors:** Sen. Kevin Lundberg, R-Berthoud; Sen. Matt Jones, D-Louisville; Rep. Mika Foote, D-Lafayette; Rep. Brian DeGrosso, R-Loveland  
**Status:** S. 2nd Reading  
**Position:** Monitor  
**Lobbyist:** [Mark Radtke](#)

## Transportation: Divisible loads truck permits

This bill exempts sludge waste municipal vacuum trucks or private trucks under contract to a municipality from wheel and axle load restrictions. State weight limits prohibit municipal vacuum trucks from operating at their maximum manufactured vehicle weight. Exempting these vehicles from the state weight limits will enable local governments to more efficiently and effectively respond to storm water and waste water emergencies by requiring fewer trucks and crews to respond to events. This will save local governments fuel costs, equipment costs and labor costs.

**Bill:** HB 14-1160, Divisible loads truck permits  
**Sponsors:** Rep. Mitsch Bush, D-Steamboat Springs; Rep. Don Coram, R-Montrose; Sen. Nancy Todd, D-Aurora  
**Status:** H. Transportation & Energy  
**Position:** Support  
**Lobbyist:** [Mark Radtke](#)

## Transportation: Intergovernmental fuel sales

HB 14-1105 is initiated by CML and the other local government associations following a Colorado Department of Revenue notification last summer that state statute prohibits the resale of tax-exempt motor vehicle fuel from one government agency to another. Such resale is commonplace throughout the state and has occurred for decades, and both state and local government agencies often share a fuel pump for convenience and cost savings. This bill allows that practice to continue between government entities that hold a fuel tax exemption certificate. [Read more in CML's position paper.](#)

**Bill:** HB 14-1105, Intergovernmental fuel sales  
**Sponsors:** Rep. Diane Mitsch Bush, D-Steamboat Springs; Sen. Nancy Todd, D-Aurora  
**Status:** H. Transportation & Energy  
**Position:** Support  
**Lobbyist:** [Mark Radtke](#)

## Transportation: Vehicle registration fees for seniors

SB 14-044 reduces both the vehicle registration fee and the specific ownership taxes paid by Colorado residents 65 years of age or older who have lived in the state at least five years. Qualifying senior citizens would pay a flat \$34.10 registration fee and a flat \$15.90 in specific ownership tax (SOT), a property tax collected on motor vehicles. The registration roll back would reduce revenue to the Highway Users Tax Fund. The SOT reduction would dramatically reduce the amount of SOT collected for property taxing entities. SOT on a new vehicle is currently 2.1 percent of the purchase price. If this bill were to pass, instead of collecting \$420 in SOT on a \$20,000 vehicle, a total of \$15.90 would be collected.

**Bill:** SB 14-044, Vehicle registration fees for seniors  
**Sponsors:** Sen. Owen Hill, R-Colorado Springs  
**Status:** S. State, Veterans & Military Affairs  
**Position:** Oppose  
**Lobbyist:** [Mark Radtke](#)

## Urban Renewal: TIF revenue sharing

CML expects Colorado Counties, Inc. (CCI) and the Special District Association of Colorado (SDA) to introduce a bill that would result in some form of urban renewal TIF revenue sharing. TIF (tax increment financing) is the funding mechanism that supports an urban renewal project.

A position was adopted by CML's Special Committee on Urban Renewal that reads "oppose legislation that reduces the effective use of tax increment financing for urban renewal projects." That statement was then approved by the CML Policy Committee and CML Executive Board.

Today's urban renewal is restricted to urban in-fill and redevelopment projects, a point on which CML compromised three years ago by supporting HB 10-1107. That legislation prohibits urban renewal in greenfields without the approval of the other taxing entities. Now we are down to the last bite at the apple. Going forward, giving other taxing entities control over the projected property tax increment created by the urban renewal project amounts to veto power over the project and cripples a municipality's ability to use this important tool.

A likely scenario for a bill is an automatic 50-percent share to the other taxing entities, which municipalities could then try to negotiate to regain some of that amount. This would mean there would not be enough money to service the bonds on a urban renewal authority (URA) project - so it would simply not happen. We maintain a good relationship with our counterparts at CCI; unfortunately, there is no small change they desire. CML remains in steadfast support of protecting this vital tool that ensures that brownfields are reclaimed and infill occurs, thus reducing the pressures of sprawl and its costly environmental and resource costs.

**Bill:** TIF revenue sharing  
**Position:** Oppose  
**Lobbyist:** [Mark Radtke](#)

## Water & Wastewater: Cash funding the Water Quality Control Division

Despite more than a decade of steadfast support for the appropriate increase in funding for the state's Water Quality Control Division (WQCD), CML was surprised to see the Joint Budget Committee (JBC) has taken it upon itself to circumvent a relationship between the Colorado Department of Public Health & Environment and its many stakeholders, including CML.

The Colorado Municipal League maintains a policy in the [CML Policy Statement](#) related to state fiscal fair play urging the state to "exercise restraint on fees, charges and other cash funding of programs that affect municipalities, especially in the areas of technical assistance, in programs where municipal participation is mandated by state law, and in regulatory programs that affect municipalities." CML has been on record in the past that it supports fee increases for drinking water and wastewater permits, as long as the General Assembly continued its funding support and increased general funds proportional to the fee increases to permittees.

Specifically, the incoming legislation would:

1. Eliminate the Water Quality Control Fund and establish the following five cash funds
  - Public and Private Utilities Clean Water Fund;
  - Construction Clean Water Fund;
  - Commerce and Industry Clean Water Fund;
  - Pesticides Fund; and
  - Water Quality Certifications Fund
2. Allow the Water Quality Control Commission to set and adjust annual fees and develop a fee-for-service structure

While there would be no *initial* decrease in the state general fund support for the WQCD, the mechanism allows for complete elimination of general fund support. With many moving parts to the bill, staff is still trying to determine its entire scope. It seems highly unlikely there will be any support from any stakeholders, other than that from the Water Quality Control Commission that would have the power to set fees.

**Bill:** Cash funding the Water Quality Control Division

**Sponsors:** Joint Budget Committee

**Status:** Not yet introduced

**Position:** Staff discretion to oppose

**Lobbyist:** [Kevin Bommer](#)

## Water & Wastewater: Ditch headgate relocation

This legislation from the Flood Disaster Study Committee would clarify that a water right owner may relocate a ditch headgate without filing for a change of water right if the relocation does not physically interfere with the complete use or enjoyment of other water rights. The intent is to remove unnecessary water court barriers for ditch owners who are no longer able to divert their water rights because flood damage moved the river channels or otherwise eliminated the ability to divert. CML is monitoring this bill, but the CML Policy Committee will be asked to support it at its Feb. 14 meeting.

**Bill:** HB 14-1005, Ditch headgate relocation

**Sponsors:** Rep. Jerry Sonnenberg, R-Sterling; Sen. Kevin Lundberg, R-Berthoud

**Status:** H. Agriculture, Livestock & Natural Resources

**Position:** Monitor

**Lobbyist:** [Kevin Bommer](#)

## Water & Wastewater: Land use restriction on turf grass

The Colorado River Water Conservation District and the Southwestern Water Conservation District assisted Sen. Ellen Roberts in drafting SB 14-017, which unfortunately seeks to amend the already contentious "Adequate Water Supply" statute. The legislation requires local governments to limit the maximum amount of lawn grass on new residential developments should the development's water have any of its supply come from a permanent dry up of irrigated lands. The legislation would apply to any change in water right in 2016 and beyond, and the proponents curiously suggest that it would not infringe on any local control. However, the bill mandates that local governments adopt an enforceable ordinance or resolution to carry out the state's will. Infringement on local control is rarely this obvious. Proponents further assert that legislation like this is essential for implementing the Colorado Water Plan, even though the plan is still in the process of being developed. CML and its members are wholly committed to responsible water conservation, but CML's [2013-2014 Policy Statement](#) is explicit in stating that CML opposes "delegation of municipal land use authority to state agencies or preemption of municipal land use controls." The prime sponsors of the bill are also some of the strongest advocates of local control, so CML is guardedly optimistic about the chance to find middle ground on this very touchy issue.

**Bill:** SB 14-017, Land use restriction on turf grass

**Sponsors:** Sens. Ellen Roberts, R-Durango, and Mary Hodge, D-Brighton; Reps. Ed Vigil, D-Ft. Garland, and Don Coram, R-Montrose

**Status:** S. Agriculture, Natural Resources & Energy

**Position:** Oppose

**Lobbyist:** [Kevin Bommer](#)

## Water & Wastewater: Small communities treatment grants

This bill amends a statute that was created by [SB 09-165](#) - a bipartisan effort spearheaded by CML that requires the State of Colorado to have some "skin in the game" in assisting small communities to meet the daunting costs of water and wastewater infrastructure often necessitated by more stringent mandates from the state and federal governments. Although the triggers in the bill have not been met yet, it is expected that overall severance tax revenue will exceed \$200 million in the future and cause the required state contribution to the Small Communities Grant funds to begin. Up to \$10 million per year may ultimately be designated to assist small communities with the greatest need. Specifically, the SB 14-025 corrects a drafting oversight and ensures that grants dollars may be used for domestic wastewater treatment works.

Although CML supports this bill as a reasonable adjustment of SB 165, the League does have some concern about removal language that ensures grant dollars go to municipal- and special district-owned systems and allows counties to make application for private systems. The original intent of Sens. Jim Isgar, D-Hesperus, and Josh Panry, R-Grand Junction, as well as Rep. Kathleen Curry, D-Gunnison, and then-Rep. Cory Gardner, R-Yuma, in sponsoring SB 09-165 was to force the state to have a direct role in support of small public systems impacted by increasing state and federal requirements and shrinking financial assistance. The League believes original intent was for priority to be given to public systems over systems that may have been allowed to develop without proper county oversight into their long term viability.

**Bill:** SB 14-025, Small communities treatment grants  
**Sponsors:** Sen. Mary Hodge, D-Brighton; Rep. Randy Fischer, D-Fort Collins  
**Status:** S. 2nd Reading  
**Position:** Support  
**Lobbyist:** [Kevin Bommer](#)

## Water & Wastewater: Water Infrastructure Natural Disaster Grant Fund

This legislation, originating from the Flood Disaster Study Committee, will make \$12 million available from the state general fund for need-based grants to repair or replace water and wastewater infrastructure damaged or destroyed in the floods of September 2013. The grant program will be administered by the Colorado Department of Public Health & Environment's [Water Quality Control Division](#) so that municipal, district, and private nonprofit systems may all be eligible. While not specifically stated in the legislation, part of the intent is to help local governments with limited fiscal resources meet the match requirement for FEMA Public Assistance Grants. While any amount in the fund not encumbered by September 2015 would be transferred to the [Nutrients Grant Fund](#), it is expected that all \$12 million would be used quickly and significant needs will still exist.

**Bill:** HB 14-1002, Water Infrastructure Natural Disaster Grant Fund  
**Sponsors:** Rep. Dave Young, D-Greeley; Sen. Matt Jones, D-Louisville  
**Status:** H. Agriculture, Livestock & Natural Resources  
**Position:** Support  
**Lobbyist:** [Kevin Bommer](#)

## Water & Wastewater: WaterSense fixture sales

SB 14-103 - proposed by Denver Water, the Colorado River Water Conservation District, and Northern Water - would require manufacturers to sell only those fixtures meeting WaterSense standards. WaterSense is a standard that is similar to the EnergyStar standard for appliances. The legislation would not interfere with any local plumbing codes or other building requirements, but it would limit the ability of consumers to purchase anything other than WaterSense fixtures from retail stores. Since the legislation would not directly impact municipal authority, the League has no position on the bill.

**Bill:** SB 14-103, Watersense fixture sales  
**Sponsors:** Sen. Lucia Guzman, D-Denver; Rep. Randy Fischer, D-Fischer  
**Status:** S. Agriculture, Natural Resources & Energy  
**Position:** Monitor  
**Lobbyist:** [Kevin Bommer](#)

## **Legislative Advocacy**

NLC's federal advocacy efforts are central to its mission to protect municipal interests, seek federal funding to support local investments, and ensure national attention is focused on the needs of cities and towns. Leadership—with input from members, Policy & Advocacy Committees, and Federal Relations staff—sets the organization's annual legislative agenda, which helps to guide advocacy efforts on Capitol Hill.

### **2013 NLC Legislative Priorities**

#### **Protect Municipal Bonds**

As the Administration and Congress look for revenue to reduce the deficit and fund programs, the federal income tax exemption provided to interest paid on state and municipal bonds (debt) is under threat. In addition to increasing taxes, the federal government can raise revenue by expanding what is subject to being taxed (broadening the base); as an alternative to raising taxes, interest paid on bonds issued by local governments currently not taxed could lose their exemption from taxation. NLC opposes any attempt to eliminate or limit the traditional tax exemption for municipal bonds whether as a part of a deficit reduction plan, a push for comprehensive tax reform, or as an offset for new spending.

#### **Fix The Nation's Broken Immigration System**

America's immigration system is failing our cities and our economic future. It is time for Congress to acknowledge the economic vitality that immigration brings to this nation and adopt a reform policy that supports secure borders and a path to citizenship for the millions of immigrants currently contributing to our local and national economies. Comprehensive immigration reform will provide cities and towns with the support needed to integrate immigrants into their communities and allow them to make both cultural and economic contributions to the nation.

For information on immigrant integration efforts in local communities across the country, please visit NLC's Immigrant Integration page.

#### **End the Online Sales Tax 'Break'**

At a time when cities have closed budget deficits but still face gaps for fiscal years 2012 and 2013, collecting owed sales taxes means more money for basic services, such as roads and police officers, without increasing the overall federal deficit. NLC urges support for legislation to simply allow state and local governments the flexibility to collect the taxes already owed to them on remote online

purchases-not raising existing taxes or imposing new ones-thereby placing brick and mortar corner stores on a level playing field with online retailers and affording consumers more choice through fair competition.

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## Protect Municipal Bonds

NLC is calling on the federal government not to limit in any way the income tax exemption for municipal bonds. Take action today to protect the bonds you rely on to finance infrastructure projects, create jobs and keep your residents' taxes lower.



## Call To Action

### 1 Letters to Congress

Write a letter to your Member of Congress. Here are some **sample letters**.

### 2 Write an Op-Ed

Write an op-ed to feature in your local or regional paper. Be sure to include specific examples of projects financed by municipal bonds, and the impact that a change in the tax exemption would have. Here are some **sample op-eds**.

### 3 Media Events

Hold a media event at a municipally-funded infrastructure project. Invite your member of Congress, and issue a press release with information. For assistance contact **NLC Media Relations**.

### 4 Pass a Resolution

Ask your council to pass a resolution and send it to your delegation and the media. **Sample Resolutions**

## Background Information

### How does this affect you?

If the federal income tax exemption for municipal bonds is eliminated or limited, local governments will pay more to finance projects, leading to less infrastructure investment, fewer jobs, and greater burdens on those who will have to pay higher taxes and fees. Read our **Legislative Issue Brief** for more background information.

### Why now?

August is a key time for local engagement before Congress returns to Washington in the fall to discuss tax reform and/or deficit reduction, and possibly consider capping or eliminating the tax exemption for municipal bonds. We need to get their attention now so they understand the importance of the municipal bond tax exemption to local governments.

### What can you do?

We need local officials to demonstrate the benefits of municipal bonds. Choose one of these options to make your case, or create your own approach. Any action you take will be beneficial!

Taking action is especially important if your Senator or Representative serves on the Senate Finance Committee or the House Ways and Means Committee.

Find your Senator and Representative:

Members of the Senate Finance Committee | House Ways and Means members

### ONLINE TOOLS

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## End the Online Sales Tax 'Break'



NLC calls on the federal government to enact legislation to level the playing-field between e-commerce and brick-and-mortar retailers by giving state and local governments the authority to collect sales taxes on remote sales.

Need for Action	Solutions	Resources
<p>NLC calls on the House Judiciary Committee Chairman Robert Goodlatte (R-VA) to hold a hearing on the Marketplace Fairness Act, H.R. 684, which allows states and local governments to require Internet sellers to collect sales taxes on today.</p>		
<p>The Senate got it right when it passed legislation with an overwhelming bipartisan vote to reduce the burden and make easier for law abiding people to pay the sales taxes they owe on their retail purchases, whether made over the internet physically in a store. Now, it's time for the House to act. How many boarded up businesses do we have to have before we recognize a problem? For how long can stores on a street survive as showrooms for internet sellers?</p>		
<p>As sales over the internet continue to rise, which is good for the national economy, we need to level the playing field for small businesses in our hometowns that have always been the backbone of our economy. We know the success of America's small businesses is critical to growing our economy - main street retailers help create attractive and safe streets, and they put the t-shirts on our little league teams.</p>		

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## Regulations - Environment

The U.S. Environmental Protection Agency (EPA) is responsible for implementing federal policy on issues related to natural resources, energy, and sustainability. Following are links to recent agency regulatory activities that may impact cities and towns.

### **Proposed Rulemaking for New Source Performance Standards and Emissions Guidelines for Municipal Solid Waste Landfills**

#### **Proposed National Rulemaking to Strengthen the Stormwater Program**

In 2010, the U.S. Environmental Protection Agency (EPA) initiated a proposed national rulemaking to establish a program to reduce stormwater discharges from newly-developed and redeveloped sites and to make other regulatory changes to its stormwater program. The rulemaking aims to take a new approach to stormwater management by shifting from managing stormwater at a treatment facility toward managing it where it falls, using green infrastructure practices such as infiltration, evapotranspiration, and harvesting/use.

The key focus of the proposed stormwater rule is to establish a retention-based performance standard to reduce pollutants from stormwater runoff. EPA is considering applying this standard to all types of projects, including residential, commercial, industrial and institutional. The standard could apply "nationwide" with different size thresholds depending if the site is inside or outside of the municipal separate storm sewer systems (MS4s) area. EPA is also considering a number of flexibilities for the rule, including delayed implementation to allow time for local governments to update codes and ordinances. It is unclear whether certain provisions that EPA was previously considering in 2010, such as establishing different requirements for transportation facilities, are currently being considered.

In addition to establishing performance standards, EPA is considering expanding the MS4 program area, requiring large regulated municipalities to establish retrofit requirements, and designating government-owned maintenance yards as industrial sources, which would subject them to the stormwater regulations.

After pushing the date back several times, EPA recently laid out a new timeframe for completing the proposed rulemaking: June 10, 2013, with a final rule anticipated by December 10, 2014.

- NLC Comments to EPA (12/21/12)
- Presentation: EPA Stormwater Rule (11/7/12)
- NLC Comments to EPA (01/31/11)

- Presentation: EPA Stormwater Rulemaking Consultation with State and Local Governments (12/09/10)
- NLC Comments to EPA (08/27/10)
- NLC Comments to EPA (06/08/10)

### **Consumer Confidence Report Rule: Electronic Delivery Options and Considerations**

In August 2011, the U.S. Environmental Protection Agency (EPA) identified the Consumer Confidence Report (CCR) Rule in the Agency's Final Plan for Periodic Retrospective Reviews of Existing Regulations.

The purpose of the Consumer Confidence Report (CCR) Rule is to raise customers' awareness of where their drinking water comes from, the quality of their drinking water, what it takes to deliver water to their home and the importance of protecting drinking water sources. The CCR Rule requires each community water system (CWS) to mail or otherwise directly deliver one copy of its CCR to each customer annually.

During the Retrospective Review, EPA identified opportunities for improving the effectiveness of the methods used to communicate drinking water information to the public, while lowering the burden on water systems. In September 2012, EPA published a draft Consumer Confidence Report: Electronic Delivery Options and Considerations, which was open for public comment, that evaluates several electronic delivery methods to determine which forms meet existing CCR Rule requirements. EPA finalized the CCR Rule Retrospective Review in January 2013.

- EPA Memorandum: Safe Drinking Water Act - Consumer Confidence Report Delivery Options (Jan. 3, 2013)
- NLC Letter to EPA Acting Assistant Administrator Stoner (10/10/12)
- North Carolina League of Municipalities Letter to EPA Acting Assistant Administrator Stoner (10/11/12)
- NLC Urges Electronic Delivery of Drinking Water Reports (*The Weekly*, 10/10/12)

### **EPA: Integrated Municipal Stormwater and Wastewater Plans**

In 2012, the U.S. Environmental Protection Agency (EPA) released an Integrated Municipal Stormwater and Wastewater Planning Approach Framework (Framework) to help state and local governments identify opportunities to achieve clean water by controlling and managing releases of wastewater and stormwater runoff more efficiently and cost effectively. Recognizing that many local governments face difficult financial conditions meeting their Clean Water Act (CWA) obligations, the Framework allows for an integrated planning approach to help local governments meet those requirements in an efficient and cost effective manner through sequencing and scheduling of projects. The Framework outlines key principles to guide the development of an integrated plan, the essential elements of an integrated plan, and provides guidance for EPA regions, states and local governments on developing and implementing integrated plans under the CWA.

In developing the Framework, EPA sought stakeholder input, including from NLC. In a February 29, 2012 letter to EPA, NLC called on the agency to consider affordability issues for communities, to grant local governments flexibility to evaluate and make improvements to the plan, and to rely on the permit process, rather than through consent decrees, for the implementation of long-term integrated plans. NLC emphasized these key concerns to Congress as part of testimony before the House

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment in December 2011 and July 2012.

The Framework builds off of an October 2011 EPA memorandum, "Achieving Water Quality Through Municipal Stormwater and Wastewater Plans," in which the agency expressed its commitment to and support for working with state and local governments on a new comprehensive and integrated planning approach to implement "the most important projects first."

Building off of the integrated planning framework, in Jan. 2013, EPA released a memo to the Regions clarifying how the financial capability of a community will be considered when developing schedules for municipal projects necessary to meet CWA obligations. NLC is participating in this affordability dialogue with EPA, the U.S. Conference of Mayors and the National Association of Counties.

- Testimony: Council Member Michael A. Sesma, Gaithersburg, Maryland (2/15/13)
- Memo: Assessing Financial Capability for Municipal Clean Water Act Requirements (1/18/13)
- NLC to Congress: Affordability, Flexibility Key to Water Quality (*Nation's Cities Weekly*, 7/26/12)
- Testimony: Salt Lake City Mayor Ralph Becker (7/25/12)
- EPA Integrated Municipal Stormwater and Wastewater Planning Approach Framework (6/13/12)
- Integrated Planning Framework Comments to EPA (2/29/12)
- NLC Testifies on Integrated Planning, Water Infrastructure Financing (*Nation's Cities Weekly*, 12/19/11)
- Testimony: Mayor Joe Reardon, Unified Government of Kansas City, Kansas, and Wyandotte County (12/14/11)
- Joint Letter to EPA (11/18/11)
- EPA to Work with Local Governments on Integrated Planning Approach (*Nation's Cities Weekly*, 11/7/11)
- Memo: "Achieving Water Quality Through Municipal Stormwater and Wastewater" (10/27/11)

### **Proposed Lead and Copper Rule Long-Term Rule Revisions**

In November 2011, EPA held a federalism briefing for state and local government organizations on the Agency's forthcoming proposed regulatory revisions to the Lead and Copper Rule (LCR), pursuant to Executive Order 13132: Federalism. The LCR is a drinking water regulation that requires monitoring and treatment techniques to control lead and copper corrosion in drinking water systems. EPA is considering changes to the current rule in five key areas: sample site selection criteria, lead sample protocol, public education for copper, measures to ensure optimal corrosion control treatment, and lead service line replacement. On January 13, 2012, NLC and the U.S. Conference of Mayors submitted a joint letter to EPA outlining our comments and concerns. EPA aims to publish the proposed rule revisions late 2012, with a final rule expected in 2013. The LCR revisions will become effective in 2016.

- Joint Comments to EPA (1/13/12)

### **Clean Water Act Definition of "Waters of the United States"**

In May 2011, EPA and the U.S. Army Corps of Engineers (Corps) released "Draft Guidance on Identifying Waters Protected by the Clean Water Act" (Draft Guidance) to help determine whether a waterway, water body or wetland would be jurisdictional under the Clean Water Act (CWA). The guidance is a component of a larger national clean water framework released by the Obama

Administration that emphasizes the importance of partnerships and coordination with states, local governments, key stakeholders and the public to protect public health and water quality and promote the nation's energy and economic security.

In July 2011, NLC submitted comments on the Draft Guidance, requesting that EPA and the Corps move forward with a rulemaking process that features an open and transparent means of proposing and establishing regulations and ensures that state, local, and private entity concerns are fully considered and properly addressed. Additionally, the joint comments raise concerns with the fact that the draft guidance failed to consider the effects of the proposed changes on all CWA programs beyond the 404 permit program, such as Total Maximum Daily Load (TMDL) and water quality standards programs and the National Pollutant Discharge Elimination System (NPDES) permit program.

In response to these comments, EPA indicated that it would not move forward with the Draft Guidance, but rather a rulemaking pertaining to the "Waters of the U.S." definition. In November 2011, EPA and the Corps initiated a formal federalism consultation process with state and local government organizations. NLC submitted comments on the federalism consultation briefing in December 2011. In early 2012, however, EPA changed course, putting the rulemaking on hold and sent a final guidance document to the Office of Management and Budget (OMB). NLC submitted a letter to OMB in March 2012, again expressing concerns with moving forward with a guidance document.

In September 2013, EPA and the Corps changed course again and sent a draft "Waters of the U.S" rule OMB for interagency review. In doing so, EPA and the Corps withdrew their 2011 Draft Guidance. At the same time, EPA released a draft science report, Connectivity of Streams and Wetlands to Downstream Waters.

- Joint Letter to OIRA Administrator Shelanski (11/8/13)
- Joint Letter to OMB Acting Director Zients (3/7/12)
- Joint Letter to EPA Administrator Jackson (12/23/11)
- Joint Comments to EPA (7/29/11)
- Waters of U.S. Comment Extension Request (6/8/11)
- White House Clean Water Framework (4/27/11)
- Big 7 Joint Letter to OMB (3/11/11)

### **Proposed Rule for Coal Combustion Residuals**

For the first time, EPA is considering regulating coal ash from the disposal of the wastes generated by electric utilities and independent power producers. Two possible options are being considered for the management of coal ash: (1) EPA would list these residuals as special (hazardous) wastes subject to regulation under subtitle C of the Resource, Recovery and Conservation Act (RCRA), when destined for disposal in landfills or surface impoundments; and (2) EPA would regulate coal ash under subtitle D of RCRA, the section for non-hazardous wastes. Currently, coal ash is considered exempt wastes under RCRA. EPA has not yet stated when the final rule will be released.

- NLC Comments to EPA (11/19/10)
- NLC Comments to EPA (10/09/09)

# MEMORANDUM

TO: City Council

THROUGH: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works ✓

FROM: Dave Henderson, Deputy Public Works Director ✓

DATE: January 28, 2014

SUBJECT: KENT PLACE RIGHT OF WAY AND EASEMENT DEDICATIONS

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The Kent Place development at Hampden and University required the filing of a subdivision plat prior to construction. The subdivision plat filed in 2011 called for the future dedication of a strip of land for additional right-of-way on S. University Blvd. (see attached plat with note highlighted). The intent is for the developer to dedicate right-of-way to the back of the curb with an easement behind the curb for sidewalks, signage, and traffic signal equipment. The legal description of the proposed right-of-way as shown on the plat was based on plans prepared prior to construction.

The purpose of waiting for the formal dedication until after construction is to assure that the dedicated Right-of-Way and easements are based on “as-built” improvements. Per our agreement, the developer retained the services of a professional land surveyor who has prepared legal descriptions based on actual field locations of the improvements. Right-of-Way will be dedicated to the back of the curb and a Transportation Easement will be dedicated two feet behind the sidewalk and traffic signal equipment (see the attached map for the general location of the proposed dedications).

Staff will be present at the February 3<sup>rd</sup> Study Session to discuss these dedications and answer any questions Council may have. Pending City Council concurrence, staff will present an Ordinance formally accepting the dedications at an upcoming City Council meeting.

MINOR SUBDIVISION PLAT

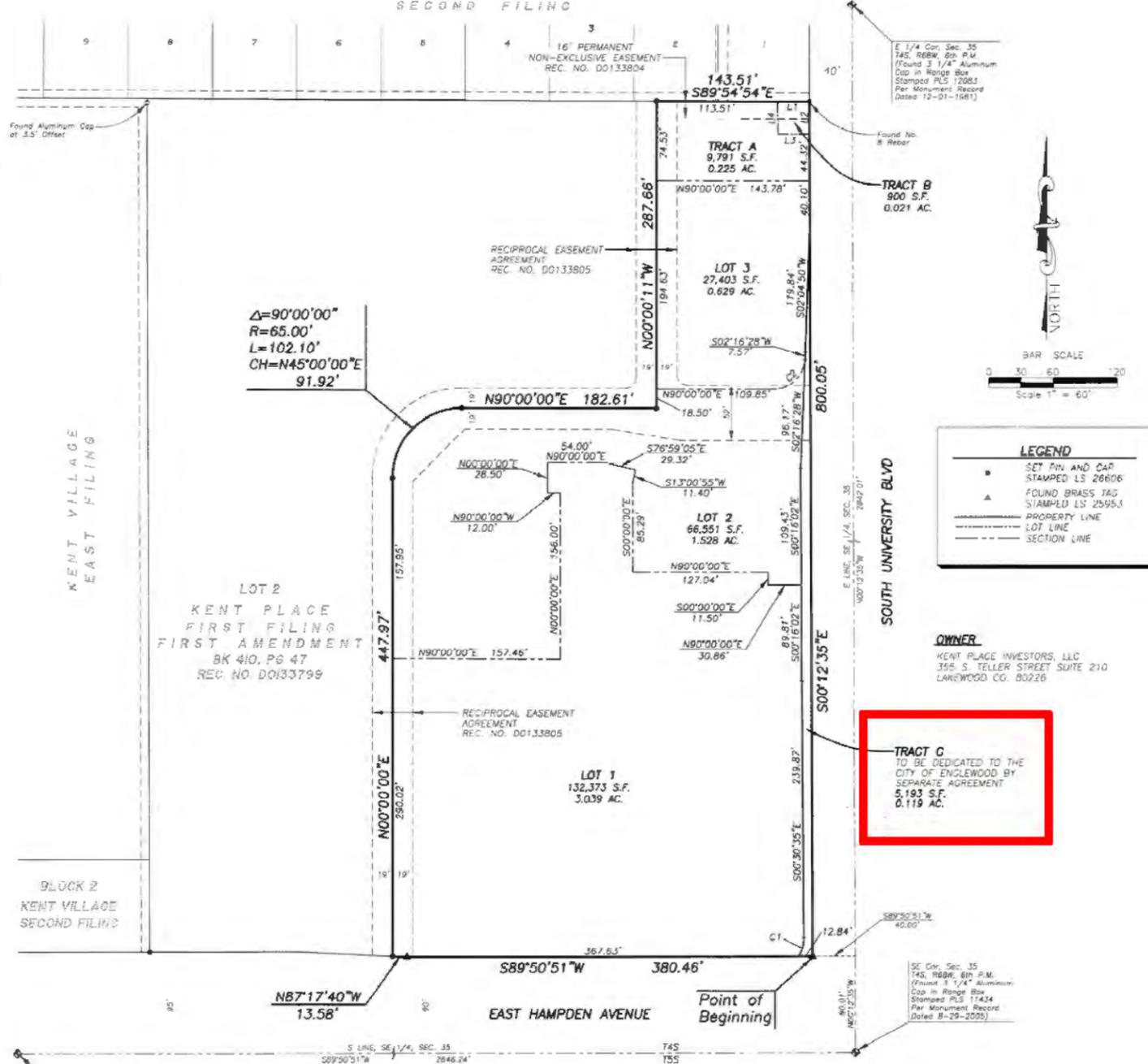
KENT PLACE FIRST FILING, SECOND AMENDMENT

A RESUBDIVISION OF LOT 1, KENT PLACE FIRST FILING, FIRST AMENDMENT  
 PART OF THE SOUTHEAST QUARTER OF SECTION 35,  
 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO  
 SHEET 1 OF 1

LINE	BEARING	LENGTH
L1	S89°54'54"E	30.00'
L2	S00°12'35"E	30.00'
L3	N89°54'54"W	30.00'
L4	N00°12'35"W	30.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	35.30'	10.83'	18.61'	N14°41'22"E	30°23'53"
C2	29.50'	44.04'	40.06'	N47°14'05"E	89°31'50"

BLOCK 9  
 HAMPDEN HILLS  
 SECOND FILING



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED WARRANT THAT THEY ARE THE OWNER OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING LOT 1, KENT PLACE FIRST FILING, FIRST AMENDMENT AS RECORDED IN BOOK 410 AT PAGE 47, RECEPTION NO. 00133798, WERE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35, WHENCE THE SOUTH QUARTER CORNER THEREOF BEARS S89°50'51"W, A DISTANCE OF 2646.24 FEET; THENCE N00°12'35"W, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 90.01 FEET; THENCE S89°50'51"W, A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BEING ON THE NORTH RIGHT-OF-WAY LINE OF HAMPDEN AVENUE, BEING THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- S89°50'51"W, A DISTANCE OF 380.46 FEET;
- N87°17'40"W, A DISTANCE OF 13.58 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 1 THE FOLLOWING FOUR (4) COURSES:

- N00°00'00"E, A DISTANCE OF 447.97 FEET TO A POINT OF CURVE;
- ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 90°00'00", A RADIUS OF 65.00 FEET, AN ARC LENGTH OF 102.10 FEET AND A CHORD BEARING N45°00'00"E, A DISTANCE OF 91.92 FEET TO A POINT OF TANGENT;
- N00°00'00"E, ALONG SAID TANGENT, A DISTANCE OF 182.61 FEET;
- N00°00'00"E, A DISTANCE OF 287.66 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE S89°54'54"E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 143.51 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE WEST RIGHT-OF-WAY LINE OF UNIVERSITY BOULEVARD; THENCE S00°12'35"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 800.05 FEET TO THE POINT OF BEGINNING, CONTAINING 242,211 SQUARE FEET OR 5.560 ACRES MORE OR LESS.

THE UNDERSIGNED OWNER HAS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND TRACTS AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF "KENT PLACE FIRST FILING, SECOND AMENDMENT".

EXECUTED THIS 9th DAY OF February, A.D. 2011

OWNER: Daniel A. Murphy  
 KENT PLACE INVESTORS, LLC

NOTARY PUBLIC

STATE OF COLORADO } S.S.  
 COUNTY OF Jefferson }  
 THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF February, 2011, BY Daniel A. Murphy, Manager of Kent Place Investors, LLC.

WITNESS MY HAND AND SEAL  
 MY COMMISSION EXPIRES 12/31/12

NOTARY PUBLIC: Jennifer Walker  
 1691 S. Bryant St  
 Littleton, CO 80120

SURVEYOR'S CERTIFICATE

I, JOHN G. JOEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF KENT PLACE FIRST FILING, SECOND AMENDMENT, WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS THE SURVEY THEREOF.

JOHN G. JOEL, PLS NO. 26606  
 VIGIL LAND CONSULTANTS,  
 480 YUMA STREET,  
 DENVER CO. 80204



GENERAL NOTES:

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- DATE OF FIELD WORK: JANUARY 20, 2011
- COLORADO STATE LAW CRS 9-15-101 STATES THAT ANYONE PLANNING TO DIG IN OR NEAR A PUBLIC ROAD, STREET, ALLEY, RIGHT-OF-WAY, OR UTILITY EASEMENT IS TO NOTIFY THE UTILITY MODIFICATION CENTER OF COLORADO OF YOUR INTENT, TWO (2) BUSINESS DAYS BEFORE YOU CALL 1-800-922-1987 OR 303-534-6700 IN THE METRO DENVER AREA TO LOCATE BURIED LINES.
- TRACT A SHALL BE RETAINED BY THE OWNERS.
- TRACT B SHALL BE RETAINED FOR FUTURE DIRECTORS PARCEL FOR THE METROPOLITAN DISTRICT.
- TRACT C SHALL BE DEDICATED TO THE CITY OF ENGLEWOOD BY SEPARATE AGREEMENT.

APPROVALS

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY OF ENGLEWOOD, COLORADO  
 [Signature]

APPROVED BY THE DEPARTMENT OF PUBLIC WORKS, CITY OF ENGLEWOOD, COLORADO  
 [Signature]

APPROVED FOR RECORD IN TITLE  
 [Signature]

CLERK AND RECORDER'S CERTIFICATE

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF ARAPAHOE COUNTY, STATE OF COLORADO AT 10:27 AM ON THIS 15TH DAY OF February, A.D. 2011, RECEPTION NO. 00133799  
 BOOK NO. 412, PAGE NO(S) 27

BY: CLERK AND RECORDER DEPUTY

KENT PLACE FIRST FILING  
 SECOND AMENDMENT 274  
 3401 S. UNIVERSITY BLVD.  
 ENGLEWOOD, CO. 80113  
 PART OF THE SOUTHEAST QUARTER OF SECTION 35,  
 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO

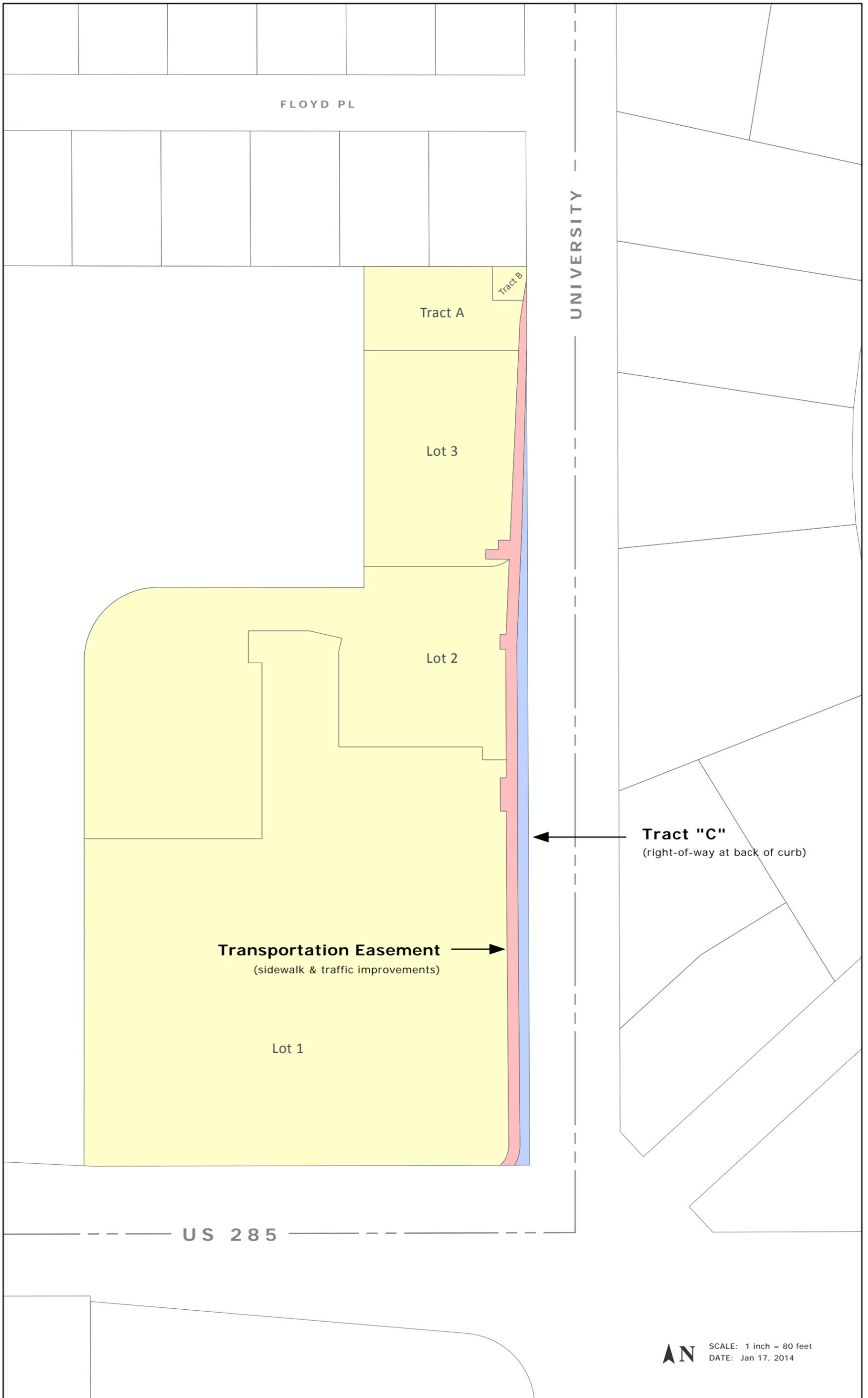
BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 35, T4S, R68W, BEING S89°50'51"W, AND MONUMENTED AS SHOWN

FLOOD CERTIFICATION

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN, ACCORDING TO THE MOST CURRENT INSURANCE RATE MAP (IRM), PRODUCED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).  
 MAPS ARE DATED AUGUST 16, 1995.  
 COMMUNITY NO. 080050165J  
 PANEL NO. 165 OF 725

01-25-11 Job No. 10061  
**Vigil Land Consultants**  
 480 Yuma Street ■ Denver, Colorado 80204  
 Off: (303) 436-9233 ■ Fax: (303) 436-9235



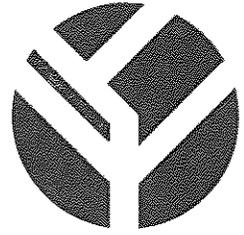
**Transportation Easement**  
(sidewalk & traffic improvements)

**Tract "C"**  
(right-of-way at back of curb)



SCALE: 1 inch = 80 feet  
DATE: Jan 17, 2014

# MEMORANDUM



TO: City Council  
THROUGH: Gary Sears, City Manager  
FROM: Rick Kahm, Director of Public Works ✓  
DATE: January 28, 2014  
SUBJECT: SERVICENTER OIL ROOM AND WASH BAY

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The City's Servicenter Facility requires upgrades to meet current environmental regulations. Our facility's proximity to the S. Platte River requires a diligent effort to keep contaminants from entering the river or contaminating ground water.

We have been addressing many of the required items over the last few years including:

- The construction of an area to store hauled snow and clean the water before entering the river.
- Designating areas to temporarily store street sweepings until hauled to a landfill.
- Labeling and storage of chemicals and cleaning supplies.
- Preparation of action plans to address spills, including gasoline.
- The enlargement of a concrete containment area for our magnesium chloride stockpile.
- Modifications to the area where we clean heavy equipment to reduce the potential of contaminants entering the storm sewer system that runs directly to the river.

Additionally, we have been addressing "best management practices" related to our storage and loading of sand, salt, and iceslicer.

Our existing vehicle washing stations require major upgrades. Staff utilized the services of a consultant familiar with current and proposed MS4 Stormwater Regulations to make recommendations. The recommendations include constructing an enclosed vehicle washing station. The enclosed washing station would be a new bay addition at the south end of the existing garage. In conjunction with this addition to the building, staff recommends adding an oil room. Presently, our oils, lubricates, antifreeze, etc. are stored along the wall in the bay area. Our mechanics must pump from the drums into containers and transport within the shop area. The potential for cross contamination and spills, along with the inefficiency of this process is not desirable. A new oil room would provide an area to store drums with a pumping system and hoses to dispense fluids directly to the vehicle being serviced.

Staff is in the process of assembling a team of qualified consultants to design the addition to our garage. Staff will be present at the February 3<sup>rd</sup> Study Session to discuss this proposed project and answer any questions Council may have. Pending City Council concurrence, staff will present a Motion to award a design contract at an upcoming City Council meeting.