



## THE VOICE OF COLORADO'S CITIES AND TOWNS

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To: Policy Committee Members & Board members not on the Policy Committee  
From: Mayor Doug Tisdale, Cherry Hills Village – Committee Chair  
Kevin Bommer, Deputy Director  
Date: February 7, 2014  
Subject: Agenda for the February 14 meeting 

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The next meeting of the CML Policy Committee Meeting will be held at CML on Friday, February 14 at 10:00 AM. Light refreshments will be available starting at 9:30 AM. If there is any change in your previous RSVP info, please contact Dia right away at [dlovato@cml.org](mailto:dlovato@cml.org).

We expect to adjourn no later than 1:30 PM.

### **Action items**

There are action items attached that you will be asked to vote on at the committee meeting. Please try to be prepared to represent your municipality's viewpoints on these items. Should any additional items come up prior to the meeting, they will be included on a supplemental agenda.

### **Issue updates**

Staff will also prepare a list of legislative items that will be informational only. That list will be distributed at the meeting.

If you have any questions about the meeting procedures or issues, please email the responsible lobbyist or Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).

### **Future meeting dates**

Friday, May 9 is tentatively reserved for a Policy Committee meeting to be held should members have any proposed changes to the CML Policy Statement. More about this tentative meeting will be discussed at the February 14 meeting.

### **Forecast**

The cold snap has broken in Denver, and mild weather is predicted for next week. We hope to see many of you on Thursday, February 13 for the CML Legislative Workshop and Legislative Reception!

### **\*\*\*PARKING REMINDER\*\*\***

The Ken Bueche Municipal League Building has 48 onsite parking places for our members, which usually fill up on Policy Committee meeting days. Should you arrive and find the lot full, there is pay parking nearby at 12<sup>th</sup> and Sherman (NW corner). Street parking is occasionally available, but be advised that it is 2-hour parking and is enforced regularly. Call CML with any questions. (866) 578-0936 or (303) 831-6411.

# **AGENDA**

CML Policy Committee  
Friday, February 14, 2014

CML Headquarters  
1144 Sherman Street  
Denver

- 9:30**      *Early Bird Refreshments*
- 10:00**      *Welcome and Introductions: Doug Tisdale, Cherry Hills Village mayor and committee chair*
- Overview of agenda: Kevin Bommer, Deputy Director*
- Consideration of Action Items and Information Items: Committee*
- Noon**        *Lunch – Social time*
- 12:30**      *Continuation of Committee Meeting*
- Review of the CML Policy Development Process*
- Discussion of tentative May meeting and future meeting dates*
- Other Business*
- 1:30**        *Adjournment*

# CML Policy Committee – Action items

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## **Historic rehabilitation tax credit**

The current limits for Colorado's historic structure rehabilitation income tax credit have resulted in very few credits being claimed during the past five years. The tax credit program has not offered a sufficient incentive to encourage these expensive projects. Current statute allows a 20 percent credit for income-producing and homeowner properties. There is a \$50,000 per project cap. A bill will be introduced in the coming days that would increase the credit amounts for commercial projects to 30 percent for expenditures under \$500,000; 25 percent for expenditures between \$500,000 and \$1 million. For projects that exceed \$1 million, they will qualify for a 20 percent credit up to \$2 million. The credits may be carried over into subsequent years and be transferrable to other parties. The project would have to meet qualifications set by the State Historic Preservation Office. **Staff recommendation: Support.** *Lobbyist: Mark Radtke*

## **HB 14-1002, Water Infrastructure Natural Disaster Grant Fund (Young/Jones)**

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 Federal Emergency Management Agency (FEMA) Public Assistance Grants. Any amount in the fund not encumbered by September 2015 would be transferred to the Nutrients Grant Fund. **Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

## **HB 14-1103, Investment in municipal bonds (Pabon/Harvey)**

The County Treasurer's Association has put forward this bill that updates the Legal Investments of Public Funds statute regarding ratings requirements for municipal bond investments. The proposal is to create one rating requirement for general obligation, revenue and certificate of participation securities. All three instruments currently have different requirements - with the most secure, GO bonds, having the most stringent requirements. The proposal requires at least two credit ratings from a nationally recognized statistical rating organization at or above an A rating. **Staff recommendation: Support.** *Lobbyist: Mark Radtke*

## **HB 14-1143, Residential storage assessment (Saine/Hodge)**

Owner occupied residential storage condominiums would be assessed at a residential rate with the passage of HB 1143. This is a new type of structure that is a detached building with several garage units that individuals would own in a condo-type setting. Only personal vehicles and personal items could be stored in these garages. This would not affect the commercial assessment of traditional storage rental units. Assessors are looking into a constitutional issue

with the bill language that may derail this effort, thus the staff request for discretion to support. **Staff recommendation: Staff discretion to support.** *Lobbyist: Mark Radtke*

**HB 14-1160, Sludge waste vehicle permits (Mitsch-Bush/Todd)**

Colorado Springs Utilities has put this measure forward to exempt municipal sludge waste trucks from load restrictions. State weight limits prohibit municipal vacuum trucks from operating at their maximum manufactured vehicle weight. Exempting these vehicles from 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 municipalities fuel costs, equipment costs and labor costs.

**Staff recommendation: Support.** *Lobbyist: Mark Radtke*

**HB 1203, Statewide radio system funding (Duran/Lambert)**

The Joint Budget Committee has put forward this bill that authorizes both state general fund and highway users tax fund dollars to pay for maintenance and improvements to the statewide digital trunked radio system. The amount of money to be taken from the HUTF is not specified in the bill although the JBC is directed to align any such diversion with the State Patrol's share of the radio system. Local governments already directly pay a significant portion of the system maintenance. Approval of this bill would mean local governments would be hit up again - this time for their loss of HUTF. The State Patrol is funded in large part with HUTF dollars as an off-the-top expense of HUTF - a situation CML has opposed for many years. This bill would expand the amount of "off-the-top" diversion. This expense should be fully funded from the state general fund. **Staff recommendation: Oppose.** *Lobbyist: Mark Radtke, Meghan Storrie*

**HB 14-1219, Water Conveying Structure Maintenance Obligations (Rankin)**

Current law requires a person that owns a ditch, race, drain, or flume to construct a culvert, bridge, or similar structure when necessary to ensure that water being conveyed by the structure does not interfere with safe and convenient travel on any highway, or to pay the costs incurred by a local government in constructing a structure. The local government is required to maintain the structure. The bill clarifies that the maintenance obligation does not include construction of a new structure or complete reconstruction or replacement of an existing structure and that any such costs must be paid by the person or corporation that owns the affected structure. **Staff recommendation: Support.** *Lobbyist: Kevin Bommer*

**SB 14-022, Invest in Community Development Financial Institutions (Kefalas/Fields)**

This measure allows municipalities to invest public funds in Community Development Financial Institutions (CDFI). These revolving loan funds are usually maintained by local or regional commercial banks. CDFI's are certified by the U.S. Department of the Treasury. Their primary mission is to serve low to moderate income populations lacking market access to banks or credit unions and provide technical assistance to clients. Loans are made by CDFIs generally for small business start-ups or for affordable housing projects. The CDFI Assessment Rating System conducts independent assessment of the financial health, management strength and community impact performance of the CDFI. **Staff recommendation: Support.** *Lobbyist: Mark Radtke*

**SB 14-029, Architectural Paint Stewardship Program (Newell, Fischer)**

Requires development of a plan for a paint stewardship program that provides for collection of unused paint statewide, through a system of retailer and independent collection sites. Requires the report on the design of such program be submitted to the Colorado Department of Health and Environment by January, 1, 2015. **Staff recommendation: Support.** *Lobbyist: Geoff Wilson*

**SB 14-042, Business Personal Property Tax incentives (Scheffel)**

This is another step in expansion of incentives municipalities and other property tax entities can grant regarding business personal property tax (BPPT). This bill removes the current ten year limit on BPPT rebates that may be offered to businesses by a local government. The incentives may be granted to new businesses, expanding businesses or businesses considering moving their operations to another state. **Staff recommendation: Support.** *Lobbyist: Mark Radtke*

**SB 14-043, Greenhouse operations assessment (Grantham)**

Above ground growing operations of a greenhouse or nursery business that produces stock for wholesale distribution would be assessed as agricultural land rather than commercial property for property tax purposes. This would reduce the tax liability for these properties as agricultural land is assessed on a different formula. The retail portions of any greenhouse or nursery operation would continue to be assessed as commercial property. Another factor emerging in this bill is a debate over whether to include marijuana grow operations to be assessed at agricultural rates. As there are several unknowns to be resolved at this time staff is seeking discretion to oppose. **Staff recommendation: Staff discretion to oppose.** *Lobbyist: Mark Radtke*



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To: CML Policy Committee members and alternates

From: Chair Doug Tisdale, Mayor of Cherry Hills Village  
Kevin Bommer, Deputy Director

Date: February 17, 2014

Subject: Summary of the February 14 Policy Committee meeting

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Committee members:

At the CML Policy Committee meeting on February 14, the committee made the following recommendations to the CML Board:

1. **Oppose unless amended:** SB 14-145 that will bar municipalities and counties from requiring "minimum percentages of irrigated vegetation" when adopting subdivisions and declares the prohibition a matter of statewide concern. Municipalities, counties, and special districts would be further required to "consider" whether or not tap fees should be reduced should a developer commit to implementing water conservation and efficiency measures in subdivision regulations. The League can work with amending a section directing the Colorado Water Conservation Board (CWCB) to give priority for efficient program grants to public agencies that require new subdivisions to implement water efficiency and conservation measures related to irrigated landscapes, including open space and residential lawns. *Lobbyist: Kevin Bommer*
2. **Oppose unless amended:** HB 13-1193 that requires a records policy stating the amount charged for research and retrieval of records in response to Colorado Open Records Act (CORA) requests. The fee would have to be "nominal" and could not exceed three times the state minimum wage. The bill is in response to widely varying research and retrieval fees. *Lobbyist: Geoff Wilson*
3. **Staff discretion to support:** HB 14-1279 creates a state income tax credit for business personal property tax paid by businesses with less than \$25,000 in assessed BPPT. *Lobbyist: Mark Radtke*
4. **Support:** Anticipated legislation to increase the credit amounts for commercial projects to 30 percent for expenditures under \$500,000; 25 percent for expenditures between \$500,000 and \$1 million. For projects that exceed \$1 million, they will qualify for a 20 percent credit up to \$2 million. The credits may be carried over into

subsequent years and be transferrable to other parties. The project would have to meet qualifications set by the State Historic Preservation Office. *Lobbyists: Meghan Storrie, Mark Radtke*

5. **Support:** HB 14-1002 that creates the Water Infrastructure Natural Disaster Grant, making \$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. Any amount in the fund not encumbered by September 2015 would be transferred to the Nutrients Grant Fund. *Lobbyist: Kevin Bommer*
6. **Support:** HB 14-1103 that updates the Legal Investments of Public Funds statute regarding ratings requirements for municipal bond investments to create one rating requirement for general obligation, revenue and certificate of participation securities. All three instruments currently have different requirements - with the most secure, GO bonds, having the most stringent requirements. The proposal requires at least two credit ratings from a nationally recognized statistical rating organization at or above an A rating. *Lobbyist: Mark Radtke*
7. **Support:** HB 14-1143 that would change assessment of owner-occupied residential storage condominiums to the residential rate. This is a new type of structure that is a detached building with several garage units that individuals would own in a condo-type setting. Only personal vehicles and personal items could be stored in these garages. This would not affect the commercial assessment of traditional storage rental units. *Lobbyist: Mark Radtke*
8. **No position:** HB 14-1160 that would exempt municipal sludge waste trucks from load restrictions. State weight limits prohibit municipal vacuum trucks from operating at their maximum manufactured vehicle weight. Committee discussion led to a change the staff recommendation of support to monitor, largely centered on concerns about municipal streets and whether or not the blanket exemption should only apply in emergencies. *Lobbyist: Mark Radtke*
9. **Oppose unless amended:** HB 1203, which is a Joint Budget Committee bill that authorizes both state general fund and highway users' tax fund dollars to pay for maintenance and improvements to the statewide digital trunked radio system. This bill would expand the amount of "off-the-top" diversion. *Lobbyists: Mark Radtke, Meghan Storrie*
10. **Staff discretion to support:** HB 14-1219 that clarifies that the maintenance obligation for any bridge over a water structure crossing a roadway does not include construction of a new structure or complete reconstruction or replacement of an existing structure and that any such costs must be paid by the person or corporation

that owns the affected structure. This bill is likely to be killed by the sponsor due to irreconcilable conflicts with facts of the situation. *Lobbyist: Kevin Bommer*

11. **Support:** SB 14-022 that allows municipalities to invest public funds in Community Development Financial Institutions (CDFI). These revolving loan funds are usually maintained by local or regional commercial banks and are certified by the U.S. Department of the Treasury. They serve low to moderate income populations lacking market access to banks or credit unions and provide technical assistance to clients. Loans are made by CDFIs generally for small business start-ups or for affordable housing projects. The CDFI Assessment Rating System conducts independent assessment of the financial health, management strength and community impact performance of the CDFI. *Lobbyist: Mark Radtke*
12. **Support:** SB 14-029 that creates the Architectural Paint Stewardship Program. The bill requires development of a plan for a paint stewardship program that provides for collection of unused paint statewide, through a system of retailer and independent collection sites. Requires the report on the design of such program be submitted to the Colorado Department of Health and Environment by January, 1, 2015. *Lobbyist: Geoff Wilson*
13. **Support:** SB 14-042 that further expands of incentives municipalities and other property tax entities can grant regarding business personal property tax (BPPT). This bill removes the current ten year limit on BPPT rebates that may be offered to businesses by a local government. The incentives may be granted to new businesses, expanding businesses or businesses considering moving their operations to another state. *Lobbyist: Mark Radtke*
14. **Oppose:** SB 14-043 that would assess as agricultural land, not commercial property, any above ground growing operations of a greenhouse or nursery business that produces stock for wholesale distribution. The retail portions of any greenhouse or nursery operation would continue to be assessed as commercial property. Another factor emerging in this bill is a debate over whether to include marijuana grow operations to be assessed at agricultural rates. There are several unknowns yet to be resolved. *Lobbyist: Mark Radtke*

The committee also received briefings on issues CML staff is following. The materials from the Policy Committee are attached, which include the agenda, information items, and the supplemental agenda.

A tentative meeting of the committee is scheduled for May 9 for consideration of any recommended changes to the CML Policy Statement for 2014-2015. Information on the possible May meeting will be sent out in March.

For questions or comments, please contact CML Deputy Director Kevin Bommer at [kbommer@cml.org](mailto:kbommer@cml.org).

# CML Policy Committee – Supplemental Agenda

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February 14, 2014



## Action Items:

### **Land Use: Restrictions on open space requirements**

Staff anticipates the imminent introduction of legislation that will be presented as “responsible water conservation” legislation, similar to SB 14-017, but is yet another state preemption of local government land use authority but for one section of the bill. The legislation will bar municipalities and counties from requiring “minimum percentages of irrigated vegetation” when adopting subdivisions and declares the prohibition a matter of statewide concern.

Municipalities, counties, and special districts would be further required to “consider” whether or not tap fees should be reduced should a developer commit to implementing water conservation and efficiency measures in subdivision regulations. The bill is silent on application of these mandates to metropolitan districts. The only bright spot of the bill will be a section directing the Colorado Water Conservation Board (CWCB) to give priority for efficient program grants to public agencies that require new subdivisions to implement water efficiency and conservation measures related to irrigated landscapes, including open space and residential lawns. **Staff recommendation: Oppose unless amended.** *Lobbyist: Kevin Bommer*

### **HB 13-1193, Open Records: Research and retrieval fees**

This legislation would require a records policy stating the amount charged for research and retrieval of records in response to Colorado Open Records Act (CORA) requests. The fee would have to be “nominal” and could not exceed three times the state minimum wage. The bill is in response to widely varying research and retrieval fees. **Staff recommendation: Oppose unless amended.** *Lobbyist: Geoff Wilson.*

### **HB 14-1279, Property Tax: State tax credit for business personal property tax**

Currently businesses with business personal property assessed at less than \$7,000 are exempt from paying business personal property tax. The tax revenue lost though the exemption is lost to municipalities and other property taxing districts. HB 1279 creates a state income tax credit for business personal property tax paid by businesses with less than \$25,000 in assessed BPPT. CML has long argued that any loss of BPPT imposed by the legislature should be “back-filled” with state general fund dollars. In effect, that is what this bill does. Businesses will pay the tax which will be disbursed to the taxing districts by the county treasurer as usual. Businesses that qualify will then apply to the Colorado Department of Revenue for the tax credit. This bill was introduced yesterday, and staff is recommending a position of discretion to support to give us additional time to evaluate the bill language. **State recommendation: Staff discretion to support.** *Lobbyist: Mark Radtke*

## Informational Items:

### **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. Additionally, the bill brings back the state lower income task credit program through the Colorado Housing and Finance Authority (CHFA). The bill recently passed the House Local Government Committee and will be heard in House Finance on Feb. 12. On Jan. 29, the Attorney General John Suthers announced the reallocation of mortgage settlement funds to the Housing Investment Trust Fund, thereby adding \$23 million to the Division of Housing's revolving loan fund.

**Bill:** HB 14-1017, Measures to expand affordable housing in the state

**Sponsors:** Rep. Crisanta Duran, D-Denver; Sen. Jessie Ulibarri, D-Commerce City

**Status:** H. Finance

**Position:** Support

**Lobbyist:** Meghan Storrie

### **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. The bill easily passed in its two committees, and is now awaiting action by the full Senate where it is expected to receive unanimous support.

**Bill:** SB 14-054, Fine-in-lieu of suspension

**Sponsors:** Sen. David Balmer, R-Centennial; Rep. Dan Pabon, D-Denver

**Status:** S. 3rd Reading

**Position:** Support

**Lobbyist:** Kevin Bommer

### **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, as introduced, would have allowed 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.

As predicted, the Colorado Restaurant Association quickly came out in opposition to the legislation, and an amendment was adopted in House Local Government with language proposed by the Colorado Restaurant Association that specifically prohibits local governments from a reduction in hours but authorizes an expansion of hours to as late as 4:30 a.m. That amendment will be modified on the House floor to eliminate the language related to prohibiting the reduction of hours. It is unnecessary, since local governments cannot reduce hours of operation for existing licenses absent specific statutory authority. The League still supports the bill, since it still grants additional local control, albeit only in the direction of expansion of hours.

The latest dynamic is the agitation of neighborhood organizations, particularly in Denver, which happens to be where both the House and Senate sponsors reside. There is intense pressure on the sponsors to give greater authority to neighborhood associations (or individual citizens) should a local governing body adopt an ordinance to allow the expansion of hours beyond 2 a.m. Given the ability of citizens to be involved public process of adopting such an ordinance, as well as through the local licensing process, CML does not agree that more process would be necessary. However, the League is committed to work with the sponsors as they try to thread the needle with the current proponents and opponents.

**Bill:** HB 14-1132, Local option on hours of operation

**Sponsors:** Rep. Crisanta Duran, D-Denver; Sen. Pat Steadman, D-Denver

**Status:** H. 2nd Reading

**Position:** Support

**Lobbyist:** Kevin Bommer

### **Elections: Nonpartisan elections**

CML staff has been working with the Special District Association (SDA) on HB 14-1164 concerning nonpartisan elections. The House and the Senate committee of reference have completed work on the bill, and we anticipate its approval by the full Senate next week. Because technical amendments were added in Senate committee, the bill will have to return to the House for approval of those amendments and re-passage, after which we will be urging the prompt signature of HB 14-1164 by Gov. John Hickenlooper.

We will provide a detailed run-down on the bill in this space, once it is through the General Assembly. Look for a piece co-authored by Geoff Wilson and Aurora Deputy Clerk and Colorado Municipal Clerks Association (CMCA) Legislative Committee Chair Karen Goldman, who testified in the Senate committee for CML and CMCA, and who has been providing regular detailed updates to local election officials via the CML municipal clerks' listserv.

The three basic 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; and
3. Correct various durational residency provisions, following a bill last session that failed to make conforming amendments.

The regular elections in more than 160 statutory towns occur on April 1 of this year. While many of these jurisdictions have chosen to avoid potential headaches associated with more complicated mail ballot election procedures adopted last year by the General Assembly, some are nonetheless moving forward with plans for a mail ballot election. For these jurisdictions, passage of the bill as soon as possible is important, as the advance of the election calendar triggers successive burdensome requirements that HB 14-1164 will eliminate, one of the first of which is the need for approval by the Secretary of State for mail ballot plans.

Despite our best efforts, the bill has become partisan, with Republicans viewing it as necessitated by an extremely unpopular election bill passed in the 2013 session by the Democrats. Republicans are declining to, as they view it, help Democrats resolve the practical consequences of this legislation for local governments; consequently, they are voting "no" on HB 14-1164. The bill passed the House on very close to a party line vote (one "R" crossed the aisle on this vote) and passed in a similar fashion earlier this week in the Senate State Veterans and Military Affairs Committee.

Special thanks to Karen Goldman and the Colorado Municipal Clerks Association for their outstanding assistance on this important legislation.

**Bill:** HB 14-1164, Non-partisan elections  
**Sponsors:** Rep. Dickie Lee Hullinghorst, D-Boulder; Sen. Jesse Ulibarri, D-Denver  
**Status:** S. 2nd Reading  
**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 Storrie

**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

**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.

CML staff is pleased to report that an amendment 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 was adopted by the Senate on second reading. CML is now neutral on the bill and lists it as "formerly opposed." The bill passed the Senate and is now awaiting action in the House Finance Committee.

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

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

**Status:** H. Finance

**Position:** Formerly opposed  
**Lobbyist:** Kevin Bommer

**Land Use: State preemption of local development approval**

This well-intentioned legislation unfortunately seeks to amend the already contentious “Adequate Water Supply” statute, which was carefully negotiated in 2008 by many parties, including CML. The statute requires the determination of adequate water supply for new development, in the sole discretion of the local government, prior to the approval of a development permit. SB 14-017 replaces that balance and respect for local control with a state mandate on how local governments may approve new developments.

Through the CML Policy Statement, Colorado municipalities strongly oppose “delegation of municipal land use authority to state agencies or preemption of municipal land use controls.” While many are opposing the legislation as unenforceable and bad water policy, CML's opposition is in the manner the mandate is implemented. CML and its members are wholly committed to responsible water conservation without infringement on local control of land use, alternatives to permanent ag land dry up, and a constructive dialogue with the sponsors and proponents. SB 17 has not met any of those criteria.

The bill states that local governments are required 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 transferred to municipal use starting in 2016. While the proponents have suggested the bill doesn't infringe on any local control, it is clearly a mandate on local governments that is used to implement the state's will.

Local governments would be mandated to adopt an enforceable ordinance or resolution. Infringement on local control is rarely this obvious, and one bill sponsor and a proponent stated in committee that the bill is, indeed, a "state mandate" that should "trump local control." CML testified that when it comes to land use, the General Assembly is not a planning commission, city council, town board, or county commission, and it should not try to act like one. Nothing should trump local land use control over development within a local jurisdiction.

Absent reasonable amendments to eliminate a state mandate on local governments to adopt an enforceable ordinance implementing the misguided will of the General Assembly, CML will continue to oppose this legislation.

**Bill:** SB 14-017, State preemption of local development approval

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

**Status:** S. 2nd Reading

**Position:** Oppose

**Lobbyist:** Kevin Bommer

**Marijuana: Fingerprint background checks**

Last session, in an attempt to tidy up the "state first, then local" requirements of retail marijuana licensing, language that ensures the Colorado Bureau of Investigation (CBI) is allowed to work with local governments on criminal background checks was inadvertently deleted from the new retail marijuana code. The sponsor acknowledged it was an error and tried to fix it during the last days of the session. However, a drafting error in the amendment failed to correct the problem. HB 14-1229 will fix the problem, which is an important to municipalities that will enact a local licensing scheme and that may seek to ensure license applicants are fully scrutinized. The bill will not affect the state or diminish its authority in any way. Without the change, CBI would not be permitted by statute to cooperate with local governments to provide CBI and FBI results when local governments do a criminal background check. The bill is scheduled to be heard in committee on Feb. 13.

**Bill:** HB 14-1229, Fingerprint background checks

**Sponsors:** Reps. Daniel Kagan, D-Cherry Hills Village, and Jared Wright, R-Fruita

**Status:** H. Judiciary

**Position:** Support

**Lobbyist:** Kevin Bommer

**Marijuana: Keep legal marijuana from those under 21**

As introduced, HB 14-1122 dealt mainly with packaging issues for marijuana-infused products and new language pertaining to use of fraudulent identification at retail marijuana stores. However, the CML Policy Committee, law enforcement, and others identified their main concerns as home-grow issues. Both the medical and retail marijuana constitutional language and statutes permit growing at home, but statutes lack clarity in how law enforcement can tell when the requirement to keep marijuana in an "enclosed, locked space" is being met.

At CML's request, Rep. Kagan added language that was deleted from last year's Amendment 64 Task Force "consensus bill" on marijuana issues. The language defines an "enclosed, locked space," as suggested by the task force, and connects a violation of the law to existing illegal grow penalties. CML strongly supports the change and thanks Rep. Kagan adding language important to public safety and child protection to HB 1122.

**Bill:** HB 14-1122, Keep legal marijuana from those under 21

**Sponsors:** Rep. Daniel Kagan, D-Cherry Hills Village

**Status:** H. 2nd Reading

**Position:** Support

**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, including 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 HB 14-1061 that CML believes could have harmful effects on municipal courts. These include the mandate of personal service to defendants, which could increase administration costs for small municipalities, as well as 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 is that it goes much further than just pay or serve warrants. The bill includes situations in which 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 defendants fail to keep their promises 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. The bill has also drawn the ire of the victims' rights community, the police chiefs, and the City of Aurora. The sponsor pulled the legislation from the calendar with the intent of addressing the opponents concerns. As long as CML's top three concerns remain undressed, CML remains opposed.

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

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

**Status:** H. Judiciary

**Position:** Oppose

**Lobbyist:** Meghan Storrie

### **Oil and Gas: Local regulation**

We have heard that a bill is being prepared regarding "local regulation" of oil and gas. The good news is that this bill will not be aimed at reducing our authority. The bad news is that well intentioned bills in this area can make our already fairly strong position actually weaker, unless very precisely drawn. We know little more than this, at this point. Incidentally, we are also hearing rumors of a well- funded statewide initiative on this issue. As we learn more, we will keep you posted.

**Bill:** Not yet introduced

**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 initiated 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. The bill passed House Local Government on Feb. 6 with bipartisan support.

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

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

**Status:** H. 2nd Reading

**Position:** Support

**Lobbyist:** Meghan Storrie

**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 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, as compared to previous years.

CML requested an amendment 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 result would have been an increase to the FML money designated for local governments by about \$2 million, as compared to previous years. However, when members of the committee realized other FML recipients would actually have to contribute FML revenue, some lost their resolve and the amendment failed. CML appreciates Sen. Bernie Herpin, R-Colorado Springs, and a former city councilmember, for offering the amendment. The bill passed unanimously and was sent to Senate Finance.

While CML continues to support the bill, the program should be rightfully funded from the state's general fund, especially since firefighter safety was declared a matter of statewide concern in legislation that passed in 2013. CML will continue to work on this issue with the members of the Joint Budget Committee. The bill is scheduled to be heard in Senate Finance on Feb. 13, but any amendments to address the funding source will be dealt with in the bill's next destination, which will be Senate Appropriations.

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.

**Bill:** SB 14-046, Firefighter safety training and equipment grants

**Sponsors:** Sen. Jeanne Nicholson, D-Black Hawk; Rep. Tony Exum, D-Colorado Springs

**Status:** S. Finance

**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. Since introduction, the legislation was substantially redrafted, and now allows governmental entities to keep records up to a year. It is unclear if this will appease the opponents. CML remains opposed.

**Bill:** HB 14-1152, Passive surveillance records of governmental entities

**Sponsors:** Rep. Polly Lawrence, R-Littleton, Sen. Mark Scheffel, R-Parker

**Status:** H. Judiciary

**Position:** Oppose

**Lobbyist:** Meghan Storrie

**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:** Sens. Nancy Todd, D-Aurora, and Steve King, R-Grand Junction; Reps. Don Coram, R-Montrose, and Angela Williams, D-Denver

**Status:** H. Transportation & Energy

**Position:** Support

**Lobbyist:** Mark Radtke

**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. Mike Foote, D-Lafayette; Rep. Brian DeGrosso, R-Loveland

**Status:** H. 3rd Reading

**Position:** Monitor  
**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

**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 that the Joint Budget Committee (JBC) has taken it upon itself, via a staff proposal, to circumvent a relationship between the Colorado Department of Public Health & Environment and its many stakeholders, including CML. The result - SB 14-134 - represents a fundamental policy shift toward eliminating state support for its program and shifting the burden to permit holders through higher fees and fees-for-service.

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:
  - a. Public and Private Utilities Clean Water Fund;
  - b. Construction Clean Water Fund;
  - c. Commerce and Industry Clean Water Fund;
  - d. Pesticides Fund; and
  - e. Water Quality Certifications Fund

2. Allow the Water Quality Control Commission to set and adjust annual fees and develop a fee-for-service structure

Over the last decade, CDPHE has attempted fee increases while identifying structural issues with the way programs are funded. Only once has legislation been proposed to restructure fees and programs within the division, and that legislation passed easily despite increasing some fees. Yet, the "fact sheet" prepared by the Water Quality Control Division seems to indicate the only way to make necessary changes is by eliminating the pesky burden of asking the General Assembly to pass legislation and to move the authority to the Water Quality Control Commission to do by rulemaking. The League would be sympathetic to this sentiment if there was any history of legislative rejection of common sense legislation allowing the division to make necessary structural changes. Such is not the case - and CML continues to offer its support for any such legislation should it ever be introduced.

By keeping the fee structure in statute, there is assurance that all stakeholders have the ability to participate in a discussion of the proper funding and administration of the division. As with every other environmental division, allowing the governing commission to determine the fees paid by those it regulates is a precursor to significant or complete elimination of state general fund support and subsequent increases in permit fees. CML believes the State of Colorado should have "skin in the game" in funding one of its own departments that is responsible for the general health, safety and welfare of all Coloradans - not just those regulated entities that pay permit fees.

While there would be no *initial* decrease in the state general fund support for the WQCD (SB 134 is silent on funding), the mechanism allows for complete elimination of general fund support. It appears there is no support from any stakeholders, other than that from the Water Quality Control Commission that would have the power to set fees.

It is also questionable how permit fee increases, which are a form of unfunded mandate in the way SB 134 would change the process, might conflict with legislation the state adopted in 2012 prohibiting state agency unfunded mandates. Regardless, the discussion of how to properly fund the division has long been a stakeholder-driven process, and it should continue to be. SB 134 puts the cart well before the horse.

**Bill:** SB 14-134, Cash funding the Water Quality Control Division

**Sponsors:** Sen. Mary Hodge, D-Brighton; Rep. Jenise May, D-Aurora

**Status:** S. Appropriations

**Position:** 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. Several municipalities and ditch companies that service municipalities would benefit from this legislation. This bill easily passed the House and is now awaiting action in its first Senate committee.

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

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

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

**Position:** Support

**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 Penry, 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:** 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, 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

2014 Legislative Workshop  
February 13, 2014

1) Session Title/Day: Opening with Gov. Hickenlooper

- a. Presenter/Contact Info: Hickenlooper
- b. Notes, Major points, counter points:
  - i. Flooding: Recovery one of the best in the country due to reserves we had structure set up; CDOT could get to work right away;
  - ii. K-12 funding has squeezed Higher Ed as budgets have been cut; A major increase in higher ed funding is woven to an agreement that the public will keep tuition raises below 6%; Gov. office trying to raise funding for more higher ed \$\$ through public/private partnerships;
  - iii. climate change: a water plan is in the making with multiple parties; chairing western governors council right now and sees much more agreement and collegiality there;
  - iv. DOLA is going to establish a housing investment plan for the poor/homeless; it will include a trust fund (\$4million for 800 housing units); **30% of those who are homeless are working 40 hours/week**; state unemployment is at 6.2 %, while that is better, it is still a wound;
  - v. Telecom deregulation is being worked on to get broadband into every area of state;
  - vi. Oil and gas regulations are being discussed;
  - vii. Roll out of ACA was slow; in Colorado our roll out of health exchanges was “1,000 times better because we had a bi-partisan process”; 90% of hospitals and doctors had no electronic records 4 years ago, totally backward sector when it comes to technology; But now 60% are using electronic records and it is growing. It will save a lot of money.
- c. **Considerations for Englewood:** DOLA- how do we access funds?
- d. Follow-up Contacts, Info, Plan: Community Development contact DOLA folks

2) Session Title/Day: State of our Cities and Towns

- a. Presenter/Contact Info: CML Advocacy Team: Kevin Bommer, Geoff Wilson, and Mark Radtke, Megan Storrie
- b. Notes: Viewed Video <http://www.cml.org/Resources/Civic-Engagement/State-of-Our-Cities-and-Towns/2014-State-of-Our-Cities---Town-Videos/>  
Major points, counter points: 7 minute and 20 minute video's on the issues of roads (16,000 miles of streets in CO, 25% more than 20 years ago; gas taxes became the main way cities and towns have funded roads, and more interesting facts)  
Panel: Each did the bills they are working on and whether CML is taking a pro/con
- c. **Considerations for Englewood: Video at Council, BAC meeting and city depts.?**
- d. Follow-up Contacts, Info, Plan: CML website has both the survey results and the 2 videos in the State of Our Cities and Towns; **we should view the video in BAC and to the Council;**

3) Session Title/Day: Sales and Use Tax Reform

- a. Presenter/Contact Info: Chris Howes- Colorado Retail Council Lobbyist; Geoff Wilson-CML general counsel
- b. Notes: Major points, counter points  
Federal Highlights
  - i. Wilson: Marketplace Fairness Act: Commerce clause problems can be regulated by Congress, so now Congress can address it; before this time it wasn't understood this way; Fairness Act does not make us change our structure for taxing now, instead it

will allow us to do this if we have only a few changes in place which are being worked on;

- ii. Howes on Marketplace: 7-8 % advantage of online sellers over street stores and this puts the retail outlets at a sever disadvantage; It also impacts property taxes when stores close such as big boxes, etc. We lose revenue and school taxes; Political aspects: Republicans against us fixing this; Democrats are for it and he is a Republican trying to get his colleagues to see that we are protecting all of the companies who are not here in our state or in our city; Fairness between corporations is one issue; fairness between constituents is the other issue-not all are fairly paying;

#### State Highlights

- i. Wilson: we can decide whether we want to tax something but the “thing” will have the same definition from one item to another; once definitions are set up, it will open up a central point of remission, central fund maintenance, more user friendly, cross jurisdictional barriers; Constitution will have to amend in order to overrule the home rule on this;
- ii. Howes: 20% of all jobs in US are related to retail industry; viciously competitive; at the end of the day what is considered good day is 2-3% on the day. For Pharma and other type companies 17% is normal! Very competitive; Many people see the Fairness act is a new tax and so it is contentious and split; So to prepare for this the states are working on definition of nexus; California, New York, Texas have passed laws to charge tax on internet; So we as a state are pursuing this as well, although we’d prefer national decision on this to make it all uniform. Any step toward more simplification of terms would be useful; For a home role city, the Dept of Revenue who collected taxes would disburse directly to the jurisdiction;
- c. **Considerations for Englewood: He asked that we send some of us to state capitol when discussion, and develop a letter of support as council.** No number has been given yet but keep an eye out for it; once it goes on the November ballot CML can’t do any more
- d. Follow-up Contacts, Info, Plan: Notify Reps and Senators of our support; Chris will set us up with business that we can partner with as well, to tell the story of harm without it

#### 4) Session Title/Day: Lunch: Legislative leadership panel

- a. Session Title: Presenter/Contact Info: several state elected officials
- b. Notes: Major points, counter points: Affirmed many of same ideas as morning; claim they are working much better together than Congress; state tax issue and home occupancy ownership were the hot issues and are on the legislative plate coming up
- c. **Considerations for Englewood: Bug our reps about things we want; Don’t sit by and watch;**
- d. Follow-up Contacts, Info, Plan: Set aside time from Jan-April for Council to send letters in support of agreed upon CML policy issues/items we think will benefit Englewood; ask senator and rep to tell us what they need from us to help push things through; put pressure on

#### 5) Session Title/Day: General Session: Federal Issues

- a. Session Title: Presenter/Contact Info: NLC Office of Federal Relations presenter-Carolyn Coleman; Also Sam Mammott with CML
- b. Notes: Major points, counter points: Overview of Handout she presented;
  - i. Marketplace Fairness: Passed Senate overwhelming; stuck in House; chair of committee it is stuck in is holding it up because he wants it to be easier for smaller businesses to engage with the taxing process; 23 billion expected to be raised through this if it passes

- ii. Comprehensive Immigration Reform: key in this is to prevent any unfunded mandates in the bill and to make sure that the local communities have the funding to deal with the law;
- iii. CML is working on banking issues for recreational marijuana; also rewriting of the telecommunication laws in Congress
- c. Considerations for Englewood: Let our voice be known; speak up on issues as a united voice and individually; know what we want;
- d. Follow-up Contacts, Info, Plan: Same as above

6) Session Title/Day: State of State-Municipal Relations (names are probably mis-spelled as there was no info on who was on panel!)

- a. Session Title: Presenter/Contact Info: Panel of staff experts from Governor's office; Moderated by Roxanne White Jim Davis (Dept Public Safety, Homeland Security, CBI, & Marijuana) Larry Walk (environment/nutrients); Barbara Brawl(?) (Revenue licensing, DMV, Marijuana) Reeves Ground (severance grants, recovery, housing, CDBG funds) Mike King (Dept of Natural Resources); Scott ?? (Flood work); Broadband
  - i. Each presented on their general duties in their offices
  - ii. Highlights of some things said: In public health--5 Priorities for state 1) to become the healthiest (not just leanest) state in the union: 2) don't try to fix what is not broken; 3) simplify health messaging, it's confusing; July they will have a new public health website 4) ACA- working on redundancies since this is just starting; 5) Evidence based- Make decisions based on data not emotion  
Barbara: year of marijuana and year of lottery system; Marijuana-Keep it out of hands of kids, criminals and other states. DMV- reduce wait times to 15 minutes, looking for new technology and operating system to create an efficient system; \$2.3 billion is the cost of the clean up/restoration for the floods; Normally FEMA only pays 10 cents on the \$1 for relief and rebuilding!!!
- b. Considerations for Englewood: Water and Sewer Board should bring in Reeves to talk about the State Water Plan and find out how to have input into it.
- c. Follow-up Contacts, Info, Plan: See above



Englewood City Council Member Conference Report (2)

[Name of Conference, City]

[Dates of Conference]

1) Session Title/Day:

- a. Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan:

2) Session Title/Day:

- a. Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan:

3) Session Title/Day:

- a. Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan:

4) Session Title/Day:

- a. Session Title: Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan:

5) Session Title/Day:

- a. Session Title: Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan:

6) Session Title/Day:

- a. Session Title: Presenter/Contact Info:
- b. Notes: Major points, counter points:
- c. Considerations for Englewood:
- d. Follow-up Contacts, Info, Plan: